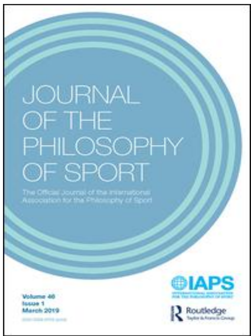

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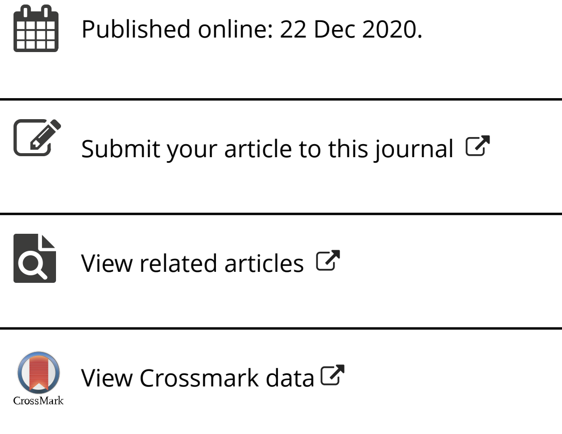

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ARTICLE

Carl schmitt, sportspersonship, and the *Ius Publicum Ludis*

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ABSTRACT
In this paper, I argue that sportspersonship is a means of performing fundamental sociality; it is about the conversion of a foe (*inimicus*) into an enemy (*hostis*). Drawing on Carl Schmitt's distinction between enemy and foe – *inimicus* and *hostis* – as well as his discussion of the *ius publicum Europaeum*, I suggest a model of sportspersonship that sees it as expressing the competitive relations between equals that undergird the most minimal form of sociality; relations that any deeper union takes as its foundation. It is the performance of this fundamental sociality, I argue, that grounds the value of sport *in general* (though this does not mean that there cannot be other, contingent values in sport).

KEYWORDS Sportspersonship; sportsmanship; Carl Schmitt; ius publicum Europeaum

Introduction

Existing understandings of sportspersonship[1] do not fully capture the true nature of the relationship between competition and cooperation. I argue that sportspersonship is a means of performing fundamental sociality; it is about the creation of the most minimal kind of 'community of equals' via the conversion of a foe (*inimicus*) into an enemy (*hostis*). Drawing on the above distinction, found in Carl Schmitt's discussion of the *ius publicum Europaeum*, I suggest a model of sportspersonship that sees it as expressing the competitive relations between equals that undergird the most minimal form of sociality; relations that any deeper union takes as its foundation. It is the performance of this fundamental sociality, I argue, that grounds the value of sport *in general.*

This does not mean, however, that I am offering a strictly monistic account of the value of sport. Sport can clearly have a range of values in different places and times. However, I argue that the conversion of *inimicus* into *hostis* is the most *fundamental* value in sport. In other words, no matter what other values sport may have, it always *at least* has this one.

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In part one, I discuss, and reject, some of the more plausible existing accounts of the relationship between competition and cooperation in sport. I focus on three in particular: (i) Randolph M. Feezell's virtue account; (ii) the internalist view, represented by what is sometimes called the 'mutual quest' account; and (iii) C. Thi Nguyen's 'striving' view.

In part two, (i) I outline the key elements of Schmitt's political philosophy that can be used to understand sport and sportspersonship: the concepts of *inimicus* and *hostis* and the *ius publicum Europeaum*. (ii) I offer my own view of sportspersonship that draws on Schmitt's theory. I call this the 'sport community' view (or the *ius publicum ludis*).

In part 3 (i) I discuss the nature of the minimal 'community of equals' we can draw from Schmitt's philosophy and how this relates to the value and morality of sport. (ii) I demonstrate some advantages of my account, in the way that the *ius publicum ludis* can accommodate various, seemingly incommensurate, accounts of the value of sport, finding common ground between them.

Competition and cooperation

In his discussion of play and the law, Huizinga (1949) draws attention to the tension between the agonistic (competitive) elements of these activities and the (cooperative) shared goals to which they aim. Similarly, Suits (1969) notes the 'fruitful paradoxes' that can occur when, as a matter of practice, the aim of winning (achieving) and the aim of playing (trying) come apart. I suggest that this kind of tension is at the heart of sport, and an examination of precisely what form the relationship between competition and competition can take in sport can do much to shed light on the nature of sport, its value, and the character of sportspersonship.

While players are expected (in most cases) to try to defeat their opponents, they are not allowed to do so by *any* means whatever; the player is expected to have a particular (lusory) attitude (Suits 2005) in which she binds herself to only the means of competition permitted by the rules. Players are therefore asked to adopt two seemingly conflicting attitudes. On the one hand, as Diana Abad puts it,

> it is unsporting not to fight to win, not to give one's all. You can try to win, as long as that does not take too much effort, but that is not enough. The point is that you ought to do everything in your power to win (Abad 2010, 35).

At the same time, as Peter J. Arnold points out, 'the *manner* in which sport is conducted is no less important than its outcome' (Arnold 1983, 62). In other words, anything does *not* go, and the person who tries to win at *all* costs has lost the point of the game. It is the relationship between these (seemingly) conflicting aims that, I argue, stands at the heart of sportspersonship, though

this tension between competition and cooperation in sport has been unpacked in various ways

The virtue account

Feezell understands sportspersonship as a 'mean between excessive seriousness, which misunderstands the importance of the play-spirit, and an excessive sense of playfulness, which … misunderstands the importance of victory' (Feezell 1986, 10). However, in conceptualising the relationship between competition and cooperation as the mean between two extremes, Feezell misses the important way in which competition is *transformed into* cooperation in sport. That is, in Feezell's view, we do not achieve one of the values (competition or cooperation) through the pursuit of the other. Finding a balance involves aiming at competition and cooperation in the right *proportions*; giving up one when we pursue it too strongly and aiming more squarely at the other when we pursue it too weakly. This relationship is not one in which one of these values is acting as the means of achieving the other, any more than brashness acts as a way of pursuing cowardice (rather than the third value of courage).

More plausibly, sport *integrates* competition and cooperation. As Nguyen puts it, 'we can be as relentlessly and aggressively competitive as we wish, and rely on the game itself to turn that into cooperation' (Nguyen 2016, 9). Here, the outcome of sport is not the *mean* between two values, but rather a product of different aims being *mutually pursued*.

The mutual quest account

Another view is the internalist account of sport as the pursuit of 'excellence', expressed by, among others, Simon, Torres, and Hager (2018). According to this view, sport aims at facilitating and displaying certain (usually, but not necessarily, athletic) excellences. Displaying these excellences requires competition; it requires, for instance, that the other team try to block your shot, or attempt to tackle you, or otherwise thwart your efforts. It is precisely the obstacles created by the competing players that allows our excellences to be displayed. The rules of the sport are required to provide the opportunity for those excellences to flourish. For instance, we can understand the rule against handballs in soccer as a means of ensuring that the excellence of foot ball control is tested.

In an internalist account of sport, if the players are fundamentally aiming at the promotion of excellence, trying to win at all costs undercuts the very aim of engaging in that activity in the first place. Yet this activity would also be meaningless if players did not genuinely trying to win. Excellences can only arise if the players are a) trying to bring them about directly themselves, through putting in their full effort; and b) creating the conditions that require the opponents to display their own excellences in order to triumph. Players

displaying sportspersonship are those players who aim at the promotion of sporting excellence, rather than, for instance, the mere appearance of 'winning' the game.

However, this account – what R. Scott Kretchmar refers to as a 'mutual quest' view[2] – is not without its problems. For one thing, as Nguyen points out,

> [if] the activity of competing is solely the mutual pursuit of excellence, then much of what I do in games is nonsensical. For example: in basketball, if I have an easy two-point shot and a very difficult and complex possibility of a lay-up, under [the mutual quest] view I should go for the lay-up: if I pull it off, I will have displayed more athletic excellence, and if I haven't, trying the harder path will have been more developmentally useful (Nguyen 2016, 8).

Further,

> A genuine mutual quest for excellence would look something like this: we would take turns setting up very difficult situations for each other, that were just hard enough to be challenging and developmentally useful, but within reach, for the sake of displaying excellence. And such things sound familiar: they're called 'training' (Nguyen 2016, 8).

In other words, if what we really care about is excellence, then we can gain that much more straightforwardly by abandoning the 'competition' component of sport in favour of the cooperative element.

In addition, internalists do not seem to be able to easily accommodate the fact that – as should be clear by watching almost any competitive sporting match – players *genuinely do* seem to care about winning. While winning is not the *only* thing players care about, it would be mistaken to suggest that players do not *really* want to win, or that wanting to win is somehow an unsportspersonlike attitude to have.

In other words, while it is certainly true that winning is related to a broader notion of excellence – winning usually tracks excellence, after all – unless we collapse the distinction between excellence and winning, they can always come apart. That is, unless we take the excellence of a game to *be* simply 'the winning of game *x*', it is surely always possible for the players to face a choice between displaying the various *specific* excellences that the game is intended to test and the winning of the game. For instance, a player might sometimes need to choose between a move that more fully displays specific physical excellences and a move that is more likely to win the game, though in a more mundane (a less 'excellent') way.[3]

In short, so long as sports *contain* excellences, it is in principle possible for the achievement of those excellences and winning to come apart. When conflicts arise, the mutual quest model is committed to the view that winning matters only insofar as it tracks excellences. But it is not obvious that winning is not important in and of itself.

The striving play account

In response to the internalist account, Nyugen offers instead a 'striving play' account of sportspersonship, in which the means (striving) is valued more highly than the end (winning). Striving play 'is done because the *process* is fascinating, fun, pleasurable, satisfying, or interesting' (Nguyen 2016, 3); achievement is not the goal. By acting to stymie your efforts, I am providing an obstacle for you to overcome with your striving. Antagonism is thereby converted into cooperation.

The difference between the internalist and striving views is that in the latter case it is through the *structure* that genuine antagonism is transformed into cooperation; players are not required to *aim* at the good of the other. Striving in games does not therefore turn them into training sessions, since the transformation of competition into cooperation happens at the systemic, rather than psychological, level.

As an account of the foundations of sportspersonship, Nguyen's account captures the *integrative* nature of sports, e.g. the way that cooperative and competition are pursued through each other. However, as Nguyen himself points out, in practice 'competitors do not simply want to strive, they want to have won – they want to possess the victory' (Nguyen 2016, 7). The striving view claims to get around this by focusing on the structure of games; the way that the architecture of the game transforms the antagonism of the players into cooperation. Yet Nguyen cannot have things both ways: either striving is built into the game architecture itself, e.g. striving is properly understood as *structural* and the *psychological* element of striving is simply a natural, unavoidable consequence of the architecture of the game. In which case, unsportspersonlike behaviour is impossible, since the architecture of the game *mandates* sportspersonship. Or, striving is primarily psychological: it is a choice whether players adopt an attitude of striving; the architecture of the game makes striving play *possible* but does not guarantee it. If so, however, the striving account suffers from the same problems as the excellence view; striving is best accomplished by setting up ideal situations for the opponent rather than by trying to win.

Carl Schmitt

In contradistinction to Feezell's virtue account and the internalist and striving views, I offer a view we can call the *ius publicum ludis* or 'sport community' account. The Latin term here is a play on Schmitt's *ius publicum Europeaum*, from which I draw the theoretical framework of my view. Before introducing my account, then, I outline the relevant features of Schmitt's political philosophy.

The concept of the political

In his *Concept of the Political*, Schmitt claims that the 'the specific political distinction to which political actions and motives can be reduced is that between friend and enemy' (Schmitt 1996, 26). In other words, the fundamental principle of politics is the distinction between friend and enemy, a distinction that is not reducible to any other categories, such as good and bad, beautiful or ugly, or any other marker of difference. In this respect, then, the categories of 'friend' and 'enemy' are basic; groups can find themselves in a relationship of mutual enmity for no deeper reason than the fact that those individuals happen to be members of the political category 'enemy'.

Schmitt further notes that there is an important distinction to be made between two seemingly identical concepts: the latin terms '*hostis*' and '*inimicus*'. When it comes to *political* conflict, Schmitt tells us that 'the enemy is *hostis*, not *inimicus* in the broader sense' (Schmitt 1996, 28). What he means here is that *politics*, e.g. group-based conflict between groups of friends constituted as political units, is different to *private* conflict between individuals.

This difference is key, since the nature of *hostis* means that there is no necessary basis for *eradicating* the enemy. In other words, if there is no *quality* in the enemy that grounds our opposition to them, then our conflict has limits. By contrast, if we understand the enemy as *morally* evil, for instance – if our opposition to them is based in an evaluation of their *qualities* – then we can justify their eradication. Evil, after all, ought to be destroyed. As Nicholas Holm puts it,

> the foe [*inimicus*], unlike the enemy, is regarded as an opponent not simply in terms of politics … but also in terms of economics, aesthetics, and especially morality. They are not therefore simply different from oneself and one's group, but are also competitors, inferiors, slights against god, against justice, against the right and proper order of the world (Holm 2015, 40).

The *private* conflicts against an *inimicus* , then– being based in some actual, qualitative difference between antagonists – in principle have no limits. To be a foe is to be an 'opponent who must not be simply defeated, but actively and personally hated and then eventually destroyed' (Holm 2015, 42).

In a certain sense, there is a relationship of equality between enemies that is not present between foes. As enemies we may be antagonists, but there is nothing more to that antagonism than the fact of the antagonism itself. We may want to defeat each other, but we have no interest in destroying each other, and in this respect, we have placed limits on our actions.

The distinction between *inimicus and hostis* can be seen most clearly in Schmitt's later discussion of the *ius publicum Europeaum* (European public law) in *The Nomos of the Earth*. According to Schmitt, Europe had been divided amongst 'territorially distinct *personae morales* [moral persons]' (Schmitt 2006, 141–2). European states recognised each other as *just enemies*

(*justi hostes*) and conceived of their opposition not in terms of any meaningful qualitative difference between them, but merely *as enemies*. This *ius publicum Europeaum* did not end war. However, the wars were between (status) equals and were limited to *defeating* the enemy rather than destroying them. In other words, unlike in the succeeding era, states did not attempt to eradicate and subsume rivals: they did not see other states as an existential threat, nor did they, like in religious and factional wars, conceive of their opponents in moral terms. They would therefore exert themselves to the utmost to defeat them, but had no interest in destroying them. In Schmitt's words, 'war became somewhat analogous to a duel' (Schmitt 2006, 141). In this way, then, the *ius publicum Europeaum* 'bracketed' or 'civilised' war between European states, while creating an outside filled with foes: criminals, *inimici* who could – and perhaps should – be annihilated.

We might therefore think of *hostis* relations as giving rise to a fundamental kind of community. It is not the deeper kind of community created by the political category *friend*, but nonetheless it *is* a community of some sort; a minimal community of equals, even if that equality is premised on a foundation of antagonism.

Ius publicum ludis

In sport, the opponent is an enemy: players are not concerned with the good of their enemy, but with winning. However, to aim to win at *all* costs is to treat the opponent not as an enemy, but as a *foe*; it is to try to (metaphorically) *destroy* them. It is to fail to accord them status as a member of a community of equals for whom there are recognised limitations in how they might be treated.

There are therefore two main errors that an unsportspersonlike player can make, though both errors share the same source. First, the player might not compete against her opponent with her full efforts. Second, she tries to win at all costs. The former is generally recognised as unsportspersonlike, but there is disagreement as to why. Heather L. Reid offers an internalist explanation when she says that 'one of the things most athletic games test is a competitor's ability to overcome her opponent's resistance. If that resistance is not provided, the test was not really carried out, and the victory therefore loses its value' (2012, 109). In this respect, then, going easy can be thought of as *robbing the opponent* of the chance to develop and display their excellences, and therefore preventing them from achieving the true purpose of competing in the first place.

However, we can see the implausibility of this explanation in Reid's example of the 2011 World Fencing Championships in Catania, Italy. The Tunisian fencer, Sarra Besbes, was slated to fight Israeli Noam Mills in the qualification round. Besbes, in accordance with the Boycott, Divestment and Sanctions campaign against the state of Israel, was instructed to not fight Mills by the Tunisian Fencing Federation. However, refusing to participate in the match would have resulted in

sanctions. Hence, instead of forgoing the match entirely, Besbes mounted the platform and passively received five touches, losing the round. In response, Mills, the purported winner of the match, burst into tears. Reid's internalist explanation for this reaction is that, 'The victory for [Mills] must have lacked meaning because it did not represent what victory is supposed to represent, namely, demonstrated athletic superiority' (Reid 2012, 109). In other words, Mills was upset that she did not have the opportunity to display her athletic excellence, and her 'victory' was therefore hollow.

Putting aside the larger question of whether Besbes' throwing of the match was justified, it is easy to sympathise with Mills' reaction as an athlete. There is no question that it would be *disappointing* to be unable to display one's athletic excellences in a match. If the match were the final, it may even be highly upsetting to win the gold, only to have the victory seen as hollow by one's peers. However, Mill's behaviour seems like an overreaction, *especially* since passing the qualifying round – which this 'victory' makes more likely – should, in theory, give Mills more, and perhaps greater, opportunity to display her athletic excellence in later rounds.

Instead, then, I suggest that Leslie A. Howe gets it right when she says (speaking of similar match throwing in baseball), that,

> A pitcher who refuses to send his best stuff, or to pitch inside, not only does not provide an adequate challenge but also is *telling the batter that he is of no concern, that he doesn't matter*. Although being blown out can be humiliating, it is *insulting* to be dismissed by an opponent as not worth their full effort (Howe 2004, 221, italics mine).

But *why* it is insulting to be dismissed by an opponent? Surely part of the picture is that 'going easy' on someone is disrespectful; it is telling her that she is not good enough to provide a challenge. But I am sure we have all witnessed, or participated in, matches in which one opponent so dominates the other that the weaker player is given no opportunity to truly play the game in any meaningful way. If someone genuinely *is* vastly better than another at a sport, then by going easy she will often make it *more* likely that he can display what athletic excellences he might have.

Furthermore, this explanation will surely not apply in the Besbes/Mills match, since Mills was surely perfectly aware that Besbes' throwing of the match was political, and therefore did not reflect Besbes' judgement of Mills as an athlete. Hence, the idea that throwing a match is insulting because it disrespects the opponents' skills is not adequate to account for this kind of case.

Here, then, Schmitt's distinction can help us find a better answer: going easy on an opponent is insulting because it is refusing to acknowledge the opponent's fundamental equality as part of the *ius publicum ludis*. To acknowledge an opponent as an equal by giving one's best efforts is saying two things: a) that she is a member of a community of equals, in which our antagonism is

limited by a set of shared rules; and b) that our antagonism is *basic*, e.g. that it does not have a qualitative basis; ours in not a *private* antagonism in which you are opposing me on moral or aesthetic terms; despite our conflict, I am not *hated*. To express the converse of both of these *would* be a grave insult, and it is easy to see, in my view at least, how being treated in this way, especially publicly, would bring someone to tears.

Now, obviously, there is a difference between being included as a member of a sporting community and being included as a member of a state system: the latter is far weightier than the former. Furthermore, whereas the exclusion from the *ius publicum Europeaum* means that one can be *destroyed*, I am not trying to claim that being excluded from the *ius public ludis* entails that others players *literally* want to destroy us. Nevertheless, there is a basic form of respect that applies in both cases, in which antagonism is seen as between equals, rather than between a legitimate competitor one the one hand and someone who simply does not count as a genuine opponent on the other, and who can therefore be treated in any way one pleases.

Additionally, I do think that since (as I argue later) the fundamental value of sport is in the *performance* of the transformation of *inimicus* relations into *hostis* ones, we cannot draw a clean line between one's attitudes to others in sport and one's attitude to others more generally. In other words, we might think of the performance of this transformation in sport as a kind of synecdoche for social relations more generally: given that conflict between individuals in society is possible, how someone acts towards you in sport is perhaps not unrelated to how she would relate to you if real conflict were to occur. Hence, the insult in being excluded from the *ius publicum ludis* is not limited to the insult of being left out of the sporting community alone.

We can make sense of other forms of unsportspersonlike conduct using the *ius publicum ludis* as well. For instance, putting winning above all and breaking the rules to gain an unacceptable advantage is (usually) considered unsportspersonlike. The internalist view explains why such actions are *unwise* – that is, by breaking the rules you cease to play the game and can therefore no longer truly *win* it – but it does not clarify why such actions are *unsportspersonlike*. But if we understand such actions as stating that the antagonism with one's opponent has no *limits*, then it is both a rejection of the opponent's equality (declaring that she is *inimicus* rather than *hostis*), as well as saying that the antagonism between players is *qualitative*, i.e. based on some kind of moral or aesthetic disagreement.

The same can be said about 'bad form' kinds of unsportspersonlike conduct. Some unsportspersonlike conduct is not about illegitimate advantage-seeking or going easy on the opponent, but is instead about cases such as

> not shaking hands after the match; constant complaining; lack of generosity and grace; humiliating the opponent; badmouthing the opponent at press conferences; being a poor loser; or being a poor winner (Abad 2010, 31).

If we understand these actions through the lens of the *ius publicum ludis*, then we can see actions such as complaining, badmouthing, the refusal to shake hands, humiliating the opponent and being a poor loser or winner as acts that undermine the idea that the opponent is an equal, the antagonism towards whom is limited by certain rules. To badmouth an opponent, for instance, is to raise moral or aesthetic considerations in a context in which the antagonism is supposed to have none; in which it should be 'basic'. Similarly, to refuse to shake hands or to refuse to give their opponent their due by being a good loser is to put doubt on the idea that one's relationship to the opponent is a rule-governed one.

The value of sport

Sport and community

To understand precisely why acting in all these ways is specifically *unsportspersonlike*, however, it is worthwhile to consider the relationship between sportspersonship and the value of sport. It is plausible to think that sportspersonship is fundamentally about actualising the value of sport. The most fundamental of these values, I argue, performing the transformation of *inimicus* relations into *hostis* relations.

Society is filled with antagonistic relationships. However, those relationships must always be bounded – the conflicts between us must be 'bracketed' – if we are to be any kind of community. By acting in a sportspersonlike way to our opponents in sport, we are therefore mirroring – and perhaps practicing – this basic assertion of community. After all, while there are certainly deeper forms of community than *hostis* relations, the transformation of *inimicus* into *hostis* is the bare minimum; it is the most basic form of community consistent with antagonistic relations between members. If the *value* of sport is to perform this transformation, then acting in a way contrary to this – that is, treating others as *inimicus* rather than *hostis* – prevents the central value of sport from being actualised.

The fact that the transformation of *inimicus* into *hostis* is the most *minimal* form of community is also why I think that Schmitt has something unique to offer to a discussion of sportspersonship. After all, the view that sport is about creating a community of equals is hardly new. However, 'community of equals' can mean a range of different things. Typically, 'community of equals' is thought of in a much more robust way than my discussion here – it relates to concepts such as democracy and equal citizenship. Schmitt's distinction between *inimicus* and *hostis*, by contrast, helps us get at a conception of

'community of equals' that is far more basic than this; a view that is not tied to any particular *kind* of society, but rather to the very concept of society *itself*. We might say, then, that the more basic kind of community represented by *hostis* is a prerequisite for 'moral' relations between individuals, or for any deeper, fuller conception of 'community of equals' that sport may, in some circumstances, help to create (such as, for instance, Rawls' 'social union' [Rawls 1971]).

Hence, while I am also not saying that sport can *never* have a deeper, more 'moral' conception of 'community of equals', nor that a particular sporting or national communities might not include moral ideas in their own understandings of sportspersonship, I *am* arguing that the *ius publicum ludis* is the most *general* and *basic* conception of 'community of equals', and therefore of the idea of sportspersonship. As such, I fully acknowledge that sport often *is* valued for the promotion of a wide range of moral virtues. Reid notes, for instance, that 'humility and trust … are demanded of an athlete who must acknowledge the inadequacy of her own performance in comparison with the authoritative standards of her sport', and that 'in order to improve, athletes typically work with coaches, thereby subordinating themselves in their relationship to other practitioners and subjecting themselves to a period of apprenticeship that demands respect, courage, and honesty' (Kretchmar 2012, 64). We can also consider the way that sports can promote qualities such as 'good humor, respect, politeness, and affability' (Arnold 1983, 63). Feezelll, too, draws attention to the fact that sportspersonship can be seen to encompass a range of virtues, such as 'self-control, fair play, truthfulness, courage, endurance, and so forth' (Feezell 1986, 3). In all of these ways, sport can inculcate moral virtues or make a moral contribution to society. I am therefore certainly not suggesting that sportspersonship *cannot* involve such things.

Rather, I am arguing that moral virtue is a *contingent* feature of sportspersonship. That is, sportspersonship *may* be understood as containing moral virtues or moral notions. But it does not *have* to, and the moral notions sportspersonship contains can legitimately differ from group to group. Regardless of what *additional* moral notions are added onto sport in specific cases, then, the most *basic*, 'pre-moral' value of sport is premised on the simple distinction between *inimicus and hostis*. Particular societies or sporting communities may add *more* layers of community on to this foundation; but the *ius publicum ludis* is the most minimal form of community that is required for there to be sportspersonship in the first place. Hence, it is the fundamental, shared basis of sportspersonship and the value of sport.

Sport in different societies

We can see the shared nature of *hostis* relations in sport when considering sport across different social systems. To categorise an activity as a 'sport' is usually to attribute value to it; being 'sport' is enough, alone, to justify an

activity. Yet while the idea that sport has value is shared across societies, the justification differs from society to society. It might be the case that different societies simply value sport for different reasons in an incommensurate way. However, more plausibly, I suggest, is that the *ius publicum ludis* underlies various different accounts of the value of sport in different places and times. In other words, whatever *other* value sport might be seen to have, *all* views of the value of sport *start* with the *ius public ludis*.

For instance, Reid argues that, in reference to ancient Greek sport, 'the concept of *isonomia*, equality before the law, is a creation of sport and constitutes its most important contribution to society' (Reid 2012, 168). Similarly, 'it is the public's voluntary acceptance of and adherence to law that makes [modern] democracy possible' (Reid 2012, 169). This is mirrored in sport, since 'the freedom within both sport and democracy depends upon participants' willingness to give up some portion of their liberty by subjecting themselves to the rules of the game' (Reid 2012, 169). In other words, sport teaches us how to be good liberal democratic citizens: it teaches us that individual freedom is important, but that this individual freedom requires that we voluntarily subject ourselves to the rule of law. After all, without the rules of the game, there *is* no game; no ability to advance our individual excellences. Similarly, without the rule of law, we lose the environment within which we can pursue our individual freedoms.

However, if sport is inherently democratic, it is difficult to see why it was *also* valued in fascist societies such Nazi Germany. As Reid puts it.

> Whereas democracy prizes individual freedom, fascism promotes nationalistic devotion. Whereas democracy is based on equality before the law, fascism is authoritarian, controlled, and regulated. Whereas democracy is based on universal human value, fascism posits the superiority of a particular race and seeks to eliminate those who weaken or degrade the state (Reid 2012, 171).

Nazi sport was not a matter of *equality* – at least not in a democratic sense. For instance, M. Andrew Holowchak argues that

> At the core of Nazism is brutality … With strength comes desert: Because one is 'better' (i.e., outperforms others) at some physical task, one *is* thereby 'better' … and deserving of more of the good things in life (Holowchak 2005, 100).

Sports are valuable, from this perspective, because they separate the strong from the weak, with the winners displaying their worth and the losers their lack of it. This conception of sportspersonship does not seem all that consistent with a democratic account of the value of sport.

We can also note the way that sport is used by nationalist leaders, in various different kinds of societies, to 'create a chauvinist zeal in their own populations' (Reid 2012, 171), since the bringing together of people in a *ius publicum ludis* at the same time performs the assertion that others are

outside that system. On the other hand, sport is often seen to promote not chauvinism, but internationalism, represented best by the ideals of the Olympic Games: playing sport with outsiders in a sportspersonlike way marks them as outsiders no longer: they may not be friends, but they are no longer *inimici*.

Sport, then, can and has been valued in all these seemingly inconsistent ways, and more. I argue, however, that in common between the various views of sport is the minimal kind of community represented by *hostis* relations. That is, the much deeper notion of democratic equality before the law requires that first we see our antagonism with others as bounded and limited by rules. At the same time, however, the decided *lack* of *deep* equality in fascist sport is perfectly consistent with *hostis* relations. To view someone as *hostis* rather than *inimicus* does not require that the strong cannot take from the weak. Relations between European states in the *ius publican Europeaum* certainly did not involve anything like fair equality of opportunity or that the rules of the system work to everyone's advantage. *Hostis* relations, then, merely require that other persons are not opposed for *qualitative* reasons.[4] Unlike those we oppose for moral or aesthetic reasons, there is no need to *eradicate* our antagonists: simply defeating them is enough. Hence, a system that lifts the strong above the weak – a system inconsistent with democratic equality – nevertheless takes *hostis* relations as foundational.

Conclusion

Sportspersonship is connected to the relationship between competition and cooperation in sport. This tension between competitiveness and cooperation in turn arises from what we take to be the ultimate value of sport. In its focus on the way that sport mirrors, practices and performs the transformation of *inimicus* relations between players into *hostis* ones, the view I have presented here – the 'sport community' or *ius publicum ludis* account – offers a view on these matters not found in the existing literature.

My view differs from Feezell's account in two ways: first, while Feezell sees sportspersonship as the mid-point between an overly serious and an overly playful attitude, my account regards the appropriate attitude as a discrete state: as the adoption of a particular relationship to the opponent. In this respect, then, my view can accommodate the way that sport *transforms* competition into a good, though in my case the transformation is from *inimicus* to *hostis* relations, e.g. hatred into a minimal form of antagonistic community.

The *ius publicum ludis* also differs from the internalist and striving accounts, in that it does not see the ultimate goal of sportspersonship as to bring about some *end* (in the internalist accounts, excellences, and in the striving account, striving play, insofar as 'striving' can be considered an end). By seeing sportspersonship as aiming to actualise these ends, both views downplay the

importance of winning. After all, if we want to give rise to excellences or to engage in striving play, winning should not necessarily be our goal. By contrast, a sports community account of sportspersonship sees the value of sport in the respect shown to the opponent by performing that we accept the opponent as a *hostis* rather than *inimicus*, e.g. in treating them as an antagonist to be defeated, rather than destroyed, and to whom equality and respect is expressed in the acceptance of limits on how we might oppose them.[5]

Unlike in Nguyen's striving account, then, seeing an opponent as a *hostis* rather than an *inimicus* is perfectly consistent with aiming to win: *hostis* relations are only *cooperative* in the most attenuated sense. The goal of sport community is not to bring about some higher aim conjointly with the opponent. Rather, the fundamental value of sport – the respect of treating the opponent as a *justi hostis* – has already been achieved by recognising limits on how the opponent can be treated.

Similarly, the *ius publicum ludis* can account for the fact that sportspersonship *does* seem to frequently involve deeper conceptions of the idea of 'community of equals', as well as moral virtues. Any and all kind of moral aim can be added onto the basic notion of sportspersonship, modifying it accordingly. However, all those moral notions require, at the very least, the minimal community of *hostis* relations. Without that at least, no deeper kind of community, or additional kind of moral notion, can be adduced to sport. Hence, while sport may be valued in different ways in different places and times, the most basic, universal value of sport is the way that it performs the transformation of *inimicus* into *hostis*.

Notes

1. I use 'sportspersonship' merely as the gender-neutral version of 'sportsmanship'. While some, such as Diana Abad (2010) distinguish between sportsmanship (the topic of this paper) and sportspersonship ('an account of personhood of the person involved in sports'), I do not think this distinction is a common one. Hence, I will simply use 'sportspersonship' as others have used 'sportsmanship'.
2. Though this is Simon, Torres, and Hager's (2018) view, not his own
3. Of course, we might think of excellence in sport in a more holistic, rather than narrow, way, e.g. the game itself has *an* excellence that involves the appropriate integration of various physical and mental skills, psychological and moral dispositions, etc., somewhat analogous to the integration of virtues in Aristotelian virtue ethics via practical reason. But this holistic model risks committing us to the view that, for instance, rugby union and rugby league both have entirely distinct excellences – singular holistic excellences that correspond to each specific game. But, of course, that cannot be right: we can easily identify overlapping excellences in both sports.
4. In fairness, a qualitative, moral component did enter into the Nazi labels of 'strong' and 'weak', thereby complicating this picture somewhat.

5. As an aside, I do not think that we need to *consciously* view the opponent as either *hostis* or *inimicus*. Rather, the matter seems to be a matter of fundamental orientation. This is not much different, I think, to the way we treat people generally when we either respect or do not respect them: while we may, on reflection, come to form the belief that 'I respect *x*' or 'I do not respect *y*', more commonly our respect (or lack of it) is something that is articulated through how we naturally relate to that person.

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