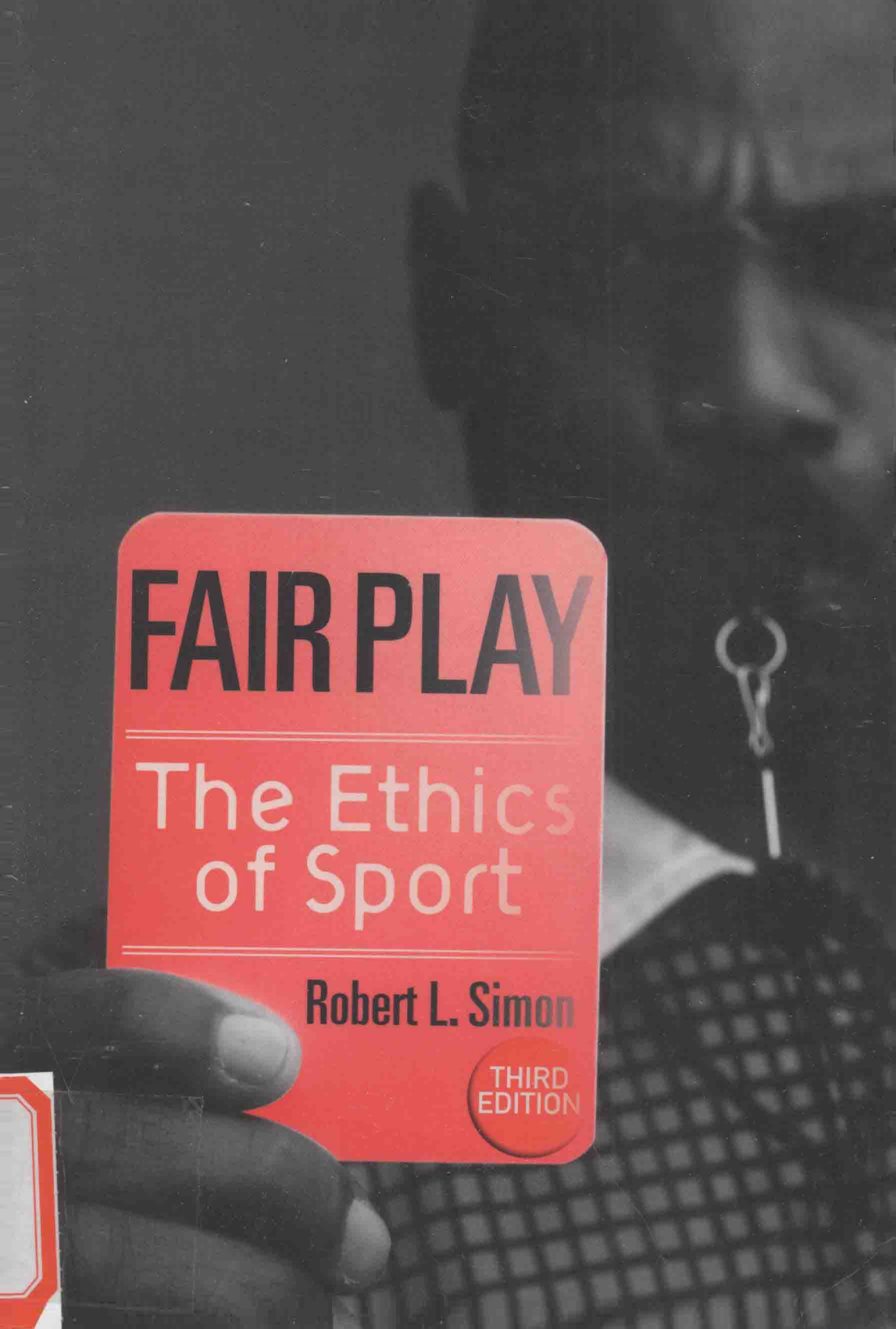
FAIR PLAY
The Ethics of Sport
Robert L. Simon
THIRD EDITION

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HAMILTON COLLEGE

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To my grandchildren:
Chika, Maya, Kayla, Jake, Zakary, and Travis
I hope they will enjoy sports as much as I have

PREFACE

Sports play a significant role in the lives of millions of people throughout the world. Many men and women participate actively in sports and still more are spectators, fans, and critics of sports. Even those who are uninvolved in sports, bored by them, or critical of athletic competition often will be significantly affected by them, either because of their relationships with enthusiasts or, more important, because of the impact of sports on our language, thought, and culture.

Because sports are a significant form of social activity that affects the educational system, the economy, and perhaps the values of citizens, they raise a wide range of issues, some of which are factual or empirical in character. Social scientists, historians, physicians, and writers have raised many such issues that concern sports. For example, sociologists may be concerned with whether participation in sports affects the values of the participants, and psychologists might try to determine what personality features contribute to success or failure in competitive athletics.

In addition to factual and explanatory questions, sports also raise philosophical issues that are conceptual and ethical. Conceptual questions concern how we are to understand the concepts and ideas that apply in the world of sports. What are sports, anyway? How are sports related to rules? Do those who intentionally break the rules of a game even play it or are they doing something else? Are there different forms of competition in sports? Is it possible to compete against oneself?

Ethical questions raise the moral concerns many of us have about sports. Should sports be accorded the importance they are given in our society? Is there too much emphasis on winning and competition? Are college sports getting out of hand? Why shouldn't we cheat in a game if it will bring us a championship? What, if anything, makes the use of steroids to enhance performance in sports unethical? How should men and women be treated in sports if they are to be treated equitably and fairly? Should we be aiming more for excellence in competition among highly skilled athletes, or should we place greater value on more participation? Does the commercialization of sports actually corrupt the game? *Fair Play* examines such questions and evaluates the principles to which thoughtful people might appeal in trying to formulate answers.

Not only are questions in the philosophy of sport important in their own right, they can also serve as a useful introduction to broader philosophical issues. Most students come to philosophy courses with knowledge of sports, and many have a deep interest in ethical issues raised by sports. This initial interest can serve as a launching pad to introduce students to the nature and value of philosophical inquiry. For example, questions about whether the use of steroids to enhance athletic performance is fair can lead to broad inquiry into the nature of fairness and the just society.

Perhaps most important, issues in the philosophy of sport are of great intrinsic interest and are well worth our attention. Philosophical questions force us to stretch our analytical powers to the fullest and to question basic presuppositions. Those that arise in the philosophical examination of sports, like any others, require us to test and evaluate fundamental justificatory principles and engage in rigorous critical inquiry.

Readers of earlier editions of this book will find significant changes in the current edition. Among the most significant is the addition of a section on genetic enhancement of athletic abilities, including a discussion of Michael Sandel's recent work on the topic, in Chapter 4, and an expanded discussion of the issues in intercollegiate sports, including an examination of recent contributions by Peter French and Myles Brand, in Chapter 6. Myles focused on strengthening the relationship between academics and athletics during his tenure as president of the NCAA, and his untimely death in September 2009 saddened all of us who knew him. It also must have saddened all those who did not know him personally but who applauded his efforts at strengthening the academic requirements that applied to athletes participating at NCAA member institutions.

Other changes in the new edition range from the concrete to the theoretical and include a discussion of the recent steroid scandals in Major League Baseball, an expanded account of Bernard Suits's analysis of games and its influence on the philosophy of sport, and a fuller discussion of the alleged link between participation in sports and moral development. The latter focuses on the complications of assessing the effects of participation in competitive athletics on character development. The discussion of the ethics of strategic or "professional" fouling, as it sometimes has been called, also has been expanded and includes a discussion of Warren Fraleigh's most recent criticism of the argument of earlier editions of this book. Many other sections also have been revised, and new, more contemporary examples have been incorporated whenever possible. Accordingly, I hope this book provides a deeper insight into major issues in the philosophy of sport while remaining accessible to students and others new to the philosophical investigation of sport.

Fair Play never would have been written had it not been for the challenges to my own views of sports put forth by friends, colleagues in the philosophy depart-

ment at Hamilton College, and especially my students, who have been critical of many of my views but always helpful and insightful. I have also benefited from the tough questions posed by Scott Kretchmar's students at Penn State, who have always presented me with challenging questions whenever I have been able to visit their classes.

Although I cannot acknowledge and sort out all my intellectual debts here, I would like to thank the original editors of the first edition of this book, Ray O'Connell and Doris Michaels of Prentice-Hall, for their initial encouragement, and Spencer Carr and Sarah Warner, my original editors at Westview Press, for their insights as to how the earlier editions could be expanded and improved upon. Indeed, all the staff members at Westview have been wonderful in helping to prepare this edition as well as the earlier ones, and I am very grateful to them for their assistance and courtesy. I especially want to thank Karl Yambert, my present editor at Westview, particularly for his patience and understanding when I had to postpone work on this edition for a significant length of time due to illness. Without his encouragement, I'm sure I would not have completed the revision. I also especially want to thank Sandra Beris, the project editor, for her very helpful assistance in preparing the manuscript for publication, and Katherine Streckfus for her superb work as copyeditor.

I am indebted to my colleagues in the International Association for the Philosophy of Sport, who have always been encouraging about my work. Their astute critiques have often inspired me to improve my arguments. Although I am sure I have not responded satisfactorily to all their suggestions, my work would be immeasurably poorer without their interest and support.

As always, I also express my special appreciation to my wife, Joy, not only for her critical help with the manuscript, or for putting up with an abnormal number of fits of abstraction ("Earth calling Bob" became, once again, one of the phrases used most often at our dinner table) during the writing of all the editions of the book, but also and especially for her support and encouragement, which were crucial during my treatment for prostate cancer in 1998–1999 and for a recurrence in 2008. (She has also been a devoted spectator at numerous golf tournaments in which I have played, rarely successfully, and in spite of past performance is *usually* encouraging about the next competition.) Sports have been one of the major activities my family and I have shared, so I hope they enjoy reading the finished product as much as I enjoyed writing it.

Finally, without the participants in sports who demonstrate the kind of quest for excellence discussed in Chapter 2, much of the subject matter of philosophy of sport would be empty abstraction. I thank past and present staff and players in both the Hamilton College men's and women's basketball programs, not only for getting me away from my computer (in view of my attendance at basketball games, many colleagues will find it miraculous that I was able to complete this project) but

also for making the harsh upstate New York winter one of the most exciting and pleasurable times of year. I would like to thank my former players on the Hamilton men's golf team, during the years I was their coach as well as more recent team members, for some wonderful experiences with intercollegiate athletics, to say nothing of not teasing me too much when they outdrive me by 75 yards!

Robert L. Simon
Clinton, New York

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INTRODUCTION

The Ethics of Sport

I would like to think that this book began on an unfortunately not atypical cold and rainy late October day in upstate New York. I had been discussing some of my generally unsuccessful efforts in local golf tournaments with colleagues in the philosophy department and let drop what I thought was an innocuous remark to the effect that although winning isn't everything, it sure beats losing. Much to my surprise, my colleagues objected vehemently, asserting that winning means nothing. In their view, the recreational aspects of sport, such as having fun and trying to improve—not defeating an opponent—are all that should matter. I soon found myself backed into a corner by this usually unthreatening but now fully aroused assortment of philosophers. Fortunately for me, another colleague entered the office just at the right moment. Struck by the vehemence of the argument, although he had no idea what it was about, he looked at my opponents and remarked, "You folks sure are trying to *win* this argument."

This incident illustrates two important aspects of a philosophical examination of sports. First, issues arise in sports that are not simply empirical questions of psychology, sociology, or some other discipline. Empirical surveys can tell us whether people think winning is important, but they cannot tell us whether that is what people ought to think or whether winning really ought to be regarded as a primary goal of athletics. Second, the incident illustrated that logic could be applied to issues in the philosophy of sport. Thus, at least on the surface, it appeared that my colleagues were in the logically embarrassing position of trying hard to win an argument to the effect that winning is unimportant. (Of course, they might reply that their goal was not winning but the pursuit of truth, but athletes might similarly argue that winning is important because it is a sign of achieving their true goal, excellence.)

We will return to the issue of whether winning is important in Chapter 2. For now, let us consider further what philosophical inquiry might contribute to our understanding of sports.

ETHICAL ISSUES IN SPORT

Sports play a major, if sometimes unappreciated, role in the lives of Americans. Most of us are exposed to them as children. As a result of our childhood experiences, many of us become participants or fans for life. Others are appalled by their early exposure to sports and avoid them like the plague later in life. They may have been embarrassed by failures in front of peers and parents or humiliated by an insensitive physical education instructor. They may just find sports less interesting than other activities, such as participation in the arts, reading, and writing, and less valuable than social service. Girls may have received less encouragement to participate than boys. Others may just find sports boring.

Many of us, however, retain some affiliation with sports for life, even if only as spectators.[1] Athletes and fans devote so much time and effort to sports at all levels that their involvement is surely one of their most personally significant activities. The situation is not unique to the United States. Intense interest in sports is virtually a global phenomenon. Whether it is ice hockey in Russia or soccer in Europe, South America, and Africa, sports play a major role worldwide. Sports were valued by the ancient Greeks, by the Romans, and by Native Americans. Indeed, participation in sports, and the related activity of play, is characteristic of most, if not all, human societies.

Although there is a tendency to regard sports as trivial, it is not clear that such a view is justified. Those critical of sports or bored by athletic competition must admit that sports play a significant role in our lives, even if they believe that dominance is misguided or even harmful. At the very least, it is surely worth discovering what it is about sports that calls forth a favorable response among so many people from so many different cultures.

Reflection upon sports raises issues that not only have intrinsic interest but also go beyond the bounds of sport itself. For example, reflection on the value of competition in athletics and the emphasis on winning in much of organized sports may shed light on the ethics of competition in other areas, such as the marketplace. Inquiry into the nature of fair play in sports can also help our understanding of fairness in a wider social setting. Indeed, because many of our basic values, such as playing fairly, are often absorbed through involvement in athletic competition, inquiry into values in sports is likely not only to prove interesting in its own right but also to have implications of more general concern.

Sports raise many kinds of philosophical issues. For example, what is a sport? Football, baseball, and soccer clearly are sports. But some have doubts about golf. What about chess and auto racing? How are sports related to games? Is participation in sport always a form of play? Questions such as these raise issues that go well beyond looking up words in a dictionary. To settle them, we will need to rely on a theory of what makes something a game, a sport, or an instance of play. Dic-

tionary definitions often presuppose such theories. But the theories presupposed by the definition may be unclear; they may leave open how borderline cases are to be thought of; or they may just be wrong. For example, one dictionary account of games classifies them as competitive activities. But must all games be competitive? "Playing house" arguably is a game, but is it competitive? What about playing catch?

Some of the most important kinds of philosophical issues that arise in sport are ethical or moral ones; these are the kinds of issues about which this book will be primarily concerned. Some moral issues in sport concern specific actions, often by athletes. For example, in the championship game of the 1999 World Cup, the American women's soccer team completed regulation and overtime play against China with the score tied. The championship, viewed throughout the world by millions of fans, many of them young American girls captivated by the success of the American women, was to be settled by penalty kicks in a game-ending shootout.[2] The American goalkeeper, Briana Scurry, decided that one of the Chinese shooters, Liu Ying, lacked confidence. When Liu made her move, Scurry took two quick steps forward, in violation of a rule of soccer, to cut off Liu's shooting angle. The tactic worked. Scurry deflected Liu's shot, and the Americans won. But did Scurry cheat by violating a rule? Was Scurry simply doing what any goalkeeper would do in such a situation: namely, conforming to a convention of the game tacitly accepted by all players? Or was the American victory tainted by unethical behavior in a deliberate violation of the rules?[3]

Other kinds of ethical issues in sport involve the assessment of rules or policies—for example, the prohibition by many sports organizations of the use of performance-enhancing drugs by competitive athletes. What justifies this prohibition? Is it because performance-enhancing drugs such as steroids often have harmful side effects? But why shouldn't athletes, especially competent adult athletes, be free to take risks with their bodies? After all, many of us would reject the kind of paternalism that constantly interferes with the pursuit of our goals whenever risky behavior is involved. Think of the dangers inherent in a typical American diet, which contains a high proportion of unhealthy fat and sugar.

Or should performance-enhancing drugs be prohibited because they provide unfair advantages to some of the competitors? Are the advantages any different from those conferred by the legal use of technologically advanced equipment? Moreover, would the advantages still be unfair if all competitors had access to the drug? Defenders of baseball slugger Barry Bonds, who is alleged to have achieved his home run records in part with the assistance of performance-enhancing drugs, claim that some opposing pitchers undoubtedly also used performance enhancers, thus equalizing the competition.

Questions of marketing, sports administration, and the formulation of rules also involve moral issues, although the moral character of the questions raised may

not always be obvious. For example, consider whether a rule change ought to be instituted that might make a sport more attractive to fans at the professional or college levels yet diminish the skill or strategy needed to play the game. Some would argue that the designated-hitter rule in American League baseball, which allows teams to replace their usually weak-hitting pitcher with a designated hitter in the batting order, is such a case. The rule may make the game more exciting to the casual fan, who values an explosive offense. However, it may also remove various subtleties from the game, such as the decision about when to remove the pitcher from the game for a pinch hitter, or the value of the sacrifice bunt, which weak-hitting pitchers might be capable of executing. Although this is not as obvious a moral issue as some of the other examples cited, it does have a moral, or at least evaluative, component. It raises questions about the purposes or goals of sports, what social functions they ought to serve, and whether sports have an integrity that ought to be preserved. Similar issues may arise when we consider when technological innovations ought to be permitted in sport, and when they ought to be prohibited for making a sport too easy.

At a more abstract level, other ethical issues concern the values central to competitive sport itself. Is competition in sport ethically permissible, or even desirable, or does it create a kind of selfishness, perhaps an analog of a narrow form of nationalism that says "My team, right or wrong?" Does the single-minded pursuit of winning, which is apparently central to competition in sport, help promote violent behavior in fans? Does it teach competitors to regard opponents as mere obstacles to be overcome and not as fellow human beings? Is it related to the anger shown by many parents of participants in youth sports, which culminated in 2001 in the killing of a hockey coach by an enraged parent? What kind of competition in sport can be defended morally, and how great an emphasis on winning is too much?

Questions such as these raise basic issues about the kinds of moral values involved in sports. They are not only about what people think about sports or about what values they hold; rather, they are about what people *ought* to think. They require the identification of defensible ethical standards and their application to sport. Critical inquiry into the philosophy of sport consists in formulating and rationally evaluating such standards as well as testing them by seeing how they apply to concrete issues in sports and athletics.

SPORT, PHILOSOPHY, AND MORAL VALUES

Just what does philosophy have to contribute to reflection about sports and moral values? It is evident even to a casual observer of our society that sports in the United States are undergoing intense moral scrutiny. How can philosophy contribute to this endeavor?

Philosophy of Sport

Misconceptions about the nature of philosophy are widespread. According to one story, a philosopher on a domestic flight was asked by his seatmate what he did for a living. He replied, perhaps foolishly, "I'm a philosopher," a statement that is one of the greatest conversation-stoppers known to the human race. The seatmate, apparently stupefied by the reply, was silent for several minutes. Finally, he turned to the philosopher and remarked, "Oh, and what are some of your sayings?"[4]

The image of the philosopher as the author of wise sayings can perhaps be forgiven, for the word "philosophy" has its roots in the Greek expression meaning "love of wisdom." But wisdom is not necessarily encapsulated in brief sayings that we might memorize before breakfast. The ancient Greek philosopher Socrates provides a different model of philosophic inquiry.

Socrates, who lived in the fifth century B.C., did not leave a body of written works behind him; however, we know a great deal about his life and thought, primarily through the works of his most influential pupil, Plato. As a young man, Socrates, seeking a mentor from whom to learn, set out to find the wisest man in Greece. According to the story, he decided to ask a religious figure, the oracle at Delphi, the identity of the man he was seeking. Much to Socrates' surprise, the oracle informed him that he, Socrates, was the wisest man in Greece. "How can that be?" Socrates must have wondered; after all, he was searching for a wise teacher precisely because he was ignorant.

However, looking at the oracle's answer in light of Plato's presentation of Socrates, we can discern what the oracle meant. In the early Platonic dialogues, such as the *Euthyphro*, Socrates questioned important figures of the day about the nature of piety or the essence of knowledge. Those questioned purported to be experts in the subject under investigation, but their claim to expertise was discredited by Socrates' logical analysis. These experts not only failed in what they claimed to know but also seemed to have accepted views that they had never exposed to critical examination.

Perhaps in calling Socrates the wisest man in Greece the oracle was suggesting that Socrates alone was willing to expose beliefs and principles to critical examination. He did not claim to know what he did not know, but he was willing to learn. He was also not willing to take popular opinion for granted but was prepared to question it.

This Socratic model suggests that the role of philosophy is to examine our beliefs, clarify the principles on which they rest, and subject them to critical examination. For example, in science, the role of philosophy is not to compete in formulating and testing empirical hypotheses in biology, chemistry, and physics. Rather, philosophers might try to understand in what sense science provides objective knowledge and then examine claims that all knowledge must be scientific. If we

adopt such a view of philosophy, the task of the philosophy of sport would be to clarify, systematize, and evaluate the principles that we believe should govern the world of sports. This task might involve a conceptual analysis of such terms as "sport" and "game," an inquiry into the nature of excellence in sports, an ethical evaluation of such principles as "winning should be the only concern of the serious athlete," and an application of ethical analysis to concrete issues, such as disagreement over whether athletes should be permitted to take performance-enhancing drugs.

This book is concerned primarily with the ethical evaluation of principles that many people apply to sports and the application of the analysis to specific issues. Its major focus is the nature of principles and values that should apply to sports. Thus, its concern is predominantly normative rather than descriptive—assessing what ought to be rather than describing what is. Perhaps only a few people think of sports as activities that raise serious moral issues. They see sports either as mere instruments for gaining fame and fortune or as play, something relatively trivial that we do for fun and recreation. However, as the headlines of our daily newspapers show all too frequently, serious moral issues do arise in sports.

But can moral issues be critically examined? Is rational argument even possible in ethics? Aren't moral views just matters of opinion? Can moral principles be rationally evaluated and defended, or are they mere expressions of personal feelings that are not even the sorts of things that can be rationally evaluated or examined?

Ethics and Moral Reasoning

If reasoned ethical discourse is impossible, rational inquiry into ethical issues in sports is impossible. Although we cannot consider all possible reasons for skepticism about whether rationally justifiable moral positions can be developed, one widely cited reason for doubting the objectivity of ethics is relativism. Because relativism is so widely suggested as a basis for skepticism about the role of reason in ethics, a brief discussion of it will prove helpful. The remainder of this book attempts to consider moral issues in sports rationally. Clearly, if this attempt succeeds, it counts as an example of reasoned inquiry in ethics.

Relativism

Perhaps the most widely cited position that rejects the rationality and objectivity of ethical discourse is relativism. In his best-selling book, *The Closing of the American Mind*, Allen Bloom blames relativism for much of what he sees as the moral and educational decay infecting American universities. According to Bloom, "There is one thing a professor can be absolutely certain of: Almost every student entering the university believes, or says he believes, that truth is relative."[5] Relativism is so widely

supported, according to Bloom, because its opposite is (incorrectly, as we will see) identified with a kind of intolerant and dogmatic absolutism. The price we pay for this misidentification is our inability to formulate, articulate, and defend standards we think are correct. But just what is relativism in ethics?

Actually, no one position has a unique claim to the title of relativism.[6] Rather, relativism is more like a family of related positions that share such features as the rejection of a universal outlook or perspective and the suspicion of principles that claim to be true or justifiable for all. According to *descriptive* relativism, the moral judgments people make and the values they hold arise from or are relative to their culture, socioeconomic state, or ethnic and religious background. For example, secular culture in the West tends to be permissive of sexual contact between consenting adults, but such contacts have been much more strictly regulated at other times and in other places. In the world of sports, some cultures may place more value than others on winning and less on, say, the aesthetic appeal of play. Different sports communities may recognize different conceptions of fair play. In golf, for example, players are expected to call penalties on themselves and are open to criticism if they do not, whereas in basketball, players defer to the calls of officials. This form of relativism is descriptive in that it is making a factual claim about the origin or empirical basis of our values. It claims to tell us where *in fact* our values originate, or describes the practices to which they are thought to apply rather than what we *ought* to think about them.

What does descriptive relativism have to do with whether our moral beliefs and judgments are or can be rationally justified? It is sometimes argued that if descriptive relativism is true, there cannot be objectivity or rationality in ethics. No one's ethical judgments would be any more justifiable or correct than anyone else's. Rather, people's ethical judgments would be mere subjective claims based on their distinct and different backgrounds. In this view, our moral values are the prejudices we absorbed as children. Perhaps they were presented to us as self-evident truths. In reality, they are only the blinders of our particular culture or group.

Accordingly, it is sometimes claimed that skepticism about the rationality and objectivity of ethics follows from descriptive relativism. Skepticism denies that we can know whether ethical beliefs or claims are justified or whether some are more reasonable and more defensible than others. This kind of philosophical skepticism needs to be distinguished from an ordinary and perhaps healthy kind of skepticism in ordinary life that cautions us not to accept the opinions of others at face value but to examine whether they are well supported. Philosophical skepticism of the kind at issue here denies that our ethical or moral views ever can be well supported, or that we can know which moral views are rationally warranted and which are not. Ordinary skepticism cautions us to look for evidence for our views, but philosophical skepticism questions whether it is even possible, even in principle, to provide evidence or rational support for our ethical views.

Others have suggested that descriptive relativism implies not skepticism but ethical (value) relativism. Ethical relativism is the view that each culture's moral code is right for that culture. For example, according to ethical relativism, repressive sexual practices are morally right for cultures that have such practices embedded in their moral codes but not for more liberal cultures or groups. Applied to sports, such ethical relativism might assert that we ought to follow the values of our own sports communities: If we are golfers we should call the penalties on ourselves, but if we are basketball players, we should leave it to the referees (even if they make a terrible call in our favor that enables us to win a game). Ethical relativism differs from skepticism in that skepticism denies that any ethical perspective is more justifiable or reasonable than any other (or denies that we can *know* which perspectives are more justifiable than others), whereas ethical relativism endorses an ethical view—namely, what is right for you to do is what your culture or community says is right.

What is the significance of these views for the ethical analysis of sports? If skepticism is correct, it follows that we cannot justify any position on questions of ethics that arise in sports, since skepticism denies that any ethical perspective is more justified than any other. For example, we could not justify either the claim that the use of anabolic steroids to enhance performance is warranted or the claim that it is unwarranted. However, if ethical relativism is correct, what is morally justifiable depends on the group to which one belongs. Perhaps the use of performance-enhancing drugs is permissible for cultures that find it permissible but not for those that find it impermissible.

Does descriptive relativism really have the skeptical implications examined above? Is relativism acceptable in the forms discussed above?

A Critique of Relativism

First, consider the argument that because the thesis of descriptive relativism—that moral codes of different cultures and groups conflict—is true, therefore moral skepticism is true. To evaluate this argument, we need to consider what general conditions an argument must meet to be acceptable. If the premises of an argument are to justify a conclusion, two fundamental requirements must be satisfied. (1) The premises must be true. False statements cannot be acceptable evidence for the truth of a conclusion. (2) The premises must be logically relevant to the conclusion; otherwise, the conclusion could not follow from the premises because they would be irrelevant to it. For example, we would not accept the conclusion that "The major goal of competitive sports is winning" on the basis of the claim that "Washington, D.C., is the capital of the United States." Even though the latter claim is true, it has nothing to do with the former claim and so cannot support it.