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# The Nature and Value of Sporting Tests and Contests

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## The Nature and Value of Sporting Tests and Contests

63 N.Y.L. SCH. L. REV. 219 (2018–2019)

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## I. INTRODUCTION

This article reviews, clarifies, and expands upon a thesis I first articulated in my doctoral dissertation, which I later developed into an essay, *From Test to Contest: An Analysis of Two Kinds of Counterpoint in Sport*.<sup>1</sup> I argued then that the keys to understanding the value of sport lie in a realization that sporting activities contain both a test and a contest.<sup>2</sup> Part II of this article distinguishes between tests and contests, as each is grounded in a different kind of opposition or counterpoint. Parts III and IV explore the distinctive nature of tests and contests, respectively, while demonstrating the discrete value of each. Part V shows how contests are dependent on valid tests. Part VI explains how and why testing is an inherently communal activity. Part VII concludes this article.

## II. DISTINCTIONS BETWEEN TESTS AND CONTESTS

As a college basketball player, I realized that opponents serve at least two important functions that are analytically distinct. First, opponents provided a testing function by standing in my way and attempting to block my shots. And, of course, when I played defense, their fakes, feints, and drives to the hoop made it harder for me to stop them from scoring. In short, they played a central role in creating the twin tests of offensive and defensive basketball. Second, my opponent provided a function as a contesting other, as someone who was disputing which one of us could better solve basketball's offensive and defensive tests.

As a young athlete, I also realized that this second function, the competitive one, is optional because the test could stand as a valid and interesting project on its own. For instance, at practice, I could ask my friend to facilitate my test-taking by trying to defend against a new offensive move I had been learning. This person provides or enhances a test without any attempt to win a game, functioning as a scrimmaging or facilitating other. The same would be true for team situations when five other players are asked to provide a test for practice purposes. In both cases, the players encounter the basketball test in the absence of any contest—that is, without any commitment by either party to show superiority.

The independence of tests from contests is easily seen in some sporting tests, like those found in bowling, golf, and archery, which do not require any testing embellishment by other participants. In fact, rules in these kinds of sports expressly prohibit such interference. For example, the rules in golf prohibit standing in the way of my shot, trying to tackle me as I walk down the fairway, or attempting to distract me by talking during a swing. In basketball on the other hand, interference is a permitted and expected part of the game. In golf, I can encounter the full golfing

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1. R. Scott Kretchmar, *From Test to Contest: An Analysis of Two Kinds of Counterpoint in Sport*, 2 J. PHIL. SPORT 23 (1975).

2. See *id.* at 24. The seeds for testing–contesting distinctions and the values inherent in the tensions found in these two activities were sown in my dissertation and later essay. While I make no major changes in my basic thesis, this article attempts to clarify points that were treated too abruptly and address new questions that were never raised in previous works.

test alone. I can earn and receive a score that tells me how well I did on the test—whether I passed the test or not. In basketball, I can experience only diminished aspects of the test by practicing my dribbling, shooting, and footwork, and, because of this, receive only incomplete feedback on my overall basketball ability. I need the testing assistance of others to appreciate the robust test that basketball offers and know how well I play the game itself.<sup>3</sup>

If these reflections are on target, we can draw three initial conclusions. First, there are two foundational projects embedded in what we commonly identify as sport—testing acts, on the one hand, and contesting acts, on the other. For example, I can golf alone and receive a test score, or I can golf with a second party, attempt to show superiority, and learn if I won, lost, or tied. Second, a player can engage in a sporting test without also committing to a contest. Third, and finally, sporting tests come in two species. They can be identified as other-person-dependent and other-person-independent challenges. Basketball is an example of the former; golf is an example of the latter.<sup>4</sup>

### III. THE NATURE OF TESTS AND TESTING OPPOSITION

Tests and contests provide distinctive challenges, different kinds of problem solving, and unique kinds of opposition. One kind of opposition is found in the challenge of trying to pass a test, to succeed rather than fail. This is called an opposition by cut.<sup>5</sup> A second kind of opposition is found in the challenge of trying to do something better than someone else, as in the case of a sporting contest. This is called an opposition by degree.<sup>6</sup>

Differences by cut are logically distinct from differences by degree. The cut signals mutual exclusion. Differences by degree signal interpenetration. Mutual exclusion in test-taking is identified by the couplet “pass” or “fail.” All passing is not failing, and likewise, all failing is not passing. To put it another way, one cannot at the same time both pass and fail a test. The cut separates the one from the other.

This does not mean there cannot be differences by degree on each side of the cut. I can barely pass a test or I can pass it with flying colors. I can fail miserably on a math exam or fall just below the passing mark. On a journey, I can walk to the far right or only slightly right. I can take a sharp left turn or a path that moves more subtly to the left. However, these differences by degree reside on two sides of a cut.

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3. This is not to say that competition does not add other testing stressors, such as making a shot under competitive pressure late in a basketball game or on the final holes in a golf tournament. It is only a claim about the status of the foundational test.

4. Hybrid tests also exist. In fact, most sports I have identified as “other-person-dependent” include testing elements that stand, as it were, on their own. In basketball, it is difficult to make a twenty-foot shot, even without an opponent in one’s face. Of course, it is even harder to make when an opponent attempts to block or otherwise disrupt the shot.

5. See C. K. OGDEN, *OPPOSITION: A LINGUISTIC AND PSYCHOLOGICAL ANALYSIS* 58–60 (Ind. Univ. Press 1967) (1932).

6. See *id.*

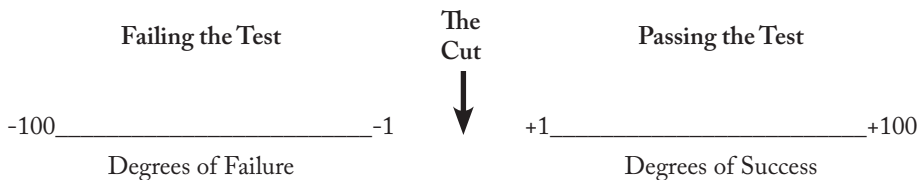
## THE NATURE AND VALUE OF SPORTING TESTS AND CONTESTS

Once again, the logic of the cut indicates that I can neither both pass and fail the same test at the same time, nor turn both right and left at the same point on a journey.

The uncompromising nature of the cut has important normative implications. It serves, for instance, as one important source of dramatic uncertainty in sport. This is the uncertainty that accompanies joint possibilities of success and failure, achieving a desired outcome or facing frustration and disappointment. One can consider problem-solving in the face of such dramatic uncertainty an encounter with “sweet tension.”<sup>7</sup>

Figure 1 provides a depiction of testing opposition where a cut is in place and differences by degree exist on both sides of the cut. This figure can represent any number of sporting tests. We can imagine that the test is one of climbing to the top of a challenging mountain. The cut is generated by distinct performance outcomes—reaching the top, or not. Degrees of difference on each side of this cut describe ways in which the climber succeeded or failed in her climbing attempt. A score of +90 would indicate a skillful, fast, and easy climb. A score of +4 would suggest that the climber reached the top slowly, with extreme difficulty, and perhaps with many stumbles along the way. On the negative side of the cut, a score of -4 would indicate that the climber nearly made it to the top. The climber failed, but not by much. On the other hand, a score of -94 would be assigned to someone who perhaps quit early in the ascent, or was repelled by the first steep trail she encountered. In other words, she failed badly.

**Figure 1: Testing Opposition by Cut**



The existence and visibility of the cut is dependent on the relationship between the test and the test-taker. The degree of difficulty embodied in the test must match the capabilities of the person attempting to solve that test in order to retain the cut. In the previous example, the mountain must present challenges that are appropriate for the skill and fitness level of the climber. When this is a good match, the climber experiences the uncertainty of the cut. “Maybe I can make it to the top,” she thinks to herself, “or maybe I cannot.”

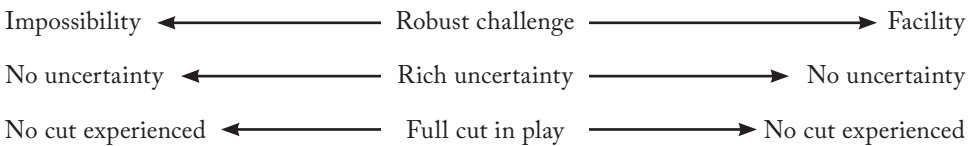
7. See WARREN FRALEIGH, *RIGHT ACTIONS IN SPORT: ETHICS FOR CONTESTANTS* 88 (1984). Playwrights, novelists, and inventors of games understand the dramatic power of distinctions by cut. In the theater, we wonder if the villain will be caught, or not. In romance novels, we are uncertain if the lovers will end up together, or not. I have followed Fraleigh’s lead and written extensively on the delightful uncertainty that is experienced when facing the kinds of gratuitous or fabricated problems we find in sport, theater, fiction, and any number of games. See, e.g., Kretchmar, *supra* note 1; see also R. Scott Kretchmar, *Sport, Fiction, and the Stories They Tell*, 44 *J. PHIL. SPORT* 55 (2017); Scott Kretchmar, *Competition, Redemption, and Hope*, 39 *J. PHIL. SPORT* 101 (2012); R. Scott Kretchmar, *The Intelligibility of Suits’s Utopia: The View from Anthropological Philosophy*, 33 *J. PHIL. SPORT* 67 (2006).

This relationship, however, can unravel in two directions. If we imagine a climb that is well beyond the capabilities of the climber, the uncertainty of the cut begins to fade. There is barely an “I can” side of the equation. If the climb is entirely beyond the reach of the climber, the cut disappears altogether. The would-be climber experiences the uniform, “I cannot.”

The same analysis holds in the other direction. If the mountain offers very little challenge, the cut again fades. The “I cannot” side of the equation is barely visible. If the climb presents absolutely no challenge, the cut once again disappears altogether. The would-be climber experiences only the “I can” side of the equation.

The loss of the cut has normative implications—that is, it affects the perceived value of the activity.<sup>8</sup> When a test is too easy and no meaningful cut is present, the activity is typically experienced as boring. On the other hand, when a test is too hard, the activity produces anxiety, frustration, and feelings of incompetence. In either case, there is no drama because the outcome is known before the activity begins. This important relationship between testing on the one hand and degrees of difficulty on the other is depicted in Figure 2. Tests are shown to reside in the middle zone between impossibility and facility. The conclusion here is clear: The cut can be lost in either direction, both of which signal the demise of the test. The test lives and thrives in the middle as a robust challenge, in a zone of rich uncertainty.

**Figure 2: The Loss of Uncertainty and the Cut in Two Directions**



The logic of testing also presents limits for establishing pass-fail criteria. Individuals seeking to improve their performance in any endeavor mostly prefer cut points near the middle—where chances of passing *and* failing are significant. This is where test-takers most often encounter the sweet tension, the delightful uncertainty, and the gripping drama—at a point that allows the test-taker to initiate the test with some degree of uncertainty over success and failure. In sport settings, it is generally not much fun to take either the excessively easy or the prohibitively hard test. Because of this, we typically increase or decrease the difficulty of the test in order to re-establish uncertainty, reproduce a cut point, and enliven the dramatic challenge of potentially succeeding or failing.<sup>9</sup>

Degrees of difficulty can be modulated in several ways. One of them involves the manipulation of cut points—that is, adjusting criteria for what counts as passing or failing. In the case of mountain climbing, the cut point could be relaxed for less

8. See MIHALY CSIKSZENTMIHALYI, *FLOW: THE PSYCHOLOGY OF OPTIMAL EXPERIENCE* 71–77 (1990).

9. See BERNARD SUITS, *THE GRASSHOPPER: GAMES, LIFE AND UTOPIA* 77–79 (Univ. of Toronto Press 1978).

experienced climbers. Getting only halfway to the top might count as passing the climbing test for these individuals. Alternatively, the cut point of reaching (or not reaching) the top could be retained by adjusting the difficulty and selecting an easier-to-climb mountain.

This analysis suggests that the establishment of specific cut points that determine success or failure is, in one sense, arbitrary. The arbitrariness comes from a realization that any pass-fail mark could be otherwise. Why should making it halfway up the mountain count as a passing mark, as opposed to three-quarters of the way? Moreover, cut points can be established idiosyncratically. As a golfer, I can begin a round by setting a cut point at my established handicap, one that predicts an average score of, say, 85. If I shoot 85 or better, I pass. If not, I fail. But on a given day, I may feel more ambitious and decide to set my cut point below my handicap at 83, making it less likely I will pass the test.

Another factor comes into play here. As I begin a round of golf, I may have several goals in mind, each with its own cut point: 1) complete my round without any double bogeys; 2) avoid three-putt greens; and 3) finish the 18<sup>th</sup> hole using the same ball I started with. A single round of golf, in other words, can generate a cluster of pass-fail outcomes. To a degree, at least, how many sub-tests I take and where I set my cut points is up to me.

However, this testing flexibility is constrained. The nature of the game itself limits the kind of sub-tests I can take. The number of sub-tests available in golf may be indefinite, but they must still be tests of golf. In short, a considerable degree of flexibility exists in establishing testing cut points, but the nature of the game and the logic of testing uncertainty place limits on that freedom.

It could well be asked why a pass-fail cut is necessary. Why not simply take a test in order to get a score, without any pre-determined cut point? This would, perhaps, support the idea that testing outcomes are based on a difference by degree. Higher scores are, after all, better than lower scores, but a higher score is not necessarily a good score. Ten is higher than nine, but it does not follow that ten is meritorious in any sense. It might be a terrible score. Differences by degree *on their own* tell us little or nothing about how well the person fared on the test.<sup>10</sup> In short, those who take tests do not just want to get a score. They want to get a *good* score.<sup>11</sup> Some demarcation between good and not good is needed. The cut reappears in order to make sense of, and give meaning to, the test-taking activity.

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10. Of course, a series of increasing test score numbers indicates improvement, so they are not worthless. A terrible golfer who now averages 125 shots per round has improved from the days when he averaged 126 shots. But again, the 125 number does not, on its own, indicate whether or not the resultant score (125) is good, bad, or indifferent.

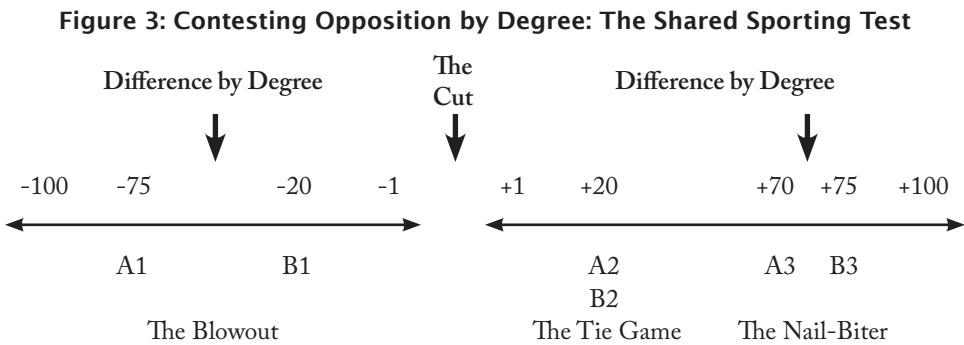
11. By "good score" I do not mean some metaphysically-fixed standard of excellence. Cut points, as argued, exist on a sliding scale. If the golfer is a novice, the cut point for good and not good might be 100. A personal cut point might be the completion of a round without any triple bogeys.

IV. THE NATURE OF CONTESTS AND CONTESTING OPPOSITION

Unlike in tests, the opposition we encounter in contests is one of degree, not cut. The foundational question in contesting is one of better or worse, not whether I can or I can't. When we contest, we encounter a common test, and we both try to solve that test as well as we can. Both of us still experience the testing opposition by cut, but importantly, we add another kind of opposition to the mix: We commit to a fight. In effect, we tell our opponents that we will negotiate the test better than they will. If they are able to score five runs in the test of baseball, we will try to score at least six. If they are not able to score any runs, our job is potentially easier: We need to score only one.

Opposition by degree is one of interpenetration, not exclusion. Our baseball victory that was based on our scoring six runs was interpenetrated by the opposing team's near victory in scoring five runs. In other words, our having scored well does not prevent them from having scored well, too. There is no exclusionary cut here. In fact, it is logically possible for the interpenetration to become complete should each side score equally well. When this happens, it is called a tie or a draw.

This opposition by degree can be further clarified by considering a double, 100-point scale of testing success—100 points on the side of passing the test and 100 points on the side of failing the test. Figure 3 identifies three kinds of differences by degree. We might show superiority, for instance, by only five points (a “nail-biter”), by fifty-five points (a “blowout”), or fail to show any difference at all (a tie). If we fall on one side of this difference by degree, we declare ourselves winners. If we fall on the other side, we are losers. But again, because this is a difference by degree, margins for both victories and defeats can be narrow or wide, or margins can disappear altogether, as they do in ties.<sup>12</sup>



Competition provides two distinct outcomes—one related to the testing results, the other related to the outcome of the contest. In the hypothetical “nail-biter”

12. It should be obvious that each of the three kinds of competitive outcomes could be located anywhere on the twin, 100-point scales. A close game, for instance, could take place between two individuals who played well, poorly, or even between one competitor who narrowly passed the test (+1) and an opponent who narrowly failed (-1).



depicted in Figure 3, both contestants A and B did well. Both easily passed the test with scores of +70 and +75, respectively. However, while both fell on the same side of the testing cut, B did a slightly better job and won the contest. In the “blowout,” both A and B are shown to have failed the test. They both played poorly; both fell on the left side of the cut. But B played less poorly than A and, thus, won the contest. The tie result shows both A and B at +20. Both passed the test, but neither one was victorious in the contest. Contesting results can fall anywhere on these twin, 100-point scales. Wherever they end up, participants receive two verdicts—how well they did in passing or failing the test, and whether they won the contest.

The Olympic Games provide many real-life examples of competitors passing the test and still losing the contest. There have been cases when swimmers set personal records, and even beat previous world records, yet still lost the contest. Among the best-known competitors are American swimmers Michael Phelps and Ryan Lochte. In competition, Phelps bested Lochte, but in most of their races both were swimming above or near world-record times.<sup>13</sup> On race testing scales, both produce results that fall easily within the 99<sup>th</sup> percentile of all swimmers. In other words, both repeatedly pass the swimming test, but in a head-to-head competition, only one can emerge as the winner.

Testing activity in contests presents us with a paradox. In competitive sport, we are trying to do the same thing and different things at the same time. That same thing, of course, is trying to score well on the test to satisfy our aspirations related to the “maybe I can.” In this sense, we are members of the same family. We are individuals whose lives have been captured by, and hopefully enriched under, the influence of our commitment to golf, tennis, distance running, or some other intriguing sporting test. However, we are at the same time trying to accomplish something different than our opponent—namely, produce a “maybe I can” or even a “maybe I cannot” result that is better by degree than another’s “can” or “cannot” outcome.

This paradox, generated by the two distinctive but related projects of testing and contesting, can produce ambiguous results. I can pass the test with flying colors and still lose the contest. The reverse is also possible. I can fail the test and still win the contest. In either case, I finish the game with mixed emotions.

Most athletes aim at one of the other options—namely, doing well on the test *and* winning the contest, as Michael Phelps did in the 200-meter individual medley in the 2016 Rio Olympics.<sup>14</sup> The least desirable outcome, of course, is the opposite—scoring poorly on the test *and* losing the contest. However, because in competitive

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13. See Rachel Lutz, *Battle Breakdown: Phelps vs. Lochte in the 200m Individual Medley*, NBC OLYMPICS (Aug. 11, 2016), <http://www.nbcolympics.com/news/battle-breakdown-michael-phelps-vs-ryan-lochte-200m-individual-medley> (comparing the individual medley times of Lochte and Phelps); see also Amy Shipley, *Ryan Lochte Beats Michael Phelps Again, Setting World Record in 200 IM at World Championships*, WASH. POST (July 28, 2011), [https://www.washingtonpost.com/sports/ryan-lochte-beats-michael-phelps-again-setting-world-record-in-200-im/2011/07/28/gIQAQyrfeI\\_story.html?noredirect=on&utm\\_term=.3425eac7ad4f](https://www.washingtonpost.com/sports/ryan-lochte-beats-michael-phelps-again-setting-world-record-in-200-im/2011/07/28/gIQAQyrfeI_story.html?noredirect=on&utm_term=.3425eac7ad4f) (explaining that Phelps set a new personal record but still lost to Lochte, who set a new world record, at the 2011 World Championships).

14. See *Rio 2016 200m Individual Medley Men*, OLYMPIC GAMES, <https://www.olympic.org/rio-2016/swimming/200m-individual-medley-men> (last visited Feb. 10, 2019).

sport the zero-sum logic of competition, barring ties, guarantees that someone will lose, it is logically impossible for both sides to experience the best option—that is, to play well and win. Given this state of affairs, the next best option is one in which both sides play exceptionally well even though only one side will receive the W.<sup>15</sup>

#### V. THE PRIMACY OF THE TEST

A different kind of opposition or contrariety is observed when we reflect on contesting *acts* (attempts to defeat someone or numerous others) and *objects* (games like baseball or basketball). Note that the test still has to be in place. This is because we cannot imagine a contest without a grounding test. To put it another way, a contest over who is better at nothing makes no sense. Thus, it can be said that contesting requires that a minimal two parties *share* a test. This, of course, bestows a logical priority on the test. One can have a test without a contest, but one cannot hold a contest in the absence of a test. Contests, in other words, presuppose tests. In competitive sport, opponents bear witness to their respective test-taking abilities *together*.

All contests are also tests, but the converse is not true. Not all tests are also contests because, as noted earlier, tests may or may not be employed in competitive settings. The logic that shows contests' dependency on tests is as follows: Contests are fundamentally comparative acts—disputes over who can solve 'X' kinds of problems better. Contests, in other words, presuppose the ability to show a difference. We cannot have a contest over an 'X' that is too easy (we will both always tie with a perfect score of 100) or an 'X' that is impossible (we will both always tie with a score of zero). This shows a relationship between comparative acts and comparative possibilities.

The test offered by baseball is a contesting object. This particular test allows for better and worse hitting, fielding, throwing, and catching. Because players score better and worse on these various tests, comparative distinctions required for contests are available. Those who hit, field, throw, and catch better are likely to win the baseball contest.

Conversely, in activities in which no performance variability exists, would-be comparative acts serve no purpose. It is illogical to compete, for instance, in a game we might call "moon jumping," an activity in which anyone who jumps to the moon from earth passes the test. Nobody can do this. Everyone scores zero. No basis exists for determining superiority. In short, valid contesting acts require valid testing opportunities.

Contests show dependency on tests in yet another way. Because contesting is a comparative act, it requires not only variable outcomes, but outcomes that are commensurate, a kind of "apples to apples" comparability. Valid tests, per se, do not meet this requirement because individuals could be taking different tests. However, in order to effect competitive comparisons, opponents must be facing the same or comparable test. To see why this is so, we can consider the following odd exchange between two would-be competitors:

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15. See FRALEIGH, *supra* note 7, at 85.

## THE NATURE AND VALUE OF SPORTING TESTS AND CONTESTS

Competitor A: "I think I'm better at bowling than you are at golf, and I challenge you to a contest to prove it."

Competitor B: "How in the world are we going to do that?"

A: "I will bowl three games this afternoon while you golf eighteen holes."

B: "And then what?"

A: "Obviously, we will compare scores to see who won."

B: (frowning) "I'm having some trouble following you!"

Competitor B, of course, has a point. There is a kind of incommensurability between bowling and golfing scores, and for that very reason, we do not hold contests between bowlers and golfers. Golfers play other golfers, and bowlers compete with other bowlers. Still, Competitor A's original claim could be true. If she were a professional bowler and Competitor B were a golfing neophyte, it would be accurate to conclude that A was better at her practice than B was at his. But this conclusion is not reached by holding a contest between the two of them. It is based on comparing *test* scores, or more accurately, their test scores against norms for bowling and golfing scores.

This shows why contests are dependent on tests in a second sense. Not only do contests require valid grounding tests that provide opportunities for showing differences in performance levels, but they also require tests that are the same or comparable. Otherwise, competitive disputes make no sense. The validity of this claim is reinforced by the existence of lengthy rulebooks, the insistence that competitors play by both the letter and spirit of the rules, and the role officials play in making sure that both sides play by the same rules and are thus taking the same test. If this were not so, it would raise obvious questions about the validity of any results.

The requirement that competitors take the same test was not met in the case of Danny Almonte, a Little League star whose fastball was clocked at a remarkable seventy-six miles per hour and who led his Bronx team to a third-place finish in the 2001 Little League World Series.<sup>16</sup> He was later discovered to have falsified his age.<sup>17</sup> At fourteen years old, he enjoyed a considerable advantage over his competitors who were twelve and under. He was retroactively ruled ineligible and all previous victories were forfeited to the opponents,<sup>18</sup> because baseball tests and scores of fourteen-year-olds are not commensurate with tests and scores of players who are twelve or under.

This logic about commensurability points in the direction of an ideal that is usually impossible to realize. In a perfect game and in a perfect world, contestants would have the same options at their disposal. The same range of skills would be tested. The same kind and quality of merit would be at stake.

Were you and I to compete as virtuous athletes, we would both want to take precisely the same test. We would regret such mishaps as miscalls by officials,

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16. Robert D. McFadden, *Star Is 14, So Bronx Team Is Disqualified*, N.Y. TIMES (Sept. 1, 2001), <https://www.nytimes.com/2001/09/01/sports/baseball-star-is-14-so-bronx-team-is-disqualified.html>.

17. *Id.*

18. *Id.*

inopportune interventions by “Lady Luck,” misunderstandings related to the rules, and impossible-to-anticipate equipment failures. Of course, in actual games such ideals are rarely if ever achieved. We tolerate a degree of difference, a degree of incommensurability. You may be testing yourself on  $X_1$ , but I am testing myself on  $X_2$ .<sup>19</sup>

This one-way relationship of dependency of contests on tests is perhaps most noticeable when we consider the source of our sporting interests. For most of us, most of the time, the object of value is the test that is found in a specific game or sport. We join testing communities, buy test magazines, become certified as judges of certain tests, buy clothing that people in that testing community wear, and even go on vacations dictated by the test of interest. I have personally spent more money than I care to report visiting golf courses, distance-biking locations, and table-tennis venues. I even identify myself with the tests I love. I call myself a golfer, a biker, and a table-tennis player. In other words, my identity is more closely associated with my testing commitments than any number of victories (unfortunately, too few of them) I have collected.

The same analysis does not necessarily hold on the contesting side of the equation. Consider the following conversation between interrogator A and competitive respondent B:

A: “What do you like about sport?”

B: “I like to compete.”

A: “I mean, what kinds of games do you enjoy playing?”

B: “Any games in which I have a chance to win.”

A: “But don’t you like some games more than others?”

B: “I do. I prefer the ones in which I win more often.”

While the competitive respondent here is making a point about the importance of winning, we may wonder about the value of his mercenary attitude. Hyper-competitors of this ilk may have little or no respect for the games they play, often bending the rules or otherwise threatening the integrity of the very games on which they rely for their victories. Situated, embodied humans often compete at something, and that “at something” is where we find our comrades, those who have been captured by the same interesting test that has captured us. Competing and winning may become important, but unlike hyper-competitive individuals, this typically follows an abiding commitment to one or more testing families. After all, contests

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19. It is possible to come up with schemes that reduce the likelihood that competitors will be taking different tests. In distance runs, for instance, Team A uses a “rabbit,” a bogus competitor who sets an unreasonably fast pace in order to throw members of Team B off their game. Because Team A competitors know about the rabbit, they could be said to be taking a different test than Team B whose competitors are unaware of this ploy. Perhaps it would be fairer to have Team A run by themselves and then have Team B run later under identical conditions and without knowing Team A’s results. Scores would then be compared and a victor announced. But arguably, comparative validity is won here at a high cost. The merits of competition, such as noting the progress of the opposing team, coming from behind, even learning to identify and ignore potential “rabbits,” are lost in a more sanitized version of competition.

## THE NATURE AND VALUE OF SPORTING TESTS AND CONTESTS

always take place in the context of a specific test—a swimming race, skeet shooting, badminton, or some other test.

Inveterate competitors might point to aspects of human nature (our need to compete) or facts related to evolution (Darwin's survival of the fittest)<sup>20</sup> in support of their desire to win the contest irrespective of the test. They might argue that our Paleolithic ancestors first fought with rocks, spears, and their hands—with whatever means were available—and only later began to formalize their battles by inventing target games, boxing games, wrestling games, and so on. In other words, war preceded games. Contests chronologically preceded tests. The need to win preceded the development of various civilized ways of allowing us to win.

Two rejoinders, however, show weaknesses in this line of reasoning. First, competitive instincts and primitive competitive behaviors still required a recognition of the domains of superiority in question, including the testing domain of hand-to-hand combat. We might call this a “natural” test in contrast to the gratuitous tests we invent for our games. Thus, it could well be true that natural tests preceded gratuitous tests; but it is not true that natural *contests* preceded natural *tests*.

Second, our human history is undoubtedly more complex than the one portrayed by pessimists like Hobbes, who described untutored life as “brutish,” a “war of all against all.”<sup>21</sup> Rather, the fundamental issue in human survival has been one of passing tests—tests related to procuring food and shelter, gaining access to mates, raising children, or migrating safely to better lands. Of course, sometimes these tests were accompanied by natural contests, but again, the foundational threats came from the tests themselves.

## VI. VARIETIES OF TESTING AND THEIR DEPENDENCE ON COMMUNITY

Proponents of contests have another argument at their disposal. They could argue that contests respond to our nature as social animals far better than testing, something that can be done alone. Contests are necessarily social engagements, community activities, or events that require at least two parties. Testing is often a lonely activity, one that answers an individual question: Where do *I* stand? Contests answer a fundamentally communitarian question: Where do *we* stand? Thus, if Aristotle was right about our nature as social creatures,<sup>22</sup> contesting deserves a higher normative ranking than testing. While these arguments have some force, they underestimate the communitarian features of tests and test-taking.

In order to see relationships between testing and community, we need to carry our examination of the nature of testing further. As we saw, testing is always about something—one's ability to spell, to use numbers, to drive a car skillfully, and so on. In sporting contexts, it is about solving physically-demanding problems—hitting baseballs, running certain distances in short periods of time, lifting heavy weights,

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20. See generally CHARLES DARWIN, *ON THE ORIGIN OF THE SPECIES* (Random House, Inc. 1993) (1859).

21. See THOMAS HOBBS, *LEVIATHAN* 96–97 (Oxford Univ. Press 1929) (1651).

22. See generally ARISTOTLE, *THE PHILOSOPHY OF ARISTOTLE* (Renford Bambrough ed., J.L. Creed & A.E. Wardman trans., Signet Classics 1963).

and the like. In order to solve such problems, sport tests a range of attributes or virtues—endurance, motor skill, strength, flexibility, sensory-perceptual acuity, reaction time, strategic insight, equanimity, resilience, and perhaps even such ethical virtues as fidelity and sportsmanship. Sport testing, in other words, provides information. It is an epistemological event—it helps us come to know what we can and cannot do.

I test in order to see what I can do, how good I am at something, where solutions to various problems might lie, how strong I am in a holistic sense. When I find answers, when knowledge comes my way via test results, I try to hold on to these gains in skill and knowledge. I then employ them over and over again as long as they continue to play a role in solving the test problem. I keep the test alive for myself by increasing my expectations. Yesterday, I faced the cut of maybe I can, maybe I cannot, by trying to solve test ‘X’ at ‘G’ level. Today, I up the ante to retain the cut of uncertainty: I try to solve test ‘X’ at ‘H’ level.

This would seem to reinforce the position that testing is fundamentally an activity grounded in a very personal desire: It is *I* who wants to know about *me*. Thus, testing is fundamentally a solipsistic, or isolated activity. It is about one person facing a challenge with a very personal question in mind: Can I do ‘X’ at ‘H’ level today or not?

However, a moment’s reflection will show that testing is not solipsistic at all. While testing can involve a single participant, its meaning or intelligibility is dependent on community. Knowledge gained by testing is inherently relational. While an individual score tells the participant something about their rate of success, that outcome, absent context, provides little information about competency.<sup>23</sup> Thus, limited context provides similarly limited information, whereas maximal context provides more complete information on one’s relative standing—that is, on what the test score really means. We can summarize the epistemological journey we take in testing as follows:

1. We possess a singular test result. No context. Result: no ability to interpret the meaning of the score.
2. We possess repeated test results. Minimal context provided by the preceding test score(s). Result: no ability to interpret the meaning of the result apart from improvement or lack of it.
3. We possess our own test results and those of a limited population. Improved context, dependent on the representative nature of the small sample size. Result: highly contingent ability to interpret the meaning of our scores.

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23. Robert Nozick made this very argument years ago:

A man living in an isolated mountain village can sink 15 jump shots with a basketball out of 150 tries. Everyone else in the village can sink only 1 jump shot out of 150 tries. He thinks (as do the others) that he’s very good at it. One day, along comes [then NBA star] Jerry West. . . . There is no standard of doing something well, independent of how it is or can be done by others.

ROBERT NOZICK, *ANARCHY, STATE, AND UTOPIA* 240–41 (1974). Nozick tells us, in effect, that an isolated test score is meaningless.

## THE NATURE AND VALUE OF SPORTING TESTS AND CONTESTS

4. We possess our own test results and those of a full or representative testing community. Excellent context. Result: sufficient information to interpret the meaning of our scores accurately.

This, of course, is a story of increasing community dependency. Those who are committed to any particular sporting test join that community, yield to its standards of excellence, respect the unique challenges it presents to those who would climb its particular ladder of achievement, and importantly, compare themselves to the accomplishments of the others in that community.<sup>24</sup> When we are attracted to a particular test, we join a community; we become part of something that transcends us and our individual testing acts and scores.

The close connection between testing and community does not stop there. Two additional relationships need to be acknowledged. First, tests, depending on their configuration, may involve more than one person. We might refer to such structured tests as free-standing, cooperative tests. No competition is involved, but participants have to work together to achieve some result. In elementary school, our gym teacher had us building human pyramids, going on group treasure hunts, and completing team endurance events—cooperation with others was required. These kinds of possibilities for group testing are endless. Three golfers could get together and, instead of competing with one another, see if they can complete their three individual rounds in under, say, 270 cumulative strokes.

A second kind of group testing occurs in competitive sports like football, soccer, basketball, and some forms of golf, tennis, and track and field. These activities involve a bimodal test, a collective effort to achieve two results—success on the test, and superiority in the contest. This has team members thinking beyond mere achievement, beyond doing well on the test. They must also be attentive to *relative* success—the likelihood of achieving the “doing better than” result.

By adding this second layer of uncertainty, competition tests community efficacy more fully than does the cooperative test. I have argued that this second layer of uncertainty adds normative value to sport in the form of a second drama.<sup>25</sup> In tests, we live a single drama of achievement. In contests, we live a double drama of how well we will do on the test and how well we will do in the contest. It is this double uncertainty, this enriched drama that may account for much of competition’s allure.

## VII. CONCLUSION

My original project of looking into the nature of sport led me in directions I could not have anticipated. I am still looking for phenomena, qualities of characteristics, and distinctions that help us understand the remarkable popularity of seemingly inconsequential activities like sport, games, and play. In this process I have learned there is considerable overlap between what appear to be discrete categories of human endeavor, such as games and work, competition and cooperation,

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24. See ALASDAIR MACINTYRE, *AFTER VIRTUE: A STUDY IN MORAL THEORY* 191 (2d ed. 1984).

25. See R. SCOTT KRETCHMAR, *PRACTICAL PHILOSOPHY OF SPORT AND PHYSICAL ACTIVITY* (2d ed. 2005).

playful repose and effortful activity. Testing and problem-solving seem to be common to them all. Perhaps it is true that flourishing as human beings depends on having good problems to solve,<sup>26</sup> whether gratuitous and contrived as they are in sport, or natural as they are in legal disputes and other aspects of our workaday lives.

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26. See SUITS, *supra* note 9.