



ELIGIBILITY RULES IN SPORT

REGRAS DE ELEGIBILIDADE NO ESPORTE 

REGLAS DE ELEGIBILIDAD EN EL DEPORTE 

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Abstract: This paper discusses the nature and values of eligibility rules in sport. It shows the relationship of eligibility rules to constitutive rules, and highlights their importance for the inclusion of different kinds of athletes. The main function of eligibility rules is to categorize of athletes and to prescribe who is and is not permitted to take part in a particular competition. We discuss various kinds of categories, such as those based on performance, bodily characteristics, and socio-cultural characteristics; but we focus particularly on those categories that are based on bodily characteristics, such as age, sex, weight and dis/ability. Finally, we discuss the major principles on which eligibility procedures are founded.

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1 INTRODUCTION

For the purposes of this paper, sport is understood as “Olympic-type sport” (Parry, 2023) with six criteria contributing to its definition as “institutionalised rule-governed contests of human physical skill”, and so “rules” are identified as a logically necessary condition of “sport”. However, rules have different functions in sport, and different kinds of sports rules have been identified. In the context of the philosophy of sport, rules have typically been differentiated into three kinds: constitutive rules, regulative rules, and auxiliary rules (e.g. Carlson; Gleaves, 2011; D’Agostino, 1981; Meier, 1985).

Constitutive rules formulate the conditions for sport competition, specifying the end (task/challenge) of the competition, how (not) to achieve it, where the competition takes place and possibly also timings, the means to achieve it (prescribed or proscribed means), the number of athletes who may compete, and other important aspects of sporting competition. So, constitutive rules *constitute* – they establish a particular sport for what it is (e.g. football or tennis). Regulative rules regulate athletes’ behaviour during the competition (as discussed e.g. in D’Agostino, 1981; Morgan, 1987). Eligibility rules are responsible for the formation of particular “competition groups” of athletes.

The first two, constitutive and regulative rules, have often been discussed; but the third kind, eligibility rules, have been somewhat overlooked, as somehow less important. An early commentator (Meier, 1985) subsumed eligibility rules under what he called ‘auxiliary’ rules, which he said were independent from constitutive rules:

It is my contention that this type of rule, which specifies and regulates eligibility, admission, training, and other pre-contest requirements, is of a different color or nature entirely than constitutive rules and, as such, has *nothing whatsoever to do with the essence of sport* (Meier, 1985, p. 71, Meier’s italics).

We claim that this was an unfortunate understanding of the nature of eligibility rules, for two reasons. Firstly, that eligibility rules are tightly interdependent with constitutive rules, and therefore it is not possible to say that eligibility rules have “nothing whatsoever to do with the essence of sport” (Meier, 1985, p. 71), and secondly that they are necessary rules (not just auxiliary).

The constitutive rules are responsible for establishing how large the competition groups of athletes in a particular sport should be (5 in basketball, 6 in volleyball, 11 in football) and setting the sporting task, and therefore how the sporting task is achieved, and for the outcome (result). The outcomes may also determine how teams/athletes are ranked, and this contributes to future eligibility decisions. For example, football’s constitutive rules set the football task (to score goals) and proscribe illegitimate means, so as to produce an outcome. And a win in this round of the cup renders a team eligible for the next round. In this way, constitutive and eligibility rules are interdependent and necessary.

In fact, the more serious the competition is, and the more important it is to be able to determine the winner (such as in elite sport and in events such as Olympic

Games, Paralympic Games, World Championships), the more accurate need to be our methods of evaluating and ranking athletes and teams for future competitions.

Also, sports are for athletes of different body types and shapes, and so as to ensure as inclusive, fair and safe competition as possible, we need further categorization based on athletes' bodily characteristics (Martínková, 2023). In this respect, eligibility rules are focussed mostly on athletes and their characteristics, but these are relevant only in relationship to a sporting task. Given the competitive nature of sport and the relevant differences between athletes' bodies, eligibility rules are thus an extremely important kind of rule in sport, responsible for sport to be more inclusive and, though inclusivity, to be more just and safe.

2 ELIGIBILITY RULES IN THE PHILOSOPHY OF SPORT

Little has been written since 1985 on eligibility rules in sport in general. Loland was first to include eligibility considerations more robustly into the discussion on fair play in his book *Fair play in sport* (2002) and in some later articles (e.g. Loland, 2020, 2021). While identifying fair norms for sport, within his discussion of the equality of opportunity principle, Loland (2002, 53 ff.) discussed "person-dependent inequalities" that cannot be controlled and influenced by athletes themselves. He discussed body size (height and weight), sex and age, without explicitly connecting them to eligibility rules in this context. Later, Parry and Martínková's paper "The logic of categorisation in sport" (2021) characterized the rationale and procedures for devising sport categories, introducing the distinction between category advantage and competition advantage. A "competition advantage" is a quality/ability that might be thought to confer an advantage in competition in a given sport, such as height in basketball. A "category advantage" is an advantage considered to be so determinant of success in a given sport, that it requires a category in order to afford relatively equitable competition for athletes within a protected sub-category, such as age (in most sports), weight in boxing, or sex in tennis.

Also, three principles of category assessment (fairness of category assessment; verifiability; practicability) were described by Martínková, Parry and Imbrišević (2023), as a continuation of the discussion on eligibility criteria for transgender athletes based on embodied experience (see Torres; Lopez Frias; Martínez Patiño, 2022). Most recently, Martínková's (2023) paper discussed eligibility rules and their values, especially the values of safety, fairness and inclusion, as a continuation of a more focussed discussion on the inclusion of transwomen in the female category in rugby by Pike (2021), Burke (2022, 2023) and Imbrišević (2023). Martínková's paper described a tight relationship between constitutive and eligibility rules, emphasizing inclusion as the main value of eligibility rules, which is realized through different kinds of categorisations of athletes. This also brought into discussion the number of athletes involved in a sport, since overall numbers of athletes limits the number of sensible categories, and so limits the inclusion of athletes with different body types.

In most cases, the eligibility rules are only referred to in specific cases of various eligibility issues in sport, such as problems with the inclusion or exclusion of

specific groups of athletes in specific sport categories. Of necessity, parasport has been most focused on eligibility rules (which it refers to as the ‘Classification Code’ – see IPC, 2024), given the central role of the categorization of athlete disability in parasport. Since individual athletes with disabilities differ vastly with respect to their bodily characteristics, it is a major challenge for parasport to devise rules that include sufficiently similar athletes in one particular category whilst also including enough athletes in the competition group, and thus not requiring too many categories (Tweedy; Beckman; Connick, 2014; Tweedy; Vanlandewijck, 2011). However, discussions on parasport classification do not usually include the other pre-competition categories of sex, age, and weight, that are also common in able-bodied sport.

Recently, the sex category has been vividly discussed in the public sphere, as well as in the philosophy of sport, with the inclusion/exclusion of intersex/DSD and transgender athletes in the female category (recent examples include Bowman-Smart *et al.*, 2024; Imbrišević, 2023; Lopez Frias; Torres, 2023; Ordway *et al.*, 2023; Pike, 2021, 2023; Torres; Lopez Frias; Martínez Patiño, 2022). The age category raises discussion in sports that advantage small body size, such as children’s and youth sport, which is an issue for the Youth Olympic Games (Parry, 2012).

The weight category, with its problematic practices of rapid weight loss, has recently been discussed in rowing with regard to the question of retaining or cancelling the lightweight sub-category, and therefore disposing of the weight category altogether in rowing (Giesbrecht, 2023); and in senior taekwondo, with the idea of replacing the weight category with a height category (Kazemi *et al.*, 2022). Weight issues are also being discussed in sprints events, since winners in these swimming and running disciplines are becoming “heavier, taller and more slender” (Charles; Bejan, 2009, p. 2424). Martínková, Giesbrecht and Parry (2024) have discussed the weight category in the context of vulnerable groups of athletes that are created in sports “with weight-prescribing rules”. These issues are usually addressed individually and in particular, without taking a more general and comprehensive view of eligibility rules in sport.

3 THE NATURE OF ELIGIBILITY RULES

Eligibility rules are rules that prescribe who will take part in a particular competition, and thus are responsible for the categorization of athletes. They set conditions for forming a particular group of athletes who will compete together in a particular competition (i.e. a competition group), within which individual athletes or teams are compared with each other. Eligibility rules are published in the rulebooks of every sport or discipline by the respective international federation; or sometimes they are more locally specified by individual national federations; or they can be specified directly for an individual competition or a set of competitions. Rulebooks define not only the eligibility criteria, but they often also describe the process of their application.

Eligibility rules are conditioned by the constitutive rules, since they establish the sizes of these constituted groups (e.g. 11 on-field players in one team in football). But they add considerations of their own, since they focus on the value of inclusion of different kinds of athletes (Martínková, 2023). To achieve maximum inclusion in the

sport, these rules use principles of categorization of athletes: “Through categorisation rules, sport strives to include the maximum number of participants” (Parry; Martínková, 2021, p. 1488). There are four main types of eligibility with respect to different kinds of criteria, based on: 1) performance; 2) athletes’ bodily characteristics, 3) socioeconomic characteristics, and 4) cultural characteristics (see in more detail in Martínková, 2023, p. 355 ff.). The categories in contemporary sport are primarily based on performance results, bodily characteristics, and only sometimes based on socioeconomic or cultural characteristics.

Categorization according to **performance results** is a necessary part of every sport – sport competition leads to the ranking of opponents, which then predetermines their further eligibility, since only athletes with a certain level of performance are eligible into a particular event. Categorization based on performance results depends on the constitutive rules of the particular sport, since athletes are ranked (categorised) according to the results achieved in the competition. In athletics, this takes the form of “nomination” for a specific event (e.g. the Olympic Games). Nomination is a pre-competition process that is usually based on previous records, and that determines eligibility into a particular event based on specified level of performance, putting athletes into groups of similar performance, i.e. leagues, heats or waves (as in Marathon racing). It enables the athletes to be of similar level, and thus bringing higher fairness and safety into the competition (Martínková, 2023).

While this kind of categorization might be sufficient for sport itself, it is not sufficient for sport as a ‘social practice’, which aims for wider inclusion:

Inclusion ideally aims at the inclusion of everyone, within the limitations of sport rules and practical limits (such as the existence and quality of facilities, the health conditions of athletes, etc.). Its motto might be: “no exclusion without good reason” (Martínková, 2023, p. 353).

This is because the differences between the bodies of athletes are sometimes so divergent that some groups of athletes (e.g. children), would hardly ever have a chance of success, no matter how talented they are, nor how much they have trained.

And so, if we want to include people of different shapes and sizes, then we need further categorization based on **bodily characteristics**. In contemporary sport, these are biological and other human characteristics that influence sport performance (especially age, sex, weight, dis/ability). In this case, the eligibility rules capture stable inequalities – “[...] those that athletes cannot impact or control in any significant way [...]” (Loland, 2020, p. 584) and therefore should not contribute to the comparison of performances amongst athletes in competition. It is not just *any* stable bodily characteristics that are important, but those that are relevant for the particular sporting performance, and those that are understood as giving a major advantage to one group of athletes over others.

However, even in cases when there is not a distinct biological difference identified, sport might use a category to help *socially* disadvantaged athletes to take part. An example of this strategy may be found in motorsport, which might be considered ‘unisex’ – (i.e. a sport that does not advantage any sex with respect to the sporting task – see Martínková 2020b), but given social attitudes and discrimination towards

women's driving, they need an opportunity to take part and catch up to the socially advantaged group – men (see Howe, 2022, on the W series). Such categories should be just temporary (aimed at achieving societal fairness), since they are not based on a stable bodily disadvantage, but on a social disadvantage that can be eliminated. Sport can highlight these disadvantages and motivate their elimination. Categories based on this kind of 'social justice' rationale resemble proposed categories based on socioeconomic advantages.

Some authors (e.g. Anderson; Knox; Heather, 2019; Jennings; Braun, 2024; Torres; Lopez Frias; Martínez Patiño, 2022) argue that bodily characteristics are insufficient for attaining fairness in sport, and that we should also include **socioeconomic advantages**. These advantages impact opportunities for quality training, access to facilities, technologies and equipment, financial support and expertise, which Loland (2002, p. 60ff.) calls "system strength". It is clear that these benefits do advantage athletes, but currently we do not take this 'out-of-contest' justice as a basis for categorization purposes.

Finally, if we want to include people from different countries or social or occupational backgrounds, we need further categories based on **cultural characteristics**. This includes, for example, nation (Olympic Games), identity (Gay Games), social class (professional v. amateur), and profession (World Firefighters Games) that are not directly relevant for sport performance, but are still important for us for different reasons (Martínková, 2020a). This categorization defines various social groups for whom the particular sport is meant, and thus promotes its development. These cultural categorizations may define the whole event (e.g. World University Games, which are meant just for students, or World Military Games that are meant just for military athletes), or they are incorporated in a common event as additional categories, e.g. as in the Olympic Games, categorization proceeds according to national affiliation, in order to accomplish its goal of inclusion of athletes of all nations into sporting competitions. The disadvantage of this kind of categorization is that the cultural criterion limits the number of athletes who can take part, which is at the expense of the level of performance. For example, if a country has 6 of the best 10 athletes in the world in a particular category, but can only enter 2 of them in a particular Olympic event, then that event loses the quality of the other 4. Or, if only military personnel take part in the World Military Games, the best athletes from other professions will not be included, and the level of these games will not benefit from wider competition.

To create all of the above categories we need to identify differences (in performance, bodily or other characteristics), and find ways of policing them. The discrimination between particular athletes' characteristics to determine inclusion into a particular sub-category logically means their exclusion from other sub-categories. This does not mean "normative" discrimination, but "logical" discrimination (Parry; Martínková, 2021, p. 1487). This procedure discriminates *between* athletes, but not *against* them. Even though this process does not mean normative discrimination, it may feel personal (e.g. if a woman with DSD is not included into the female category) – which is why we need to have the best eligibility rules as possible. However, we

understand that if we discriminate between/among a wide variety of more or less similar empirical cases, the categorization cannot be fully just. The point is: even this incomplete justice is better than nothing, since without it, sport would be even more unjust.

To recap: eligibility rules are important rules of sport, that enable sport to be inclusive for athletes of different kinds of bodies. Eligibility rules delineate between different groups of athletes' characteristics before the competition starts and so they are responsible for the *inclusion* of athletes in a particular sub-category, which at the same time means their *exclusion* from category/ies with which they do not comply. And so, inclusion and exclusion are both part of the same process of categorization (see also Parry; Martínková, 2021). Creating categories will always have some problematic consequences, especially because of border-line cases, but, without them, sport will fail to include a lot of people.

Eligibility rules are rules that apply before the competition starts (before we apply the constitutive and regulative rules, i.e. before athletes start competing). Whilst the category of performance (leagues, heats, etc.) is determined within the current competition itself, for the next competition (with respect to ranking of the performance of the athlete) and athletes can improve their performance and therefore change their performance category, the other categories are more stable (Loland, 2002, 2020; Tweedy; Vanlandewijck, 2011).

However, while the grouping of athletes is done prior to the competition, certain aspects of the policing of the eligibility criteria might be observed even within the competition itself. This happens, for example, in parasport, when evaluators observe how athletes move during an "Observation Assessment", in order to assess whether they really belong to their designated class (IPC, 2024, p. 31). Or it might happen just after the competition finishes, such as with dope testing, when positive findings might alter the results of the previous competition, and condition an athlete's further participation in the sport.

A category delineates a group of athletes that share a certain characteristic that is understood as relevant for a specific sporting competition. Each category is internally divided into two or more sub-categories that distinguish between the degree or type of the given characteristics (e.g. age is usually categorised by a span of years into multiple sub-categories, sex is usually categorised into male/female). In practice, these sub-categories are also usually called "categories", but for greater clarity it may be useful to distinguish between the two levels of categorization: the term "defining category" may be used for the primary distinction of the type of the selected characteristics; and the term "sub-categories" may be used for distinctions of the degree or type of the selected characteristics within the defining category (Martínková, 2020a).

Finally, athletes compete in a "particular category", which is a result of the application of all the relevant defining categories (e.g. performance, sex, age, weight, dis/ability, nation, occupation) and choosing one sub-category from each (Martínková

2020a, p. 463-464). This defines the “competition group” of those athletes who will compete together.

Sport events differ, given these different kinds of categorisations. Some sporting events determine athletes’ eligibility based simply on the best performance with respect to relevant bodily characteristics (e.g. world championships). In others (e.g. Olympic Games, Paralympics) all participating sports federations have their own nomination processes that determine the athletes of the best performance within the relevant cultural category of nation, and according to quotas set by the organisers.

Eligibility rules also have to be considered by organisers when setting rules for a particular sporting event, since they are responsible for the number of individual competitions within the same sport. Each sub-category contributes to multiplying the competitions, and this has implications for the length of the competition and the event. For example, in athletics at the recent Paralympic Games in Paris, there were 29 competitions for 100 metres (16 for men and 13 for women).¹

4 CONTEMPORARY CATEGORIES BASED ON BODILY CHARACTERISTICS

Categorization based on the bodily characteristics of athletes is important for the inclusion of athletes of various types of bodies into sport (Loland, 2002; Martínková, 2023). This is because some groups of athletes of certain bodily characteristics are advantaged due to the sporting test, and others would not have much chance of success in sport. Martínková (2023, p. 350) calls this the “structural injustice” of sport, meaning that the specific sporting challenge inevitably advantages certain kinds of bodies.

In contemporary sport, most sports have the age category and the sex category, some sports have the weight category, and some sports have been modified to fit bodies with different kinds of disability. The categories whose sub-categories are defined in a linear or binary mode (age, weight, sex, some disability classes) include a dominant sub-category and protected sub-category or sub-categories (Martínková, 2020a). The dominant sub-category means that there are no other higher sub-categories that would disadvantage these athletes, and so they do not need to be protected from them. Everybody else is disadvantaged and thus must be protected, so that they have some success in sports (here we do not speak of competition advantages, but of category advantages – see Parry; Martínková 2021).

In contemporary sport, it looks as if the sex category is the most problematic one, since it is passionately discussed in public, but it is important to note that all of these categories have their problems of (logical) discrimination amongst athletes. In the next paragraphs, the main categories in contemporary sport will be explained in more detail, and some of their problems will be discussed.

¹ See: Paris 2023 Para Athletics: <https://olympics.com/en/paris-2024/paralympic-games/sports/para-athletics>. Accessed: Oct. 1, 2024.

4.1 AGE

The age category is part of eligibility rules of all sports. Without it, young and ageing athletes would be disadvantaged, given their lack of development (youth), or having been past their peak (ageing athletes), with not much chance to succeed in competition. The sub-categories of the category of age are delineated differently in various sports, some starting at a very young age, and some only later (e.g. athletes under 15 years of age cannot compete in triathlon – see World Triathlon, 2024, p. 15). In most sports the age that is advantageous for athletes is from 20 to 30 years old, and so this is the dominant sub-category. However, in certain sports that advantage smaller bodies (e.g. gymnastics and figure skating), peak performance comes earlier, which puts pressure on children. In order to protect children, some of these sports/certain competitions have a lower age limit for entering competition, as in gymnastics.

Sometimes sport events have their own rules about age. Some events do not have any age rules, which means that it advantages the dominant sub-category and disadvantages others (e.g. young or ageing) in competition. This is true of the Olympic Games, and that is why the Youth Olympic Games were created, to enable youth to compete in Olympic-type competition. It is difficult to see a sport developing without the age category, because children and youth would not be supported in their early stages. However, there no other ages are delineated, and older athletes are not protected, and thus it is often difficult for them to participate. Master athletes thus can take part mostly in sports with smaller competition, or sports that are more technical.

4.2 SEX

In contemporary sport, most sports also need the sex category, since mostly sports advantage the male body. Martínková *et al.*, (2022) called these sports “male-apposite sports”, which are sports that employ especially skills that are based on the abilities of strength, explosive power and that advantage a bigger body size. There are also “female-apposite sports”, i.e. sports that advantage small bodies, and these sports may be more suitable for females, but there are only a few of them, such as synchronised swimming, rhythmic gymnastics and figure skating.

While the categorization of athletes based on sex is common in most sports, it is not necessarily as widespread as age. Some sports do not give an advantage to any sex, and these sports do not need the sex category. They may be called “unisex sports” (Martínková, 2020b), and they are sports like equestrianism that has been already recognized as unisex, but sports like curling or sport shooting might also drop the sex category and be unisex. There could be more unisex sports, if we attended to the constitutive rules of sport with a vision to make these sport unisex, such as use the two strategies that Martínková (2020b) proposes: 1) by ensuring a balance of abilities and skills, which are presently understood as feminine and masculine, when formulating the challenge in a given sport; 2) by ensuring a greater complexity of the sporting challenge (this can be done, for example, through a greater influence of tactics in the sporting performance). Although this solution means a transformation

of today's sports, its benefit lies in discarding the sex category and enabling sport to bring just conditions to more athletes.

However, some sports do not need the sex category for the purposes of fairness because of bodily characteristics, but its use is still justified, as with motorsport (Howe, 2022). As mentioned earlier, the justification might be the social need to combat historical sexism. Ski-jumping is another example in this respect (Hämäläinen, 2014).

Distinguishing between the sexes has caused practical problems, especially with “borderline” issues with those intersex/DSD athletes who do not easily fit into the binary male-female distinction. Nowadays, sports have tried to devise more precise rules for inclusion/exclusion (e.g. World Athletics, 2023), but they are often contested by academics (Bowman-Smart *et al.*, 2024; Camporesi; Teetzel; Ospina-Betancurt, 2024). However, in those sports in which females are disadvantaged, which is the majority of current sports, they must be protected, and this means that a line must be drawn somewhere. Precisely how this is to be decided, and how it is to be sensitively implemented, remains a problem.

4.3 GENDER

With respect to the sex category it is important to add that sometimes it is labelled “gender category”, which is inaccurate, since athletes have always been categorised based on sex and not on gender (Martínková *et al.*, 2022). With respect to gender, the sex category in sport has been challenged by transgender athletes many of whom wish to be able to participate in the sub-category of their transition. Whilst this was enabled by the International Olympic Committee in the past, since 2021 it has been up to the sport federations themselves to formulate their own criteria (IOC, 2021). In an effort to enable more appropriate inclusion of transgender athletes to sport, some other categorization criteria that go beyond biology/physiology have been suggested instead of sex, such as embodied experience, embodied advantage by Torres, Lopez Frias and Martínez Patiño (2022). They have not been incorporated into sport and, if they were to be accepted, they present considerable problems for categorization, as discussed by Martínková, Parry and Imbrišević (2023). In particular, self-identification into a category would seem to negate the category. A category that cannot be policed is not a category.

4.4 WEIGHT

The weight category is used by combat sports, to ensure that contests are not determined by the sheer size of the athlete alone, and some others, such as weight-lifting and rowing (Giesbrecht, 2023). Being a linear category, it usually has various sub-categories, to give an opportunity to lighter athletes to participate in fairer and safer conditions. The main problem of this categorization is that weight is not a fully stable bodily characteristic and so it is partly changeable. Some athletes then try to gain advantage by losing weight quickly and thereby qualifying into a lower category, for which purpose athletes sometime use methods of rapid weight loss (RWL). For example, Matthews *et al.* (2019) reports that in boxing or wrestling, which are sports

with many weight sub-categories and with a weigh-in during the morning of the competition, RWL has been recorded of up to 8–10% of body mass, with rebounds of rapid weight gain around 11%. The health dangers involved in RWL require that these sports should think through sensitively the number and range of their weight sub-categories, so that they do not enable excessive skipping of sub-categories and thus minimise the number of athletes who practice short-term weight loss in order to gain a competitive advantage (Martínková; Giesbrecht; Parry, 2024).

4.5 DIS/ABILITY

The eligibility rules in parasport that aim to include athletes with different kinds of dis/ability follow the 'Classification Code' (see IPC, 2024). Even though the International Paralympic Committee (IPC) strives for inclusive games, they organize highly competitive versions of disability sport, such as for Paralympic Games, for which they developed a complex classification system of different disabilities, including intellectual disabilities (Van Dijk; Daďová; Martínková, 2017). The classification is complex due to the variety of disabilities, which means that athletes' bodies are considerably different from each other, and that is why it is hard to find categories that specify sufficiently similar bodies; or, it is hard to find a sufficient number of competitors, if the category is too tightly specified.

Not all sports offer a version for athletes with different kinds of disability or combination of disabilities. Thus, athletes are placed into groups where the impairments/abilities of athletes are quite different, which brings fairness issues. Additionally, provision is limited for some groups of athletes with certain disabilities, such as short stature, intellectual disability, or with complex disabilities.

Of course, there could be some other categorizations of athletes than mentioned above. Recently categorization based on the system of Paralympic classification have been proposed for able-bodied athletes. One is by Anderson, Knox, and Heather (2019) who propose an algorithm based on physical and social factors of athletes. Most of these proposals are not developed, and no such categorization has been devised in practice. Critical assessment of these ideas is very much needed.

5 ELIGIBILITY PROCEDURES

After categories and sub-categories are set, there are further factors to be considered about how they are to be applied into sport. Martínková, Parry and Imbrišević (2023) described three principles of how this should be done, namely: 1) fairness of category assessment, 2) verifiability, and 3) practicability. For the purpose of this article, we add principle 4) transparency.

The *first principle* emphasizes fairness of category assessment, which means that everyone should be assessed in the same way for inclusion into their particular category, i.e. for participation in a sport or certain sporting competition athletes undergo the same categorizing criteria.

The *second principle* of verifiability highlights that category assessment should be objectively verifiable and checkable. This means that eligibility must be based on objectively verifiable and checkable criteria that define inclusion into sub-categories, and this excludes self-identification. If athletes could say in which category they want to belong, they could choose any category, which denies the logic of categorization: it tries to find fairness based on athletes' bodies with respect to the challenge/task of the particular sport.

The impossibility of self-identification, however, does not contradict the possibility of 'moving up' – that is, choosing to compete in a disadvantageous category. This is possible, since the categories for dominant groups may be open, enabling athletes to choose if they want to be in a protected or dominant category (despite their disadvantage). In this respect Martínková (2020a) identified four different kinds of categories: closed, overlapping, semi-closed, and open. They differ with respect to freedom athletes have to be included into their particular category. The closed categories do not allow any freedom for athletes to choose, but the other three which are more open can offer different values to the athletes. So, if she is adequately skilful, a female athlete may enter a male competition of a male lower standard, to try a different kind of play, rather than to stay at the top of her competition, with no superior athletes to test herself against.

The *third principle* says that the categories must be relatively easy to check and thus practical. Even though a combination of physiological markers could contribute to a more accurate distinction between athletes and therefore to a fairer category, it is impractical to have physiological markers checked on all athletes. It is much easier to have chronological age and sex, that are proxies for the physiological aspects of the athlete – not so accurate, but practical. For example, if we decided to categorise athletes based on the level of testosterone, we need to think how to apply this system for all athletes across all sport, possibly also including children and youth sport, how often to check it, etc.

The *fourth principle* says that eligibility criteria must be known in reasonable time before the competition starts and be transparent. Devising further eligibility criteria during the competition, based on alleged cases of mis-categorization, would be insensitive to the athletes, causing unnecessary stress. Of course, sport federations must take care to have the best eligibility criteria possible, so that the sport is trustworthy and that injustices are eliminated as far as possible; but athletes and others must understand that eligibility criteria cannot be fully just, since absolute justice does not exist.

6 CONCLUSION

In reconsidering the role of eligibility rules in sport, we have sought to demonstrate that, whilst constitutive rules provide the necessary structure for a sporting event, the event is also necessarily structured by eligibility rules. In this way, the two sets of rules are equally important, and co-dependent. Eligibility rules are responsible for determining competition groups of athletes, and this depends on their

performance, relevant bodily characteristics and possibly other socioeconomic or cultural criteria. It is important to have an appropriate athlete categorization system, to enable maximal inclusion. This is especially true of categorization according to the relevant bodily characteristics, where exclusions from a sub-category may feel personal. Categorization of athletes can never be perfect, and is often inevitably to some extent arbitrary, but it enables inclusive competition, and it aims to diminish injustices and exclusions.

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Resumo: Este artigo discute a natureza e os valores das regras de elegibilidade no esporte. Ele mostra a relação das regras de elegibilidade com as regras constitutivas e destaca sua importância para a inclusão de diferentes tipos de atletas. A principal função das regras de elegibilidade é categorizar os atletas e prescrever quem está ou não autorizado a participar de uma determinada competição. Discutimos vários tipos de categorias, como aquelas baseadas no desempenho, características corporais e características socioculturais; mas focamos particularmente naquelas categorias baseadas em características corporais, como idade, sexo, peso e deficiência/não deficiência. Finalmente, discutimos os principais princípios nos quais os procedimentos de elegibilidade se fundamentam.

Palavras-chave: Esporte. Ética. Elegibilidade. Justiça.

Resumen: Este artículo discute la naturaleza y los valores de las reglas de elegibilidad en el deporte. Muestra la relación de las reglas de elegibilidad con las reglas constitutivas y destaca su importancia para la inclusión de diferentes tipos de atletas. La principal función de las reglas de elegibilidad es categorizar a los atletas y prescribir quién está o no autorizado a participar en una determinada competición. Discutimos varios tipos de categorías, como aquellas basadas en el rendimiento, características corporales y características socioculturales; pero nos centramos particularmente en aquellas categorías basadas en características corporales, como edad, sexo, peso y dis/capacidad. Finalmente, discutimos los principales principios sobre los cuales se fundamentan los procedimientos de elegibilidad.

Palabras clave: Deporte. Ética. Elegibilidad. Justicia.

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CONFLICT OF INTERESTS

The authors declare that this work involves no conflict of interest.

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EDITORIAL RESPONSIBILITY

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