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**DRUGS IN SPORT, THE STRAIGHT DOPE:
A PHILOSOPHICAL ANALYSIS OF THE JUSTIFICATION
FOR BANNING PERFORMANCE-ENHANCING
SUBSTANCES AND PRACTICES
IN THE OLYMPIC GAMES**

by

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Department of Philosophy

**Submitted in partial fulfilment
of the requirements for the degree of
Doctor of Philosophy**

**Faculty of Graduate Studies
The University of Western Ontario
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ABSTRACT

Many believe that "doping" has no place in sport, especially no place in the Olympic Games. Yet despite, or indeed perhaps because of, this belief remarkably little has been done in the way of attempting to justify those bans.

The arguments that are offered in support of bans fall into four categories: (i) that doping is cheating or unfair, (ii) that it is harmful, (iii) that it perverts the nature of sport, and (iv) that it is dehumanizing or unnatural.

I examine each of these categories of argument in turn. The cheating or unfairness argument is readily dismissed as question-begging. The substances or practices concerned are only cheating or unfair after they have been banned. This argument is therefore unavailable to justify a ban.

The argument from harm is inconsistent. Many sports, and many practices within sport, are more harmful and more risky, than the majority of the banned practices or substances. It is inconsistent to paternalistically ban some practices, claiming concern for athlete well-being as the justification, and then to permit other, equally harmful, activities.

The dehumanization argument in general looks promising. Unfortunately, however, it is not clear why substances such as anabolic steroids should be considered dehumanizing. This is partly so because we do not have a clear and uncontroversial picture of what it is to be human to start with.

There is a similar lack of clarity in the arguments that claim that doping perverts the nature of sport. While this may be so for some future possible performance-enhancing practice and sport, there are no extant arguments to show why, e.g., anabolic steroid use would pervert the nature of the 100 metre dash.

I offer a two-tiered approach to justifying bans on doping. The first tier examines the internal goods of sport and shows why athletes would rationally want to avoid doping. The second tier works from the community level and shows why those concerned about sport, especially those concerned about Olympic sport would rationally seek to promote doping-free sport.

DEDICATION

The production of a thesis and the production of a baby are often compared. There are indeed some similarities; the excitement of conception and the final rush of delivery. But the analogy is far from exact. The gestation of a thesis tends to be substantially longer and more difficult than the gestation of a child. Nor are the actual deliveries particularly comparable. Childbirth, frankly, is painful; a thesis defence is joyful. There is a further disimilarity after the delivery. A completed thesis marks an ending. A child's birth marks a miraculous beginning. There is one final similarity; theses and babies cannot be made alone. I could not have completed either without, shall we say, the essential services of my mate -- Robert. And, of course, this dedication would be incomplete without the acknowledgement of the one who gave me the impetus to submit this thesis on time -- Rupert Zephaniah Barrington Butcher, affectionately known as "Baby Roo."

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CHAPTER ONE

INTRODUCTION

THE COMMISSIONER: Unless you are aware of the extent of it [doping in sport], you wouldn't know what commitment to make [to eradicate it].

THE WITNESS: Well, that's true. I mean we don't know for sure...But one of the main points,...is how do you define "doping". Where is the crossover between normal ethical, medical practice, and doping in sport...when is drug use improper.

THE COMMISSIONER: Well, so far the IOC [International Olympic Committee] have purported to do it by their list of banned practices and substances. You lay down the rules of the game.

THE WITNESS: We haven't laid down the rule and that's part of the problem. We are working on that and you may get there before us.

THE COMMISSIONER: You have a list of banned substances today.

THE WITNESS: That's what we have. We have a list. We don't have the ethical framework that indicates why testosterone is bad and something else may be good...

THE COMMISSIONER: ...but what you are now saying is there have [sic] to be reconsideration of your list of substances, I gather. Testosterone and its compounds is prohibited, as you know.

THE WITNESS: That's right. We may come up with the same list, I am not sure, but there is an ethical or a philosophical framework within which those rules should be adopted...I mean we are wrestling with this issue...I hope you will wrestle with it...¹(1990a: pp. 13641-13645)

¹This passage is from the transcripts of the Canadian Royal Commission of Inquiry into the Use of Drugs and Banned Practices Intended to Increase Athletic Performance (The Dubin Inquiry, 1990). "The Commissioner" is Justice Dubin and "The Witness" is Mr. Richard Pound, Vice President of the International Olympic Committee.

What the IOC has is a list, a list of substances and practices that are banned from the Olympic Games. The use of the substances and practices on the banned list is referred to as "doping." What the IOC lacks is an ethical or philosophical framework which could justify the banning of the items on the list by showing them to be relevantly different from other, permitted, substances and practices.

This dissertation is a philosophical examination of the arguments put forward by non-philosophical (e.g. the IOC and the federal government of Canada) and philosophical sources to support the proscription of doping from the Olympic Games. My task is to search for a philosophically justified method of showing why the use of certain substances and practices is acceptable in the Olympic Games whereas doping is not. I have taken as my focus the Olympic Games and what are sometimes called "elite" or "high-performance" athletes. While I argue in Chapters Four and Six that high-performance sport places special burdens on its practitioners, I will argue that what would make doping unacceptable in the Olympic Games would make it generally unacceptable for what used to be known as amateur sport.

This first chapter sets the context before I turn to the philosophical literature. In an effort to understand better what "doping" is, I will examine the sorts of substances and practices the sport-governing bodies see fit to ban and the sorts of reasons they give for their decisions. It should not be surprising that the sport-governing bodies do not provide a wealth of argumentation for their bans. What they

do is refer to concepts and principles that are explored in greater depth in the literature of the philosophy of sport. As I go through the banned list and the proffered justifications, I will indicate the points in the thesis where I will provide a detailed account of each of those attempts.

1. **THE INTERNATIONAL OLYMPIC CHARTER AGAINST DOPING IN SPORT**

Examining the IOC's banned list is useful not so much for the wealth of philosophical argumentation to be found, but rather because this list of banned substances and practices must be accepted by any national sport federation that wishes to compete in the Olympic Games. The banned list and explanations are found in the International Olympic Charter: Against Doping in Sport, (IOC Doping Charter), Annex 2 (IOC, 1990a).

In the preamble and principles of this charter, there is a statement of the general reasons for the banned list. A brief analysis of this statement will help to reveal the reasons proposed for the proscriptions. The first statement contains three reasons:

- A. Considering that the use of doping agents in sport is both unhealthy and contrary to the ethics of sport, and that it is necessary to protect the physical and spiritual health of athletes, the values of fair play and of competition, the integrity and unity of sport, and the rights of those who take part in it at whatever level... (IOC, 1990a: p. 1)

Thus, protection from harm (i.e. physical and spiritual health, violation of rights, see Chapters Three and Six), fair play (i.e. cheating and unfair advantages, see Chapter Two), and the integrity of sport (i.e. perversion of sport, see Chapters Four and Five) are the three underlying justifications in this passage.

Another reason given in the preamble, is that because doping in sport is a form of drug abuse in society in general, it should be banned to help battle the problem in society.

- C. Considering that doping in sport is part of the problem of drug abuse and misuse in society... (IOC, 1990a: p. 1)

Thus, under harm, we must also consider harm to society and not just to athletes themselves.

The issue of doping has been discussed by unelected athletes and coaches at certain conferences sponsored by the IOC. It is implied that, based on this input, the IOC is acting on behalf of athletes and coaches.

- E. Supporting the declaration of athletes and coaches at Baden-Baden in 1981 and of the IOC Athletes' Commission in Lausanne in 1985 calling for stronger doping controls and more severe sanctions... (IOC, 1990a: p. 1)

Therefore, a fourth reason given for the banned list is that the athletes and coaches want it. I will examine a version of this argument in Chapter Seven.

The remainder of the preamble does not give any more in the way of possible justification. It does suggest, however, that scientific progress in the detection of

doping is making it easier to enforce the proscriptions from a practical point of view (IOC, 1990a: p. 1).

All of the above justifications, as they are stated in the preamble, are philosophically vague. The explanations contained in the banned list itself do not elaborate much on these justifications. The banned list comes in three parts. The first part is "Doping Classes," under which fall: a) stimulants, b) narcotics, c) anabolic steroids, d) beta-blockers, e) diuretics, and f) peptide hormones and analogues. The second part is "Doping Methods," in which two methods fall: a) blood doping and b) pharmacological, chemical and physical manipulation. The last part is "Classes of Drugs Subject to Certain Restrictions" with the following substances listed: a) alcohol, b) marijuana, c) local anaesthetics, and d) corticosteroids.

1.1. CLASSIFICATION I: DOPING CLASSES

Let us examine the explanations the IOC gives for banning items in

Classification I: Doping Classes.

I.(a) Stimulants:

Stimulants comprise various types of drugs which increase alertness, reduce fatigue and may increase competitiveness and hostility. Their use can also produce loss of judgement, which may lead to accidents to others in some sports. Amphetamine and related compounds have the most notorious reputation in producing problems in sport. Some deaths of sportsmen have resulted even when normal doses have been used under conditions of maximum physical activity. There is no medical justification for the use of 'amphetamines' in sport. (IOC, 1990a: p. 2.3)

I.(b) Narcotic analgesics:

Most of these drugs have major side effects, including dose-related respiratory depression, and carry a high risk of physical and psychological dependence. There exists evidence indicating that narcotic analgesics have been and are abused in sports, and therefore the IOC Medical Commission has issued and maintained a ban on their use during the Olympic Games. The ban is also justified by international restrictions affecting the movement of these compounds and is in line with the regulations and recommendations of the World Health Organization regarding narcotics. (IOC, 1990a: p. 2.5)

I.(c) Anabolic Steroids:

They [anabolic steroids] have been misused in sport, not only to attempt to increase muscle bulk, strength and power when used with increased food intake, but also in lower doses and normal food intake to attempt to improve competitiveness. Their use in teenagers who have not fully developed can result in stunting growth by affecting growth at the ends of the long bones. Their use can produce psychological changes, liver damage and adversely affect the cardio-vascular system. In males, their use can reduce testicular size and sperm production; in females, their use can produce masculinisation, acne, development of male pattern hair growth and suppression of ovarian function and menstruation. (IOC, 1990a: p. 2.6)

I.(d) Beta-blockers:

The IOC Medical Commission has reviewed the therapeutic indications for the use of beta-blocking drugs and noted that there is now a wide range of effective alternative preparations available in order to control hypertension, cardiac arrhythmias, angina pectoris and migraine. Due to the continued misuse of beta-blockers in some sports where physical activity is of no or little importance, the IOC Medical Commission reserves the right to test those sports which it deems appropriate.² (IOC, 1990a: p. 2.7)

I.(e) Diuretics:

²One common use of beta-blockers is in the biathlon (although some would question the description of a sport where physical activity is of little or not importance), when the athlete must stop cross country skiing and shoot at a target. The beta-blockers allow steadying of the hand. Outside of sport beta-blockers are used by musicians for performance enhancement, see "Correlates of Adaptive and Maladaptive Musical Performance Anxiety" (Wolfe, 1989).

Diuretics are sometimes misused by competitors...to reduce the concentration of drugs in urine...to attempt to minimise detection of drug misuse. Rapid reduction of weight in sport cannot be justified medically. Health risks are involved in such misuse because of serious side-effects which might occur. Furthermore, deliberate attempts to reduce weight artificially in order to compete in lower weight classes or to dilute urine constitute clear manipulations which are unacceptable on ethical grounds. (IOC, 1990a: p. 2.8)

I.(f) Peptide Hormones and Analogues:

the misuse of Growth Hormone in sport is deemed to be unethical and dangerous because of various adverse effects, for example, allergic reactions, diabetogenic effects, and acromegaly [giantitis] when applied in high doses. (IOC, 1990a: p. 2.9)

At least two common threads run through these justifications: harm and performance-enhancement.³ These drugs either have dangerous side effects, or can cause physical or psychological damage or accidents, when used in sporting situations. But in some cases, the appeal to harm is far less cogent than in others, in I.(d) Diuretics: their use to reduce weight is banned on the grounds of "serious side effects that might occur" and also because "attempts to reduce weight artificially... are

³Interestingly enough all talk of "performance enhancement" has now been dropped from IOC discussions. It has been dropped because there is not adequate scientific evidence that some of the practices or substances the IOC wished to ban have any positive effect on performance. But most athletes and coaches do believe that there is performance enhancement to be gained from doping and that is their motivation for doing it. If in fact the banned substances and practices do not improve performance, then it would seem an approach through education rather than banning would be indicated. This was the tactic sport governing bodies used to try to convince athletes and coaches not to dope, but the athletes and coaches did not believe them and as a consequence it did not work.

unacceptable on ethical grounds." These ethical grounds are never explained nor defended. The justification for the ban on Beta blockers is merely the assertion that they have been "misused" in some sports, but no explanation of misuse is given.

There are a few possible explanations of what the IOC Medical Commission might mean here. The first possibility is simply that, because the use of diuretics is banned, their use would be cheating, and is thus, unethical. This, of course, begs the interesting question of the justification for the ban. I will examine a more sophisticated version of this argument in Chapter Two.

An alternative approach is to assume that the IOC is referring to a notion of pure or ideal sport, or sporting competition, from which notion it apparently follows that the "artificial" reduction of weight through use of diuretics is unethical and the use of Beta blockers to enhance performance is "misuse." This notion of pure or ideal sport has enormous intuitive appeal. As will be demonstrated in Chapters Four and Five, it lurks behind some of the arguments in the philosophy of sport literature that deal with the issue of drugs in sport. Unfortunately, however, we will find that the idea is never successfully explained or defended, and until this is done, appeals to this notion will have all the cogency of appeals to gods or spirits. I will attempt to explicate the notion of the intrinsic goods of sport in Chapters Seven and Eight to see if it can work to justify the bans.

A third possibility is that some notion of ethics might show that the use of these substances in sport is unethical from an external perspective. For instance, could there be an unethical sport? Some might argue that gladiator sports would be unethical because of what they are, but this argument would be made on criteria external to the sport (i.e. "outside-in").⁴ Others might argue that these sports are stupid, but not unethical. We shall see that some sport philosophers, e.g. Feezell, have a conception of fairness, based on justice, outside of sport, which is applied to otherwise "ethical" sports to pick out unfair advantages which are cheating. So the judgement is from, what we might call, the "outside-in," whereas others, who define sport by its rules, e.g. Pearson, argue that the sport defines cheating and cheating is unjust because it prevents the playing of the sport, thus, working from the "inside-out." The strongest appeal to some notion of ethics based on criteria external to sport is presented in Chapters Three and Six, where we will look at the arguments based on harm and the unnaturalness and dehumanizing effects of doping.

1.2. CLASSIFICATION II: DOPING METHODS

II.(a) Blood Doping:

⁴"Outside-in" and "inside-out" will refer to "from outside the 'practice'" and "from inside the 'practice'", where "practice" is being used in A. MacIntyre's sense of the word. This will be explained in more detail as we progress through the study.

These procedures contravene the ethics of medicine and of sport. There are also risks involved... (IOC, 1990a: p. 2.10)

Blood doping is the process of increasing an athlete's red blood cell count by infusion (e.g. intravenous injection of one's own blood, another's blood or an artificial blood substitute such as Fluosol-DA), thus increasing oxygen uptake, which will enhance performance in endurance events.⁵ Blood doping poses a problem for the IOC; it is an example of doping which does not involve drugs and which often uses the athlete's own blood.⁶ The primary justification is an appeal to the ethics of sport and medicine, with the risk of harm thrown in for good measure. The "ethics of sport" are left undefined; what is probably meant is again an appeal to the notion of pure or ideal sport. There is similarly no explanation of how this practice contravenes medical ethics. Many state and provincial codes of ethics for medical practitioners now contain clauses banning the use of some medical manipulations designed to improve athletic performance. However, as these clauses were inserted at the prompting of sporting associations, the appeal to medical ethics is circular. There also appears to be an element of inconsistency on the part of medical associations on this point. Apart from the fact that sport associations ban doping, it is hard to see why many uses of drugs to improve performance would be, from a medical point of view, any different

⁵For a review of published reports concerning blood doping see "Blood Doping and Related Issues: A Brief Review" (Gledhill, 1982).

⁶In the transcripts from the Dubin Inquiry, Mr. Pound, Vice President of the IOC, expresses the problem to Justice Dubin who does not seem to grasp it (1990a:p.13646).

from cosmetic treatments and surgery. This inconsistency will be discussed in greater detail in Chapter Six.

Section II.(b) of the IOC Anti-Doping Charter is on pharmacological, chemical and physical manipulations of the urine samples taken by the IOC Medical Commission.

The IOC Medical Commission bans the use of substances and of methods which alter the integrity and validity of urine samples used in doping controls. (IOC, 1990a: p. 2.10)

Section II.(b) is internally justified; if you ban certain substances and procedures it makes perfect sense to ban other procedures or drugs designed to evade the detection of the things already banned.

1.3. CLASSIFICATION III: CLASSES OF DRUGS SUBJECT TO CERTAIN RESTRICTIONS

This class includes: alcohol, marijuana, local anaesthetics and corticosteroids.

This list is hard to understand, neither alcohol nor marijuana are banned, yet the substances may be tested for at the request of an International Sport Federation (IF).⁷

There is no clear reason why this is done. There is the suggestion of a justification for the ban on corticosteroids:

Since 1975, the IOC Medical Commission has attempted to restrict their use during the Olympic Games by requiring a declaration by the team doctors,

⁷This issue raises concerns regarding athlete's rights to privacy and will be discussed in detail in Chapter Three.

because it was known that corticosteroids were being used non-therapeutically by the oral, intramuscular and even the intravenous route in some sports. (IOC, 1990a: p. 2.11)

The IOC does not offer any general reasons for the restrictions on these substances. The nearest we come is the suggestion that corticosteroids were being used non-therapeutically presumably to enhance training or performance. It would be consistent, once again, to attribute this ban on non-therapeutic use to a notion of ideal sport which would permit therapeutic use of drugs but prohibit non-therapeutic or performance-enhancing uses. A second possibility which is commonly given by some philosophers is the "Unnaturalness" argument, where therapeutic use is natural and non-therapeutic use is unnatural. Therapeutic use is natural because the use helps to restore athletes to their "natural" state, and non-therapeutic use is unnatural because it takes athletes beyond their "natural" state. This idea is also discussed in detail in Chapter Six, when a similar distinction, the "restorative/additive" distinction, is reviewed.⁸ The position that will be put forward is that the distinction is untenable precisely because it relies jointly on the unacknowledged and undefended notion of pure or ideal sport and a similarly unexplained notion of how doping takes away from (or adds to) one's humanness.

Thus, from the IOC Anti-Doping Charter, we find four potential candidates for justifications for the banned list: 1) harm (to the athletes and society); 2) cheating; 3) a

⁸This distinction is fully analyzed by Norman Fost (1986) in "Banning Drugs in Sports: A Skeptical View."

covert appeal to pure or ideal sport and 4) the wishes of athletes and coaches. We will examine how well these stand up to critical analysis.

Although the IOC is the rule maker for the Olympic Games, any discussion of ethics and doping in sport, particularly in Canada, would be remiss if it did not mention a Canadian Royal Commission on the topic, viz. the Dubin Inquiry, and the report that followed. Although the Dubin Inquiry was not philosophical in nature, it did review the issue in detail. The following brief commentary explains the contribution, or lack thereof, the Dubin Inquiry may lend this study. A more detailed look at Dubin's discussions is given in Chapters Two and Three.

2. COMMISSION OF INQUIRY INTO THE USE OF DRUGS AND BANNED PRACTICES INTENDED TO INCREASE ATHLETIC PERFORMANCE
(The Dubin Report)

One other place one might consider looking for a justification for the banned list is the report from the Dubin Inquiry, which will be referred to as The Dubin Report. Vice President Pound's comments in the epigraph above indicate that he requested assistance in this matter from Justice Dubin. But what becomes clear from the transcripts from the inquiry and the report which followed, is that there is no attempt to put forward, or defend, any justification for the banned list. Justice Dubin simply assumes that the reasons for the banned list are harm and cheating (1990a; 1990b). But there are problems here; Dubin heard conflicting testimony from

physicians which present conflicting evidence on the harm question (1990a). The only time, in any of the ninety-one days of hearings of the Inquiry, there was any serious philosophical questioning of the justification for the current banned list, was during the testimony of Richard Pound. The passage which I cited at the outset, which is taken from Pound's testimony, betrays the fact that at least one important member of the IOC realizes that it has no sound philosophical justification for the banned list. Unfortunately, Justice Dubin does not assist the IOC in this matter in any way. It even seems as though Dubin does not understand what Pound is talking about when he asks for Dubin's help (1990a: p. 13645). Rather, Dubin seems not to take Pound seriously as Pound questions the justification for the banned list. Dubin appears to say that the IOC would not dare to put forward such a list without a justification, and anyway it is just obvious that these substances and practices are wrong (1990a: p. 13642).⁹

3. THE "IT'S MY BALL" ARGUMENT

Mr. Pound's candidness during the Dubin Inquiry indicates an understanding of the philosophical importance of having a justification to ban certain practices, something which is extremely rare in representatives of the sport-governing bodies that formulate and uphold the rules of sport. Of course, this is not surprising given that

⁹One reason that this is of moral significance is that privacy rights may be violated in attempts to enforce the banned list. As we shall see in Chapter Three, the Privacy Commissioner of Canada believes that athletes' rights to privacy are violated in the testing procedures.

they are not looking for philosophical justification. However, sometimes when they are pushed for one, as Pound ironically, pushed Dubin, one will sometimes hear the "It's my ball" defence. This defence, offered by some representatives of sport-governing bodies, such as the IOC (1990a), and Sport Canada (1985), says in effect that because it is my ball, or my game, I can make up and impose any rules I want, and if you want to play my game, you have to play by my rules. The arbitrary exercise of power is, however, because arbitrary and possibly harmful, open to criticism. It may certainly be argued that when it is decided that the race will be 100 metres long rather than 99 or 101, that this decision is an arbitrary exercise of pure power.¹⁰ But, as these decisions regarding the constitutive rules of a game (the rules of sport will be discussed in detail in Chapter Four), the rules that constitute the game, they are only arbitrary to a point. A good gamesmith will create rules to make the game not too difficult and not too easy.¹¹ For example, if the International Amateur Athletics Federation (IAAF) said that all of the runners in the 100 metre race have to run backwards, or on one foot, the race would lose its appeal as an Olympic sport because the arbitrariness would have gone too far. But the rules proscribing doping,

¹⁰For example, in the 1908 Olympics held in London, England, the Marathon race was lengthened to 42.2 kilometres from 38 kilometres simply to please the Royal Family who wanted the race to start at Windsor Castle. The distance from there to the stadium in London was 42.2 kilometres, thus, because the finish line could not be changed the runners had to run a longer distance.

¹¹Bernard Suits makes this point in The Grasshopper: Games, Life and Utopia (1978).

may not be constitutive rules. They are rules which pertain to eligibility.¹² I will argue that arbitrariness in eligibility is far more serious than arbitrariness in the length of the race because it can lead to elimination of players for unjustified reasons such as, race, sex, religion, etc. The "it's my ball" defence is inadequate because the way sporting bodies exercise their power has important social consequences, and so, is subject to criticism from external perspectives ("outside-in"), especially given that athletes' rights may be violated in attempts to enforce bans.¹³ This raises the issue of the place of sport in the larger social context and the limits society may place on institutions that operate within it. Despite the existence of a television show called "American Gladiator" we do not permit gladiator sports. Thus, we must look at more substantial philosophical arguments in this study.

I will attempt to give a non-arbitrary defence for doping proscriptions in the Olympic Games in the concluding chapters of this study. This position will use some of the power that comes from those who "own" the Games. I will argue that the promoters of the Olympic Games should encourage doping-free sport on the basis of worthily-held values. The critical difference between my position and the "it's my ball" position is that I will present not only a grounding for doping proscriptions, but

¹²Klaus Meier discusses this distinction in "Restless Sport" (1985). We will examine it in detail in Chapter Four.

¹³For example, some kinds of birth control pills were on the banned list because they were deemed to have performance enhancing powers, until the Sport Medicine Council of Canada lobbied the IOC Medical Commission to have them removed on the basis that this ban interfered with the rights of female athletes to control their reproduction.

also a method of limiting the infringement on athletes' rights. My argument demonstrates why it would be rational for athletes to choose doping-free sport, but, it is not dependent on them doing so.

4. THE PHILOSOPHICAL CONTEXT

The lack of a coherent justification for the ban on doping has not gone unnoticed in the literature of the philosophy of sport. There is one major philosophical study available as of December, 1992.¹⁴ This doctoral thesis, Performance-Enhancing Substances in Sport: An Ethical Study, was completed by Roger Gardner in 1990. Gardner's intent was to provide a study to deal with the "overall neglect" by philosophers on this moral issue (1990: p. 9) and to respond to Warren Fraleigh's comments that "we do not yet have a comprehensive, well informed study of the ethics of substance use in sport" (1984: p. 117). Thus, he set out "to examine critically some of the more conventional moral objections to the use of performance-enhancing substances in sport to see if they could ethically validate current policies restricting such use" (Gardner, 1990: p. 177).

In his study, Gardner identified four "rationales for philosophical analysis" which arose from the few articles in the literature: 1) unfair advantage: the users of the substance gain an unfair advantage over other athletes; 2) unnaturalness: the substance

¹⁴Two other authors who have written more than most, but far less than Gardner, on this issue are, W. M. Brown and T. H. Murray. Their work will be analyzed later in this study.

is unnatural and/or it secures for the user unnatural capabilities; 3) harm: the substance endangers the user to an undue degree;¹⁵ and 4) coercion: the substance, if permitted, would force athletes to use a harmful substance that they would otherwise not wish to use. These arguments are common throughout the philosophical and non-philosophical literature (Broekhoff, 1973; Foldesi, 1984; Grupe, 1985; Hyland, 1979; Johansson, 1987; Moorecroft, 1985; Pearson, 1988; Simon, 1991).

Gardner did not deal with harm and coercion in his study because he felt that "unfair advantage and unnaturalness represented the more significant objections," and thus concluded that "they should be given priority consideration" (1990: p. 177). At the end of his study, Gardner found that "neither the unfair advantage argument nor the unnaturalness argument could provide sufficient justificatory grounds for prohibiting the use of performance-enhancing substances in sport" (1990: p. 186). Further, he gave three specific recommendations for furthering the study:

First...the harm and coercion arguments should be subjected to comprehensive, philosophical analysis...In addition, other existing (and possibly yet to be discovered) moral objections to performance enhancers should be exposed to extensive philosophical analysis...

Second, and I would argue more importantly, attention needs to be paid to a descriptive understanding of the nature of sport--what it is and how it works...as Kretchmar (1984) has pointed out, metaphysical understanding must precede ethical prescription...

The third and final recommendation relates to a substantial drawback in the overall approach that I have used to analyze the problem of substance use in sport, and thus to the fact that additional analytical procedures may be needed to fully understand the issue...I have subsequently paid little--if any--

¹⁵As we will see in Chapter Three the argument from harm can be employed from more than just the perspective of harm to the athlete.

attention to the motives, values, and attitudes that genuinely move people (moral agents) to act—in this case use performance-enhancing substances...Further, the use of performance-enhancing substances should perhaps be viewed within, and not abstracted from, the larger context of sport itself... (1990: p. 191)

Thus, from Gardner's study, we may conclude that there is still much philosophical work to be done and that these issues should not be taken up piecemeal and considered in isolation from larger questions about the purposes and nature of sport and the setting in which it takes place. This thesis is an attempt to do that philosophical work.

5. OUTLINE OF THE STUDY

The groundwork for this study began in 1990 following the Dubin Inquiry. After reviewing the transcripts from the Inquiry and the Dubin Report, I found that no progress had been made, or even attempted, in regard to clarifying the moral justification for proscribing doping. At this point, I was retained by the federal government, along with two other consultants, to conduct a study and write a report, Values and Ethics in Amateur Sport (Blackhurst, Schneider and Strachan, 1991), not only on the doping issue in Canada, but also on the views of those intimately involved in the Canadian sport system. During this study, the participants were interviewed and relevant documents were reviewed in an effort to place the issue in the context of

Canadian sport.¹⁶ It is through these two major undertakings that I believe I address Gardner's concerns that, i) this issue be dealt with from within the context of sport,¹⁷ and ii) we understand the motivation of the people actually making the decisions.¹⁸

I believe Gardner's recommendations for further study are sound, but found that his four categories of the kinds of arguments, and his analysis of them, are inadequate. Thus, I followed his suggestion to examine the two categories that he did not and, in addition, I have reclassified his arguments and reviewed his analysis in detail. I have also created an explicit taxonomy by examining arguments extant in the literature. All of the arguments I have found can be placed into this taxonomy and it is useful in that it permits the conceptual separation of the variety of arguments currently available, as I will demonstrate throughout the study. Last, I have put forward a defence of an anti-doping position for the Olympic Games, which I reach through a version of the perversion of sport argument and which I bolster with

¹⁶A complete list of the documents reviewed and the groups of participants involved is recorded in Values and Ethics in Amateur Sport.

¹⁷In response to the question of why people are motivated to dope, I will look at the concept of "positive deviance", put forward by two sport sociologists (Hughes and Coakley, 1991). I will also look at the quest for athletic excellence and how it may lead one to use any means to improve performance and if we can, in a principled way, stop the drive to perfection.

¹⁸There is one final experience which I believe brings me closer to this issue than most who have written on it from a philosophical perspective, that of having competed at the Olympics. I understand intimately the motives, values and attitudes of at least some of the agents making the decision "to dope or not to dope."

considerations drawn from the argument from harm combined with prisoner's dilemma reasoning.

A sketch of the contents of the dissertation, containing eight chapters, follows. The introduction is an attempt to lay out the nature and scope of the study. In Chapter Two, I will look at the arguments based on cheating and unfair advantage, since it is these concepts that underlie the most immediate responses to the issue of doping. The current philosophical literature on definitions of cheating in sport and what counts as an unfair advantage, will be examined. The cheating and unfair advantage arguments are dealt with together in this chapter because they are conceptually intertwined.

The arguments from harm and coercion will be dealt with in Chapter Three. Generally these arguments suggest that because doping causes harm it should be banned. Four sources of harm will be examined: i) harm to the athlete using the banned substance or practice; ii) harm to the other athletes this person competes against; iii) harm to others in society; and iv) harm to the sport community. During this discussion I will look also at the question of athletes' rights and the potential violations that may result from enforcing the bans.

Chapters Four and Five, are on one of the most perplexing topics; the arguments from the perversion of sport. In Chapter Four we will see that some philosophers argue that the metaphysical nature of ideal sport can provide us with a

justification for the ban because doping perverts this ideal and that we have such an ideal to draw on for justification of the bans (Fraleigh, 1984; Simon, 1984a). Others argue that we are in no position to pass moral judgement on issues like doping until we have dealt with the metaphysical concerns, that is, whether or not the metaphysical ideal postulated above is to be found (Kretchmar, 1972). Or indeed, if it is to be found it cannot do the necessary work. The argument is that only with a definition of sport can we then determine if doping might count as a perversion of it. We will look at: i) sport as games defined by rules; ii) sport and attitude; iii) sport and contests; and iv) sport as a "practice," in order to determine if doping might count as a perversion of these various ways of characterizing sport. In Chapter Five, the perversion of specific sports will be analyzed, where the precise purpose or nature of a particular sport may be violated by doping.

The unnaturalness and dehumanization arguments will be discussed in Chapter Six. These arguments are put forward by philosophers who believe that doping is either unnatural or dehumanizes athletes, and as such, it is immoral (Fairchild, 1989; Hoberman, 1988). There are three forms of the unnaturalness argument: i) that the substance itself is unnatural, ii) that the substance is foreign or unnatural to the body and iii) that the dosages of the substance are unnatural. There are also three forms of the dehumanization argument: i) that mechanization of humanity is wrong, ii) that degradation of humanity is wrong and iii) that going beyond humanity is wrong.

Special attention will also be given to steroids in particular in this section because they seem to draw the greatest concern.

The conclusions of this study will be presented in Chapters Seven and Eight. None of the existing arguments are found to be sufficient, and thus the proscription of doping cannot be justified by them. An alternative two-tiered justification will be put forward in these chapters. The central thrust of my argument for the first tier concerns an understanding of the nature of the intrinsic or internal goods of sport. Using MacIntyre's notion of the goods internal to a practice, I will argue that the internal goods of sport are found primarily in the mastery of skills. From this central idea I will argue that doping, rather than perverting sport, is irrelevant to it. I will also argue that, given doping is irrelevant to the internal goods of sport, athletes would be rational and prudent to avoid it. Thus, the first tier demonstrates why athletes, from their point of view, should choose to avoid doping. The second tier, the community and social level, is derived from the idea that doping expresses values we do not wish to foster and in fact, we have good social and sporting reasons to encourage athletes not to dope. The account that I give takes seriously the idea that athletes have rights to privacy and will show why athletes should rationally choose to consent to limitations on their freedoms required by the testing necessary to enforce agreements against doping.

CHAPTER TWO

CHEATING AND UNFAIRNESS ARGUMENTS

THE COMMISSIONER: Well, the evidence before us I think demonstrates beyond any peradventure that anabolic steroids does [sic] enhance one's performance.

THE WITNESS: Yes, I think that's right.

THE COMMISSIONER: And that's cheating because those that aren't using the drugs are at a complete disadvantage. And I would have thought that certainly from the Olympic old ideals that would be a paramount concern of the executive board to try to put into the Olympic competition fair play.

THE WITNESS: Well, that's the fundamental basis of the Olympics, as I see it, is fair play.

THE COMMISSIONER: All right.

THE WITNESS: I think the question [is,] is it cheating because anabolic steroids are on the list?...

On this, the issue of doping and what is an unfair advantage, I find that a much more difficult philosophical question. And as I say, we are certainly wrestling with it. I hope you will wrestle with it. (Dubin, 1990a: p. 13642)

Doping is banned because it is cheating. Sometimes defenders of the position take a further step and explain that doping is cheating because it brings an "unfair advantage." The more interesting way the issue of cheating crops up is in the unfair advantage arguments. In this chapter we will look in detail at these arguments that seek to justify the bans on the basis that it is cheating and/or unfair. This is a

common justification. The focus of this discussion is not on whether cheating should be banned, but whether doping constitutes cheating and on that basis should therefore be banned.

In Canada this argument was used by Justice Charles Dubin in the Dubin Inquiry and Dubin Report, and by the federal government through the policies of Fitness and Amateur Sport (Dubin, 1990a; Dubin, 1990b; Sport Canada, 1985). Defenders of this argument claim that doping should be banned because it is cheating, relying on the unstated premise that all cheating is wrong. Upon closer examination it is clear that some forms of this argument, as the one Dubin uses above, are only a purported justification, for they beg the question.

On one interpretation the "banned because cheating argument" can be summarily dismissed. If cheating means rule-breaking, and using a banned substance or practice is rule-breaking, then using a banned substance or practice is cheating. Add that to the assumption that cheating is wrong and one has the conclusion that doping is wrong. If one then decides that wrong things should be banned, one has a neat, but uninteresting, circle.

But there may be more to the argument than this interpretation. One other suggestion that may be present in the "banned because cheating argument," is that there is something in the concept of "cheating," which, if properly understood, would

enable us to see that the use of certain substances and practices fall into this category, whereas others do not. This raises a variety of philosophically interesting questions: "what is cheating?" "why is cheating wrong?" and independent of the answers to these questions, "why should doping be banned?" For the purpose of this investigation--namely, the search for a philosophically acceptable justification for a ban on doping--it will not do to say simply that one should not dope because it is banned. What is significant is the justification for banning it in the first place. But this is not as clear as it might be because of the difficulty in understanding the notion of cheating. It may be too simple to say that all rule-breaking is cheating, for then there are many accepted practices that are cheating, but do not seem to be wrong. For example, if I accidentally break a rule by stepping out of bounds with the ball in a game of basketball, many would argue that I may be clumsy, but I have not done anything morally unacceptable. But if not all rule-breaking is cheating, how does one tell acceptable from unacceptable rule-breaking? There are also interesting questions that one might ask about whether cheating could ever in fact be justified, for example, if everyone does it is it still cheating and is it still wrong?

The majority of the discussion in this chapter is about cheating and why cheating is wrong. The subsections are: 1. cheating, wrongness and rule-breaking, 2. cheating and intention, 3. cheating and the ethos of the game, 4. cheating and the loss of "internal goods," 5. cheating and agreement, and 6. cheating and unfair advantages. But, even after we have a working definition of cheating and an acceptable

explanation as to why it is wrong, we shall see that the concept of cheating itself will not tell us why doping should be considered sufficiently reprehensible that it should be banned.

1. CHEATING, WRONGNESS AND RULE-BREAKING

1.1. CHEATING AND WRONGNESS

In the literature on cheating in sport one of the central problems is defining cheating. It is only after we have a definition of cheating that it is then possible to go on and see if doping counts as cheating. A review of the literature reveals two distinct questions that authors often do not separate: i) is practice x cheating, and ii) is practice x wrong?

In the literature of philosophy of sport, when a broad definition of cheating is used, cheating and wrongness are loosely coupled; when a narrow definition is given, cheating and wrongness are tightly coupled. These two options are: i) all rule-breaking is cheating, but not all cheating is morally wrong; and ii) all cheating is morally wrong, but not all rule-breaking is cheating. The first option takes rule-breaking and cheating to be synonymous. Professional fouls, or the so-called "good" fouls (i.e. breaking a rule when the advantage of preventing the opposition from scoring outweighs the cost of the penalty), are often taken as examples of non-wrong rule-breaking. I will argue that the word "cheating" is conceptually connected with "wrongness," and that when the authors, referred to below, couple these two loosely,

they change the meaning of the word. We will also look at the idea of 'unwritten' rules and how they might count against proposition ii). A brief overview of the literature will demonstrate the different degrees of coupling between cheating and wrongness.

1.2. ALL RULE-BREAKING IS CHEATING, BUT NOT ALL CHEATING IS WRONG

Oliver Leaman and Craig Lehman both try to critique the fairly standard reaction to, and definition of, the concepts of cheating and fair play (Leaman, 1988; Lehman, 1988). The result of Leaman's paper, although not explicitly stated by him, is that if all rule-breaking is cheating, then not all cheating is wrong, because there are some examples of acceptable rule-breaking. (We will look at his examples below.) If we break down this position further, we find that Leaman must hold the first of the two options, namely, that all rule-breaking is cheating, but not all cheating is morally wrong. Both Leaman and Lehman also claim that stronger arguments than those currently in the literature are required to condemn cheating and approve fair play.

Leaman begins with the definition of cheating proposed by Gunther Luschen:

Cheating in sport is the act through which the manifestly or latently agreed upon conditions for winning such a contest are changed in favor of one side. As a result, the principle of equality of chance beyond differences of skill and strategy is violated. (Leaman, 1988: p. 67)

Leaman's problem with this definition, and rightly so, is that it lacks any consideration of intention. For example, one could accidentally gain an advantage and violate the principle of equality by going over the crease in hockey and this would, by Luschen's

definition, be cheating. Generally, we view cheating as the intentional, not accidental, violation of the principle of equality, viz. that beyond differences of skill and strategy everyone should have equal conditions for winning. Thus, a definition of cheating that does not deal with intention is deficient.

Leaman then looks at the definition offered by Peter McIntosh who makes the useful distinction between intending to deceive, which he calls "cheating," and breaking rules unintentionally:

Cheating...need be no more than breaking the rules with the intention of not being found out...Cheating, however, implies an intention to beat the system even although the penalty, if the offender is found out, may still be acceptable. (McIntosh, 1979: pp. 100-101)

MacIntosh also claims this definition is too simple because it is not always written or unwritten rules that are broken, tacit assumptions may be rejected by opponents to gain advantage and in that respect, MacIntosh, therefore, claims "A more satisfactory definition is that of Luschen" (1979: pp. 182-183). McIntosh concludes that "Cheating is an offence against the principles of justice as well as against a particular rule or norm of behaviour" (1979: p. 185). Which is to take the view that cheating is wrong.

Leaman demonstrates that both Luschen's and McIntosh's accounts of cheating fail because they cannot tell us how to classify a very common form of behaviour in sport, namely, engaging in behaviour that is not against the rules but that is designed to "put off" one's opponent (e.g. coughing, doing up shoe-laces, and other things

which are not directly part of the game. These practices are often called "gamesmanship.") Leaman's tentative conclusion is "that there are a good number of difficulties in defining cheating in sport" (1988: p. 279). He uses the lack of clarity, as to what counts as equality, fairness and impartiality for all in the sporting context, to back his second argument that these difficulties prevent us from "specifying precisely what is *wrong* with cheating" (Leaman, 1979: p. 279). He further suggests that the fact that people may cheat, or break the rules, is part of the structure of sport and if recognized as a morally acceptable option for both sides, then in general, the principles of equality and justice are not affected. Some might argue that if this were to happen, it would no longer be deemed cheating precisely because it became morally acceptable practice in the sport. Leaman then claims that "If our objection to this practice--cheating when it is considered to be in the best interest of the cheater--is to be more than empty romanticism then some stronger arguments in favour of the moral obligatoriness of fair play in sport must be produced" (1988: p. 281). Although Leaman concludes there are problems with the definitions of cheating, he does not produce one of his own. But he still goes on to imply that cheating as rule-breaking is not obviously morally wrong. He concludes his paper with the suggestion that if we are to determine what notion of fair play is applicable within the context of sport, we must address ourselves to the ways in which players and spectators perceive the rules, rather than to an abstract idea of the rules themselves.

Craig Lehman intimates similar conclusions, but his method of getting to them is by attempting to prove that the "incompatibility thesis" advocated by Bernard Suits and others (Suits, 1978; Pearson, 1988; Fraleigh, 1988) is false. The incompatibility thesis states that cheating in a game is logically incompatible with winning that game. In his chapter in The Grasshopper: Games, Life and Utopia on "Triflers, Cheats and Spoilsports," Suits defines cheats as those who recognize the goals of the games they are playing but not the rules: "Thus although he [the cheater] is not really playing the game, he has not abandoned the game's institution" (1978: p. 46). He then explains his distinction between a game and its institution and claims that although cheats are not really playing the game, because they don't follow the rules, they have not abandoned the game's institution.¹⁹ Suits feels the same way about triflers, those who do not try to win:

Now although it is possible for someone [a trifler] to do all of these things [things which demonstrate the player is not attempting to win] without violating the rules of chess, I think it is fair to say that such a person is not playing chess, although he is operating within the institution of chess, for all he is doing is making chess moves. But to acknowledge the distinction between the game of chess and its institution is also to acknowledge the existence in chess of a prelusory goal [a specific achievable state of affairs which can be described independently of any game of which it may be, or come to be a part - e.g. getting a golf ball into a cup, but not necessarily using a golf club], for it is the trifler's refusal to seek that goal which entitles us to say that although he is engaged in something chess-like, playing chess is not what he is engaged in. (1978: p. 47)

¹⁹This distinction will be described in more detail in Chapter Four below, as will Alasdair MacIntyre's distinction between a practice and its institution.

Lehman argues that this position is counter-intuitive when applied to sporting situations:

many baseball fans believe that Atlanta Braves' pitcher Gaylord Perry throws a spitball. Throwing a spitball is a violation of the rules of baseball. Suppose these fans are right about Perry. Does anyone seriously want to say that no baseball game is ever played when Perry pitches? Should Perry be ineligible for the Hall of Fame on the grounds that he has never won a game, let alone competed, in baseball? Yet this seems to follow if we accept the unqualified thesis that cheating and competing are incompatible. (1988: p. 282)

Thus, Suits's logical incompatibility thesis is precisely what Lehman criticizes. This thesis (which is also supported by Delattre, Pearson and Fraleigh) is a radical one. Those who hold the logical incompatibility thesis seem to suggest that we should seriously amend the way we talk about these issues. No one, who is not a philosopher, seriously suggests that no baseball game is ever played when Perry pitches, but that is beside the point (unless one is making a common language argument and Lehman does not specify that he is doing so). Perry has, however, confirmed (even boasted through his automobile licence plates "SPITTER") that he used spitballs, which is explicitly against the formal rules of baseball, so one could seriously say that Perry is not playing the same game of baseball as his opponents and could not therefore, on logical grounds be deemed a winner of that game.²⁰ Therefore, it would seem that Lehman's argument is a *reductio* of the logical incompatibility thesis.

²⁰Suits does not take a position on how the rules of the game come into effect so it is not incompatible with Suits's position that through tacit consent, spitballs have ceased to be against the actual rules (by ethos), no matter what the written rules say.

Lehman's use of Perry's induction into the "Hall of Fame" as proof of having played the game of baseball is suspicious on two counts, first because the sports writers who vote to induct people are not philosophers and second, they are inconsistent. The "Hall of Fame" is for baseball's excellent, not just famous (Gammons, 1989).²¹ The "Hall of Fame" guardians purport to take moral character into account as they did when rejecting Pete Rose for gambling on baseball and when delaying, on the basis of recreational drug use, the induction of Fergie Jenkins. We will try to make some sense of Perry's induction below, but for now from the logical incompatibility position outlined above, his induction would seem to be logically incoherent.

Lehman's second point against Suits's incompatibility thesis is that it only deals with intentional violations of rules, and that even unintentional rule violations should lead Suits to say that no game, and hence no victory, has occurred--which is also counter-intuitive. What he actually means is that Suits's incompatibility thesis is too broad because it does not distinguish between intentional and unintentional rule violations and it should only capture intentional violations. Lehman thinks the source of the appeal of the logical-incompatibility thesis is that it is conflated with a moral thesis regarding winning and cheating. If we look at games as being played in a social framework, Lehman thinks that we can assess rule violations within this

²¹Perry is famous for cheating in baseball and it seems he was excellent at that, so it has been suggested maybe he should go in if the guardians of the hall of fame do not only focus on moral character.

framework to determine whether competition and victory, "in the normal sense of the words", have occurred (1988: p. 285). Thus, we see that both Lehman and Leaman think that the social context in which sports are played defines cheating and fair play and that cheating and wrongness are loosely coupled. This position, which is argued most clearly by Fred D'Agostino in "The Ethos of Games," will be discussed below.

1.3. ALL CHEATING IS WRONG, BUT NOT ALL RULE-BREAKING IS CHEATING

Leaman and Lehman have provoked some response to their position that cheating has become a part of the structure of the sport, and is therefore, not always morally wrong. Randolph Feezell argues that he cannot accept the notion that cheating in sport may be acceptable in "On the Wrongness of Cheating and Why Cheaters Can't Play the Game" (1988). Feezell begins by attempting to prove that the concept of cheating involves breaking the rules with the intention to gain an unfair advantage using deception, and therefore, raises issues of character. He then cites his paradigm cases of cheating in order to identify what is common,

In all cases there is the intention on the part of players, coaches, or interested personnel to gain an unfair advantage by altering certain conditions of competitive equality. Usually this will be done in a deceptive manner since you would not want your competitors to find out. This is often done in relation to central rules of the game defining who can play, how the score is kept, how the contest is officiated, and what sorts of equipment are allowed in playing. These factors, I would hold, constitute the core meaning of our concept of cheating in sports. It's no wonder that conventional wisdom believes we have to hold the line against such behaviour. What is at stake is another kind of integrity--the integrity of the game. At its core, cheating proscribes behaviour that violates elements without which we simply can't have

the game in question.[sic] So it's also appropriate to conclude that the central meaning of cheating in sports disallows the cheater from winning since he or she has violated the most basic elements that are constitutive of the game in question. (Feezell, 1988: p. 59)

The advantage that is gained from these practices is unfair, according to Feezell, unless the players have agreed to change the rules. This is due to the fact that the noncheater's competitive situation is worse because of the advantage gained by the cheater, without the noncheater's consent. "Implied agreements" are the basis for play and the obligations are deontological because playing a sport is to agree to "compete in a relatively specific and delimited way in pursuit of victory" (Feezell, 1988: p. 59).

However, this claim is unclear because Feezell does not seem to hold that sport is defined solely by the rules and that to violate those rules is to cheat. Neither does he specify which rules constitute the core of a sport. Yet, he says that cheating is wrong and is the breaking of the really important rules. He says that the prescriptions regarding play are only partially constituted by the explicit rules of the sport in question. He gives examples in baseball of certain practices, e.g. when coaches develop and teach pitchers to make the baseball do unexpected things, and claims this is "part of the game" and the history of baseball. What Feezell does is appeal to conventions, or the "ethos" of the sport, in order to assess cheating. In other words if everyone is doing it, it does not constitute unfair advantage, or if everyone is doing it, it does not constitute a violation of the rules. He also uses golf as an example of an ethos which is much more stringent, where attempting to cheat is scandalous. But

nevertheless, cheating in both baseball and golf is the attempt to gain an unfair advantage creating conditions which are not equal and not consented to.²²

It seems that Feezell has a conception of fairness based on justice outside of sport. Sporting contests are a type of agreement and he applies this conception of fairness in respect of the keeping of agreements to sport to pick out unfair advantages which are cheating. So the judgement is from, what we might call, the "outside-in," whereas other positions, such as Kathleen Pearson's, imply that the sport defines cheating and cheating is unjust because it prevents the playing of the sport, thus, working from the "inside-out."²³

Feezell claims that some rule violations in baseball, such as doctoring the ball (e.g. putting a substance on the ball or scuffing it in an effort to gain better ball control and thus confuse the batter), are not only accepted, but recommended, as suitable strategy and have become historically embedded in the game, and as such, are not examples of cheating. Therefore, the conventions or "implied agreements" can override the explicit rules of the game, which clearly demonstrates that Feezell's position is similar to those he is arguing against, namely Leaman and Lehman. As a result of this position Feezell has to tackle the question of when do general practices

²²He uses William Frankena's definition of injustice in Ethics (1973), which is based on the principle of equal treatment, to support his position.

²³We will examine Pearson's position in more detail in Chapter Four.

or conventions become part of the prescriptive atmosphere of a particular sport? His reply

I know of no way to give a tidy and satisfying answer to this question. The ethos of baseball is not so vague and open-textured that it is impossible to make judgements about what is and is not cheating. But the prescriptive atmosphere is subject to change and is probably subject to the kind of social and cultural pressures that also affect the moral atmosphere of a society. Perhaps we should think of certain moral judgements concerning cheating as analogous to aesthetic judgements concerning the value of an artwork or whether some object ought to be considered an instance of the concept of "art." (Feezell, 1988: p. 61)

Feezell then appeals to an Aristotelian notion of practical wisdom by claiming that informed judges can make good judgements based on their knowledge of "the central explicit rules and the traditions of the sport that outline certain latent agreements" (1988: p. 61).²⁴ He then takes up a Wittgensteinian line on definitions and says that any philosopher who attempts to set out the necessary and sufficient conditions of the concept of cheating will inevitably face counterexamples because these concepts are "open, or elastic, or historically unstable" (Feezell, 1988: p. 62). This indeterminacy occurs at the boundaries of the concept of cheating (and art, religion, morality and moral wrongness) and this is where most of the change occurs in concepts. However, to change paradigm examples, a radical conceptual revolution is required according to Feezell:

only a radical conceptual revolution or historical development could force us to change our minds about paradigm examples. We know that Rembrandt and Beethoven created artworks, that Christianity and Islam are religions, that capricious infliction of suffering both raises a moral (as opposed to nonmoral)

²⁴We will look at this notion of informed judges in more detail in the last two chapters of this study.

issue and is morally wrong. And we know these things despite the fact that art, religion, morality, and moral wrongness may not be susceptible to definition in terms of necessary and sufficient conditions. I hold the same could be said for cheating in sports. Once we have recognized this point we are better situated to make valid conclusions in relation to the problem of the difficulty of defining cheating. (1988: p. 62)

Presumably, the reason he thinks a revolution is required to change paradigm examples is due to the nature of them and our beliefs about them, but he does not explain this point in any detail.²⁵

Feezell concludes this section of his article by stating that the definitional problem of cheating has to be solved contextually through the analysis of explicit or tacit rules, but that, generally it involves "the attempt to gain an unfair advantage over your opponent in a competitive situation in which equality is normally preserved by certain central explicit rules and latent agreement" (1988: p. 62). However, if we do decide some practice is cheating "then it surely follows that it is wrong and that it disallows the cheat from playing the game. After all that's what cheating means" (Feezell, 1988: p. 62). So, if it is cheating, it is morally wrong and it is logically incompatible with playing the game. Therefore, the most important problem is to demonstrate that it is cheating. Feezell goes on to give a sustained attack on Leaman and Lehman which I will not review here. He finishes the final section of his article by comparing cheating to lying and murder, concluding that cheating is more like

²⁵For a full discussion on the nature of changing versus unchanging concepts see W. Gallie's "Essentially Contested Concepts" (1955-56). He does not address cheating directly but he does look at other concepts both in and out of sport.

murder than lying, because if we decide that any particular killing is murder, then we know it is wrong. The decision to call it murder entails the moral judgement. He claims this is not true of lying because we admit the distinction of "white" lies, which are a type of lie we accept and there is not a type of murder we accept:

We may argue about whether a certain act is murder or manslaughter or justifiable homicide, and our arguments involve appeals to intention, motive, and character. If we decide that an act of killing is murder, then we know it's wrong. In this sense, I believe that our concept of cheating is more like our concept of murder than our concept of lying.²⁶ (Feezell, 1988: p. 67)

Therefore, cheating is like murder and not like lying because all cheating is wrong.

Thus, we can see that Feezell couples cheating and wrongness very tightly.

This discussion helps us little with determining whether or not doping should be banned.²⁷ As it stands now, because it is banned, doping is cheating and therefore, wrong. Therefore, the concept of cheating simply as rule-breaking is of no use in determining what practices should be outlawed because all it means is that if it

²⁶Feezell also cites Aristotle's discussion in the Nicomachean Ethics about certain vices to support his claim: "But not every action or feeling admits of the mean, for the names of some automatically include baseness, e.g. spite, shamelessness, envy (among feelings), and adultery, theft, murder, among actions. All of these and similar things are called by these names because they themselves, not their excesses or deficiencies, are base.

Hence, in doing these things we can never be correct, but must invariably be in error. We cannot do them well or not well--e.g. by committing adultery with the right woman, at the right time, in the right way; on the contrary, it is true unconditionally that to do any of them is to be in error" (1107a).

²⁷The reason it is necessary to spend so much time on this discussion of cheating is that some sport philosophers believe that it is the justification for the doping bans (e.g. D. Fairchild (1991 PSSS Annual Conference, Tennessee) and P. Arnold (1992 PSSS Annual Conference, Berlin)).

is currently against the rules it is cheating and is wrong. It does not answer the question of why we want it to be against rules. Doping was not against the rules for years and was available and widely used (Gardner, 1990: pp. 2-5). Perhaps different definitions of cheating will give us an answer, but this is unlikely as we shall see below.

2. CHEATING AND INTENTION

In "Deception, Sportsmanship, and Ethics", Kathleen Pearson (1988) attempts to make a case for there being at least two types of deception in athletics. Strategic deception, which is morally acceptable, occurs when athletes fake moves or plays that deceive opponents, e.g. faking a drive in tennis and doing a lob, faking a line drive in baseball and doing a bunt, faking a pass in basketball and taking a shot, etc. Strategic deception is not against the rules of a game and is

at the heart of the skill factor in athletic events...which separates the highly skilled athlete from the less skilled athlete, and therefore, is the sort of activity that makes a significant contribution to the purpose of the athletic event. (Pearson, 1988: p. 116)

To test if some action is unethical, Pearson suggests the application of the following standard.

If an act is designed by a willing participant in an activity to deliberately interfere with the purpose of that activity, then that act can properly be labelled unethical. (1988: p. 116)

She defines the purpose of athletics as

to test the skill of one individual, or group of individuals, against the skill of another individual, or group of individuals, in order to determine who is more skilful in a particular, well-defined activity. (Pearson, 1988: p. 116)

Pearson clearly takes what D'Agostino refers to as a "formalist" position on the definition of games where "a particular game is no more than its rules" and develops her second type of deception from this position.²⁸ She calls this second type "definitional" deception "which occurs when one has contracted to participate in one sort of activity and then deliberately engages in another sort of activity" (Pearson, 1988: p. 116). As the game is defined solely by its rules, then intentionally breaking a rule, whether expecting to pay the consequences or not, interferes with the purpose of the game in which they occur and are, therefore, unethical. This is so, even for the so called "good foul." (The "good foul" is also sometimes referred to as a "professional foul.") A "good foul" is one that a player commits with the willingness of taking the penalty, but where the foul is committed in order to prevent the opposition from scoring. The argument is that it is good only in this way, i.e. strategically, which is why Pearson regards it as unethical, "If the arguments presented here are correct thus far, we can conclude that the intentional commission of a foul in athletics is an unethical act" (1988: p. 117).

Warren Fraleigh (1988) and Edwin Delattre (1975) hold the same position as Pearson and argue that such intentional rule violations constitute cheating. Cheating destroys the contest because

²⁸A full discussion of D'Agostino's use of "formalism" will follow in Chapter Four.

competing, winning and losing in athletics are intelligible only within the framework of the rules which define a specific competitive sport; a person may cheat at a game or compete at it, but it is logically impossible for him to do both. To cheat is to cease to compete. (Delattre, 1975: p. 135)

Thus, Pearson, Fraleigh and Delattre would all support Suits's logical incompatibility thesis and they define cheating as the intentional violation of the rules of the game.²⁹

If we test Pearson's criterion for moral evaluation of actions in athletics, namely the distinction between strategic deception and definitional deception, where the former is acceptable and necessary, and the latter is unethical because it interferes with the purpose of the game, we will quickly find, either that its use is extremely limited or that it doesn't work for evaluative purposes. There are at least two examples that can be used to demonstrate the failure of Pearson's criteria for moral evaluation. The first example is taken from baseball and is used by the "Fair Play Commission" of Canada to demonstrate unsporting behaviour, and runs as follows:

When a visiting-team base runner takes long leads off first base, your pitcher makes a throw to first that causes the runner to dive headfirst back to the bag. The first baseman catches the ball, but she and the right fielder sprint down the right field line in what appears to be an effort to retrieve a wild throw. The base runner looks up, sees the frantic activity and heads for second base where she is thrown out. (Fair Play Commission, 1990: p.6)

The Fair Play Commission uses this practice as an example of a morally questionable action violating the spirit of fair play (regardless of whether or not there are more

²⁹A full discussion of the types of rules in sport is given in Chapter Four, on the perversion of sport.

logical plays that could be implemented). This action is not called cheating by the Fair Play Commission, but rather, it is described as poor sporting behaviour:

At many levels, a "fake" such as in this scenario has become an accepted tactic in baseball. When teaching younger athletes, however, the development of a sense of fairness and honesty is far more important than tagging the runner out, or even than winning the game. (1990: p. 7)³⁰

Further, the Fair Play Commission suggests that when something like this happens in baseball, "you should suggest to the umpire that the tactic was unsportsman-like and that the runner should be allowed to return to first base" (1990).

The terminology used by some to capture this feeling that there is a difference between cheating, unsporting behaviour and good sporting behaviour, is that of "gamespersonship."³¹ Generally the person who is not a cheat, but would use strategic deception of any kind, as long as it was not formally against the rules, is called a "gamesperson".³² The first priority of the gamesperson is to win without cheating, but with no regard for operating within the spirit of the rules, i.e. sporting behaviour. Thus, all cheats exhibit poor sporting behaviour, but not all poor sports are cheats.

³⁰Some would argue that this type of action never happens in baseball. If one substitutes the "balk" in baseball, which is common, one can draw similar conclusions.

³¹This is my modification of the concept of "gamesmanship", which I have not found to be written about in the literature of philosophy of sport, but, it is written about in game theory.

³²An analogous distinction, often drawn by lawyers and accountants, between tax evasion and tax avoidance, was pointed out to me by R. Binkley.

This baseball example clearly fits Pearson's definition of strategic deception and is not an example of definitional deception because no rules have been broken and thus, the purpose of the game, as described by Pearson, is not obstructed. But according to the Fair Play Commission, this example demonstrates unacceptable behaviour in sport. If they are right, then bad actions in sport sometimes takes the form of Pearson's strategic deception. There have been cases where strategic deception has been banned, e.g., when the rule was made against a 'balk' on the part of the pitcher in baseball. At one time this was just strategic deception to fool a runner into thinking that pitch was about to happen, and so take an unwisely large lead off the base.³³

The second example of morally questionable strategic deception comes from soccer. Consider the situation where an attacker attempts to deceive a defender into leaving a ball that the defender should clear. If the attacker calls the defender's name and tells him or her to leave the ball, ostensibly for the goalkeeper or another defender, the defender may do just that, leaving the attacker an opportunity to score. There is no specific rule against this practice; however, there is a rule in soccer against "unsportsmanlike" conduct. This particular activity may or may not be penalized. If it is penalized, it is because the referee deemed it to be unsporting; and thus an example of a strategic deception that is seen to be unfair. The judgement of

³³This example was raised by R. Binkley.

the fairness, or otherwise, of this deception is a judgement that is prior to the formalization of a rule.

What these examples of unacceptable strategic deception are intended to show, is that Pearson's method for moral evaluation (where strategic deception is acceptable and definitional deception is unacceptable), is not adequate because it is too narrow. This kind of account, in and of itself, does not give us the necessary criteria to make such moral evaluations in sport. The reason for this is there are several examples of what we would view as unacceptable that the Pearson's position will not capture. Further, there are several examples of things that we would view as acceptable her account would render unacceptable. Let us turn to an account that brings in the "ethos" of the game to see if it will work any better.

3. CHEATING AND THE ETHOS OF THE GAME

We can now look at D'Agostino's discussion of the "ethos of the game" (D'Agostino, 1988: p. 63). He describes "ethos of a game" as, "those conventions determining how the formal rules of that game are applied in concrete circumstances" (D'Agostino, 1988: p. 63). He is not directly dealing with moral behaviour in games but, as will be shown, his argument regarding the definition of games has implications for the moral assessments put forward on the issue of cheating and fair play. "Formalism," according to D'Agostino is, "[a type of] account of games according to which various game-derivative notions [e.g. cheating and fair play] are defined solely

in terms of the formal rules of a game" (1988: p. 63).³⁴ With the emphasis on "formal" rules, it would seem that D'Agostino would like us to suppose that there are also 'informal' rules.³⁵ He does not think that formalism, as formulated, is a "straw man" because it does have explanatory power with respect to some important features of games. For example, if someone is unwilling to submit to authoritative decisions about some game, then formalism entails that person is unwilling to play that game. One of the "anti-formalist" considerations put forward by D'Agostino is that formalists are driven to Platonism about games—making them ideal types which are only imperfectly realized in their instantiations, because any instantiation of a game, in which any rule is violated, is not really an instance of that game. After much analysis, D'Agostino concludes that we cannot save formalism, for the same reasons

³⁴The "formalist" account of the definition of sport will be examined in more detail in Chapter Four. For the purpose of this chapter we will look at the implications this account has for the concept of cheating in sport.

³⁵D'Agostino does not state this supposition and it has implications for Suits's position, which D'Agostino classifies as being formalist, in regard to the ethos account. I would like to thank B. Suits for pointing this out. In Suits's definition of games, rules are characterized as requiring the use of less rather than more efficient means for reaching what he calls the game's prelusory goal (1978; 1988a; 1988b). That is what Suits takes rules to be. Breaking a rule is crossing the line the rule draws, whether intentionally or inadvertently. If one breaks a constitutive rule, one is, in that respect and to that degree, not playing the game. Suits does not maintain that something counts as a rule only if it is written down. Suits takes no position on how rules become acknowledged or accepted by the players. If the rules become modified through the game's ethos, this does not change what it is to be a rule. D'Agostino and Morgan use the word "convention" in contrast to "rule" as a way of distinguishing the "formalist" from the "ethos" account. But in terms of what a rule is and how it functions for Suits (in permitting or in prohibiting some action) there is no difference between an acknowledged convention and a rule. Therefore there is no reason why Suits's position would invalidate counting an acknowledged convention as a rule.

that we cannot save Platonism, and therefore, a different account of games is required.³⁶

D'Agostino's most telling example of why formalism is inadequate as an account of games, comes from the game of basketball. He cites examples of formal rule violations which are accepted at certain levels of the sport by the officials, players, coaches and even spectators. He claims this happens because they have, in effect, conspired to ignore certain rules of basketball, in certain situations, to promote mutual interests. They

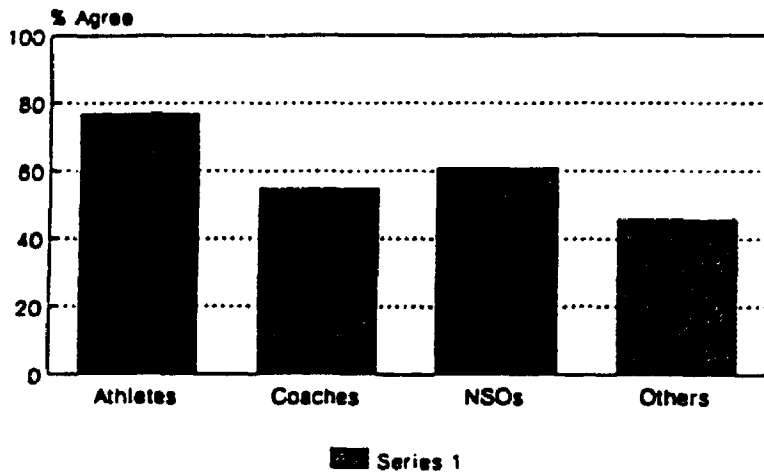
make the game more exciting than it would be if the rules were more strictly enforced... [creating] an unofficial *system* of conventions which determines how the official rules of the game will be applied in various concrete circumstances. Foul moves which deviate, not from the formal rules *per se*, but from the formal rules as these are interpreted in terms of a particular set of implicit conventions will, in fact, be penalized if detected. (D'Agostino, 1988: p. 69)

D'Agostino's claim that this system of conventions for interpreting formal rules, and in some sense "acceptable" behaviour, can be inferred by players from their own experiences, is supported in a study on Values and Ethics in Amateur Sport

³⁶D'Agostino's account of Platonism is not very rich. Under his conception of the Platonic form of a game, a game played without any examples of rule breaking is a perfect instantiation of the form. The problem with this account is that it means that a game without rule violations, even if played at a low level of skill, would be a perfect game. But, it is commonly felt that a high level of skill is required to play anything near a perfect game. We should take account of the quality of the players to give any sort of credence to Platonism; if all the players were poorly skilled and followed the rules, it would not count as resembling the form of the game very well. Perhaps a minimum requirement is that the rules be followed, but further, for a better instantiation, one would want highly skilled players of that game.

(Blackhurst, Schneider and Strachan, 1991). A survey was conducted on the participants in this study concerning whether or not the participants saw drawing a foul in basketball as "part of the game"--i.e. 'acceptable'. In basketball each player is allowed to make four fouls and is then disqualified from play if a fifth foul is called. Drawing a foul is the practice of trying to make opponents (who have four fouls recorded) foul the person with the ball, so that they will be disqualified. See figures 2.1, 2.2, 2.3, and 2.4 below for the survey results from athletes, coaches, National Sport Organizations (NSO's) and others (Blackhurst, Schneider and Strachan, 1991: pp. 68-69).

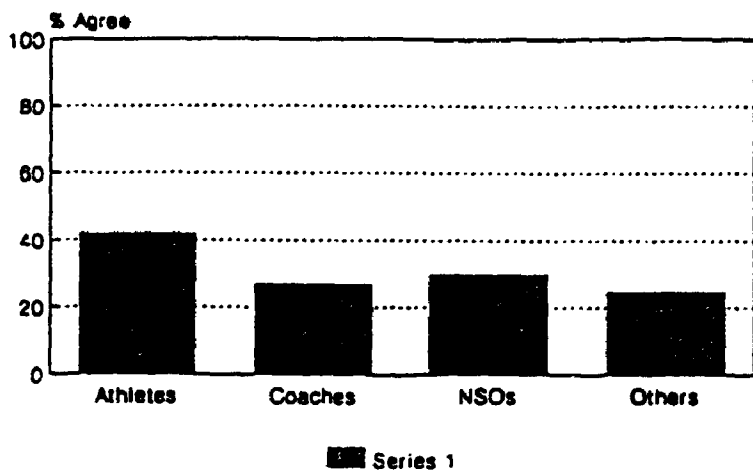
FIGURE 2.1. DRAWING A FOUL: PROFESSIONALS



Drawing a Foul as Part of the Game of Basketball for Professional Players.

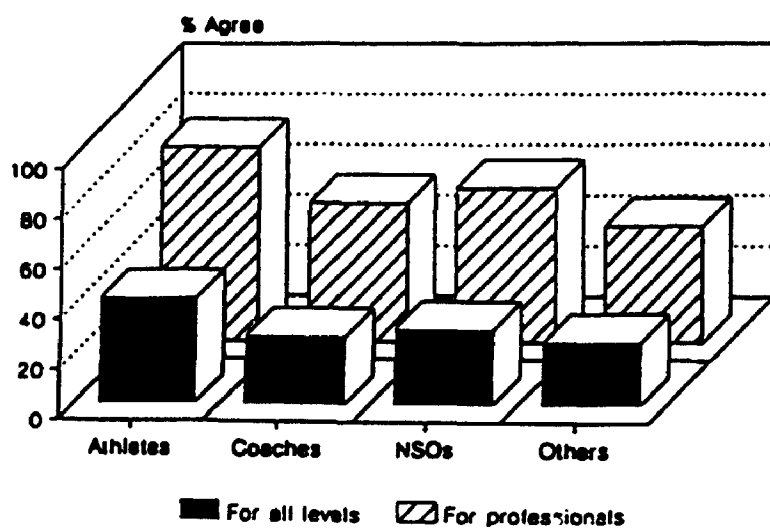
More than 60% of all those surveyed said that drawing a foul is part of the game for professional players. The athlete participants had the highest degree of agreement at 78%. The NSO participants had the next highest at 61%. The participating coaches were at 57% and the group referred to as "Others" (games organizers, educators, etc.) was at the lowest level of agreement with 48%.

FIGURE 2.2. DRAWING A FOUL: ALL LEVELS



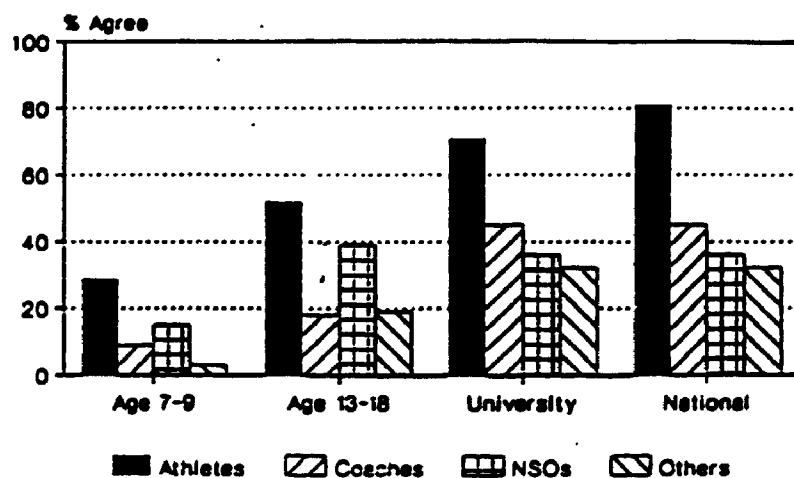
Drawing a Foul as Part of the Game of Basketball for all Levels.

Fewer than 32% of all those surveyed said that drawing a foul is part of the game at all levels of the sport of basketball. Once again the athlete group were the highest at 41%. The order of the groups was the same, with the NSO group at 30%, the Coaches group at 28%, and the group called "Others" at 25%.

FIGURE 2.3. DRAWING A FOUL: COMPARISON

Drawing a Foul as Part of the Game of Basketball
All four groups for professional vs. all levels (combination of graphs 3.1 and 3.2) are compared.

FIGURE 2.4. DRAWING A FOUL: AGE-RELATED SHIFTS



Drawing a Foul: Age-Related Shifts
 As can be seen from the graph, more than half of the athletes surveyed agreed that drawing a foul was part of the game from age 13 and up. More than 80% of them agreed that it was part of the game for National Team level athletes. The athletes saw drawing a foul as a part of the game at significantly higher levels than any other group. All groups saw drawing a foul as more a part of the game at the university and national levels than at lower levels.

The survey asked for views on this issue, by level of the sport and by the gender of the players. Although there were no gender-based differences

all groups perceived a shift in the nature of the game as one moved up the competitive ladder...This short survey lends support to the idea that a simple view that games remain the same, whatever the level at which they are played, is insufficient to account for what is in fact practised. (Blackhurst, Schneider and Strachan, 1991: p. 69)

This survey supports D'Agostino's contention that to determine the conventions of the game it is not sufficient merely to consult the formal rules.

One must make this determination empirically, by investigating the actual practices which these conventions sanction. (D'Agostino, 1988: p. 69)

The "ethos" of the game of basketball, according to D'Agostino (which seems also to be supported by the Canadian study), is "the unofficial, implicit, empirically determinable conventions which govern official interpretations of the formal rules..." (1988: p. 69). Therefore, on the "ethos" account, cheating is game specific and is determined by reference to the ethos of the game plus the rules and it is the two in combination that determines cheating. But the ethos, or conventions, override the formal rules (i.e. people can choose, as a matter of convention, to ignore a particular rule of a particular game).

Violation of conventions is cheating, and cheating is tightly coupled with wrongness. We now may have what might count as a plausible explanation for the approval of Perry's spitball and his induction into the hall of fame. If the ethos of professional baseball permits (or even expects) pitchers to doctor the ball in one way or another, as long as they are undetected, Perry played the game (indeed played

consummately well as he was rarely caught), for he did what baseball players expected of him.³⁷ There are, however, some differences between the drawing a foul example and the spitball example. There is no "formal" rule in basketball against drawing a foul, there is a "formal" rule in baseball against spitballs. So, we are dealing with two different categories of behaviour in regard to rule violations, but the similarity between them is that both behaviours are viewed as morally wrong by conventions.

4. CHEATING AND THE LOSS OF THE "INTERNAL GOODS" OF SPORT

A critique of the antiformalist positions of Lehman, Leaman, and D'Agostino is presented by William Morgan (1987) in "The Logical Incompatibility Thesis and Rules: A Reconsideration of Formalism as an Account of Games." D'Agostino, Leaman and Lehman, all want to reject formalism as a plausible account of games, not of particular games such as baseball, but of games in general. Morgan wants to supplement formalism and not dismiss it. The question facing Morgan is, how can formalism, if it is the view that games are defined by rules, be supplemented? One does not necessarily have to define games and cheating together. The two concepts come together only if one says that cheating is not playing the game (i.e. the formalist position), which one need not say. For example, cheating might be playing the game dishonestly. Morgan is looking at the formalist account. If one argues that games are

³⁷Perry was caught doctoring the ball once in his career. He was fined \$250 and suspended for 10 days. For more information on Perry and the use of the spitball see Me and the Spitter: An Autobiographical Confession (Perry, 1974).

not defined by rules alone, then one is putting forward an anti-formalist account. This is precisely what Morgan does, but claims that he is salvaging formalism.

Morgan argues that the manner in which the antiformalists supplement formalism with an account of the ethos of the game undermines and does not salvage formalism. But, of course, the anti-formalists do not want to salvage it. It would be more accurate to describe the ethos account as more than a supplement to formalism, because the conventions can override the rules. What Morgan wants to do is to incorporate into the formalist position an account of the ethos of a game. Morgan thinks that what counts as playing a game fairly (and presumably unfairly or cheating) can be settled by the standard account of formalism, which defines a game in terms of its formal rules.³⁸ However, Morgan thinks that formalism must be supplemented with an account of the social context, or the ethos, but only by retaining the primacy of the rules. He uses MacIntyre's definitions of "institution" and "practice" for his account of ethos.

MacIntyre's distinction between an institution and a practice is related to the distinction of goods internal and external to a practice. MacIntyre uses the example of a seven year old that he wishes to teach to play chess to explain the distinction

³⁸Morgan thinks it may be conceded that Gaylord Perry broke a rule, but it would be going too far to say that he was not playing baseball because he broke such a rule. On the other hand, Morgan notes that on the ethos account, not only is Perry playing baseball but playing it fairly.

between internal and external goods. Having no particular desire to play the game, the child has a very strong desire for candy and little chance of getting it (1984: p. 188).

MacIntyre asks us to suppose that he tells the child that if he or she will play chess with him, he will give the child fifty cents worth of candy. MacIntyre then describes this situation in the following way:

Thus motivated the child plays and plays to win. Notice however that, so long as it is the candy alone which provides the child with a good reason for playing chess, the child has no reason not to cheat and every reason to cheat, provided he or she can do so successfully. But, so we may hope, there will come a time when the child will find in those goods specific to chess, in the achievement of a certain highly particular kind of analytical skill, strategic imagination and competitive intensity, a new set of reasons, reasons now not just for winning on a particular occasion, but for trying to excel in whatever way the game of chess demands. Now if the child cheats, he or she will be defeating not me, but himself or herself. (1984: p. 188)

MacIntyre concludes that there are two kinds of goods to be gained by playing chess, external—contingently attached to chess-playing (and other practices) by accidents of social circumstance e.g. candy, money, prestige, etc., and internal goods which can't be gained in any way except by engaging in some particular practice. These internal goods are called "internal" for two reasons according to MacIntyre:

first, as I have already suggested, because we can only specify them in terms of chess or some other game of that specific kind and by means of examples from such games (otherwise the meagreness of our vocabulary for speaking of such goods forces us into such devices as my own resort to writing of 'certain highly particular kind of'); and secondly because they can only be identified and recognized by the experience of participating in the practice in question. Those who lack the relevant experience are incompetent thereby as judges of internal goods. (1984: p. 188)

Now we can look at what MacIntyre means by "practice" in order to understand how the above discussion relates to Morgan's article.

By a 'practice' I am going to mean any coherent and complex form of socially established cooperative human activity through which goods internal to that form of activity are realized in the course of trying to achieve those standards of excellence which are appropriate to, and partially definitive of, that form of activity, with the result that human powers to achieve excellence, and human conceptions of the ends and goods involved, are systematically extended. Tic-tac-toe is not an example of a practice in this sense, nor is throwing a football with skill; but the game of football is, and so is chess. Bricklaying is not a practice; architecture is. Planting turnips is not a practice; farming is. (1984: p. 189)

Thus, a practice is a social activity in which satisfaction of the standards of excellence that identify it are the internal goods of that activity, and not any external goods that may be gained. A practice is distinct from an institution, but is dependent on it. For example, MacIntyre says things like chess, physics and medicine are practices and things like chess clubs, laboratories, and hospitals are institutions which support these practices. The institutions support practices because they focus on maintaining the practice by acquiring goods external to it, like financing. The serious tension that arises in this relationship, according to MacIntyre, is when the institutions have too much control over the practices and the internal goods are lost because of the focus on external ones. This contention will also come up again in Chapters Four, Seven and Eight below.

Morgan claims that the critics of formalism have confused the internal perspective, and goods, with the external perspective, and goods, of a game, mistaking

the ethos of the "institution" of the game for the ethos of the game as a "practice" in MacIntyre's sense. Thus, Morgan claims that any consideration of the social context of a game or sport must take its point of departure from the formal rules. (We will hear more of this in Chapter Four on the nature of sport.) Morgan's article does not give us a solid definition of cheating, for this is not his intention; it does however, allow us to put the "ethos" account into a little different light and presents an interpretation of a supplemented formalist account that theoretically prevents the slip into "a version of moral relativism."³⁹ The basis of Morgan's position is MacIntyre's distinctions.

MacIntyre mentions the concept of cheating during the discussion of the distinction of goods internal and external to a "practice" in his example of the seven year old as described above. We may recall that MacIntyre points out that as long as it is the candy alone which provides the child with a good reason for playing chess, the child has no reason not to cheat and every reason to cheat, provided he or she can do so successfully. But, he also says there is hope that there will come a time when the child will find new reasons to play, in those goods specific (internal) to chess, the intrinsic ones--the achievement of a certain highly particular kind of analytical skill, strategic imagination and competitive intensity. We will see that these internal goods

³⁹Morgan claims that D'Agostino and Lehman are displacing the appeal to the formal rules in favour of an appeal to the social context and the resulting "moral relativism" vests virtually all critical and normative capacity in the ethos. The strategy leads merely to a defence of the status quo and conflates moral with social standards.

in the sport situation can be captured by what might be called the rules of skill and strategy as defined in Chapter Four below.

5. CHEATING AND AGREEMENT

None of the above definitions are adequate, but some are better than others. The position I would like to put forward is one in which the central concept of the notion of cheating is that of agreement. One cheats if one breaks an agreement. Cheating is morally wrong because it is an example of breaking an implicit or explicit agreement. The agreement entered into by contestants in sporting competition is partially, but incompletely, expressed through the rules of the game. The full agreement can only be expressed in conjunction with a description of the ethos of the game. (I think this is what Morgan tries to argue although he never speaks explicitly of "agreements.") In attempting to develop this alternative definition, we will focus on the agreement one enters into when one plays a game.

The rules of the game are central to the agreement to play the game, for the rules are partly constitutive of the game. However the rules are not explicit about the way they are to be interpreted, nor about what should be the attitude of the contestants to infractions of the rules. In the vernacular, do you play to the rules or do you play to the ref? These attitudes towards interpretation and infractions constitute the ethos of the game and can vary from game to game and between levels of the same sport. In soccer, for instance, the action of faking a foul (taking a dive in order to fool the

referee into awarding your side a penalty) sometimes is and sometimes is not agreed upon as acceptable behaviour. (The English will claim that it is no part of soccer and will also claim that it is part of the way the game is standardly played in South America.⁴⁰)

Players can agree not to follow certain formal rules, in which case, if they do not follow those rules they are not cheating. But if the players agree not to use certain strategic practices, then if they do use them, even if they are not against the written rules of the game, they have still cheated. The problems, of course, arise because these agreements are unwritten and often unspoken. Provided both sides have the same interpretation of the agreement they have entered into as they start to play there is no problem. There is a problem when those who think that taking a dive is not acceptable, start to play with those who do.

On this account all cheating is wrong, but not all rule-breaking or all deception is wrong. The reason cheating is morally wrong is because it is a case of breaking an agreement. This agreement can be formal, informal or a combination of the two (e.g. baseball league members agree to ignore one particular rule in the baseball rule book--an informal agreement, but they also follow the rest of the rule book--a formal

⁴⁰This sentiment was vehemently expressed by a focus group on the rules and conventions of soccer (Schneider and Butcher, 1992).

agreement). This definition of cheating solves the problems many of the other accounts have when trying to say why cheating is wrong.

Further, on this account cheats cannot win the game because cheats fail to play the game by deceptively breaking, and therefore changing, the agreement that defined the game. There are other ways to break the agreement that are not cheating because there is no deception involved. Spoilsports break the agreement to play the game because they stop playing by leaving the game and prevent everyone else from playing the game, e.g. the one who takes the ball home when it is the only ball.⁴¹ They do not do this deceptively, so they are not cheats. Triflers break the agreement to play the game because they do not respect the part of the agreement which says that they will try to win. The trifler "plays at" the game, rather than plays the game, and thus makes a mockery of it. Thus, the best account of cheating is that it is deceptively breaking an agreement, where the reason for the deception is to gain an advantage over opponents.

6. CHEATING AND UNFAIR ADVANTAGES

We will now look at the relationship between cheating and unfair advantages. We looked earlier in this chapter at an example of the argument that doping is wrong because it is cheating and saw that it was obviously circular. Naturally enough one

⁴¹For interesting discussions of "spoilsports" and "triflers" see John Huizinga's Homo Ludens (1950) and Bernard Suits Grasshopper (1978).

does not see cheating arguments as obviously question-begging as Justice Dubin's in the literature of philosophy of sport. However, there do occasionally appear papers that inadvertently lend some support to this position. One of these is Roger Gardner's (1989) "On Performance-Enhancing Substances and the Unfair Advantage Argument," in which he explores the ethical status of competitive advantages which might be gained through performance-enhancing substances.⁴² Any support that may be found in Gardner's article for the suggestion that the use of banned substances would be wrong because that would be cheating, is inadvertent. Gardner's conclusion is, that arguments against the use of drugs that are motivated by an appeal to the "unfair advantage" they are supposed to bring, do not work.⁴³ It is true that the unfair advantage argument that Gardner examines does not work. However, his classification of this argument, and the means he uses to arrive at his conclusion, unfortunately only deepen the confusion about the relationship amongst moral appraisal, unfair advantages and cheating. Some of the distinctions he makes are problematic, as we shall see below.

Gardner starts by distinguishing between "unfair and unacceptable advantages" and "unfair and acceptable advantages." The examples he gives of the former (unfair

⁴²This article is closely based on a chapter in his Ph.D. dissertation. I will be referring to both the dissertation and the article.

⁴³This is not to say that Gardner thinks that using prohibited substances and practices to give oneself and "unfair" advantage is morally acceptable. What he is claiming is that the unfair advantage argument will not work to prohibit those substances and practices in the first place.

and unacceptable) are cases where the advantages gained are against the rules of the sport concerned (corked bats and spitballs)—which, naturally enough, invites the response that the advantage so gained is unfair and unacceptable precisely because one must cheat to get it. But, surprisingly, Gardner contends that the reason that Ben Johnson's use of Stanozolol, an anabolic steroid, is unfair and unacceptable is because Johnson created a condition of inequality among competitors (1990: p. 25). But this contention cannot explain the wrongness of Johnson's act because he also created conditions of inequality by his training regime, and no one is concerned about that.⁴⁴ What Johnson did was unacceptable and unfair because he cheated, he intentionally broke the agreement to follow the rules and intended to hide that fact. The reason this is unacceptable and unfair is not, as Gardner suggests, that Ben created a condition of inequality. The creation of inequality cannot be what makes it wrong because Olympic sport (and competitive sport in general) accepts, and indeed requires, inequality. Therefore, it was not the creation of the condition of inequality *per se* that was unacceptable and unfair, but rather, that Johnson cheated. On the other hand, the examples of advantages that Gardner says are "unfair and acceptable"—such as genetic

⁴⁴It is not the use of steroids *per se* that improves one's performance. For example, I cannot just inject steroids into my body and then improve my performance as a result of that injection. What steroids allow athletes to do is to train harder than anyone who is not on steroids. For example, Ben Johnson was able to lift weights every day because of the use of steroids. Any athlete who attempts to do this without the use of steroids to immediately repair the muscle tissue that is broken down in weight training will become weaker not stronger. Thus, athletes who are not on steroids cannot lift weights every day and get stronger, they can only lift weights every other day. Steroid use allows athletes to train harder than those who do not use them and that is how they improve their performance. This distinction between performance-enhancers and training-enhancers will be explained in more detail in Chapter Three.

endowment, or access to altitude or advanced training techniques and equipment are not obviously "unfair" at all. Gardner never argues that such advantages are indeed "unfair"; he merely asserts that some would say they are.

Gardner's failure to explain adequately the purported distinction between "unfair and unacceptable" and "unfair but acceptable" advantages deepens the confusion surrounding the search for justifications for banning doping. The appeal to an "unfair advantage" in the sporting context, brought by the practices in question, only gains its force because the roots of the expression lie in its connotations of cheating and wrongness. Gardner claims that when we say that something is "unfair" we do not necessarily mean it is unacceptable or immoral. But when we use the term "unfair," it is a term of disapprobation. It would seem that the term "acceptable" is, at the very least, not derogatory. We can now offer a possible reason why genetic advantages might not be unfair in sport. All moral concepts carry with them the notion of responsibility; we are not morally assessable if we are not responsible, and we are not responsible for our genetic inheritance. Therefore, if I am genetically endowed for the sport I compete in, it does not follow from this endowment, I am taking an unfair advantage of my fellow competitors in this sport. But I might gain an unfair advantage if matched, for example, against a lightweight boxer when I am a heavyweight. Just as I might gain such an advantage if I unwittingly use a performance-enhancing substance. In order for one to be classified as a cheater it

would seem that one would have to intentionally try to take an unfair advantage.⁴⁵

The reason people cheat is to try to gain an unfair advantage. If I accept the advantage of boxing against a lightweight given to me by the organizers of the match, I am a gamesperson but I am not a cheat. I would be a sportsperson if I rejected the advantage given to me.

There is another way we could view this question of whether genetic endowment is an unfair advantage. Gardner mentions in a footnote that Rawls argues that an individual does not deserve the products of genetic endowments, since such endowments are bestowed by a blind genetic lottery (Rawls, 1970). It is true to say that the fact that genetic endowment is a blind lottery does not seem fair especially to those who lose the lottery. But that does not mean *prima facie*, that those who have won the lottery have taken an unfair advantage of those who lost. It could mean that they have a natural advantage, and it would only become unfair if they were matched

⁴⁵Spencer Wertz argues that there are unintentional acts which are cheating. "Do people really distinguish between intentional and unintentional cheating? Why talk about "intentional cheating" unless one thinks other varieties of cheating exist? Surely people think that this is an important qualification, and that the addition of the adjective does supply information and is not redundant" (Wertz, 1981: p. 28). I would argue that Wertz's examples (e.g. accidental foul) of "unintentional cheating" are not really cheating at all, though they may be irresponsible action or clumsy action and may be wrong, in that people should take more care. But unless it can be shown that an agreement has been intentionally broken I don't think we should call it cheating.

against those of lesser abilities. But, in high-performance sport everyone has won the genetic lottery.⁴⁶

Gardner claims that when we say something is an unacceptable advantage, "what we object to is the way the athlete acquires the advantage, not the advantage *per se*" (1990: p. 4). Gardner doesn't state what seems obvious, namely, that the "unfair advantages" that are unacceptable are so just because they are unfair. The "unfair advantages" that are acceptable are not clearly unfair at all. Regardless of where one posits the term "unfair," with the means or the ends, we usually mean to declare the situation unacceptable.

It is interesting to reflect on the possible motivations for the broader notion of "unfair advantage." The candidate that comes to mind is the almost ubiquitous but shadowy figure of pure or ideal sport. The rest of Gardner's paper is devoted to an examination of the "unfair advantage" steroid use might bring over other athletes and "over sport itself." He concludes that the argument that steroid use brings an unfair

⁴⁶The majority of the inequities that appear at the Olympic Games are between athletes from poorer countries and athletes from wealthy countries, and they are largely a result of financial status and not genetic endowment. Some may argue that this is an unfair state of affairs, but it would seem odd to argue that any one athlete from the United States is taking an unfair advantage of any one athlete he or she competes against from Somalia by virtue of the fact that the American athlete was born in a rich country and the Somalian was born in a poor one. It may be further argued that because the IOC has done virtually nothing about this unfair state of affairs, that does not mean that we should deem it acceptable. Thus, in this example we have a situation where there are unfair contests where no one has cheated.

advantage over other athletes could be countered by permitting steroid use—which, of course, is true but obvious if "unfair advantage" gains its force from its connotations of cheating. The second suggestion for the unfair advantage argument, that it might bring an unfair advantage "over the sport itself," does not make sense. How does one take advantage of a sport? I think a better way of formulating this suggestion is that doping may violate what we might call the integrity of sport.⁴⁷ Thus, I have placed this type of argument into the category of arguments that flow from the perversion of sport, a category that will be considered below in Chapter Five.

7. SUMMARY

In summary, in this chapter we have examined the concepts of cheating and unfairness to see if an account of them could demonstrate why doping should be banned in the sport (an "outside-in" judgement). But because the explanation of cheating and unfairness in sport requires an "inside-out" perspective (internal to the "practice'), these concepts, independently, cannot help to justify the bans. A defender of the cheating argument might respond by saying that doping does break the agreement and so is cheating by my definition. Further, they may claim that because it is so widespread it has become necessary to transfer the rule against it from unwritten to written status, and that is what having the list of banned substances does. It is true that such transfers from unwritten to written happen when it is deemed

⁴⁷Although Gardner mentions the phrase "integrity of a sport" in his discussion, his argument is formulated as an unfair advantage argument as we shall see below.

necessary to formalize them. But, the defender of the cheating argument must answer the question, "why was the proscription on doping in the informal agreement in the first place?" For example, drawing a foul is proscribed in an informal agreement in basketball. The reason for this proscription is that this action exhibits poor sporting behaviour because it results in the potential defeat of a team because their better players have been fouled out and not because they have been defeated by superior playing skills, i.e. dribbling, shooting, etc. Thus, we find that no discussion of cheating, used to justify the proscription of doping, could be anything other than question-begging.

As we will see in later chapters it is sometimes necessary to move back and forth between "inside-out" and "outside-in" explanations, e.g. dope-testing may be wrong because it is an invasion of privacy--an "outside-in" judgement of a sport related practice. The reason for this move is that there are some things that cannot be overridden in any practice without compelling reasons, and our right to privacy is one of those things.

However, based on the definition of cheating developed in this chapter it can easily be construed that Ben Johnson cheated when he used Stanozolol because all Canadian carded (i.e. government supported) athletes must sign an agreement not to use banned substances. It was argued at the Dubin Inquiry by Charlie Francis that what he and Ben Johnson did (cheated) was acceptable because Johnson did not gain

an unfair advantage from using this drug because it is well known that sprinters are one of the primary user groups of this drug. He argued that they were disadvantaged if they did not use steroids. Francis presented detailed scientific evidence to demonstrate that the use of steroids by world class athletes have pushed world records 50 years ahead of time (Dubin, 1990a). (His documentation was considered to be of such accuracy that video tapes of his testimony have been made and sold on the black market to show people how and why to use steroids for sprinting.) Francis would argue that Johnson competed at a disadvantage in the Spain Olympics because the other sprinters have not been caught. The lack of detection may be an argument for lifting the ban for practical reasons, but it is not a good argument for cheating (breaking one's agreement--formal, informal or a combination--not to dope). Not all cheating actually gives one an unfair advantage; for example, if everyone cheats no one has gained an unfair advantage. But this outcome does not make the cheating acceptable.⁴⁸

⁴⁸Spencer Wertz argues that there may be situations where cheating is acceptable, "Do we look with moral indignation upon the player who cheats to make the opponent stop cheating him or her? No, we might not; we might take this action as an attempt to restore the playworld. The restoration might be thought of as more important than the specific act of cheating which brought it about" (1981: p. 33) One may address this position by remarking on the concept of cheating to better understand its relationship with wrongness. "Cheating" has evaluative connotations, the word expresses disapproval. It may be instructive to look at the way the word "cheat" is used outside the sporting context to give us the "outside-in" perspective; or in MacIntyre's terms, a perspective from outside the "practice". When one "cheats" on one's marriage partner, one breaks a tacit or explicit agreement to monogamy. When one "cheats" in a business deal, one breaks the agreement to take only certain actions that the partners have agreed to do. When one "cheats" on one's income taxes, one breaks the agreement, or contract, that was made when one signs that what has been presented is the truth to the best of one's knowledge. We even use the term cheat in war games. There is an old war movie called "Colonel

It might be argued that there may be an informal agreement that athletes will disregard this written agreement not to dope. Whether there are, or were, enough "blind eyes" to entitle us to say that no-doping was not part of the relevant agreement is difficult to say. But, it is not just a matter of turning a blind eye to offenses. One might regard non-doping as part of the agreement, and not dope oneself, without being moved to take action against those who do dope. There were, and are, after all, formal IOC rules proscribing doping. This is why doping is clearly proscribed in the agreement Canadian carded athletes must sign. This point brings up the question of how it is to be determined what the agreement actually is? This information is necessary to determine when cheating has occurred by my definition. We could do a study of the athletes opinions, but some might argue that others in society should be included. Also, since there will be differences of opinion, how is it determined that the outcome of such a study indicates that such and such is in the agreement? I will

Blimp," in which a veteran from World War I is teaching his young soldiers about war in preparation for WWII through the use of war games. Colonel Blimp and the young soldiers agree to the conditions of the war game and the time for commencement. To Colonel Blimp's horrified and uncomprehending dismay, the young soldiers break the agreement by starting the war game before the agreed time and capture Blimp while he is taking his bath. This is analogous to attacking the enemy before war is declared, rather than a surprise attack after declaration. Blimp refers to this as "cheating" and sadly recognizes that not only have the "informal rules" of war, and war games, changed dramatically from WWI to WWII, but that those old rules, may in fact be absurd because he could not deny that the young soldiers had in fact "won" the war game (which leads one to question the appropriateness of an analogy of war with games). In all of the above cases the word cheat is connected to the concepts of wrongness.

address these questions in Chapter Seven when I propose some potential solutions to the doping issue.

After this extensive discussion of cheating, we are left with the question of why doping is banned in the first place. The general point however, is that no argument that asserts that doping is wrong because it is cheating, can be used to demonstrate why it should be banned; that is, why it is part of the formal rules, in the first place. One alternative is to make explicit that the agreement to participate excludes doping and to rigorously enforce that agreement. One other alternative is to bend with the wind and modify the agreement to permit doping. Nothing about what is or is not cheating says anything about which of these alternative to choose. The next place we will look will be the arguments from harm, since they are the second most commonly cited defence for proscribing doping.

CHAPTER THREE

THE ARGUMENTS FROM HARM

THE COMMISSIONER: And if you read the detailed list as I read it, in every case there is some reason for it apart from the ethics, a health reason.

THE WITNESS: Yes, we think so.

THE COMMISSIONER: And we know what all the side effects are, and as I understand certainly Sports [sic] Canada's policy of prohibiting the use of these drugs is two fold: One, because this is cheating. And secondly, because of health...one may put a higher priority on the other, probably health first... (Dubin, 1990a: p. 13644)

The second most commonly cited category of arguments used to justify the bans on doping are those from harm. In this chapter we will look at four types of arguments from harm: 1. harm to users; 2. harm to other athletes; 3. harm to society; and 4. harm to the sport community. We will also look at 5. harm caused by the bans. The purpose of this chapter is to analyze these arguments to see if they will work to justify the proscription of doping, which is different from seeking to justify each of the substances and practices on the current banned list.⁴⁹

⁴⁹As I pointed out earlier, doping gets defined as the substances or practices on the banned list. It is not obvious that all those substances or practices are conceptually connected in a coherent way. As I will argue later, one task of this study is to provide a criterion for deciding when we should deem a practice or substance to be doping.

1. HARM TO USERS

The argument from harm to the user, in its simplest form, looks like this:

Premise 1: Substance or practice x harms its user;

Premise 2: Its user needs to be protected;

Premise 3: The user can be protected by banning the substance;

Conclusion: Therefore the substance should be banned.

If we consider, for example, this general argument in respect of adult rational athletes and the particular substance, anabolic steroids, we can examine it in three quite different ways.

The assertion that steroid use harms the user is, as yet, scientifically unproven. At best the medical evidence is mixed. Much of the evidence concerning harm is derived from anecdotal testimony of athletes using very high doses in uncontrolled conditions. On the other hand, the hard medical evidence from controlled low-dose studies tends to show minimal harm (Dubin, 1990a). Our society's abhorrence of the practice has prevented the gathering of hard, scientifically validated, evidence because such research has yet to pass ethics committees when volunteers, who are already using steroids, come forward just to be monitored.⁵⁰ For premise one of the argument to work we would require far better data than is currently available. There are two elements to the harm charge: bad effects and the causal linkage of these to

⁵⁰Personal communication from N. Gledhill who testified as an expert witness on doping from the sport sciences at the Dubin Inquiry.

doping. Currently it has not been scientifically proven just what bad effects are from doping. This doubt about the truth of the first premise is, however, insufficient for us to dismiss the argument. So let us grant, for the sake of argument, that steroids do indeed harm their users, because it is not implausible. There are, however, other performance-enhancing substances for which this assumption would be implausible, e.g. over the counter cold remedies.⁵¹ This argument from harm cannot, therefore, be used as a general argument against doping. Thus, it would seem the best thing to do is to deal with each substance separately.

The second premise fails for different reasons. The desire to protect some other "competent" adult from the consequences of his or her own actions is paternalistic.⁵² Banning doping, in the present context, would be a form of paternalism if it was done in order to protect the athlete. Paternalism has acceptable and unacceptable forms. For example, some argue that banning doping for minors is acceptable and banning doping for adults is unacceptable. However, there are cases in society where we ban practices for adults (e.g. driving without seatbelts, or use of marijuana or cocaine, but not steroids). The question that must be addressed is, is

⁵¹Under the doping class of stimulants in the IOC Anti-Doping Charter products like these are listed on page 2.4, "Thus no product for use in colds, flu or hay fever purchased by a competitor or given to him/her should be used without first checking with a doctor or pharmacist that the product does not contain a drug of the banned stimulants class."

⁵²The basic notion is that individuals are deemed to be competent to make their own decisions unless they are minors or are demonstrated to be "incompetent" from a medical/legal perspective.

banning steroids and other substances and practices an example of acceptable paternalism?

For the purposes of this study, I will concentrate on the justification of bans imposed on competent adults. I will leave open the discussion of whether it may be possible to prohibit minors from doping. Most writers assume that this is possible. This raises an interesting difficulty. If we ban doping for minors, but do not ban it for adults, and if adults and minors compete against each other in the Olympic Games (which they do in some sports), then we would have the odd situation of different rules applying to different competitors. This would not be fair. One might therefore conclude that doping should be banned for adults so that the competition between them and children might be fair. An alternative would be to ban minors from competing in the Olympic Games (there are currently minimum age requirements but they are well below the standard age of majority e.g. 13 in some cases). Given the enormous amount of time and commitment required to reach Olympic levels, permitting children to compete may well be placing an intolerable burden upon them-- a burden they are not fully able to consent to or to choose.

In this study, because the focus is on adults, we will be referring to Feinberg's "hard" paternalism, the view that paternalism is sometimes justified even if the action

is fully voluntary (Feinberg, 1977: pp. 106-124).⁵³ Both R. L. Simon and W. M.

Brown suggest that paternalistic interventions in the lives of adult competent athletes are unwarranted (Brown, 1980; Brown, 1984a; Brown, 1990; Simon, 1984a). In "Paternalism, Drugs, and the Nature of Sports," Brown describes his position as follows:

At this point, we may resort to something like a principle of "hard" paternalism if we are to persist in our efforts to control the choices and options of [adult] athletes. We are in effect seeking to impose on those who resist it an alternative set of values. But what would justify such an imposition? There seems no reason to suppose that taking risk in sports, even great risk, is inevitably irrational, self-destructive, or immature, as we have seen. Nor is it plausible to suggest that we forbid all of the sports which involve such risk, such as mountain climbing, sky-diving, or even boxing. As Mill argued, such intervention in people's lives would itself be a greater wrong than the possible injury of activities voluntarily chosen...We can indeed forbid the use of drugs in athletics in general, just as we do in the case of children. But ironically, in adopting such a paternalistic stance of insisting that we know better than the athletes themselves how to achieve some more general good which they myopically ignore, we must deny in them the very attributes we claim to value: self-reliance, personal achievement, and autonomy. (Brown, 1984a: pp. 20-21)

In "Good Competition and Drug-Enhanced Performance," Simon also reminds us of Mill's position.

However, if we accept the "harm principle," which is defended by such writers as J. S. Mill, paternalistic interference with the freedom of others is ruled out. According to the harm principle, we are entitled to interfere with the behaviour of competent, consenting adults only to prevent harm to others. After all, if athletes prefer the gains that the use of drugs provide along with possible side effects to the alternative of less risk but worse performance, external

⁵³It should be made clear at this point that this argument from paternalism operates only in the case of so called "competent" adults, different considerations come into play when the people one seeks to protect are children or are deemed not to be competent to make their own decisions. I am not going to engage the philosophical problems surrounding the issue of competence in this study as it deserves a full study itself.

interference with their freedom of choice seems unwarranted. (Simon, 1984a: p. 8)

Generally we foster and value independence and the right to make the important choices that effect one's own life. We value autonomy.⁵⁴ Much of the thrust of modern North American medical ethics has been directed precisely against medical paternalism. But there is also a lot of paternalism in North American society, even in the medical sphere (e.g. certain drugs are only available on prescription, including steroids). It may be argued that to ban steroids solely to protect their adult competent users is to treat those athletes as children unable to make the choices that most effect them. As Brown points out in all of his writings on this topic, this position is generally inconsistent with the limit pushing nature of high-performance sport. The question to be asked is, why this inviolable boundary? This question will be covered in more detail in Chapter Four, on the perversion of sport and Chapter Six, on the dehumanization and unnaturalness arguments.

This second premise is unsuccessful for other reasons too. It is inconsistent at the least, and maybe even hypocritical, for sports governing bodies to attempt to justify a ban by appealing to the athlete's well-being. There are many training practices and indeed many sports that carry a far greater likelihood of harm to the athlete than does the controlled use of steroids. For instance recent, anecdotal

⁵⁴Once again, as with the issue of competence, I will not be discussing all of the philosophical problems with definitions of the concept of autonomy due to the breadth of the discussion on the topic.

evidence indicates that all five-year members of the Canadian Alpine ski team have suffered injuries requiring surgery.⁵⁵ The risk is so high that the National Sport Organization for Alpine Skiing demands that athletes sign a liability waiver in order to compete:

I release, indemnify and forever discharge the Releasees, their members, volunteer workers...and I voluntarily accept the legal risk, thereby expressly giving up any right of action, and the physical risk arising from all liability...And, acknowledging that Alpine Skiing is extremely dangerous, I do hereby assume all Alpine Skiing's risks and dangers...I understand that the Releasees will not permit me to participate in Alpine Skiing programs or activities unless I sign this COMPLETE RELEASE, WAIVER OF CLAIM AND ASSUMPTION OF RISK AGREEMENT... [emphases as in original Alpine Ski Athlete Agreement](1990)

Athletes in other countries and in some other sports, like boxing, even though it has quite a few paternalistic rules (e.g. requiring the referee to end the fight if a fighter seems to be too damaged to continue without suffering serious harm), fare little better.⁵⁶ If the reason for banning doping in sport really were a concern for the health and well-being of athletes, there would be many sports and many more practices that should be banned. So at the very least, it seems inconsistent to argue in favour of the bans on doping and not the myriad other practices which are also harmful to the athletes.

One might try to argue that risks that are incurred by the nature of the sport, e.g. brain damage from having one's head pummelled in boxing, are different from

⁵⁵This is based on the personal testimony of a former national coach.

⁵⁶One need only note the deaths in cycling, boxing and alpine skiing.

risks that are incurred from practices that have nothing to do with competition in the sport *per se*, e.g. liver damage from steroid use. This suggestion works from the idea that we can distinguish between risks necessary in some sport and risks that are not. This is a promising suggestion, but one that is not yet complete. What is required is a method for distinguishing between a sport's necessary risks and those that are unnecessary. I will provide such a method in Chapter Seven. I will argue there that a notion of the internal goods of sport, an idea that comes from MacIntyre's notion of a practice, can be used to show how some risks are required in order for one to achieve the internal goods of sport, and some, for instance, the risks that come with doping, are not.

Finally the third premise fails because there is no evidence to suggest that banning steroids really will protect athletes. All the time that a sub-culture exists that indicates that steroid use brings benefits and that it is an occupational hazard of high level competitive sport, athletes will continue to use them in clandestine, unsanitary and uncontrolled ways. This is not just a matter of better enforcement of the ban, but rather, it requires a change in values, and this will only happen after a logically consistent position for the ban has been put forward and the sub-culture in some Olympic sports changes.⁵⁷ Presumably the ban would be intended as part of a larger process aimed at producing just such a change in values. Given the ban, for example,

⁵⁷The concept of positive deviance is proposed as an account of this type of behaviour by some sociologists of sport. We will examine the concept in some detail in Chapter Seven.

doping is cheating, and so the negative value placed on cheating would be extended to doping, which might change athletes' attitudes towards doping but for different reasons if they rejected it even if it was not on the banned list. Further, even if it were argued that we might protect some, if not most, athletes from harm and that this makes the ban worthy of enactment; there are other harms caused by the bans that must be weighed against this consideration. We will discuss these other harms below.

Taken singly the counter arguments motivated by our antipathy to paternalism and the inconsistency of a ban predicated upon the desire to protect athletes, are sufficient to show that the first argument from harm does not work. Our rejection of the argument is strengthened by the lack of unequivocal scientific evidence for harm and the contention that athletes are probably not benefitted by a ban anyway. The justification of banning steroids based on protecting "competent" and consenting adult users from harm, stands in need of considerable strengthening.

2. HARM TO OTHER ATHLETES

The second form of the argument from harm is based not on the harm that the steroids cause to their users, but on the harm their use causes to other athletes. The "others" in this argument are usually deemed to be other "clean" athletes. ("Clean" simply means non-doped.) Sometimes this argument is called the "coercion" argument and it is more difficult to dismiss quickly. The same liberal tradition that prohibits paternalistic intervention permits interventions designed to prevent harm to others.

The crucial questions will concern how great the harm is to other athletes and how severe the limitation on personal action. The argument runs like this:

Premise 1: An athlete's use of substance x causes harm to "clean" athletes;

Premise 2: Those people need protection;

Premise 3: Banning substance x will protect those people;

Conclusion: Therefore substance x should be banned.

In order to assess this argument we need to consider whether or not the potential coercion of clean athletes outweighs the infringement on the liberties of all athletes caused when a substance or practice is banned. Clean athletes are harmed, so the argument goes, because the dopers "up the ante." If some competitors are using steroids then all competitors who wish to compete at that level will need to take steroids or other substances to keep up.

T. M. Murray has argued that the competitive sport environment is inherently coercive in "The Coercive Power of Drugs in Sports." Murray says that because some athletes choose to take drugs to give them a competitive edge, others will be pressed to do likewise, or resign themselves to either accepting a competitive disadvantage or leaving the endeavour entirely (1983: p. 24). This limited choice is considered a genuine threat to an athlete's life plan or their freedom, and further, it is a serious threat to human flourishing according to Murray. Thus, drug use is wrong because it is coercive, because of its potential for harm and because it advances no social value

(Murray, 1983: p. 30). We will pick up the discussion of advancing social value in the last chapter under the concept of "ideal Olympic sport," but for now, as we are dealing with the arguments from harm, the focus will be on Murray's first two points.

The problem with Murray's position, and others like it, is that elite-level competitive athletics is already a very high stakes game. In order to compete effectively one has to dedicate oneself totally and submit to a minutely controlled training regimen that will dictate almost all aspects of one's life. Why is the upping of the ante caused by the use of steroids qualitatively different from the upping of the ante caused by the increasing professionalization of athletes and coaches and the mechanization of athletes that elite level competition now requires? It might be argued that this criticism rests on the assumption that one must either ban all bad things, or none, and can be met with the reply, if we ban this one bad thing, that will at least be one bad thing the less. But what remains to shown, which is the purpose of this study, is why doping is in fact a bad thing.

While there is no question that elite athletes face the pressures that Murray is concerned about, and steroid use is definitely one of them, why single any of them out?⁵⁸ Some possible answers to this question may be that one particular practice is

⁵⁸During the Dubin Inquiry, Bruce Kidd, a former Olympian and current sport scholar, testified about how upset a fellow competitor had been when Kidd added a second training run in a day (Dubin, 1990b: p. 475). The fear was that this was the start of a

especially coercive, that the coercion is somehow more extreme. This reply is not very plausible. Any effective training practice "ups the ante," and many training practices are extremely onerous. Further, both Simon (1984a) and Brown (1984a) have argued that the choice of whether the risk of drug use is worth the gain, should be left to the individual athlete to make, just as in the case of other risky training techniques.

The feeling that somehow steroid use is worse than longer and ever more specialized training just raises the question of why it is worse. Some may argue that the question really is, why can't an athlete accept two 'raises of the ante' but not accept a third, or an unlimited number? The answer to this question relies on a demand for consistency. There must be some reason why this, rather than that, practice is the one that is banned, and that reason cannot be merely that it was the third or the nth raise of the ante. This is a qualitative question, not a quantitative one, that necessarily requires an explanation for the rejection of the third raise of the ante, when there has been no rejection of the first two. It may be argued that the answer could be simply that two is acceptable but three is too many. But then we must ask which two, and the answer will inevitably appeal to a qualitative distinction.

slippery slope leading inexorably to professionalization.

We will look at the special attention given to steroids in Chapter Six because there may be an implicit belief that they affect our humanness in some especially negative way.

3. HARM TO SOCIETY

A second potential group that could be harmed by doping by athletes is the general public, in particular children. People look up to athletes and view them as role models. If they take steroids they are no longer suitable as role models and the general public has lost a significant benefit. There are several things to say in response here. The first will examine just why it is that steroid use disqualifies one from acting as a role model. The response might be that those who use steroids are cheats and, of course cheats, cannot be role models. And, of course, this is true, but this just begs the question as to their being banned in the first place, and so this position would then go into the cheating category, dealt with above.

A further response to the suggestion that athletes should be role models, and in particular "moral" role models, is to ask just why that should be so. We currently expect widely varying things of our public figures. No one seriously expects musicians or actors and actresses to be moral role models, why should athletes be singled out for special treatment? There is apparently quite widespread use of Beta-blockers by concert musicians yet there has not been the hue and cry and media circus

that followed the revelations of drug use by athletes (Wolfe, 1989). Why do we expect more from athletes than from other public figures?

Paul Weiss (1969) argues that sport is one of the very first areas young people experience and in which they hope to gain excellence; the excellence of their heroes.⁵⁹ (We will look at the concept of sporting excellence in more detail in Chapter Six.) From a societal perspective if this hero is morally despicable, this will be a negative influence because young people will not separate the athletic abilities of their heroes from the quality of their personal lives, especially when fame and glamour surround the hero. Weiss also points out that the achievement of excellence in athletics is prior to, and will influence greatly, the achievement of excellence in adult arenas such as business, academia, and politics. Perhaps for these reasons we are more concerned about the moral image of athletes than other public figures.

First, what is not clear is why drug assisted performance or excellence is negatively perceived (assuming we can put cheating aside for the moment until we establish a justification for the proscription on doping).⁶⁰ If it were public knowledge that, for example, Karen Cain used pain killers to get through her excellent performance of "Swan Lake", would we hear the same outcry? Are fashion models

⁵⁹Weiss only refers to heroes but presumably he would also include heroines. I will treat his work as if it does include both males and females.

⁶⁰Brown believes that the reason drugs in sport continue to be an issue is due to North American's obsession with drugs in our society in general (1990: p. 71).

less beautiful (if they are in fact beautiful) if they have used diuretics or "uppers" to lose their weight? Weiss's point is well taken, but what is it about drug use in sport that we find morally repugnant? For example, no one else is prevented from using cold remedies, even if they drive public transportation, or from using caffeine as a stimulant to work harder. So it is not even the case that we want athletes to meet the standards every one else meets, but rather, that we want them to meet more rigorous standards in regard to substance use.

It is sufficient to say at this point, as Simon has clearly stated, that until a clear and cogent reason is put forward to justify treating athletes differently from other public figures and until a causal link between their actions and harm to others has been demonstrated, we do not have a justification for the ban based on this argument.

4. HARM TO THE SPORT COMMUNITY

One other group that is potentially harmed is the sports-watching public. These people have been harmed because they have been cheated. They expected to see dope-free athletes battling it out in fair competition and they were denied this entertainment. This harm can be removed in other ways than through banning steroid use. One could remove the expectation that athletes are dope-free. If you do not expect them to be dope-free you cannot be harmed if they are not. The feeling of being cheated is dependent on the idea that what was expected was a particular type of

competition. But this response may be too quick. If what spectators want is doping-free competition, then their desire is not met by warning them that what they want is not to be found at the Olympics. At best, it is simply proposed (if not required) that they settle for less than what they really want. If they do not expect athletes to be doping-free then indeed they do not suffer the harm of deception if they are not. But they might suffer other harms, for example, loss of the chance to watch doping-free competition. The question we need to answer is, why do they value doping-free competition? We will look for an answer to this and other unresolved questions in Chapters Seven and Eight.⁶¹

We have now examined the main variants of the harm argument. None has been found convincing. Of course, someone might argue that there are other harms caused by athletic doping (e.g. tempting the athlete to use recreational drugs), but it is doubtful that any of these harms would be sufficient to outweigh the harm caused by banning and testing for drugs and or other potential performance or training-enhancing substances.

5. HARM CAUSED BY BANS

⁶¹Fost makes a very strong claim about the sports-watching public, namely, that we are scapegoating athletes to remind ourselves of our purity, our goodness, and perhaps our homogeneity. He claims that this has nothing to do with ethics and it is more properly call moralism (1986: p. 10).

One aspect of the harm caused by bans is abstract. Any time one's choices are restricted one has been harmed, at least in the sense that one has lost something one would have preferred to keep. The restriction may or may not be justified, but in any event, the harm, in this sense, is real. For example the athlete is harmed when deprived of the chance to dope in order to improve performance. On the other hand, the spectator is harmed when deprived of the chance to watch doping-free sport. There is, however, a more direct harm. If one bans drugs or practices one must necessarily take steps to enforce that ban. It has become apparent to those involved with doping control that, despite Johnson's positive test, the only effective way to test for banned substances is to introduce random, unannounced out-of-competition-testing (RUT). This is because some substances, for instance anabolic steroids, can be discontinued before competition and still retain their effects and also because of the prevalence of masking agents and the method of urine substitution with catheters. The demand that athletes be prepared to submit to urine testing at any time is a serious breach of their civil and human rights. That sort of intrusive intervention in people's lives can only be warranted by the need to protect others from serious harm. None of the current candidates come anywhere near demonstrating the depth of harm required to warrant such extreme interference with personal liberty. It could be argued that such interference is just part of the price of being in sports, like the alpine skiers being obliged to sign the waiver quoted above. No one is forced to become an athlete, let alone a carded athlete. This objection will be dealt with below under "sport is different."

5.1. TRAINING-ENHANCEMENT VERSUS PERFORMANCE- ENHANCEMENT

It is helpful to distinguish between the types of drugs and practices for which testing is required. Broadly speaking, a banned substance or practice may be intended to enhance performance on the day of competition or to enhance training.

Performance-enhancing substances such as stimulants, depressants, and narcotics, can, with some degree of reliability, be tested at the competition site, but certainly not all of the banned performance-enhancing substances can be tested for accurately. For example, the entire group of peptide hormones and analogues cannot be detected with the current testing procedure and the IOC continues to add substances to the list for which they know there is no possibility of testing.⁶² Until now, this in-competition testing has been the primary form of testing. However, athletes may use a training-enhancing substance, for example, anabolic steroids.⁶³ The use of a sophisticated drug regime, with the discontinuation of the training enhancer prior to competition, renders the detection of these compounds extremely difficult at the time of competition. This is so, despite the contemporary use of endocrine profiles which allow us to trace changes in the body. The logical problem is that endocrine profiles

⁶²But, more interestingly, the IOC has recently dropped the criteria of "performance enhancement" from any justification for the banned list because scientists have pointed out to them that the evidence is mixed in regard to the performance enhancing abilities of the substances and practices on the banned list.

⁶³The distinction between training enhancers and performance enhancers is not made anywhere in the current philosophy of sport literature. I first put this distinction forward in Values and Ethics in Amateur Sport (1991), and in a paper called "Harm, Athletes' Rights, and Doping Control" (1992).

are only useful as a testing criteria for those with a long history of previous tests. In-competition testing is thus seen to be largely ineffective against training-enhancing drugs, and current trends appear to indicate an increasing use of training enhancers. To detect training enhancers, out-of-competition testing is essential. Also, to prevent athletes from using masking techniques to hide their drug use, the testing must be unannounced. It is out-of-competition to catch the use of training enhancers, as opposed to performance enhancers as described above. Ultimately, training enhancers improve performance, but as Charlie Francis said at the Dubin Inquiry when defending himself and Ben Johnson against the use of "short cuts," anabolic steroids are not a lazy person's method, for what they do is allow you to work harder, not less. These considerations are the basis for introducing RUT.

The randomness of RUT is necessary because the expense of testing everyone is too great. However, the randomness is modified; not all sports and not all national team members have the same chance of being tested. Problem sports have been identified, for example, weight lifting and track and field, and so the probability of an athlete in these sports being tested is greater than that of an athlete in other sports. In addition, the question of targeting specific athletes is still open. It is not clear if individual athletes are selected on the basis of hearsay. If so, then the testing is not random but on the basis of suspicion. Note the difficulties. If testing is targeted towards individuals on the basis of rumour, the scene is ripe for vindictive campaigns of harassment. Start a rumour about your primary rival for selection and you could

make his or her life quite a bit more difficult. On the other hand, if you do not follow up on rumours, and test accordingly, you run the risk of being accused, as was the Canadian Track and Field Association, of turning a blind eye to "known" abuses and abusers.

So far, I have been attempting to argue that there may be serious harm done to athletes in testing them and the question is, can that harm be justified? RUT seems to be too invasive. Athletes, like all people, have some right to privacy. Under what circumstances can the state, or other agencies, interfere with the autonomy of its members? It would seem that an intervention, such as a drug test, must be justified by its advocate. An intervention can be justified two ways. First, intervention can be justified by an overwhelming need to pursue other moral values, i.e. the moral value of privacy is superseded by some other moral value, such as harm to others. Second, intervention can be justified by permission. Therefore, if consent is gained for an intervention, then that individual has waived his or her right to privacy. The way this is done in Canada for the current testing that goes on, is the requirement that all carded athletes must sign a contract agreeing to the testing (and many other things) in order to get their funding. It might be argued that those who provide the funding have a desire to fund only doping-free athletes and thus paying the piper, may they not call the tune, at least in this respect? Needless to say there are certain things we do not allow people to do for money, for example, enslaving oneself or selling one's organs, regardless of who is paying the bill, because at the very least it creates the potential

for exploitation of desperate people. But this issue will be dealt with more fully below under "sport is different."

The suggestion that there is an overwhelming public interest that could supersede the assumption of privacy is implausible. Such an interest in public safety was postulated in 1991, when the Canadian Transport Minister, Doug Lewis, proposed the introduction of random drug testing for workers in the transport industry. The proposal was amended, since public interest sufficient to justify the random testing of transport workers and pilots was not perceived to exist. However, the principle of overwhelming public interest in safety is accepted in the case of random roadside breath testing for alcohol use, (RIDE programs). If the public interest in safety is insufficient to justify random testing of transport workers, then the public interest in doping-free sport is likely to be insufficient to justify random testing of athletes. In the case of transport workers, the feared harm had to do with causing accidents, and the evidence was not there. In the case of the athletes, it might be said, the point of funding is to provide the public with doping-free sports to watch. (Unless, of course, it could be argued that there was some sort of intrinsic value of sport at this level, perhaps *citius, altius, fortius* for its own sake. This argument will be addressed in Chapters Four and Seven below.) However, the case for an overwhelming public interest sufficient to justify RUT has not been made yet. Thus, we are left with getting consent to test. Generally an intervention escapes culpability, and is not considered to be an invasion of privacy, if consent is given. Therefore, if a testing

agency sought and received a valid consent, the interference caused by RUT would be permissible. But there are problems with consent.

First, the Canadian government has taken specific steps to limit its own intrusion into the privacy of Canadian citizens. The Privacy Act exists, at least in part, to recognize the extreme imbalance in power between governments and individuals. This imbalance renders some requests by governments for permission from individuals inherently coercive. The Privacy Commissioner argues that in seeking permission for RUT, the government would be breaking its own rules established in the Privacy Act and in the Charter of Rights and Freedoms (Charter).

One can hope that Mr. Justice Dubin will recognize that athletes should not be forced to abandon their *Charter* rights at the locker room door - no matter how many may be willing to do precisely that in order to compete in their sport. *Charter* rights also apply to federally-funded athletes...random mandatory drug testing of athletes would be found to violate sections 7 or 8, or both, of the *Charter*...On almost all counts, random mandatory testing of athletes would fail to measure up. Thus, not only would such a program fail to comply with the *Charter*, it would, if conducted by Sport Canada, be a violation of the *Privacy Act*. (1990: p. 43)

This interpretation of the Charter and the Privacy Act has not, naturally enough, met with universal acceptance. Justice Dubin himself took the view that the Privacy Commissioner's views were wide of the mark. One answer might be that if the Charter prevents the government from making sure that the athletes are doping-free, then it should stop funding athletes altogether. This is in fact the position that Dubin takes. We do not need to judge the legal aspect of this argument, however, if we take the view that unreasonable search and seizure provisions of the Charter and the

Privacy Act are designed to protect autonomy, then the position of the Privacy Commissioner is surely right. Government insistence on testing would be coercive and unjustified.

Another significant point is that Classification III of the IOC Anti-Doping Charter currently contains a variety of drugs used for recreational purposes, in particular, cocaine and marijuana. These substances do not appear to have any training-enhancing properties and their possible performance-enhancing properties are irrelevant out-of-competition. In giving consent to RUT, an athlete is consenting to being tested at any time for drugs that have no relation to his or her training, but which do carry the risk of criminal prosecution. The potential consequences of a consent to RUT may have the result that it is impossible for an athlete to give a consent that is genuinely informed unless he or she is told that the test will also catch illegal drugs or as the case in Norway, HIV positiveness as well.

A further major problem with random, unannounced out-of-competition mandatory testing, is that it may not be possible to establish a selection procedure for testing that would have, as eligible candidates, all and only prospective national team athletes. For example, it would be unfair if an athlete were able to avoid testing, perhaps through training outside of the country, or by refusing to accept government support or carding. Examples of this sort of unfairness could lead to challenges to the validity of the entire doping control protocol. Against all of these drawbacks,

however, is the most cogent consideration in favour of RUT, that is that one cannot have doping-free sport without it. That is, one cannot have doping-free sport without RUT given the value system that now prevails among athletes, their coaches, etc., but that value system might change, or be made to change.

5.2. SPORT IS DIFFERENT

In addition, many (the Canadian government, Justice Dubin and Sport Canada) who discuss this topic suggest that "sport is different." They try to argue that, because of this difference, the limitations imposed by the requirements of consent do not apply. The suggestion is that participation in "high-performance" sport is a privilege, not a right. In Chapter Twenty-four of the Dubin Report, on athlete's rights, in which, Ken Read (a former Olympian) and Dubin claim that participation in sport is a privilege not a right, it is argued that the imposition of otherwise unjustifiable conditions is acceptable as a precondition of participation in sport (1990b: pp. 490-491). The argument runs like this; athletes are not deprived of their rights if they are deemed ineligible because they will not submit to a drug test, because they do not have a right to participate in the first place. The serious consequences of this argument is that it would allow the imposition of any rules no matter how absurd, for it says that the authorities may impose whatever rules they like, but would not have to justify such rules.

Meier claims that doing something voluntarily for its intrinsic rewards (e.g. autotelic activity) is the necessary and sufficient condition for an activity being 'play' (1988: pp. 26-27). For Suits⁷⁸ however, autotelicity is not a sufficient condition, though it is a necessary one. For example, he says that sailing a sailboat for pleasure

is certainly an autotelic activity, and I am inclined to call it play (although I do not agree with Meier that autotelicity is a sufficient as well as a necessary condition for some x to be a case of play... (1989: p. 8)

and in "Words on Play,"

I am far from convinced that play is the same as any autotelic activity whatever. (1977: p. 117)

Part of my purpose today is to try to provide enough words on play to persuade you that the identification of play with autotelic activity is at best a stipulation. That is, I shall deny the claim that if any x is an autotelic activity, then that x is *ipso facto* play... In other words, I regard autotelicity as necessary but not sufficient for an adequate definition of play. (1977: p. 119)⁷⁹

(Suits also discusses a potential counter example (i.e. something which is autotelic which is not play), that of a cat chasing its tail (1977: p. 118).)

⁷⁸Both the early and late Suits.

⁷⁹For both the later Suits (1988a) and the early Suits (1988b)/Meier (1988) position a game is an activity directed towards bringing about a specific state of affairs, using only means permitted by the rules, where the rules prohibit more efficient in favour of less efficient means, and where such rules are accepted just because they make the activity possible. I will later (in Chapters Seven and Eight) discuss what I call simple and complex sports. A simple sport is one where the prelusory goal is relatively unencumbered with rules that limit its achievement (e.g. 100 metre dash). A complex sport is one where the attainment of the prelusory goal, if that goal can be stated at all in the absence of the rules that limit its achievement, is seriously hindered by the rules of the sport (e.g. rugby).

6. SUMMARY

The harm arguments, on the surface, appeared quite powerful. After all, the one, generally accepted, limitation on individual liberty is that one's actions might harm others. But as we saw, the harm argument comes in a variety of forms, some of which are more potent than others. There are also important limitations on the arguments from harm, limitations that stem from the requirements of consistency and balance.

The argument that seeks to ban doping on the basis of the harm it causes to the adult user is paternalistic and inconsistent. While some cases of paternalism may be justified I argued that this case is not. With athletes who are competent adults there are no grounds to intervene to prevent them from harming themselves through doping. The argument is inconsistent because there are many other risks of harm that are not banned. (Even if we accept that some of those risks are inherent in the sports themselves, and therefore somehow justified, others, such as the risk of injury through excessive training, are not.)

Harm to other athletes is the most cogent form of the harm argument. The best form of this argument is that doping harms other athletes in that it coerces them into accepting risks of harm that are not essential to the sport being practised. Banning, and the measures required to enforce it, are justified to protect other athletes. This argument provides a strong argument for banning certain drugs or practices. (For

example the use of strychnine by marathon runners.) However, the argument has its limitations. The first is that it needs to be applied practice by practice, drug by drug and sport by sport. (Indeed it may even be necessary to evaluate not just substances but amounts ingested or methods of administration.) The second, is that not only would it only work for some items on the banned list, consistent application would require that we ban other non-essential, but harmful, practices. (For instance, we might wish to limit training.) Third, the harm caused by the practices concerned has to be weighed against the harm caused by enforcing bans. While the harm caused by enforcing a ban on a performance enhancer, a test on the day of the competition, is relatively minor, the requirements of enforcing bans on training enhancers are quite onerous. In this case it might turn out that the harm caused in enforcing a ban outweighs the harm caused by the banned practice itself. The conclusion here is that while harm to other athletes may well feature in the justification for banning certain elements of doping it cannot stand alone as the whole story. When I present my attempt at a justification later in this study, I will show how harm to other athletes can feature as part of a more broadly based justification.

CHAPTER FOUR

THE PERVERSION OF SPORT ARGUMENTS: PART ONE

Metaphysical understanding must precede ethical prescription...one needs a clear understanding of what sport is before attempting to apply precepts of love, or of justice, or of whatever, to it. (Kretchmar, 1983: p. 22)

The arguments from the perversion of sport rely on the idea that doping is essentially antithetical to the true nature of sport. The suggestion is that there is some aspect of the nature of sport that renders doping in the pursuit of sporting excellence an incoherence. In other words, if one thinks that one can pursue sporting excellence through the use of certain substances, then one has misunderstood something about the nature of sport. On the face of it this looks promising; there certainly do seem to be elements of sport and sporting values that are contravened by doping.⁶⁵ Let us look more closely at this argument, or rather these arguments, for they appear in two forms. We will deal with the first form in Part One and the second in the next chapter, Part Two.

⁶⁵We shall see that these elements and values are much better understood under the concept of "ideal Olympic sport," that is sport appropriate to the aims of the Olympic movement. I will attempt to work towards cashing out this concept in greater detail in the last chapter. For the purposes of this chapter we will be focusing on the concept of sport in general and not necessarily ideal Olympic sport.

One form of the argument concerns the perversion of sport in general, and is the subject of this chapter. This argument requires a discussion of the nature of sport on a general level. In order to argue that doping perverts sport as such, one needs an understanding of the nature of sport in general. However, as we shall see, this version of the argument has problems--indeed, a closer examination, especially of high-performance sport seems to suggest that doping is obviously compatible with its goals. Thus the task in this chapter is to assess alternative notions of sport that might show why doping is antithetical to it.

The concept or notion of sport is very widely discussed. The word sport is used in our society to describe a myriad diverse things. For example, we describe people as being good, bad and spoil "sports," we describe different activities as sport (e.g. hunting, fishing, horseback riding, mountain climbing, sprinting, frisbee and hula-hoop), and we sometimes describe an action that is challenging and fun, but has nothing to do with physical prowess, as being "good sport." In our search we will briefly review positions that look for the necessary and sufficient conditions to say activity x is a sport. But as W. M. Brown (1990) suggests, there is good reason to be doubtful that this will work, for "sport" is a fuzzy concept and activities can satisfy many of the conditions of sport while lacking others, and it is not clear what one then says about the activities. I will heed Brown's advice and not enter the murky waters

one is lead into when one seeks exhaustive categories.⁶⁶ We will also look at positions which examine the necessary and sufficient conditions for saying that activity p (a sport) is different from activity q (another sport), and when one ceases to participate in the said activity. Another analysis that will be reviewed deals with the relationships among sport, game and play and maybe interdefining them. Attempts to categorize the rules of sport to better understand how they work will also be examined. Throughout the discussion of the perversion of sport argument we will examine these perspectives and more.

THE PERVERSION OF SPORT IN GENERAL

1. SPORT AS GAMES DEFINED BY RULES

The first form the argument from the perversion of sport in general follows from what has been referred to as "formalism," where sport is viewed as a game that is defined by its rules. The term "formalism" in this context was introduced by Fred D'Agostino (1988), who draws on distinctions made by Rawls (1955), Suits (1967), Ganz (1971) and Oleshewsky (1967). D'Agostino uses formalism "to refer to an account of games according to which various game-derivative notions are defined solely in terms of the formal rules of a game" (1988: p. 63). There are four parts of this position according to D'Agostino.

⁶⁶"I shall not enter the murky waters of debate on the extent that such activities [football, cricket, footraces and ice skating] are governed by rules of various kinds. It seems clear that virtually all of the are. It is similarly clear that efforts at definition here, as in so many cases where philosophers seek exhaustive categories, are threatened by the shoals of several devastating critiques of essentialism." (Brown, 1990: p. 71)

First, for a particular game G, 'x is playing G' means 'x is following the formal rules of G.' D'Agostino quotes from Rawls to explain 'x is following the formal rules of G' as "To engage in a practice...means to follow the appropriate rules" (Rawls, 1955: p. 26). Second, 'x is action in G' means 'x is action in accordance with the formal rules of G.' Oleshewsky is quoted to explain this as "Action breaking a rule will be ineffectual or impossible within the rule-context, or it will be judged not in that context at all" (Oleshewsky, 1976: p. 270). Third, 'x is an instance of G' means 'x is activity in accordance with the formal rules of G.' D'Agostino, using a quotation from Ganz, claims that for the formalist, activity in accordance with the formal rules means "If an instance of behavior does not fulfill the rules of a game ...(we) discount the behavior as an instance of playing the game" (Ganz, 1971: p. 73). Fourth, 'x wins G' means 'x succeeds by means of activity in accordance with the formal rules of G'. To explain this last part of formalism D'Agostino quotes Suits "One cannot (really) win the game unless he plays it, and one cannot (really) play the game unless he obeys the rules of the game" (Suits, 1967: p. 150).

Although D'Agostino uses these four sources for his definition of formalism, this view may not necessarily be attributed to any one of them.

We can make a quite general point at this stage. If a game can be defined solely in terms of its rules, then unless there is some sort of constraint on the content of those rules, this formalist account cannot, logically, provide grounds for banning

doping. So, either: i) the prohibition against doping is grounded externally to sport from the *outside-in* (like the "cruel" rule against bare-knuckle boxing) in which case the perversion of sport argument may just be a dressed up version of the cheating argument (because there already is a rule against it)--with the result that dopers do not even play the game; or ii) to fully define "sport" one needs a component describing attitude or the location of sport in life, which takes one beyond the formalist account. This is an appeal to constraints on the content of rules and this discussion will be outside the rules but inside "sport" and may dictate the kinds of rules one can have. For example, on these grounds maybe bare-knuckle boxing would not be a "sport" because one could not adopt the appropriate attitude to it, or because it could not occupy a place in life appropriate to sport. We will deal with this discussion later in this chapter and in the final chapters.

To return now to the formalist argument, the standardized version runs as follows,

Premise 1: Sports are games that are defined by their rules;⁶⁷

Premise 2: If one breaks the rules of a sport, then one is no longer playing that sport;⁶⁸

Premise 3: There are rules against doping in most sports;

⁶⁷As we shall see below, some philosophers make distinctions between the different types of rules. At this point in the analysis we are dealing with those who do not make this distinction (e.g. Pearson).

⁶⁸This premise deals with distinguishing one sport from another by its rules.

Conclusion: If one dopes, one is no longer playing those sports.

As it stands, this argument is just another version of the cheating argument. A more complicated version of the argument would include distinctions suggested by some philosophers regarding the types of rules of sport and these distinctions will affect this argument, so a brief discussion of them will help to illuminate the issue at hand.

For the purposes of this chapter we will try to understand what kind of rule the proscription of doping might be. It might be argued that doping is a perversion of sport because it breaks the rules, but this by itself is simply the cheating argument. To move beyond that, it must be argued that the nature of sport is such that no sport could have a rule permitting doping, or every sport must have a rule prohibiting doping.

In the philosophy of sport literature we find three general categories of rules: I) rules regarding legal play and regulation for playing the sport at all—the regulative and constitutive rules; II) rules regarding general advice for playing the sport well, the rules of skill, strategy and tactics; and III) rules reflecting certain values of the institution of the sport that are not necessarily attached to the game *per se*, the auxiliary rules.⁶⁹

⁶⁹Suits has contributed a good deal to the discussion on rules in sport (1988a; 1988b; 1989). Meier has added the category of auxiliary rules to the discussion (1985).

The constitutive rules arbitrarily invent a unique conceptual framework and define exactly what is entailed by engaging in a particular sport or game,⁷⁰ specify the dimensions of the playing area, the time framework allotted for play, the approved equipment, and similar items (Meier, 1985: p. 69). They also stipulate things like "fair" or "foul" territory and what is to count as a "run" in a particular sport, and impose limitations on actions employed to attain the goals of the sport.

The regulative rules specify the penalties applied when constitutive rules have been broken, e.g. "there will be a loss of 5 yards for any team which has one or more of its players offside at the snap of the football" (Meier, 1985: p. 69).

The rules of skill operate "within" the area circumscribed by constitutive rules, e.g. 'keep your eye on the ball' (Suits, 1988b: p. 52). The distinguishing feature between constitutive rules⁷¹ and rules of skill, is that to break a rule of skill is to fail to play the game well, but to break a constitutive rule is to fail to play the game at all (Suits, 1988b: p. 52).

⁷⁰This is according to the early Suits (1988b) and the current Meier (1988) position on "sport" and "games." The later Suits (1988a) position on "sport" and "games" modifies the relationship between them (i.e. not all sports are games). We will look at this these positions in more detail below.

⁷¹The constitutive rules include regulative rules as a subset for Suits but not for Meier (1988).

The "rules of strategy" concern tactics of play designed to maximize opportunities of scoring and winning, and like rules of skill, are "simply maxims or suggestions and are, as such, nonbinding in any formal or legalistic sense" (Meier, 1985: p. 69). In the discussion on the rules of sport the word "rule" is used to describe things from regulations that must not be transgressed to formulas that it is generally best, but not compulsory, to follow.

The third category is that of "auxiliary" rules:

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... (Meier, 1985: p. 70)

Among the numerous examples of this type of rule are: rules specifying safety equipment or precautions; rules regarding eligibility of players e.g. gender, age, weight, nationality, status (amateur/professional, graduate/undergraduate, club member, etc.); rules regarding dress codes; and rules specifying training conditions and training aids e.g. time, location, substances and practices (doping).⁷²

The identifying characteristic of these auxiliary rules is that they have "nothing whatsoever to do with the essence of sport" (Meier, 1985: p. 70), and they

⁷²If auxiliary rules refer only to pre-contest requirements, it would seem that rules proscribing doping during the actual competition would not fall into this category. One could perhaps modify the concept of auxiliary rules to extend to the end of the competition. Otherwise one would be required to say that proscriptions of training-enhancers were auxiliary rules whereas proscriptions of performance-enhancers, taken during the competition, were regulative rules.

reveal little or nothing about the true nature of the sport at hand, much less anything of significance concerning the ontological status of sport in general. (1985: p. 71)

Thus, according to this position the rules proscribing doping have nothing to do with the essence of sport and everything to do with "the regulative superstructure that dictates the particular manifestation of a specific sport occurrence" (Meier, 1985: p. 71).⁷³ Some have argued that to refer to this category of rules as "auxiliary" rules is also to make a value judgement about them, it is to say that they are inessential or not important to the nature of sport.⁷⁴ The problem of distinguishing auxiliary rules from constitutive rules raises the question, how do we know that having eligibility rules that only allow, men, or the disabled, for example, does not change the nature of a sport like baseball; whereas one hundred feet between the bases would? Does this distinction break down, for example, when all the basketball players are under five feet? Many basketball fans argue that the nature of the game of basketball has changed with the increasing height of the male players. The majority of the time that the ball is in play it moves above the height of the basket. The NBA is now talking

⁷³Some philosophers call this superstructure the "institution" of the sport (e.g. MacIntyre), which will be discussed in more detail later in this chapter. A further point that should be noted is that in this and the previous quotation there is a move from a discussion about sport in general to a specific sport. These are logically distinct discussions and are better kept separate.

⁷⁴G. Breivik and W. Morgan made this point at the 1992 annual conference for the Philosophic Society for the Study of Sport. K. Meier rejected this argument. Meier responds (personal communication) that while a particular sport is dependent upon its internal constitutive and regulative rules for its existence or occurrence, it is independent of extraneous auxiliary rules which are external impositions forwarded by governing bodies. Auxiliary rules are inessential to the sport to which they are attached, and appended to an activity already defined by its constitutive and regulative rules.

about changing a "constitutive" rule in this sport to address this issue. The argument is that if the height of the basket is increased, the 'nature' of the sport may be preserved. The above discussion of the auxiliary rule and its relation to the "nature" of sport would lead to the conclusion that the sport has not been altered due to the effects of extremely tall players. Conversely, it would also mean that having only short players who could not "slam dunk" as a possible method of scoring, would not make a difference to the "nature" of the game of basketball.

The category of auxiliary rules has important implications for the formalist position on doping and the perversion of sport. If we recall, the formalist holds that: i) each sport is defined by its rules, and ii) to break a rule is to cease to play the sport.⁷⁵ If the formalist holds that: i) sport is an activity defined and individuated by its constitutive rules, ii) regulative rules are a subset of constitutive, iii) but does not accept the category of auxiliary rules, then that formalist must conclude that the violation of rules against doping should entail ceasing to play that game because the game is defined by its rules. Doping in this case would entail a perversion of sport but the argument is question-begging. If, however, the formalist does accept the auxiliary rule distinction then to break an auxiliary rule, such as the proscription on performance-enhancing substances, is not to cease to play the game and there is no perversion of sport. As it stands here, it is only possible to argue in the former case

⁷⁵One could say each sport is defined by its rules, but not say that to play sport x is to obey all the rules of x.

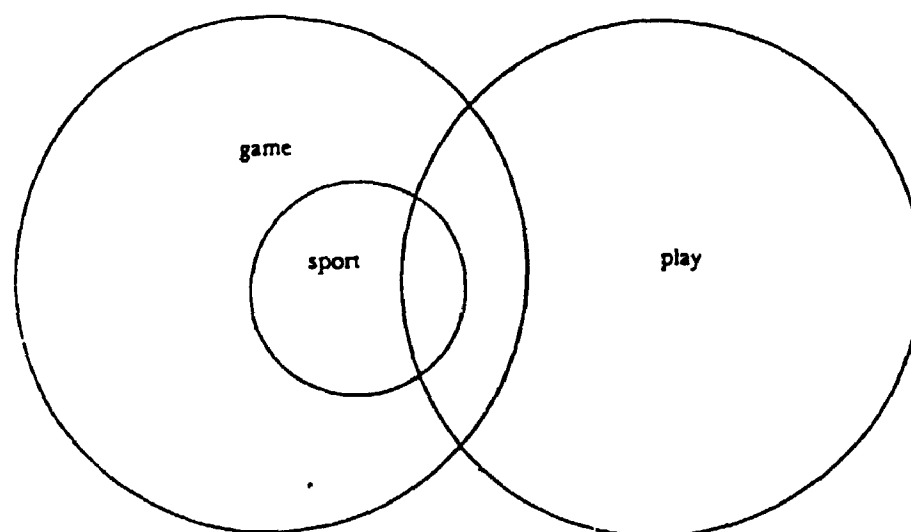
that there may be a perversion, but this argument would be another version of the question-begging cheating argument discussed above in Chapter Two. One may be perverting the sport if one breaks its rules, but this assertion will not do to justify the rule in the first place.

2. SPORT AND ATTITUDE

We have found that defining sport by the rules does not give us a notion of the nature of sport suitable for a perversion argument. Perhaps that can be found instead in attitude. This different approach may help to make the perversion of sport in general argument work to justify bans on doping, for as we have seen sport as games defined by rules does not do it. We will also look at the contention that the appropriateness of attitude and actions following from certain attitudes, may vary with the level at which sport is being played.

The relationship between sport and the "play" attitude may form part of the essence of sport, and so open the way for a perversion argument against doping. Since the activity in question in this study is doping in the Olympic Games, the discussion regarding the relationship between sport and play will focus on them. The following Venn and Euler diagrams outline two recent positions on the relationship between sport and play, Meier's (1988) whose definitions of sport and game are equivalent to the early Suits definitions, and the later Suits (1988a).

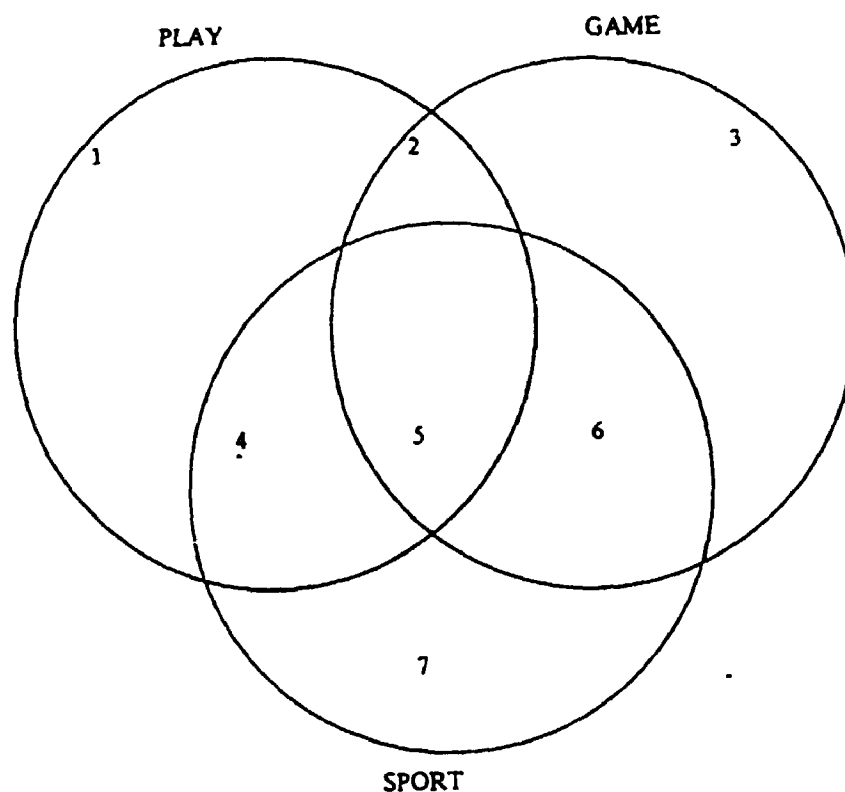
FIGURE 4.1 MEIER'S EULER DIAGRAM



- i) Game:
 1. goal directed activity
 2. rules limit the permissible means of goal attainment
 3. rules prohibit more efficient in favour of less efficient means
 4. rules accepted to make the activity possible
 - ii) Sport:
 - 1-4. identical to game characteristics
 5. requires the demonstration of physical skill and prowess
 - iii) Play:
 1. any activity voluntarily pursued
 2. for intrinsic rewards
- a) All sports are games; b) not all games are sports; ⁷³ c) sport and games may or may not be play; d) sports and games are play if voluntarily pursued for intrinsic rewards; e) sports and games are non-play if involuntarily pursued or participated in for extrinsic rewards; and f) play may take forms other than sport or games. (1988: pp. 26-27)

⁷³Characteristic of the Euler diagram approach is the assumption that no regions of the diagram are empty. Venn circles do not make that assumption. However, we will see that the later Suits holds that all parts of his diagram have things in them. If this diagram were made into a Venn diagram certain regions would have to be marked as empty.

FIGURE 4.2 SUITS'S VENN DIAGRAM



1. Primitive play - some play activities are not games or sports (e.g. baby splashing in bath)⁷⁴
2. Sophisticated play - some games are play and not sport (e.g. children playing monopoly)
3. Professional nonathletic games - some games are not sports or play (e.g. professional bridge or poker)
4. Amateur Performances - some sports are play and not games (e.g. high school gymnastics)
5. Amateur sport - some sports are games and play (e.g. pick up hockey)
6. Professional sport - some sports are games and not play (e.g. NHL, CFL)
7. Professional athletic performances - some sports are not games or play (e.g. Olympic diving) (1988a)

⁷⁴In the examples that follow, some are mentioned by Suits and some I have added.

Meier claims that doing something voluntarily for its intrinsic rewards (e.g. autotelic activity) is the necessary and sufficient condition for an activity being 'play' (1988: pp. 26-27). For Suits⁷⁸ however, autotelicity is not a sufficient condition, though it is a necessary one. For example, he says that sailing a sailboat for pleasure

is certainly an autotelic activity, and I am inclined to call it play (although I do not agree with Meier that autotelicity is a sufficient as well as a necessary condition for some x to be a case of play... (1989: p. 8)

and in "Words on Play,"

I am far from convinced that play is the same as any autotelic activity whatever. (1977: p. 117)

Part of my purpose today is to try to provide enough words on play to persuade you that the identification of play with autotelic activity is at best a stipulation. That is, I shall deny the claim that if any x is an autotelic activity, then that x is *ipso facto* play... In other words, I regard autotelicity as necessary but not sufficient for an adequate definition of play. (1977: p. 119)⁷⁹

(Suits also discusses a potential counter example (i.e. something which is autotelic which is not play), that of a cat chasing its tail (1977: p. 118).)

⁷⁸Both the early and late Suits.

⁷⁹For both the later Suits (1988a) and the early Suits (1988b)/Meier (1988) position a game is an activity directed towards bringing about a specific state of affairs, using only means permitted by the rules, where the rules prohibit more efficient in favour of less efficient means, and where such rules are accepted just because they make the activity possible. I will later (in Chapters Seven and Eight) discuss what I call simple and complex sports. A simple sport is one where the prelusory goal is relatively unencumbered with rules that limit its achievement (e.g. 100 metre dash). A complex sport is one where the attainment of the prelusory goal, if that goal can be stated at all in the absence of the rules that limit its achievement, is seriously hindered by the rules of the sport (e.g. rugby).

Sport in the Olympic Games, for the later Suits position, is physical activity that is either essentially judged or essentially officiated. Sports that are performances follow a script and are judged. Sports that are games have a prelusory goal,⁸⁰ follow rules and are officiated. The early Suits/Meier position claims that all sports are games with the added criteria of physical prowess. The difference between the early Suits/Meier position and the later Suits position, which is largely based on categories 4 + 7 in Figure 4.2--is about whether all sports in the Olympics are games. However, neither position would deny that what goes on in the Olympic Games is sport, thus we do not have to resolve this aspect of the debate for the purpose of this study. The point for the present purposes is the role of play in all this.

Both the later Suits and the early Suits/Meier position combine two different ways of discussing and/or defining play and sport. They combine: 1) a structural level, concerning whether a practice meets certain observable criteria and 2) an attitudinal level, concerning whether the practice is participated in for intrinsic or extrinsic reasons. These two levels are logically independent of one another.

⁸⁰The prelusory goal is defined by Suits as the kind of goal which "may be described generally as a specific achievable state of affairs. This description is, I believe, no more and no less than is required. By omitting to say how the state of affairs in question is to be brought about, it avoids confusion between this goal and the goal of winning. And because any achievable state of affairs whatever could, with sufficient ingenuity, be made the goal of a game, the description does not include too much. I suggest that this kind of goal be called the pre-lusory goal of a game, because it can be described before, or independently of, any game of which it may be, or come to be, a part" (1988b: p. 40).

The difference in levels and their logical independence has some consequences. The first is that while we may be able to characterize a sport in terms of its structural properties, we cannot so characterize an example of play. There are also problems associated with making judgements about an act as one of play. That x is an example of play requires that the actor A has attitude p to x . Attitude can vary from individual to individual within a practice, and from time to time within an individual.

The two levels also mean that statements about the play status of particular examples of sport will be empirical rather than logical. One could not say that all examples of NHL hockey are necessarily not play, because it is possible, that for one brief moment, the players really are playing just for its own sake regardless of any other contingent rewards they may or may not get. This is so unless one believes that the mere existence of an extrinsic reward renders performance of an activity "heterotelic". I would challenge this belief because it seems to me that I could play a sport for its own sake, even if I stand to gain a reward.

In an attempt to demonstrate that people participate in the Olympic Games for extrinsic reasons only, Suits makes special mention of sport in the Olympic Games:

Let me begin by making the bald assertion that not all sports are play...the events of the recent Olympics and, I believe, of the Olympic Games since their beginning in the midst of Greek history, are not and were not play. (1988a: p. 7)

This, presumably, is an empirical claim, that the contestants did and do not engage in the Olympic Games for intrinsic reasons. "Play" can be used in at least two ways: i) x

is playing at activity A at time t, this depends on x's attitude being autotelic; and ii) activity A is play, means that those engaged in A normally, typically, are expected to do so with an autotelic attitude. It must be in some version of the second use that Suits says that the Olympics are not play. Thus, Suits makes it clear that for him the events in the Olympic Games are not play, which means they must be limited to areas 6 (sport/game/non-play) and 7 (sport/non-game/non-play) of Figure 4.2 above.⁸¹

However, in the same paragraph Suits says that if we assume that the Olympic Games are "amateur" sports, (which they were claimed to be until recently when the IOC struck the word "amateur" from the constitution and other IOC documents), we will place them differently, in areas 4 (sport/play/non-game) and 5 (sport/play/game). Further, areas 5 and 6 are amateur games and professional games respectively, and areas 4 and 7 are amateur performances and professional performances. Thus for Suits, the notion of amateurism is intimately associated with the notion of play in the area of sports and also of games.

Two interpretation of Suits appear to be possible because logically he could be saying either: i) the Olympic Games are more like professional sport than some other paradigms of sports that are play, or 2) we can determine the athlete's attitude from the type of sport (or perhaps level) at which they are participating, or both.

⁸¹The early Suits, the later Suits, and Meier claim that not all sports are play.

The reason Suits does not think the Olympic Games can count as play of any kind, and therefore are not amateur in his sense, is the participant's reason for participation, and so is a matter of attitude and not structure. Suits says that amateur connotes the opposite of professional; the amateur does x for the love of it, while the professional does it for some other reason. Suits wants to substitute for "amateur events" the phrase "autotelic events", which means "an activity done for itself," and for "professional" the expression "instrumental event" (1988a: pp. 8-9). The benefits accruing from this substitution are that we are no longer limited to the old meanings and confusions of "amateur" and "professional" and can now widen the focus to include others who have not been historically considered professionals, like Olympians.⁸² Thus Suits correctly claims, as many before him, that the notions of professional and amateur in sport are problematic, and that the problem is one of attitude rather than payment *per se*. It is not the monetary rewards that make the

⁸²"Amateur", via French, is from Latin *amare*, to love, and means someone who does something for the love of it. Its first occurrence in English in this sense (it appeared slightly earlier in another sense) noted by the Oxford English Dictionary (OED) is in 1803, and has to do with amateur painters, and concerns people who engage in art for the love of it, or as a pastime rather than with any regard for pecuniary advantage. It was thought then to be a new foreign word. "Professional" has to do with what you profess, that is, declare to be your occupation; it is something you earn your living at, and are supposed to be good at. The root idea is declaring or acknowledging; it is what you advertise yourself as. Originally this had to do with belonging to a certain religious order, which you would profess. Then there were the learned professions: medicine, law and divinity. The relevant sense here is that of professional X, e.g. cricketer. This, according to the OED, is someone who engages in X for a living, and so is not an amateur. The earliest OED instance of this use is 1805 with a reference to amateur and professional singers. In sport, there appears to have been some interaction between this professional/amateur distinction and the British class system, which is where professional became associated with working with one's hands.

difference, but rather the change in attitude of the participant. Suits brings this out by his renaming "professional" and "amateur" with phrases that describe the reason for participation:

I should like to put it to you that the games and performances of the Olympics may not be instances of sophisticated play, that is, that they may not be autotelic activities but instrumental activities...the Olympics, even if all the competitors were amateurs in the ordinary understanding of that word, would not provide us with good examples of games and performances as play, which is to say that such events would not fall within Areas 4 and 5 of our diagram, as one might suppose, but in Areas 6 and 7. (1988a: p. 8)

The reason for this classification, in Suits's opinion, is that, "playing the game" is not the primary reason for the Olympian's participation in the Games, but rather, "getting the gold" or as close to it as possible, is the "primary payoff." Suits feels this is why professionalism and steroid use has crept into the Games. The Games are instrumental and not autotelic because in them there is "a kind of compulsion to win," an attitude not present in friendly games, or pick-up games.

I am suggesting that acting under such a compulsion, rather than the desire to win simply because winning defines the activity one is undertaking, is what turns a game that could be play into something that is not play.

In an old *New Yorker* cartoon, a portly and agitated man dressed in the latest golf toggerly is seen speaking angrily to his golfing partner. The caption reads, "Stop saying it's just a game! Goddammit, it's *not* just a game!" And he is quite right. For him, golf is not play, and it is not, therefore, *just* a game. (Suits, 1988a: p. 9)⁸³

⁸³Suits's example from the "New Yorker" shows that the compulsion for victory is not limited to elite level sports. In my own experience some the most bizarre examples of that compulsion can be seen in Graduate Student intramural softball leagues!

There are at least three things we can say about Suits's example. First, it does seem to capture the compulsive attitude that some players have, but it is not clear from the caption that the compulsion is with winning itself. It could be that the compulsion is with participating in the sport of golf. This raises the question of whether or not one can be compulsive about doing things for intrinsic reasons. One could be compulsive about engaging in a particular sport and not be compulsive about winning.⁸⁴

Second, the phrase "it's just a game" implies that the compulsive attitude is inappropriate for game playing as "play," suggesting that the reasons for participating are instrumental, which of course, is the case for professional sports in Suits's Area 6 (sport/game/non-play). So it seems this golfer has the attitude appropriate for Area 6, where it is "not just a game," but he is actually competing in Area 5 (sport/game/play), where the appropriate attitude is one of "it's just a game" (otherwise his partner would not be pointing this out to him).

Third, although the example is not of an Olympian, Suits's point seems to be to capture the attitude of the Olympic players. He is making the claim, an empirical one, that, by and large (that is, we have some sort of statistical generalization) Olympians are primarily motivated by the 'compulsion to win,' as he calls it, that is,

⁸⁴I will return to this question in Chapters Seven and Eight under the discussion of ideal Olympic sport.

instrumental reasons. The institutional factor behind this is that the institution has caused the level of competition to be so high that only people with instrumental reasons are at all likely to be willing to do what it takes to make it to these Games; people with merely autotelic motivation will not see the Games as worth the sacrifices required. However, people who have competed in the Games and who did it to strive for excellence in their sport, might argue that their's was not an instrumental reason, but an autotelic one. We will pick up this discussion on the pursuit of excellence in the final chapters.

It is not the case that participation in the Olympic Games logically excludes a play-like attitude; it may be enough for Suits's case that his point be a contingent statistical truth. Some people wonder if the Olympic motivation might be likened to that of the compulsive gambler; gambling can be done for play, or it can be done for work as with professional gamblers, but with some it goes beyond that, and when it does we tend to start thinking about medical problems. The compulsion with winning strikes us as a sort of illness, and we start looking for a cure. Some suggest banning the Olympics as a cure. If, as Suits seems to suggest in a paper entitled "The Grasshopper: A Thesis Concerning the Moral Ideal of Man," play is necessary (but not sufficient) for an adequate account of the moral ideal of humanity (1973: p. 205) and autotelicity is a necessary (but not sufficient) condition for play (as we noted above), then the argument from perversion of sport could come in by another route. This other route would be that because some sports are done for intrinsic reasons they are

closer to the "moral ideal" of humanity than those that are done for only instrumental reasons. Suits suggests that this moral ideal may be captured in some way by our modern conception of "sportsmanship" (1973: p. 216).⁸⁵ We will look more closely at the concept of "sportsmanship" below.

The position that play is in the attitude of the player and is not logically tied to the performance or institution itself was first put forward by Suits (1973).⁸⁶ But it is Scott Kretchmar who most succinctly puts forward the relationship between sport and play:

the competitive fullness of sport and the play gesture are, in a most fundamental sense, wholly compatible but not coextensive. One can play sport without compromising elements essential to this highly polarized activity. (1972: p. 113)⁸⁷

⁸⁵We may draw from this that it is not that doping perverts Olympic sport; it is rather that non-play sports pervert the moral ideal of humanity, with doping as a natural consequence. I will attempt to develop an argument that will tie this notion to ideal Olympic sport in Chapters Seven and Eight. I will claim that it is compulsion with winning, and not with the pursuit of excellence, that perverts ideal Olympic sport and that doping is a symptom of this compulsion. But this argument will not be based on any claims about the nature of sport in general and thus does not belong here.

⁸⁶Meier later puts forward a similar definition, "I wish to provide a definition [of play] based upon the orientation, demeanour, or stance of the participant...Consequently, if games or sports are pursued voluntarily and for intrinsic reasons, they are also play forms; if they are pursued involuntarily or engaged in predominantly for extrinsic rewards, they are not play forms" (1988: p. 25).

⁸⁷Meier recognizes this when he quotes from Kretchmar.

From this account, we can deduce that play has nothing to do with the structure of the activity and everything to do with the attitude of the player. However, certain structures may encourage some attitudes, and discourage others; while logically distinct, the levels may be causally interconnected. We have seen that Suits believes that there is, in fact, no play element in the Olympic Games though neither he, Kretchmar nor Meier would think that this is logically necessary.

On this account, appropriate action in sport, e.g. not doping, could vary according to the "play" nature of the activity in question: appropriate action for autotelic sport activities and appropriate action for instrumental sport activities. Further one could use D'Agostino's "ethos" account to determine what is appropriate. These two options, and others, will be discussed below. But before we do that, let us enrich this account a little more.

2.1. SPORT VERSUS ATHLETICS

In order to shed some light on the previous discussion, in particular regarding the Olympic Games, it is necessary to talk about the distinction proposed, primarily in an article by James Keating, between "sport" and "athletics."⁸⁸ Keating there claims that the source of the confusion in discussions of "sportsmanship," and accompanying definitions of it, is a confusion between sport and athletics, where what counts as

⁸⁸Although Keating's article is from the 1960's it is still used as a primary reading for undergraduates in philosophy of sport and despite subsequent developments, lends a good deal to the discussion at hand.

"sporting" behaviour in one of these will be different from that in the other. Keating describes the difference as follows:

sport and athletics have characterized radically different types of human activity, different not insofar as the game itself or the mechanics or rules are concerned, but different with regard to the attitude, preparation, and purpose of the participants. (1988: p. 243)

On this account, sport is a diversion for fun or pleasure dominated by moderation, magnanimity and generosity during a competition. Athletics is competitive and has victory in the contest for its end, and is characterized by dedication, sacrifice, and intensity. People participating in sport can take defeat and victory without complaint or gloating, and treat opponents fairly, generously, and with courtesy. Keating claims that the move from sport to athletics is a drastic one, where the athletes become "prizefighters." They thus mistake their purpose and insult opponents, if they view the contest as an occasion to display generosity and magnanimity.

The difference between sport and athletics is thus the difference between the play and the professional attitude discussed above. On this view, the level at which one competes defines the appropriate attitude one should have, i.e. one should have the professional attitude if one engages in athletics, and that a particular activity is athletics, rather than sport, is determined by its level. In sport the primary objective is the joy of the moment and not winning, so sport, therefore, is more conducive to modesty, graciousness, and fairness. To ask this of athletics is a strange paradox:

it asks the athlete, locked in a deadly serious and emotionally charged situation, to act outwardly as if he were engaged in some pleasant diversion. After an athlete has trained and sacrificed for weeks, after he has dreamed of victory

and its fruits and literally exhausted himself physically and emotionally in his pursuit—after all this—to ask him to act with fairness in the contest, with modesty in victory, and an admirable composure in defeat is to demand a great deal, and yet, this is the substance of the demand that "sportsmanship" makes upon the athlete. For the athlete, being a good loser is demonstrating self-control in the face of adversity. A festive attitude is not called for; it is, in fact, often viewed as in bad taste. (Keating, 1988: p. 247)

There is nothing intrinsic to an activity itself which necessarily implies adherence to a moral code, and that these codes are due to the general attitude of the participant. The attitude of the participants in sport and athletics are so dissimilar that a single code of conduct cannot be applied to both. Thus on this view, the goal of sport is pleasant diversion and the goal of athletics is athletic excellence that is signified by victory (Keating, 1988: p. 248).

However, this conception of athletic excellence as being signified by victory is inadequate; one can achieve excellence and still not win.⁸⁹ Winning in itself is not sufficient to define athletic excellence because one could be undermatched and win, but play poorly. Conversely, one could play excellently against a better opponent and not win. One could also play excellently, against well-matched opponents and fail to win due to sheer bad luck.

The reason this discussion is important is that it will help us to determine if the level at which a sport is played should affect the moral evaluation of the actions of the

⁸⁹Neither Feezell (1988), Osterhoudt (1973) nor Sadler (1973) consider this point in discussing Keating.

players, e.g. doping, cheating, etc. To summarize the distinction between sport and athletics: Keating's position is that there is a confusion between sport as a pastime or a diversion, and sport as athletics—a contest. He is against the idea of "sportsmanship" as a moral catch-all. It is not an all-embracing code of life, but it is behaviour appropriate to the game. The goal of sport is "not to win, but to derive pleasure from the attempt to do so" (1988: p. 245). The goal of "sportsmanlike" behaviour is to increase the pleasure of the activity for oneself and others. The competitive nature of sport is co-operative rather than adversarial, the competition requires co-operation. When contrasting sport with athletics, one sees that athletes are not engaged in a diversion or pastime; for them it is a very serious contest. Having said that, Keating still feels that honesty and fairness are still appropriate for athletics, although the object is a fair test of skill, not enjoyment or pleasure as such. Since "sportsmanship" is activity appropriate to the game, if the activity is a test of athletic ability, then appropriate behaviour will be behaviour conducive to a fair test—otherwise the test has no meaning. This is not the same as the sportsperson's activity where pleasure is the goal. Thus, for Keating, the virtue of "sport" is generosity and the virtue of "athletics" is fairness, within the spirit of the rules. This imposes a slight tension. Keating says earlier that the athlete will tend towards a "legalistic" interpretation of the rules—where can the "spirit" of the game come in if this is the case? The gamesperson⁹⁰ clearly does not follow the spirit of the rules, but this person would fit into Keating's category of athletics.

⁹⁰The person who bends but does not break the rules.

Keating has been criticized by Feezell for radically separating sports and athletics, using dictionary definitions to do so, and not looking at "lived experience for the basis of the distinction" (1988: p. 254). Feezell claims Keating incorrectly ascribes a false exclusivity to the psychology of the player and the athlete. Feezell claims it is not possible to make the distinction because the attitudes of the participants are often mixed and thus, Keating is creating "polarized thinking"--viz. dividing things into two exclusive categories and then supposing that, if something doesn't belong to one, it must belong to the other, and this at the expense of truth. Feezell claims that Keating is correct to focus on attitudes and to attempt to describe the attitudes appropriate to sport, but that his description is incorrect. Feezell prefers a continuum moving from frolic to sport, from less formal to more formal. The spirit of play may be absent from sport, but he claims that this should not happen because sport should be intimately related to the playful activity of game-playing.

If Keating were right then one should expect different standards of conduct in relation to rule following and conventions from a sportsperson and an athlete. Feezell says this would be wrong; athletes should be sportspersons and Keating's description of the athlete is a description of a poor sport because the play element is absent.⁹¹

⁹¹Osterhoudt takes a far harsher view of Keating's notion of competition and athletics (he does not refer to Keating's definition of sport as Keating does not mention it in the article Osterhoudt refers to): "Keating's notion, if raised to all-embracing (metaphysical) perspective without further modification, leads us to a distasteful, a self-destructive view of man, the social substance, and the common good; and nothing well-disposed, it seems, can be said to actively favor its own demise" (1973: p. 195).

Thus, Feezell views "sportsmanship" as a virtue. A bad sport is someone who cheats.⁹² Feezell thinks that the distinction between sport and athletics that Keating tries to make, (on the basis that appropriate behaviour is different in sport and athletics) does not work; he concludes with "sportsmanship" as an Aristotelian mean between excessive seriousness and excessive playfulness.⁹³

To take Feezell's advice and look at the "lived experience" of the participants, we can examine the results of the Values and Ethics in Amateur Sport study (Blackhurst, Schneider and Strachan, 1991). The study was a sampling and analysis of the opinion and "lived experience" of Canadian sport participants. The results of the study are based on the participants' discussions and indicate that participants believe that all of the Olympic athletes in Canada are "high-performance" athletes.

The distinction between "high-performance" and "domestic" sport was devised by the Canadian federal sport funding agency, Sport Canada. The definition of "high-

⁹²As we determined in Chapter Two, the best understanding of cheating, is based on breaking an agreement. This understanding suggests that the players could agree to ignore some particular rule and not be cheating.

⁹³Feezell's analysis of sport as play, and play as something essentially non-serious, something outside of normal life, leads one to question to what extent high level sport is outside of normal life. If one compares it to artistic endeavours is it non-serious and outside of normal life? We are led to two senses of "outside normal life" here; i) it is outside normal life because it is play and ii) it is outside normal life because it is superhuman (high performance sport). Further, the player's attitude to the game may be internally serious yet that seriousness is mediated by an acknowledgement of the objective triviality of the pursuit.

performance sport" matches Keating's "athletics" very well. For our purposes it will be easier to think of the distinction as between high-performance and "recreational", rather than, "domestic" sport. This study, at least, of the "lived experience" of Canadian sport participants, supports Keating's claim that they are fundamentally different enterprises, but not that this is necessarily the case. The high-performance athletes' reasons for competing are much more often instrumental ones, when compared to participants in "domestic" sport who more often cite intrinsic reasons (Blackhurst, Schneider and Strachan, 1991: pp. 49-50). The definition of "domestic sport" also matches Keating's definition of "sport" very well. High-performance sport is felt to be designed for the best athletes to represent their country. The focus is on technological advances in the sport sciences, a highly integrated system with centralized structures and rewards for winners in that system. Domestic sport is well suited to achieving the social values of equity, health, a good lifestyle and fun. It is decentralized and has low integration and is played for pleasure. High-performance athletes cite winning, competition, awards, public recognition, career opportunities, and money as the main reasons for participating. Some did, however, express that they did it because it was fun, others said pushing themselves to their own limits as a reason for participation, these reasons may be viewed as intrinsic reasons.⁹⁴ Domestic sport

⁹⁴The allocation of a motivation, or a reason, to "intrinsic" or "extrinsic" is very difficult in some cases and this difficulty is compounded by the complexities of sport. For example, the joy that comes with getting a well-rowed boat just right is different from the joy that comes with hitting a devastating backhand in tennis, yet there are rewards that are common and intrinsic to sport as such. This could be described as the testing of self against other in the context of a physical game that was skilful, exacting, spirited, and where the best won.

was described as being played for pleasure and recreation, but also the instrumental rewards of fitness, personal development, character building, and health.

Keating is also correct in identifying the attitudes of the participants as the main criteria for the assessment of the activity,⁹⁵ but these attitudes are shaped by the experience of the individuals in the sporting arena. Feezell is right in saying that this is not always clear cut, in that different individuals have combined attitudes and some people play at high-performance and some people work at domestic sport.⁹⁶

In summary, after having looked at the proposed distinction between sport (domestic/recreational) and athletics (elite/high-performance), what we find of significance is a difference in the attitude of the participants in relation to intrinsic and extrinsic goals.⁹⁷ The likelihood of pursuing intrinsic goals decreases as one climbs

⁹⁵This is similar to Suits's distinction between "autotelic events" and "instrumental events" which Meier's distinction of "playful" and non-playful" sport is like. Unlike Keating, Suits and Feezell, however, Meier does not comment on normative assessments based on the distinctions regarding the appropriate or ideal attitude and sport.

⁹⁶Sadler's review of competition suggests that cultural bias has influenced Keating's definitions of "athletics" and "play" (he makes no mention of Keating's definition of "sport") and that Keating's insistence that "competition requires seeking to excel or surpass is essentially a prescriptive statement" (1973: p. 188). Sadler concludes that Keating's "rigid distinctions between athletics and play are further indications of his value orientation" and "unless one chooses to absolutize Keating's goals, it is unnecessary to insist on these distinctions" (1973: p. 188). This is a similar conclusion to that which Feezell draws regarding Keating's distinctions between sport and athletics.

⁹⁷MacIntyre would probably describe them in terms of goods instead of goals as we saw briefly in Chapter Two. We will look at this description by MacIntyre in more detail later in this study.

the competitive ladder.⁹⁸ Suits is correct in claiming that compulsion for winning destroys the play element, but is wrong if he assumes, just as Keating would seem to, that it is necessary that all participants in the Olympics have, and always have had, this attitude.⁹⁹ If Suits is arguing that the very nature of the institution of the Olympic Games, since their inception, is one obsessed with winning the gold, and therefore does not allow participants to have a play attitude, then a much stronger case must be put forward than he gives. In the last chapters of this study I will defend a view of ideal Olympic sport that emphasizes intrinsic motivation and that includes the autotelic attitude.

Thus, if one argues that doping is wrong because it reflects the wrong attitude, the standardized version of the anti-doping argument would look something like this:

- Premise 1: Doping reflects compulsion to win;
Premise 2: Compulsion to win is the wrong attitude;
Premise 3: Actions reflecting the wrong attitude are wrong;
Conclusion: Therefore doping is wrong.

⁹⁸There is empirical evidence (Deci and Olson, 1989) that the mere presence of extrinsic rewards decreases intrinsic motivation. Those extrinsic rewards are made more available as one climbs the competitive ladder. Against this, however, I will argue in Chapters Seven and Eight for the logical compatibility of intrinsic and extrinsic rewards.

⁹⁹For example, when amateurism was seriously valued in runners like Eric Liddle from Great Britain. Also there were a few participants in the Canadian study that did value the intrinsic over the extrinsic goods (Blackhurst, Schneider and Strachan, 1991).

(I will adopt a modified version of this argument in my defence of the incompatibility of ideal Olympic sport with doping in Chapters Seven and Eight.) We may raise at least two objections to this argument. The first objection is that premise 2 requires evidence that demonstrates why this attitude was wrong in the Olympic Games (in fact, some argue that the opposite may be true (Hughes and Coakley, 1991); this will be addressed in Chapters Seven and Eight). Second, some philosophers argue that if the use of recreational drugs, e.g. acid, enhance the play experience then we should be arguing in favour of their use.¹⁰⁰ But, it may be countered that the parallel with recreational drugs doesn't work, for even if we say that the right attitude is play, it doesn't follow that we must say that everything which enhances the play experience is right. There is no need to maximize play pleasure; one need only provide enough of it so that those who are after it will continue the activity.

3. SPORT AND CONTESTS

Some philosophers of sport argue that a central feature of sport is that it is a contest. Although many authors write on the nature of the sport contest and competition,¹⁰¹ it is Fraleigh and Simon who argue that the nature of the sport contest or ideal competition within the sport contest, may justify doping proscriptions.

¹⁰⁰W. M. Brown made this point at the 1991 annual conference for the Philosophic Society for the Study of Sport.

¹⁰¹For example, Kretchmar's "from Test to Contest: An Analysis of Two Kinds of Counterpoint in Sport" (1988) and Drew Hyland's "Competition and Friendship" (1988) contribute to the discussion. But neither of these authors argue that their discussion leads to the conclusion that doping should be banned in sport.

Thus both Fraleigh and Simon merit a review for the purpose of the present study.

Fraleigh is particularly instructive because he not only explores the idea of ideal sport as human contesting, but also uses almost all of the arguments commonly cited to support the proscription of doping (1985).

3.1. THE SPORT CONTEST

Fraleigh provides what he calls a "phenomenal description" of the sports contest.

A sports contest is a voluntary, agreed upon, human event in which one or more human participants opposes at least one human other to seek the mutual appraisal of the relative abilities of all participants to move in space and time by utilizing bodily moves which exhibit developed motor skill, physiological and psychological endurance and socially approved tactics and strategy." (1984: p. 41)

He cites Suits when describing the three ends in the sports contest as: i) the end of achieving a specific state of affairs (the prelusory goal); ii) the end of winning, and iii) the end of playing the game. Fraleigh calls this third end "the end of contesting"¹⁰² because he wants to restrict the discussion to the sports contest in an effort to avert the

¹⁰²He focuses on the sports contest for four reasons: i) the institution of sport most frequently manifests itself in the form of the sports contest; ii) it is where conflicts on right action occur; iii) the focus is then on problems between human beings rather than humans and the environment or animals; and iv) it makes the description more accessible and meaningful for participants in sport who need guidance (1984: p. 29).

problems faced by those who focus the discussion on the nature of sport (1984: p. 35).¹⁰³ Fraleigh then goes on to describe what must, and cannot, occur in the good sports contest.

3.1.1. THE GOOD SPORT CONTEST

In the "good" sporting contest, all participants must achieve the end of the specific state of affairs, must try to win but it is not necessary that they win (1984: p. 36). The "ultimate" end of the good contest is trying to win.¹⁰⁴ There may be problems with Fraleigh's ultimate end of "trying to win." How can "trying to win" be the end of anything? Yet, perhaps the "joy of sport," where this is intended to capture the joy of a well-played contest (i.e. skilful, exacting, spirited, and where the best won) is what he is aiming for. For example, if one has tried, then one goes away satisfied with oneself, but if one has "slacked off," one goes away dissatisfied.

We are then given examples of sporting contests which are not good. These, bad sporting contests can be seen as perversions of good sporting contests. Fraleigh's analysis may thus provide a general method of showing bad sport contests to be

¹⁰³Presumably what Fraleigh is referring to is the lack of agreement in the metaphysical discussions on the nature of sport. However, limiting his discussion to the nature of the sport contest as opposed to the nature of sport does not really help Fraleigh to avoid metaphysical discussions, he may however get more agreement.

¹⁰⁴Fraleigh cites Chisholm for his definition of an ultimate end as being "one that is intended but not intended in order that some other end be realized."

perversions. If this is so we may find in this general approach a justification for the doping bans.

Fraleigh's first example is that of trying to tie a game. Fraleigh claims that it is not a good sports contest when trying to tie the contest predominates over the end of trying to win, in order to gain some end external to the game itself (e.g. maintain a national ranking). This is not a good sports contest because exerting one's best effort is essential in determining who is better in a contest and such a determination is what the contest is about (1984: p. 38). There are at least two questions that arise when one examines Fraleigh's discussion: why is trying not to lose subsidiary to trying to win? and why is it not a good sports contest if one uses it to try to win an extended league? If we make a distinction between a match and a league where the latter is comprised of a number of the former, why is trying to win the latter wrong? Yet this is what people are doing when they try to tie a match to maintain a particular ranking. It would seem that Fraleigh needs to prove why the match is primary and takes priority over the league, or a number of matches. If however, Fraleigh used the example of trying to have a three point spread to win a bet, he would have a good example of trying to attain something that is extraneous to both the match and the league, (where both could be viewed as a sport contest).¹⁰⁵

¹⁰⁵This extraneous good, or external good as MacIntyre might call it, is dominating and thus perverting the nature of the contest. MacIntyre (1984) claims that when the pursuit of external goods dominates a practice, the internal goods are lost and the practice will die. Many would argue that this is an accurate description of the current situation in the Olympic Games. We will have more on this below.

Fraleigh's second example of a poor sports contest, is when participants adopt "intended ends"¹⁰⁶ external to the contest that reduce its significance, viz. using the sports contest for entertainment, e.g. the Harlem Globetrotters, where the skills are used to provide laughs and not for good sports contests. Another example, that would fit with this notion of perversion, would be in professional leagues, such as the National Hockey League, where violence is used for entertainment and not for good sports contests (1984: p. 39).¹⁰⁷

The third type of a non-good sports contest occurs when participants adopt personal intended ends external to the contest and reduce the significance of trying to win, e.g. making it a farce. These types of participants have been referred to as "triflers" by Suits (1978). This type of activity definitely kills the contest.

3.1.2. THE PURPOSE OF THE SPORTS CONTEST

Fraleigh defends his definition of the good sport contest by referring to the purpose of the sports contest. He claims the purpose is

the collective intended end of those participants who voluntarily enter into the institution of sport. (1984: p. 40)

¹⁰⁶It is not clear what the difference is between an end and an intended end.

¹⁰⁷This would also be an example of the pursuit of external goods dominating the pursuit of internal goods.

The collective intended end is the institutionalized purpose of the contest controlled through the actions of the participants.¹⁰⁸ At the risk of being too simplistic, it seems that what Fraleigh is saying, is that the purpose of sport, or of a sport, is what the participants say it is. This is not very helpful in producing a justification for the bans because the participants could just agree to include doping. It seems that Fraleigh, rather than producing the criteria for the good sporting contest or an ideal of it, has instead put forward a view which sees the purpose of sport as the satisfaction of a contractual agreement. I believe this view to be on the right track, but this view cannot do what Fraleigh seems to want it to do, namely, provide the justification for the ban on metaphysical grounds regarding the nature of the good sport contest.

Fraleigh admits there are shortfalls with his thesis, but does not seem to realize that he has not produced anything that will go towards defining an ideal sporting contest:

A historical phenomenal structure for sport may not give us the clear and precise definitions of sport that the language analyst would prefer, but it can provide, rather, a description of what the substantial content of human consciousness of sport carries. (1984: p. 41)¹⁰⁹

¹⁰⁸To defend this position, Fraleigh puts forward the "historical thesis" of the purpose of sport as follows, "the purpose of sport is supplied by the historic institutionalized structure of sport as it has developed over thousands of years by millions of individuals and by hundreds of societies...the structure of sport itself as it has evolved carries within itself a sense of purpose" (1984: p. 40).

¹⁰⁹Fraleigh believes that when "human subconsciousness focuses" upon the concept of the sports contest (and not sport), that his description will be revealed as having been embodied in "our collective, historical consciousness" and that this phenomenal structure

Fraleigh believes that his explanation allows us to conceive of the activity itself as having a purpose as distinct from whatever intentions individuals or societies bring to the activity though this seems to be in contradiction with his claim that the purpose of sport is what the participants want it to be (1984: p. 42). From this conception of the sports contest we are supposed to be able to determine the meaning of words like "winning:"

The term winning cannot be sports meaningful until it is seen in relation to equitable opportunity for mutual contesting of the participants' relative abilities within the confines prescribed by an agreed-upon set of rules, since winning means the result of the mutual contesting. (1984: p. 47)

And further, we are to determine what would count as the good sports contest:

The good sports contest is one in which the personal intended ends of actions are congruent with or consistent with the purpose of the sports contest and necessary for the establishment of one condition from which a good sports contest may grow. Other conditions are also necessary foundations for a good sports contest. (1984: p. 49)

Fraleigh's view that the "rules," within which the contest takes place, are contractually based, does not yield a prohibition on doping on metaphysical grounds. Fraleigh ends up with a contract model for his description of the purpose of a good sport contest. Further, he later ends up with a dehumanization argument when he

of the sports contest has become institutionalized. Thus for Fraleigh, "the purpose of the sports contest is to provide equitable opportunity for mutual contesting of the relative abilities of the participants to move mass in space and time within the confines prescribed by an agreed-upon set of rules" (1984: p. 41). This is the reason for sports contests, as distinguished from the personal intended ends of the participants and from the ends in the sports contest, as mentioned above.

focuses on the human aspect of sport (which is dealt with in the next chapter on the arguments from dehumanization).¹¹⁰ He states that

while not everyone may agree on the nature of sports contest, that is not necessary for a consistent normative ethic for sport. (1984: p. 25)

Thus, it seems we can dispense with the metaphysical/definitional problem because we do not need to solve it to decide what constitutes ethical behaviour in sport. All that is required is, "a rationally defensible characterization which could be agreeable to agents acting under ideal conditions of rational choices" (1984: p. 25). Fraleigh's conclusion is that

we resolve the ethical issue by an approach that recognizes operative empirical factors, is historically connected to the present as conditioned by the past, and uses moral criteria in such a context. (1984: p. 26)

Fraleigh's position is that a good sporting contest is a fair test within agreed upon rules. "Fair" means that one consistently follow the rules as agreed. It might also have something to do with the circumstances under which the agreement was reached (e.g. duress, etc.).

One is left inquiring if it could not be the case that one of these agreed-upon rules allow steroid use, if all that is required is that people agreed upon it? For his

¹¹⁰This assessment is confirmed by Fraleigh in another article on drugs in sport, where he claims that drug use is morally wrong because it reduces sport to contests between mechanized bodies rather than persons (1985: p. 25). It dehumanizes them by not respecting athletes as persons. Fraleigh is concurring with R.L. Simon on this point which will be discussed below.

metaphysical argument to work, Fraleigh needs to claim that they could not agree on a rule that allows steroid use because it is against the nature of the good sport contest. There would have to be something in the nature of the good sport contest itself, which would rule out steroid use. Then we must ask why, for example, weight training and carbohydrate overloading is allowed. However, on the contract model, which Fraleigh also seems to support, all we need is that people do not agree to steroid use for our justification for the ban. This does not depend on any ideal nature of the good sport contest. We will look more at this contract model and what would count as agreement in Chapter Seven.

Fraleigh claims that the rules describe the sports contest and that the purpose of the contest is not to test the athlete's body's response to drugs. It is true that there does not seem to be any sports in which the object is to test response to drugs. Thus, he is saying that there is something in the nature of the good sports contest that rules out testing the athlete's body's response to drugs (if this is in fact the case) and that this is why they should be proscribed, not because of any agreement. But this is not argued.¹¹¹ Further, he claims that the restrictions on drug use are justified by the

¹¹¹Fraleigh then moves to the harm and coercion argument. Where he argues that if there are no restrictions then more people will be harmed and more coercion to use drugs will result. Fraleigh claims that it is immoral that non-drug using athletes must lower their expectations rather than drug users lowering their's, "To me the forced choice of either coerced self-harm or of dropping out or lowering one's expectancies is a morally unconscionable choice" (1985: p. 28).

consequences of changing the nature of the contest without agreement and because their use exerts coercion on others to inflict self-harm. All this means is that cheating is wrong, which we know, and that the nature of the contest is changed with drug use, which he has not yet shown because his definition of the contest is centred on agreement and offers no means of limiting potential agreements.¹¹² Fraleigh seems to assume that there is now an agreement against doping, and this is not an unreasonable assumption. This makes doping cheating as it stands now, and cheating is one form of perversion of sport. This does not, to be sure, justify that agreement, but it at least shifts the burden to those who want to change the agreement to permit doping. What reasons are there for changing the agreement in this regard? Some athletes want to dope because they believe it will give them a competitive advantage. This does not constitute an argument for changing the agreement, but rather it is an argument for enforcing the agreement. There is the defeatist argument based on the difficulty of enforcing a ban: we must agree that this is permissible because some are going to go ahead and do it anyhow, and we cannot stop them. One other potential

¹¹²While Fraleigh's examples of non-good sporting contests will not demonstrate what he wants them to demonstrate, we can use them profitably if we combine them with MacIntyre's concept of a practice and internal goods. For example, the World Wrestling Federation (i.e. Hulk Hogan, etc.) is an example of something that does not just pervert the sport contest of wrestling, but sport contests in general, for business or entertainment. There is no real contest, only an apparent contest that is actually fixed. This gives us an example of a worse perversion than that of professional sport, where often the internal goods are contingently lost but not necessarily so (as in the wrestling case). The internal goods of the sporting endeavour in general are subordinated if not destroyed by the institution's pursuit of money, external goods. The problem with this is that doping may be a symptom of this type of perversion, but is not an example of the perversion as the above two are.

argument, initiated by Brown, is that there should be no limits on the pursuit of excellence by competent, informed and consenting adults. We will pick up this argument later in this study. Finally, the coercion and harm arguments Fraleigh puts forward have already been found inadequate in the previous chapter.¹¹³

3.2. THE IDEAL OF COMPETITIVE SPORT

Another attempt to demonstrate that the nature of sport as a contest will render doping unacceptable is put forward by R. L. Simon. He suggests that the notion of the "mutual quest for excellence through challenge" may show why the choice to use performance-enhancing drugs is unacceptable and impermissible in good competition (1984a). Simon's three criteria for what counts as a performance-enhancing drug are: i) If the user did not believe use of the substance in the amount ingested would increase the chances of enhanced athletic performance, then the substance would not be taken; ii) the substance, in the amount ingested, is believed to carry significant risk to the user;¹¹⁴ iii) the substance, in the amount ingested, is not prescribed medication taken to relieve an illness or injury. Subsequent to a discussion of the definition of "performance-enhancing drugs," Simon makes the very sensible comment that

¹¹³Fraleigh then cites his "Guide of Noninjurious Action" from Right Actions in Sport (1984: p. 115). The result of this guide is not only that drug use could be an example of injurious action and therefore should not be allowed, but also a large number of other training practices which were also discussed in the harm chapter above.

¹¹⁴This criterion seems completely out of place in a definition of a performance-enhancer, although it is quite in place for a discussion defining a substance that should be banned.

It is one thing to claim that the three criteria are satisfied...quite another to make the normative claim that use of the substance in question is morally questionable or impermissible. (1984a: p. 8)¹¹⁵

Simon then offers his "Ideal of Competitive Sport" as an ethic of athletic competition, in an effort to find a justification for the bans. Simon views competition as a mutual quest for excellence through challenge, where the competitors are obliged to do their best so as to bring out the best in their opponents. The competitors are to present challenges to each other within the constitutive rules of the sport being played.¹¹⁶ He concludes that if the ideal of sport is a mutual quest for excellence, then a sports contest is a contest between persons and is not about better and better performances, but rather a test of persons. For Simon, the use of drugs restricts the area in which we can be respected as persons and therefore they should be proscribed.

On Simon's view an athlete, such as, for example, a lone golf player, who attempts to reduce his or her score on a course, is not engaged in a contest. No one really cares if lone golfers dope or not; it is up to them since they are not part of organized sport. But Simon's view also means that an athletic record, such as Roger

¹¹⁵He then looks at Mill's "Harm Principle" and the argument from harm to others (coercion) to determine if we can proscribe the drugs in question and concludes that "according to the harm principle we are entitled to interfere with the behaviour of competent consenting adults only to prevent harm to others." He concludes, as was found in the previous chapter, that there is not sufficient grounds based on harm to proscribe the performance enhancers in question.

¹¹⁶Simon does not mention the regulative or auxiliary rule distinctions.

Bannister's first sub four minute mile, is not part of a contest.¹¹⁷ Despite the fact that Bannister's record was set during a sanctioned athletic meet, Bannister was not competing against the other athletes on the track that day. They were there to act as pacesetters and targets who would fade before the end of the mile. Those other athletes also knew, and accepted their non-competitive role. They were there to help Bannister achieve a sub four minute mile. Many people would regard record setting as another form of contest, but over a time period, and not requiring the simultaneous activity of the participants--rather like high jumping, where the jumpers do not jump at the same time, but take turns. Thus, in record setting the other contestant is the former record holder. But Simon's view leads to the conclusion that an explicit attempt to set a record is not a contest. On this account it is not clear why Simon could advocate a proscription on doping for explicit attempts to set records (non-contests). This could be problematic because proponents of the bans would likely want to include these activities.¹¹⁸

However, the most glaring problem Simon has he admits himself, and that is he is unable to support his ideal of competitive sport:

¹¹⁷Simon does not make Kretchmar's distinction between test and contest where a contest requires a least one other athlete trying to attain the same thing. On Kretchmar's distinction Bannister was testing, not contesting because the other runners were merely pacers and were not trying to beat Bannister or set a record.

¹¹⁸If Kretchmar's distinction were applied to this position, doping would be banned for contests (e.g. against others) but not for tests (e.g. against oneself).

While I am unable to provide a full theory here, I do want to suggest a principled basis, grounded on an ethic of athletic competition, for prohibition of paradigm performance-enhancing drugs. (1984a: p. 10)

In reply to Brown's criticism, that he does not put forward enough for a satisfactory account to ban performance-enhancing substances in sport, Simon says, "I wish I had a satisfactory response to it" (1984a: p. 12). But, Simon not only needs to elaborate on his discussion of sport competition as being "a mutual quest for excellence," but as it stands, his position actually leads to a dehumanization argument and is not a perversion of sport argument as it first appears. The implication of Simon's conclusion is that the use of drugs in some way dehumanizes the athletes.¹¹⁹

It is interesting to note that in a recent book Simon has modified his position somewhat (1991). He feels that in order to assess this line of argument we need much further consideration about how the use of performance-enhancing substance significantly changes one's humanness. He concludes:

¹¹⁹The definition of drugs (and persons for that matter) may be problematic for Simon because it is impossible to make a moral appraisal of the use of performance-enhancing drugs or substances if we do not have a definition of them. His discussion of the definition of drugs as artificial or natural is not complete; for example some might argue that a forth criteria to add to Simon's list would be that the substance is natural but the method of use is artificial e.g. blood is natural but injecting more of it into one's body is not, testosterone is natural but taking it orally in large amounts is not. (Fairchild tries something like this with his inside/outside distinction which will be discussed in the next chapter on the arguments from dehumanization.) But this leads one to ask "natural or artificial compared to what?" The answer must be a human being or person, which means the argument in fact collapses into a dehumanizing argument and not a perversion of the ideal or nature of sport. Training 6 hours a day could be construed as unnatural, weight training is unnatural, etc.

Moreover, even if the use of performance-enhancing drugs was permitted, the nightmare of teams of robot athletes competing at levels of excellence far beyond human attainment probably never will materialize. Finally, we need to remember that actual performance enhancers, such as steroids, are not "magic bullets" that guarantee results. The athlete still has to work exceptionally hard and develop finely tuned skills in order to derive any advantage from the drugs. (1991: p. 88)

This is now an issue of dehumanization and not about the nature of sport. It will be addressed in Chapter Six but for now, we require much more work to demonstrate that the use of steroids or other banned performance-enhancing substances or practices violates the ideal or the good sporting contest or competition. We have not found an argument based on the essentialness of contest to the notion of sport that plausibly shows that doping does not fit. The closest candidates turn out to be disguised cheating or dehumanization arguments. We will pick up a discussion on the concept of the intrinsic goods of sport and ideal Olympic sport in the final chapters of this study.

4. SPORT AS "A PRACTICE"

Brown develops and discusses the notion of sport as a "practice" and he bases his development on MacIntyre's distinctions between "games", "practices" and "institutions" (1990). I will first lay out a description of these terms and then return to Brown's discussion and its implications for doping proscriptions.

Using MacIntyre's distinctions, it is possible to argue that the values of the players of the "game" of a particular sport itself are distinct from the values of the

institution of that sport and that there is a tension between the two.¹²⁰ This distinction may have important explanatory implications for the doping issue, as the justifications we are searching for will take on a different light when viewed from the institutional perspective as compared to the player's perspective.

For MacIntyre, "institutions" support a practice (which could be a sport or game or indeed many other things—architecture, medicine, etc.) but are distinct and sometimes in conflict with them. As already mentioned in Chapter Two, MacIntyre writes of the distinction of goods internal and external to a "practice" using the example of a seven year old that he wishes to teach to play chess. MacIntyre concludes that there are two kinds of goods to be gained by playing chess, external--contingently attached to chess-playing (and other practices) by accidents of social circumstance e.g. candy, money, prestige, etc., and internal, which can't be gained in any way except by engaging in some particular practice. A practice is a social activity in which the standards of excellence that identify it are the internal goods of that activity, and not any external goods that may be gained. A practice is distinct from an institution, but is dependent on it. For example, MacIntyre says things like chess, physics and medicine are practices and things like chess clubs, laboratories, and hospitals are institutions which support these practices. The institutions support practices because they focus on maintaining the practice by acquiring goods external

¹²⁰Searle also makes a distinction between an institution and a game in Speech Acts (1969), but I think MacIntyre's fits the description of sport better.

to it like financing. The serious tension that arises in this relationship according to MacIntyre is when the institutions have too much control over the practices and the internal goods are lost because of the focus on external ones.

With this account of "institution", MacIntyre has added a great deal for the purposes of this study. To apply the above discussion to a sport, for example, baseball, so far, we have the game of baseball, the institution of baseball, and the practice of baseball. For the formalist the game is comprised of the rules. The institution is: i) a system of constitutive rules and concepts based on them, which is ii) supporting of, and distinct from the social practice. The practice is a socially established complex human activity defined by its internal goods. The internal goods of a sport, as defined by MacIntyre, can be captured by learning the rules of skill and strategy, i.e. MacIntyre's description of the internal goods of a practice matches well with what is learned in the rules of skill and strategy. We move from narrower to broader participation and description, as we go from the game to the institution to the practice.

Appealing as it may be, some argue that there are problems with using MacIntyre's concept of a practice to help us justify the bans on doping. For example, Brown has claimed that the concept of a practice, due to its rich and broad nature, does not limit the characteristics of participants with the exception that

they share and develop various virtues in pursuit of goods attainable through their participation. The submission to standards of excellence, the mastery of

skills, the cooperative pursuit of common goals, the acknowledgement of goods characteristic of a practice and their link to the excellences defined by it: These one can be expected to acquire and pursue. But nothing mentioned here would seem to preclude the use of a wide variety of means to achieve those excellences within the constraints of the practice. That is, the constraints of the practice, including the internalizing of the virtues, are compatible with the use of performance-enhancing drugs, novel and risky training regimes, and biomedical or surgical treatments or modifications of practitioners. Indeed, insofar as these techniques are designed for, and in fact achieve, enhancement of performance, they are fully consonant with the nature of practices. The development of technical skills and extensions of human powers help transform and enrich "the conceptions of the relevant goods and ends" that practices embody. (1990: p. 77)

Brown argues that although the distinction between internal and external goods of a practice has a number of clear uses,¹²¹ the distinction itself is not as clear as suggested (1990: p. 74). The problem with the internal/external good distinction, according to Brown, is that the "rich complex of cognitive neuromuscular repertoires" and the "psychological skills of concentration, tactical imagination, and physical and intellectual toughness" are goods that carry over, not only from sport to sport, but, from practice to practice, so

One of the goods of a practice will be the development of these skills and the further achievements that result in the use of these skills in the pursuit of the aims of the practice. (1990: p. 75)

¹²¹For example, it helps us understand the need for institutional support for practices like sports, and where such a connection carries with the introduction of new and potentially incompatible goods, of competition among goods, i.e., money, power or entertainment over fair competition based on skill and merit as defined by the internal standards of play.

Brown also claims that attempts to use the internal/external goods distinction to explain the difference between accomplishments, and the satisfactions that accompany them, are:

not so clear as this neat formulation suggests....satisfactions...attendant on winning or on achieving fame or power, inside or outside the practice, are not clearly placed in either type...even within a practice there are competing goods whose joint realization may be unlikely: The winner is not always the best performer. (1990: p. 75)

Thus, winning (and other goods) is a borderline good for Brown, and MacIntyre classifies it as "external", and the same, whatever the sport or game.¹²² After a lengthy discussion of a number of borderline examples, Brown concludes that "though something can be made of the internal/external distinction of goods of practices like sports, not too much hinges on it, and in many cases the distinction blurs, leaving us with a continuum of goods, some more internal than others, some close and some far from the core features of the practices themselves" (1990: p. 76). Brown's account seems cogent, and the conclusion we are left with is that nothing in MacIntyre's concept of a practice *per se* will give us the justification we need for the bans on doping. However, there may be more to be gained from a discussion about the "intrinsic" values of sport which is related to MacIntyre's discussion of internal goods. We will pick this discussion up in the final chapters.

¹²²Brown gives a number of examples of winning (and health and fitness) in sport that he thinks we could view as goods from a different and plausible perspectives, both internal and external.

5. SUMMARY

In summary, this first part of the examination of arguments based on the perversion of sport has been quite general. We have looked at four discussions of important (or for some, essential) features of sport: i) sport as games defined by rules; ii) sport and attitude; iii) sport and contests; and iv) sport as a "practice." i) does not work because it does not provide a rule for justifying the rules. iii) does not work because it is based on the idea of fairness and the best view of fair competition implies some sort of contractual agreement on how the test of skill will be conducted. The problem however is that this view does not limit the content of the agreement. For instance, there can be fair duels, and fair bare-knuckle fights and fair contests where deception of the opponent and the referee are condoned because everyone agrees to this practice. On this account it is not clear why we could not agree to a fair competition which permitted the use of steroids. iv) does not work because the notion of a "practice" is consensual and we could agree to all sorts of things including doping because there is nothing in this notion of a "practice" *per se* that logically leads to doping proscriptions. The arguments are by no means conclusive, but ii) seems to be the most promising but much more needs to be done. But, for ii) to succeed in justifying doping proscriptions one must: a) show how doping does not fit with pursuing sport for intrinsic reasons, (show how it is chosen for "hetero-telic" reasons); and b) show how pursuing one's sport for intrinsic reasons is a necessary feature of ideal Olympic sport. I will return to this theme when I attempt to put forward an ideal for Olympic sport in Chapters Seven and Eight.

The conclusion to be drawn from the arguments from the perversion of sport in general is that there is not as yet a single cohesive definition of the nature of ideal sport or sporting contest, that will justify doping proscriptions.¹²³ In the next chapter we will look at one more type of perversion of sport argument; the perversion of particular sports.

¹²³Brown made this statement over a twelve years ago (1981) and even with all the work that has been done on the topic since then we must still draw the same conclusion.

CHAPTER FIVE

THE PERVERSION OF SPORT ARGUMENTS: PART TWO

gaining enhancement (speed, endurance, strength, power, physique, etc.) through proscribed substances is unacceptable because it threatens a sport's integrity--reducing its difficulty or changing its purpose... (Gardner, 1990: p. 67)

The second form of the arguments from the perversion of sport operates on a concern about the perversion of particular sports. This argument requires a discussion of the nature of sport on a specific level. Since in order to argue that doping perverts a particular sport, one needs an understanding of that sport on a itself. We shall see that this second version of the argument from the perversion of sport also fails and that the examples used to demonstrate the perversion of sport on a sport specific basis are not analogous to doping. Further, even if the examples were analogous, it would have to then be shown why it is wrong to alter the specific sport in question in the manner that is suggested.¹²⁴

¹²⁴However, it may be shown that the doping is a symptom of the perversion of sport in general and this central theme will be picked up in the last chapter when we examine how individual preferences and choices are to be conceptualized in relation to the social context in which they operate.

1. THE PERVERSION OF PARTICULAR SPORTS

How is any particular game defined? A particular game is no more (in terms of its careful definition) than its rules. The rules of one game distinguish it as being different from all other games. Some games may have quite similar rules; however, there must be at least one difference between the rules of one game and those of all other games in order for that game to be distinguished from all other games...Thus, problems of identity and diversity of games are decided by rules for each game. Identical games have identical rules and diverse games have differing rules. A game is identified, or defined, as being just that game by the rules which govern it. (Pearson, 1988: p. 263)

For Pearson, if one breaks the rules of a game, then one is no longer playing that particular game and so clearly one could not be excellent at it:¹²⁵

I have argued earlier that a particular game is defined; by its rules--that the rules of a game are the definition of that game. If this is the case, a player who deliberately breaks the rules of that game is no longer playing that game. (1988: p. 264)

As an example, let us suppose that I am an avid but somewhat rushed golf player. I do not have the time to make all of those tiresome and difficult shots required when the ball is in the rough. I therefore, pick my ball up and carry it onto the nearest part of the fairway any time it lands in the rough.¹²⁶ I am consistent in this behaviour. Your reaction to my behaviour will vary depending upon a number of factors, one of which will be how open I am about this modification I have made to the rules. If I try to do this in my local golf club's annual tournament, and I attempt to conceal the

¹²⁵In her article on "Deception, Sportsmanship, and Ethics" (1988) Pearson does not draw a distinction between games and sport, nor does she draw a distinction between different types of rules.

¹²⁶This example is adapted from Suits, (1978).

fact that I am doing it, then obviously I am cheating.¹²⁷ If I do this whenever I play alone you will probably think me something of an eccentric who is not really playing golf, but who is not harming anyone. If I campaign to have the rules of golf changed to meet my innovation, your response will be different and will depend on your view of how my innovation changes the sport of golf—does it make it better or worse?

To apply this consideration to doping, the suggestion is that if you allow doping, you have changed, and worsened, that particular sport. The argument, in effect, begins with a question: Would the introduction of this modification to the sport improve or diminish the sport? It then answers "no," and concludes that doping should be forbidden. In this respect, then, it would follow the example above where I sought to change the rules of golf to incorporate my innovation in golf.

1.2. THE INTEGRITY OF THE SPORT

Let us look in more detail at another golfing example used by Gardner (1989: p. 35). Gardner uses this example in his discussion of unfair advantages. As mentioned in Chapter Two, he claims there are two types of unfair advantage arguments. The first is the unfair advantage gained over other athletes, which I have claimed should fall into the category of arguments from cheating. The second is what

¹²⁷In one form then, the argument can be seen as another version of the cheating argument. If you do not follow the rules you are not playing the game. If you seek to conceal this you are cheating. As we saw earlier an argument of this form cannot be used to justify banning the relevant practice in the first place.

he calls an unfair advantage gained over the sport itself, which I will claim is a somewhat innovative use of the concept of having gained an "unfair advantage" over something, for I shall argue that in fact, what Gardner is really after is an argument from a perversion of a specific sport because what is actually being claimed is that the sport has been changed and made easier. Further, I will also try to demonstrate that his defence of the argument from an unfair advantage over the sport itself uses bad analogies and that the best interpretation of this argument is as an argument from the perversion of a particular sport.

To review briefly, for Gardner, "unfair advantage" means that an athlete's or team's chances for success have been improved in an unacceptable manner. Gardner examines claims that an unfair advantage is gained over the sport itself when the advantage takes the challenge out of the activity and thereby reduces its overall difficulty. It also compresses the range of skills that can be exhibited and thereby, our ability to measure differences in skill. Gardner does not explicitly state the premises and conclusion of this argument; rather he uses the example of Ben Johnson to illustrate this argument:

In this case [Ben Johnson], what makes gaining an advantage through substance use unacceptable is not that Johnson had an edge over other competitors but that he had one over the activity...Would allowing unrestricted use of steroids in the 100-meter race be somewhat like providing the participants with motorcycles?...Would the use of performance-enhancing substances somehow alter the intended purpose or difficulty of an activity (i.e., does it change what the sport was originally designed to test) and, if so, would this provide sufficient justification for prohibiting use? (1989: p. 68)

Although the analogy of the motorcycle is a bad one because it was not a mechanical advantage that Johnson gained, one can best make sense of what Gardner is saying by looking at it from the perspective of a perversion of sport rather than an unfair advantage over an activity itself. Thus, the argument that Gardner is really looking at is that the introduction of doping would be an undesirable change just as would the introduction of motorcycles, because it would change what the sport was originally meant to test, which suggests that sport is rule bound activity meant to test certain skills. Clearly motorcycle skills are quite different from running skills. But so too, proponents of this position might say, are the skills of managing an effective drug regimen. That it is a change, of course, does not prove it to be undesirable. Why not, after all, replace foot races with motorcycle races? But those who placed a value on the sport in its original form might want to see it preserved. The discussion must focus on why they value it and why it should not be changed in the ways deemed to be undesirable. I will address this discussion in Chapter Seven.

We can pull this interpretation out of the following passage from Gardner:

it would seem that some restrictions have been implemented in certain sports, to prevent the athlete from gaining an advantage over the activity or, in other words, from in some way threatening the integrity of the sport. (1989: p. 68)

The important part of this passage is the reference to a threat to the integrity of the sport; this could mean that something which threatens the integrity of the sport perverts it, and is therefore, wrong, an idea which makes more sense than claiming the athlete has gained an unfair advantage over the sport in question.

Gardner then introduces his U-groove example in golf.

Square- or U-grooved irons were banned from the Professional Golf Association (PGA) tour...Players on the PGA tour can now use only those clubs with traditional V-shaped grooves. The reason behind the ruling is that controlled tests and anecdotal accounts of players suggest that U-shaped grooves give the player an advantage, especially out of the rough (Hershey, 1989). Tour officials have deemed this advantage to be unacceptable (Potter, 1989). The feelings of most golfers who favor the ban was perhaps summed up in the words of West German Bernhard Langer: "You'll need more skill now," (Hershey, 1989)...We see here two related objections. First, square grooves make shots out of the rough easier (or less a matter of true golfing ability) than they should be, for all players. Gaining an advantage in such a manner is unacceptable not because it provides one golfer an advantage over another (although it might do so), it is unacceptable because an advantage is gained over the sport itself--the "test" intended to be provided by the rough is avoided. Second, and as a consequence, the quality of golf (or the difference between various skill levels) is being equalized. This second objection represents the reverse of an earlier argument. That is, what is being objected to here is not that performance-enhancement will create inequality among athletes, but that it will lead to parity...In turn, the integrity or purpose of golf is threatened. It is argued, for instance, that as it becomes less difficult to get out of the rough, the premium is no longer placed--(as has historically been the case)--on accuracy; instead, the golfer can pursue as much distance as possible off the tee with little concern of [*sic*] missing the fairway. (1989: pp. 62-63)

The claim here is that people feel that gaining an advantage in such a manner is unacceptable not because it provides one golfer an advantage over another (although it might do so), but because an advantage is gained over the sport itself-- the "test" intended to be provided by the rough is avoided, and therefore, the difference between various skill levels is being equalized,¹²⁸ and the power of the sport to discriminate between them is being reduced.

¹²⁸Notice that this is the reverse of the inequality issue discussed in the chapter on cheating above.

Gardner claims that with use of the U-groove clubs

we are no longer appraising the skill of the golfer (to control the ball out of the rough), but the "skill" of the club: U-grooves are more responsible for the performance than is the golfer. (1989: p. 63)

It may be more accurate to say that the U-groove golf club has a better design and requires less skill from the user. It is important to note, as Gardner does, that not all modifications to equipment to improve performance are banned:

Unlike U-grooves, the sand wedge has become a welcomed and essential part of golf. There seems little concern that less skill is needed out of bunkers as a result of the sand wedge, or that the club has created parity, or that the integrity of golf has subsequently been jeopardized. (1989: p. 64)

There can be no objection to Gardner's conclusion, however his characterization of what is going on, as an unfair advantage over the sport, is less than entirely clear:

Clearly, then, attempts to gain an advantage over a particular sport through means extrinsic to the athlete are not always deemed unacceptable by the sporting community...Such extrinsically gained advantages, while assuming greater responsibility for the athlete's performance, and while perhaps making the task in question less difficult have nevertheless been permitted. (1989: p. 65)

But people who use modified equipment are not attempting to gain an advantage over the sport; they are trying to improve their performance by making the skill that is being tested easier for them, or, for example, in the case of the physically challenged, making it possible at all. Further, modified equipment does not "assume greater responsibility for the athlete's performance," it changes the skill level required for the performance. Gardner is right however, when he gives the reason for the acceptance of the sand wedge, "the purpose or test of the sport, although perhaps

altered somewhat from its historical beginnings, appears to maintain its (perhaps evolving) integrity" (1989: p. 66).

But this evaluation seems to be somewhat loosely made by the sporting world, and this is not obvious in another example Gardner uses from cycling, until one examines the case in greater detail. Gardner notes that in cycling, "we will allow titanium components, solid disc wheels, and aerodynamic helmets and handle bars...but we will not allow a motor to be attached to the bicycle" (1989: p. 66).

And this is in fact true, but bicycles are not allowed to be constructed with the rider recumbent, though this would be faster, and we do not allow fairing to be put on the bicycle in competitions. These two examples of modifications are not different in kind from the solid disc wheels, titanium components or aerodynamic helmets and handle bars, but they are different in kind from a motor being attached because it changes the source of the energy that moves the bicycle and the athlete's power as an energy source is one of the things measured. Thus, banning a motor makes sense in a way banning the horizontal position of the rider and fairing does not. Thus, the decision making process regarding the maintenance of the "integrity" of the sport seems to be somewhat loosely made.¹²⁹

¹²⁹This is also true for many other sports, for example cross-country skiing and the modification to the skating technique from the traditional glide.

1.3. THE SKILLS THE SPORT IS MEANT TO TEST

Gardner's explanation of the cycling regulations is that

once we feel that an athlete is no longer testing "human" skills and abilities as related to a specific sport (as would happen if a motor was added to a bicycle), then perhaps the baseline has been crossed. (1989: p. 66)

But this motor case is too simple. The test is of a human powered two-wheeled vehicle, and clearly the addition of motors change that. We do not just test the abilities of the rider for some technological innovations and allow advantages to those who make them. Further, allowing titanium parts, disc wheels and aerodynamic helmets and handle bars do not make the skills of the rider non-human or not important, just as fairing does not, but the former are allowed and the latter is banned. And if we were just concerned about testing the skill of the riders, why would we be concerned about things like the position of the riders? They are still required to pedal hard and fast to make the bicycle go faster, so we are still testing their skill, which is human.

Therefore, it seems to make more sense to say that the switch in the test is not from "human" to "non-human" skills, as Gardner claims, but rather, a switch from testing physical prowess to mechanical engineering design, which are both "human skills."¹³⁰ However, Gardner thinks it proves that, "it is not always the case then that extrinsically gaining an advantage over the sport is prohibited" (1989: p. 66).

¹³⁰This seems to be a coherent position, but it is in fact not the one taken by the cycling rule-makers as demonstrated above.

But this does not seem to be what is at the crux of the issue. Rather it seems to be a concern with the perversion of the sport in question and not with "extrinsic" advantages *per se*--where it is not clear if extrinsic means, extrinsic to the athlete's body.

If we now return to the reason Gardner raised these examples in the first place, namely to draw analogy with substance use, we can see that Gardner concludes that the argument runs as follows:

gaining enhancement (speed, endurance, strength, power, physique, etc.) through proscribed substances is unacceptable because it threatens a sport's integrity--reducing its difficulty or changing its purpose...no longer testing the athlete but the substance. (1989: p. 67)

Gardner is in fact arguing against a position that doping is a perversion of particular sports, and he is right. The problem is not with his general conclusion, but with his characterization of the argument. Gardner thinks that the argument does not work because we cannot tell how prohibited substances are different from extrinsic means such as training, coaching, diet, technology, and amino acids, etc. But the analogy Gardner uses for the defence of the argument, between equipment and substance use, does not work because one is mechanical and the other is not. Further, it is difficult to tell how Gardner is using the word "extrinsic" here. How is an ingested substance extrinsic to the athlete in the same way the equipment used is extrinsic to the athlete? Gardner's explanation of this does not really help us here:

The enhancement provided by the psychologist or diet, like that of the steroid, is responsible for the resulting performance of the athlete...the purpose of the

sport becomes not just a test of the athlete but of the athlete's scientists or diet and how efficiently the athlete can utilize what each has to offer. (1989: p. 68)

Gardner says that supporters of the argument that substance use creates an unfair advantage over the sport, claim, like Simon, that we are no longer appraising the athlete, but the substance and the efficiency with which the athlete's body can utilize that substance. As a result of this, we lose the notion of the purpose of sport (and the "test") as being to measure "human performance." Some might argue that the purpose of sport is not to "measure human performance" but to express a form of human excellence, or even to just play.¹³¹ (We will see in the next chapter, that even with the use of a substance like steroids, it is still a "human performance.") Gardner does see that, even if the credit for the performance is given to the trainers, etc., the trainers are human, and therefore, so to is their contribution:

just as we might say that sport is measuring human performance when it allows scientists to assist an athlete, we might then also say that sport would be testing human capabilities if it were to allow chemists and doctors to design and administer performance-enhancing substances. (1989: p. 69)

The next tack that Gardner takes is the objection to doping because the capabilities produced from it are non-human or unnatural. This tack returns him to the basis of the original objection he presents, namely that the capabilities are extrinsic to the athlete, "We thus return to the basis for the original objection: capabilities separate from the athlete" (1989: p. 69).

¹³¹We will pick up the discussion on the distinction between human performance and human excellence in the final chapter.

But, this does not seem even logically possible. How are the capabilities resulting from the ingestion of performance-enhancing substances separate from the athlete? Gardner claims that what we need to establish, just as in the U-groove example, is that

the substance-influenced advantage gained over a particular sport is independent of the athlete's human or natural capabilities, like using a motorcycle in the 100-meter race or lead-filled water bottles during mountainous descents [in cycling]. (1989: p. 70)

But it will be very difficult to establish that the substance-influenced advantages are independent of the athlete's human capabilities. Further, as pointed out above, the analogy between substance-influenced advantages and equipment does not work. But even if the analogy did work, there would still remain the problem, pointed out by Gardner, of explaining why carbohydrate overloading is acceptable and blood doping is unacceptable, as is currently the case.

Gardner thinks that this inconsistency is better dealt with in another category rather than the "unfair advantage over the sport" category, even if the above inconsistency could be explained

for the U-groove argument to succeed it would still have to be made clear how the (supposed) extrinsic and non-human advantages gained through proscribed substances would differ from those which, although they seem independent of the athlete, we accept (those resulting from running shoes or knee and ankle supports). (1989: p. 70)

The category Gardner suggests is the "Unnaturalness argument," and it will be dealt with in the next chapter. I have tried to show that a more accurate and charitable description of the argument Gardner calls "an unfair advantage over the sport itself," is

the perversion of particular sports as outlined above and therefore it is not an unfair advantage argument. The primary reason for this is that Gardner's defence of this argument uses bad analogies and is so weak that it seems to be a "straw man" argument. I think there is more to it than that, and that it deserves its own category which is the perversion of sport category and not the unfair advantage category nor the unnaturalness category.¹³² But what has to be shown is that improving performance with proscribed substances threatens the integrity or purpose of sport.

It may be proposed that the way to answer this question in the case of the U-groove in golf is by asking, "Would the acceptance of U-groove clubs in golf improve or diminish golf?" The answer seems to be that while U-groove clubs improve the scores of those who use them, the introduction of such clubs would compress the range of scores making it less easy to tell the exceptional golfer from the one who is merely good, and this is bad for the sport. Obviously questions about whether or not a certain innovation would be good for a particular sport are enormously difficult. The answers will contain a number of factors, and may well be different for each sport and event and for each innovation. These answers may or may not involve considerations drawn, among others, from aesthetics, morality, or the appeal of the sport to spectators or players.

¹³²In his concluding section, Gardner correctly sees: i) it is not clear athletic capabilities acquired from banned substances are separate from human or natural capabilities; ii) it is not clear how they are different from accepted substances; and iii) there is still not a clear, defensible distinction established between permissible and prohibited methods of enhancement.

An issue very similar to this one has arisen in bowling in Canada, where an eleven year old girl, Tammy McLeod, who has cerebral palsy was not allowed to compete because the Youth Bowling Council specified that no mechanical device could be used to deliver the ball and she used a ramp that her father designed which allowed her to bowl from a chair placed behind the foul line (Ontario Disability Public Service Board of Inquiry, 1988). The argument the Council gave was that the ramp gave her a competitive advantage because the release of the ball came from the ramp and not her hand as it does with all the other players. Thus the same motor control skill required to bowl for the other players is not required (or possible) from Tammy, and therefore, the sport does not test the same thing. It was argued that the ramp be banned, not because of an unfair advantage over the sport of bowling, but an unfair advantage over the other players.¹³³ But to make this example relevant to the one at hand, one may ask, if the users of the ramp are in fact still participating in the sport of bowling or is it something else? Has the sport been changed in an undesirable way because the test is different?

Let us now consider just one Olympic event, the 100 metre dash and one innovation, the use of steroids as a training enhancer. The 100 metre dash is a nice simple event. The purpose is to propel the human body, without mechanical aid (other than shoes and starting blocks which must meet a standard specification), from a crouched or standing start, 100 metres in the shortest possible time. The goal of each

¹³³The ruling on this case went in Tammy McLeod's favour.

individual competing is to do it faster than the others. It is difficult to see how steroids use perverts the nature of this event because it does not alter the goal of the event itself. There are three possibilities. One could try to argue that steroids are either a mechanical aid or like a mechanical aid, both of which arguments Gardner presented and criticized. The first possibility is false, and the second is a highly implausible analogy. Alternatively, one could argue that the use of steroids changes the "human" body into something else, that their use is "dehumanizing" or "unnatural." This argument however is a change from the starting position that steroid use should be banned from the 100 metre dash because it is a perversion of that sport and it has now become an argument that steroid use should be banned because it is "dehumanizing." This will be our final category of arguments intended to show that steroids should be banned in sport. The final possibility will be explored in some detail in Chapter Seven. What I will argue there an argument from perversion of sport that relies on a perversion of the sport's prelusory goal is insufficient. What one requires is a richer conception of sport which stresses the necessary connection between prelusory goals and the permissible means of achieving them. As I will argue, even in an event as simple as the 100 metre dash, there is a necessary connection between the prelusory goal and the permissible means of achieving it. What I will add to the argument is a discussion of sporting skills that allows us to talk about those skills separately from a simple discussion of how quickly someone runs.

Before we get to the last category, the dehumanization argument, let us briefly review how the second form of the argument that doping perverts the nature of sport fails to do the trick.

1.4. SUMMARY

In this second version of the perversion of sport argument, we have looked at the suggestion that the use of a particular innovation, e.g. steroids as a training enhancer, would pervert the nature of the game in question, e.g. the 100 metre dash. This argument has not been made convincingly because the nature of the sport itself appears unaffected. The concern in this case seems to be with a change in the runner. This discussion leads us into questions about the humanness of the runner, which is quite different from questions about the perversion of sport. Another way in which these questions are different is that the arguments from the perversion of sport used in an attempt to justify doping proscriptions are not moral arguments at all, whereas we shall see that the arguments from dehumanization seem to be based on a moral concern. We can now turn to the final possibility; that performance-enhancing substances should be banned because they are "dehumanizing."

CHAPTER SIX

THE UNNATURALNESS AND DEHUMANIZATION ARGUMENTS

Any procedures that might change or control 'the nature of our species' or that allow for 'mechanical' influencing of the human organism somehow threaten 'our sense of uniqueness, and our sense of primacy among the creatures of the earth'... such prospects threaten wholly to subvert traditional philosophical paradigms and undermine the standard ethical touchstones of 'human nature,' 'humanity,' and 'rationality;...' (Gardner, 1990: p. 168)

This chapter will deal with the final category of arguments put forward to justify a ban on doping. In this category the argument is that there is something about the banned substances themselves, or the changes to the user as a result of them, that is unnatural and/or dehumanizing. The types of arguments can be divided into two sections: i) the unnaturalness of the substance and/or practice (e.g. type of substance or mode of ingestion); and ii) the dehumanizing effects of doping are unnatural (e.g. by degradation, mechanization, or extension).

1. UNNATURALNESS OF SUBSTANCE OR PRACTICE

Many who support the proscription of doping are tempted to postulate a distinction between "natural" and "unnatural" performance-enhancing substances or practices (Foldesi, 1984; Johansson, 1987; Moorecroft, 1985; Ross, 1989). Most of these arguments do not get off the ground because the distinction will not withstand

critical analysis, but they should be quickly reviewed before we deal with those that are more substantial. They are: i) the substance itself is unnatural; ii) the substance is unnatural to the human body; iii) the amount of the substance used is unnatural; and iv) the method of using the substance is unnatural.

1.1. THE SUBSTANCE ITSELF IS UNNATURAL

Gardner examines the contention that if the substance itself is unnatural, then it is morally wrong to use it because we should not be ingesting artificial substances (1990: pp. 75-104). But what needs to be shown is not that it is morally wrong to use the substance but that the use of the substance is dehumanizing and therefore ought to be banned in sport. (It might be acceptable to use the substance elsewhere.) The underlying assumption would be that sport ought to be a place where unnatural substances are not used. Gardner uses what he calls a "strict interpretation" of the word "natural" where

only those substances produced and existing in Nature, or perhaps extracted from a natural source, would qualify as truly natural and, therefore, as acceptable. In contrast, anything synthetic or artificially manufactured would be considered unnatural and unacceptable. (1990: p. 75)

Gardner then correctly points out some of the problems this definition leads to in regard to current usage of substances. There are substances which are allowed that are artificial, e.g. synthetic vitamin B12, and substances which are not allowed which are natural, e.g. cocaine. Therefore, if this argument were used to defend doping proscriptions, employing the above definition, would render the current IOC banned

list completely inconsistent.¹³⁴ The reason it would be inconsistent is because by this definition of 'natural', the list does not ban all and only natural substances. This definition does not capture what sense, if any, the list makes. The inconsistency charge may be worse than the charge of failing to make sense which many people already level at it. For example, it is by no means clear why an injection of synthetic vitamin B12 is "natural" and therefore, acceptable, whereas the reinjection of one's own blood is "unnatural," and thus, unacceptable. We find that there is no good sense of "naturalness" of the substances in question that would capture what we might want to allow, and leave out what we might want to ban.

1.2. THE SUBSTANCE IS UNNATURAL TO THE HUMAN BODY

Next Gardner attempts a different approach with the natural/artificial distinction by asking if the problem is based on the substance being foreign to the human body. Under this scenario, substances like vitamins, amino acids and protein are appropriate, and narcotic analgesics, psychomotor stimulants and anti-anxiety substances, are inappropriate. This attempt seems to work better with the current banned list, with at least one major exception--naturally derived steroids. Gardner identifies another inconsistency with this approach, that is, that we routinely accept the use of foreign substances to alleviate undesirable conditions, e.g. anti-inflammatories for injuries (1990:

¹³⁴As we noted in the first chapter the IOC Doping Charter does not have any comprehensive philosophical arguments. What this particular argument shows is that if defenders of the current banned list were to use the "substance is unnatural" argument, and only this argument, then they would have a completely inconsistent list.

p. 79). Gardner also addresses the objection that we allow this particular use of foreign substances for medical reasons only to return the individual to "normal." There is a second distinction, tied to the concept "normal," which has been put forward--the "restorative/additive" distinction, where if the drug use restores the athlete to normal, it is acceptable, and if the drug use gives them additional abilities beyond normal, it is unacceptable.

Norman Fost gives a plausible account of why this distinction does not work in "Banning Drugs in Sports: A Skeptical View" (1986). Fost argues that the policy of allowing an athlete to use a drug that combats disease, illness or disability is ambiguous because such a policy presupposes a consensus, or rational basis, for defining disease and for distinguishing between diseases it is acceptable to treat before competition and those it is not (1986: p. 5). Further, Fost argues that allowing restoration to "baseline" or "normalcy" fails to address the ambiguity of those concepts, because an Olympic athlete's strength or speed could hardly be considered "normal," and in addition they do not want baseline, but "super" ability. The other problem Fost cites is the assumption of a physician's ability to distinguish wants from needs in a value-free, as if purely medical, way. To suggest that physical limitations that interfere with maximizing possible performance necessarily connotes illness, is to distort our customary understanding of that concept (Fost, 1986: p. 6). Another distinction, which Fost rejects on the grounds of being a tautology, is the food/drug distinction. Trying to ban substances on the basis of these categories--where if it is a

food it is acceptable to use it and if it is a drug it is not--does not work because the government authority who is responsible for defining these categories uses tautologies. According to Fost, all such substances are chemicals, therefore, we need some other basis for a distinction between them. The basic idea seems to be that we cannot say that substances are acceptable if they are food, but not if they are drugs, until we have a basis for distinguishing food from drugs. It may be argued that this is a distinction that already works pretty well outside the sport context. Steroids are not served in restaurants, though there might be a problem with saccharine. What would be wrong with taking this common non-scientific distinction and using it as the basis for the banned list? The problem with this response is that the distinction does not work well outside the sport context. Steroids are served in restaurants in some animal meat and there is great concern with alcohol, caffeine, aluminum and even sugar levels in our food. Aluminum and sugar are not considered drugs and the others are. But this does not help us to decide that one category is acceptable the other not. Thus, we see that there are serious problems with the food, drug, normalcy, and related, criteria.

Further, Gardner claims that there are foreign substances currently used to improve athletic performance that we do not oppose, such as amphetamines for a tired athlete who has insomnia (presumably not as an aid to insomnia, but as an aid to tiredness).¹³⁵ Lastly, there is an inconsistency in supporting this argument, and at

¹³⁵The only justifications that comes to mind to explain this practice, although it is not mentioned by Gardner in this case, is that the amphetamines are used to "restore" athletes to the state they would be in if they had the proper amount of sleep. Obviously,

the same time allowing athletes to take "mega" doses of synthetic vitamins, minerals, protein, and carbohydrates, far in excess of what is required for "normal" metabolic functioning, with the express intent of exceeding "normal" functioning (Gardner, 1990: p. 80). (One might reply that perhaps this should be banned too. After all, we might expect philosophical analysis of the rationale for the list to come up with criticisms of it, and recommendations for change.) Thus, Gardner concludes that

simply claiming that a substance is unacceptable or immoral because it is foreign and/or unnecessary to the body--without a clear understanding of why other such substances are not only accepted but in some cases lauded--is a significant contradiction. (1990: p. 80)

Once again we must conclude that another version of the natural/artificial distinction is at the very least inconsistent and cannot be used as a basis to explain our moral objection to doping. Inconsistent, that is, in the sense that it is not consistently implemented in the current list. This could explain what we are trying to do with our banned list while also showing imperfections in the way the current list carries out our intention.

1.3. THE METHOD OF USE OF UNNATURAL

D. L. Fairchild, as well as Gardner, looks at the method of using substances (even "natural" ones), e.g. reinjection of blood, etc., as being unnatural (1989). The argument here is that these specific practices are bad because they are unnatural practices. Fairchild's discussion will be dealt with below under the heading of

there are serious problems with this justification as Fost has noted (1986).

degradation because he does not justify his position only using the natural/artificial distinction. However, Gardner concludes, once again correctly, that objections based on the route of entry into the human body, while they may be regarded as unnatural, e.g. injections, would not provide the necessary distinction to justify the bans because the method of injecting vitamins and minerals is acceptable. Further, not all banned substances, e.g. some steroids, are injected, they are often taken orally, so, this "unnatural method" distinction will not even capture what is considered by many to be the worst substance (Fairchild, 1989: pp. 81-82). But it would account for the reinjection of one's own blood.

1.4. THE AMOUNT OF THE SUBSTANCE USED IS UNNATURAL

Gardner also looks at the question of whether the amount of the substance taken is unnatural, i.e. it exceeds levels normally found in the athlete's body (1990: pp. 82-85). The argument is very quickly dismissed on the basis of inconsistency. For example, many athletes use "mega" doses of vitamins, minerals and proteins and this is not against the rules, so it cannot be the high amounts *per se* that are the basis of the proscription.

Therefore, the conclusion to be drawn regarding various arguments based on unnaturalness, outlined above, is that if we had a sound and consistently used definition of "unnatural" in this context, then perhaps the unnaturalness of those substances, methods, or amounts found to be such could be used to define the

practices which were wrong. Unfortunately, none of the purported distinctions between "natural" and "unnatural" appear to work, or any of the related concepts, such as, restorative/additive.¹³⁶ This ought not to be surprising, "natural" and "unnatural" mean "natural" or "unnatural" for us as human beings. The primary concept in terms of which "natural" must be defined is that of a human or a person. If we don't have a consistent view of what it is to be human, we will be unable to define what is natural or unnatural. Deciding what it is to be human is prior to determining what is, or is not, an "unnatural" practice.

It could be objected that there is no need to limit oneself to just one of the arguments listed. In some cases the ban could be based on mode of introduction, in others on the unnatural nature of the substance, and in other cases still other reasons. It is necessary to deal with each substance and method separately. If we were attempting to defend each of the items on the banned list we would address them all. But, as I argued above, all of these arguments rely on a notion of "natural for a human being engaging in sport." But nowhere is that concept spelled out.

2. THE DEHUMANIZATION ARGUMENTS

There are three substantial types of argument under this category, namely, Mechanization of humanity, Degradation of humanity and Beyond humanity. At the

¹³⁶Clifton Perry's argument is based on a related concept of "supplementary performance enhancer" in "Blood Doping and Athletic Competition"(1983).

intuitive level these arguments strike a chord. All of these arguments are based on the claim that the banned practice threatens the athlete's humanity; in the first case the athlete becomes mechanized, in the second, the athlete is reduced to a less than fully human level, and in the last case the athlete is manipulated beyond a human being--the "Frankenstein Factor."¹³⁷ All of these forms of the argument require a clear conception of humanity or personhood, and need to give reasons why the feared departure from this ideal needs to be prevented.

2.1. MECHANIZING HUMANITY

In this argument sport is a human activity, one which challenges us as humans and any practice which mechanizes the athlete, by adding to or replacing body parts with non-human tissue, necessarily detracts from the sport as well as the person.¹³⁸ To continue with the example of the 100 metre dash from the previous chapter, that event would be a different event if people with extremely powerful mechanically powered artificial legs were allowed to take part.¹³⁹ The argument here would be that this would no longer be a sporting event between two or more people but would rather be a competition between two engineering design teams--which team can build the best robot.

¹³⁷This is the term W. Gaylin uses to describe our fear of drug use in general (1984).

¹³⁸David Fairchild emphasizes this point in "Sport Abjection: Steroids and the Uglification of the Athlete" (1989).

¹³⁹I am thinking here of a "bionic" woman or man.

Although this example may be extreme, there are examples that are less extreme, such as prosthesis or surgically replaced joints. Gardner mentions a major league pitcher, named Tommy John, who had his pitching elbow reconstructed by having a transplanted tendon attached through a hole drilled in the bone of his elbow (1990: p. 157). This allowed his elbow joint to become far stronger than before his injury. John was able to pitch into his forties, something that is very rare for pitchers because of damage to their pitching arms, and was referred to as the man with the "bionic arm." Gardner uses this example to see if John exceeded his genetic capacity. But of course, this approach is wrong-headed because John's genetics were not altered at all, he was biomechanically altered, because his own "genetic" material—his tendon—was used in the reconstruction.¹⁴⁰ Further, the result of this surgery was not that his performance as a pitcher was enhanced, but rather that his athletic lifetime was extended. These are two separate issues and we may be less concerned about extending an athlete's competitive life span, than with enhancing the performance of the athlete. It may be argued that because he was able to pitch longer his performance improved from that extra learning time. But this is not obvious. In order for this case to be analogous with doping, Tommy John's surgery would have to have enhanced his pitching performance and not just extended his athletic life span. Even if his pitching had been enhanced and he could throw the ball faster, it would have been

¹⁴⁰Some might argue that this is less wrong than using a synthetic material for replacement, but the point here is that the biomechanical change to his elbow as a result of the operation is what made his elbow joint stronger, not the material of the tendon.

performance-enhancement from a biomechanical change which is not the kind of performance-enhancement doping may cause.¹⁴¹

It is, however, not inconceivable that some time in the future we will be able to produce artificial limbs, far better than we do now, which could improve an athlete's performance significantly.¹⁴² Presumably, what Gardner means when he speaks of a genetic line being crossed is that the body does not grow by the usual biological process, one which is based on information contained in the genes, and not that the athlete's genes that have been altered from a biomechanical change in the human body. Gardner formulates his position as follows:

If we do not want athletes to transcend their genetic capacities then athletes --if they wanted to remain athletes--would have to be denied access to certain medical advances whether they had a medical need or not; whether I received a bionic pitching arm due to medically needed amputation or due to "voluntary" amputation I would still have a bionic arm...Likewise if these procedures became common place outside of sport while being denied to athletes, then the normal population might possess far greater skills than the genetically limited athletes. Would we then still want to argue for the importance of having athletes only display genetic--natural--capabilities, or would such athletes merely be kept around as kind of an anachronistic reminder of what athletes used to be like...Even though at this point we are merely dealing in science

¹⁴¹It could be argued that the increased muscle bulk that may come from steroid use is itself a biomechanical advantage. This seems to unnecessarily extend the idea of "biomechanics". I take a biomechanical change to be structural change of the body. This definition may, of course, be open to debate, but what we actually label the change does not matter to my argument.

¹⁴² Gardner has pointed out an interesting irony, in that we currently separate athletes with artificial limbs from competition with those without them because the former are at a disadvantage. But it could easily be the case that our technology will allow those with the artificial limbs to surpass those without, and still require separate competitions, because the latter will be at a disadvantage (1990: p. 158).

fiction speculation, it would seem that we are nearing the time when such questions will have to be confronted. The Tommy John incident and similar prosthetic technology, would seem to be cases in point. If indeed the man with the surgically constructed "bionic arm" was provided a stronger and more durable pitching elbow than is genetically possible, then perhaps we have already "crossed the line." (1990: pp. 158-159)

Thus, Gardner suggests the line that is crossed is a genetic one, but it is not the athlete's genes that have been manipulated, nor the way they cause the body to grow; rather, their bodies have been altered mechanically.

The question that needs to be addressed is, why we are concerned about this kind of mechanical intervention? In the case of athletes, the concern is that the athlete will become a machine¹⁴³ (they may also be manipulated and controlled by sport scientists and would become something less than fully human, which some claim is already the case and this will be discussed below under degradation). This concern is that the integrity of the human body is somehow lost, and in sport, this is anathema. What we need to do is cash out what the "integrity of the human body" is, and that is the difficulty. Sport is about expressing human physical prowess, not mechanical inventions, and this would bring us back to the nature of sport. There are two factors here: first, there is the distinction between natural-human-genetic versus artificial-mechanical-bionic. Second, there is the idea that sport is special in that it restricts itself to the natural-genetic-human. Thus things that would be acceptable elsewhere are not acceptable in sport. The problem we face once again is where we are to draw

¹⁴³Visions of Arnold Schwarzenegger as the "Terminator" come to mind here.

the line. There is always the line-drawing problem in any case of attempted regulation. (We say black is okay, and white is not; but then what about grey?) As a practical matter, we draw lines in the grey zones to some extent arbitrarily, and with an eye to various practical conveniences. But this does not stop us from permitting black and banning white. The Tommy John case seems to be crowding the line. The line of acceptable biomechanical manipulation of the body. Some try to draw the line between intervention that is required for therapeutic reasons, and intervention that is non-therapeutic. We seem to be able to make theoretical sense of therapeutic (or restorative as mentioned above), or human physical integrity, but we do not seem to be able to enforce it in a practical sense. As Gardner and others point out, there are problems with criteria for moral acceptability. The first problem is the distinction between therapeutic and nontherapeutic and who decides what counts as therapeutic or nontherapeutic. The second problem is the potential for abuses.

If we were to allow some of these advanced therapeutic measures to be performed on athletes but only if the athlete proved medical need, we would then have to concern ourselves with the possibility of unscrupulous doctors performing these procedures on unneedy but desirous athletes and with athletes who might intentionally injure themselves so as to "need" the procedure. (Gardner, 1990: p. 159)

Further, if someone were to claim that this type of intervention does render the athlete less than fully human, one would also have to make this assessment of the physically challenged, and many people are uncomfortable with this assessment. But, of course, the point may not be of being less than fully human in general; it is being less than fully human (or more than fully human) for the purposes of high-

performance sport. This has nothing to do with the physically challenged. The only effect would be that if someone were physically challenged and the defect were remedied by some mechanical intervention deemed inappropriate for sporting purposes (as the bowling association regarding Tammy McLeod's ramp), then that person would be ineligible for the sport. This does not seem to be an unreasonable position. But we have at least two problems: i) producing the moral criteria for where we draw the line between interventions which are acceptable and those that are unacceptable; and ii) applying the line we do draw for athletes on the basis that they become less than fully human, due to the mechanical change, to any other group requesting such intervention. One might object that we would obviously not apply the same line to any other group because the reason for objecting in the case of the athlete is derived from the nature of sport, and this would not apply elsewhere. But then it is not the dehumanizing component *per se* that we are objecting to but rather, a perversion of the nature of sport. However, regardless of how we resolve this issue of biomechanical intervention, the conclusions that we draw from it will not be applicable to the issue at hand, namely, doping. The reason for this is that biomechanical intervention is a bad analogy. These banned substances do not in any way alter the biomechanics of the human body, thus could not be banned on this basis. What would be analogous is transplanting stronger muscles into the body through surgery.¹⁴⁴

¹⁴⁴The closest we have come to this type of surgery in athletes so far is in the case of Mary Decker. Decker had the fascia surrounding the gastrocnemius in her leg surgically severed to relieve the pain caused by pressure because her muscle had outgrown the surrounding fascia. This is not a banned practice, but Hyland points out that we could have asked that Decker reduce her training regime so that the muscle

2.2. DEGRADING HUMANITY

2.2.1. BEHAVIOURISM AND DEGRADATION

There are other authors who put forward what they call "mechanism" as an argument to ban doping, but in fact, what they argue is that the practice, along with many other practices, is degrading. Daniel Herman, in "Mechanism and the Athlete," does not look at mechanical interventions such as bionic arms, as discussed above, but rather, at a "mechanical" analysis of the athlete's behaviour (1975). Herman gives us a brief history of physical mechanism which can be summarized in the following:

The early Greek philosophers sought to reduce the explanation of the universe to a minimum of causes, to reduce all phenomena to an underlying unitary principle....With Democritus we have a clear affirmation of the explanation of the world, an affirmation which holds to the identity of matter from which all things are made, while change is attributed exclusively to the local motion of the particles....

Descartes first seeks to discover, among the distinctive attributes of bodies, that property which is most evident and most universal; he finds it in extension....In the final analysis, all elements obey only the precise laws of mechanics....

...the Cartesian mechanistic spirit remained alive to the very end of the nineteenth century, at which time it could be said that all the physicists were mechanists.... (1975: p. 102)

Herman then tries to explain the influence of mechanism on psychology. The result of this influence on modern psychology, according to Herman, is Behaviourism and operant psychology. Herman concludes that the influence of the philosophy of mechanism on psychology, as it has been applied to physical education and sport, has

atrophied a little rather than having the fascia cut to accommodate the muscle size due to training effects (Hyland, 1990: p. 52).

been one which forces the definition of aims and objectives in terms of measurable behavioral outcomes. Therefore, in sport and physical education

human behaviour is delimited to [sic] what people do, such as playing tennis, football, basketball...These behaviours can be seen or heard, and as such provide the basis for objective scientific analyses, whereas other behaviours such as thinking, [and] understanding are only accessible to the person who does the behaving; but these behaviors cannot be measured and therefore do not exist. All value terms of this sort used in physical education and sport are meaningless... (Herman, 1975: p. 105)

Herman then reviews all the well known problems with Behaviourism (e.g. the same problems logical positivists faced with the Verification Principle). But the conclusion Herman draws which is relevant to this study is that

in a sense the behaviorist is correct in so far as the sport coach's ideal, for example, is to condition the athlete in such a way that the latter will always perform with optimum result. Ideally, if we can speak of ideals in this context, the coach using the principles of operant psychology, could turn his athletes into more perfect bowling machines, football and basketball players who will perform more efficiently, etc...if freedom exists at all it must be viewed as an objective event within the realm of determinate objects which are normally related to one another as cause and effect. (1975: p. 107)

Herman is making a moral objection; that the relationship between the coach and the athlete is reduced to one of "conditioner and conditioned, or master and slave." This follows from the mechanistic conception of operant psychology, which most coaches accept, putting them, in effect in the mentally violent relationship of the controller and the athlete being the controlled. Thus, when looking at doping, one may argue that Herman's conclusions lead one to the position that doping is a product of treating athletes as if they were machines and that this is morally wrong because it degrades them as human beings. This may seem somewhat attenuated because what Herman is

worried about has to do with the relationship between the coach and the athlete, or perhaps about the way the coach (and possibly the athlete) think about the athlete.¹⁴⁵ Athletes can dope on their own and so it is not necessary that a degrading relationship be involved. But presumably, one could argue that even the uncoached athlete can be affected by this mechanistic view because all athletes are coached at some point in their lives.

It may be pointed out that other people may mechanize their behaviour at the service of higher human purposes and we do not regard it as degrading (e.g. an accomplished pianist practising scales on a piano). We would only become concerned if people tried to mechanize all of their behaviour, and this is exactly Herman's concern with sport. But many Olympians would argue that they are striving for a higher human purpose. The question that needs to be addressed is if the degradation is worth it, and Herman is saying "no." We will look at this question more in the last chapters.

Herman's argument is based on the assumption that machines are less than human. This, of course, changes the argument from being one of mechanizing humanity *per se*, to one of degrading humanity because it has been made machine-like.

¹⁴⁵It might be suggested that this relationship is more like circus animal and trainer rather than master and slave. I think this suggestion captures what Herman is after with his example.

2.2.2. TECHNOLOGY AND DEGRADATION

John Hoberman puts forward a position not dissimilar to Herman's, in his article "Sport and the Technological Image of Man" (1988). Hoberman frames his remarks with comments of the 1985 President of the Federal Republic of Germany, Mr. Richard von Weizsacker.

Mr. von Weizsacker begins by noting, first, the fantastic success of modern sport as a form of culture and, second, the inner logic that constitutes its driving force, which he equates with the Olympic motto "c.tius, fortius, altius." "...this inner law of sport," he states, "this constant comparative process, constitutes the dynamic and the fascination of sport. It is an expression of the dynamic character of Western civilization which, through science and technology, has given shape to world civilization as we know it." The fundamental law of this civilization is the performance principle, which is linked in turn to the idea of virtually endless progress. The charisma of sport grows directly out of its promise of limitless performances, and here is where the trouble begins. (1988: p. 319)

Hoberman agrees with von Weizsacker's negative assessment of the problem as being that, although it is possible to progressively transform science and technology, it is not possible to progressively transform the human body. This is due to the fact that if we try to progressively transform the human body, we will inevitably be tempted to treat it as if it were a machine, and this type of treatment comes into conflict with "our most basic ideas of what a human being should be, and the result of this conflict is a reckoning with the idea of human limits" (Hoberman, 1988: p. 319). What is in question, according to Weizsacker, is not that "the specific limits which have been set by nature itself should not be exceeded," but rather, how we define these limits. Examples of the temptation to exceed these limits come clearly from high-performance sport for Weizsacker, namely, the development of specific body types for specific

sports by chemical or even genetic manipulations. The way to prevent this is a clear and binding ethics of sport which results from self-interrogation, according to von Weizsacker, whom Hoberman seems to be supporting.

[Sport] will be able to preserve its humanizing influence and contribute to human dignity only if, as it develops, it resists this pressure [to exceed human limits], if it recognizes its own inner laws, if it sees and accepts these limits. For sport itself stands on a threshold. In the long run it will master this situation only if it recognizes it as an existential issue rooted in moral premises. Its worldwide success does not release sport from the obligation to examine its own deepest premises. On the contrary, it is this almost limitless success which forces sport to reflect both on its premises and its limits. (1988: p. 320)

Hoberman departs from von Weizsacker with his belief that high-performance sport derives its values from the sphere of technology, and as a result contains, and conceals, a sinister agenda for human development with the ideal model being the high-performance athlete. It is, in effect, according to Hoberman, "an exercise in human engineering that aims at producing not simply an athletic type, but a human type as well" (1988: p. 320).

Hoberman uses the analogy of a machine to demonstrate the technological aspects of the high-performance sport realm. He describes the tension between the athletic charisma, on the one hand, originating in the athlete's body "whose machinelike dimension is its aura of force or speed...energized by an unquantifiable will, [and] is the symbolic catapult or projectile that performs in stadiums around the

world" (1988: p. 320). On the other hand, Hoberman claims that the athlete's body is a "laboratory specimen" measured in quantitative terms.

This is the materialistic interpretation of the sportive body, whose machinelike dimension is its accessibility to rational analysis...the *body composition analyzer* describes the body in terms of water, fat, and other tissues, and measures basal metabolism. The *force platform* measures biomechanical force by placing the athlete on a surface containing sensors that feed data on tiny pressure changes to a computer...A *digitizer* is a computerized device that can express human movement in computer language; a scientist translates the cinematographic record of an athlete's movements into a body of data that can be reproduced on a computer screen in the form of a moving stick figure. The separate movements that make up the performance can be quantified and related to each other mathematically so that a strategy for maximum performance can be designed. It is then up to athletes to develop into the hypothetical ideal self the machine has told them they can be. (1988: p. 320)

It is these types of procedures that Hoberman claims are concealed from the public, but that, even if revealed, they would not cause outcry because they are measurements, and not direct changes, of the human organism. However, he thinks they lead us to the "notorious procedures...that [do] change, or threaten to change, the human body or human behavior to promote athletic performance", namely, the chemical and genetic manipulations. Thus, for Hoberman, it is not treating the athlete's body like a machine *per se*, that is the problem, but that this treatment leads us to want to take the athlete beyond human. (The "beyond human" arguments will be dealt with later in this chapter.) Hoberman cites many cases of doping in high-performance sport to support his position on chemical manipulations (1988: pp. 320-321).

Another moral problem that results from doping and other manipulative sport technologies, according to Hoberman, is the "poisoning relationships throughout the world of high-performance sport". What he is referring to is the constant mistrust between athletes, coaches, sport administrators, etc., about who is using what technologies and hiding it.¹⁴⁶ Thus, we have two separate moral issues raised by Hoberman so far one is that treating athlete's bodies like machines leads us to chemical manipulations which take them beyond being human, and two, the use of technological manipulations poison all relationships in the high-performance sport world because of the resulting mistrust. It is the former that we are most interested in for this chapter. The latter may have been true even before the great technological advances we have seen in recent years and may be a result of intense competition and not doping.

Of the objections raised by Hoberman, the one that is most similar to Herman's position, is the resulting relationship between the athletes and their physicians and the athletes and their sport psychologists. For Hoberman, the high-performance athlete is "technology's version of the ideal citizen" and the sport physician is "technology's version of the ideal healer." Hoberman feels the sport physicians are under pressure to

¹⁴⁶Hoberman cites the example of Swedish skiers, competing against blood doped Italians, "found themselves wondering about who--and what--they had been skiing against" (1988: p. 322). The implication of this remark is that the performances of the Italians were so unusual that they were "beyond human."

take athletes beyond the "biological border zone" (1988: p. 323).¹⁴⁷ The central questions Hoberman thinks must be asked are:

Is this medical practice humane or is it functional? Is the physician there to serve the patient as a human being who is considered to be somehow different from his or her athletic self, or is the physician there to maximize performance on the assumption that the person is indeed identical to the athlete? (1988: p. 323)¹⁴⁸

The question of the identity of the athlete in this passage is similar to the one produced from Herman's analysis of mechanism and the athlete. If one maintains a mechanical position as outlined by Herman, then one would view the medical practice above as a functional one. However, both Herman and Hoberman are indicating that this perspective does not capture the athlete as human being and that this is wrong.

Hoberman thinks that the relationship between the athlete and the sport psychologists must be questioned in a similar manner. To capture this relationship Hoberman quotes an East German sprinter who defected.

We never went to the club psychologist on our own. True, they could influence our precompetition emotional states and calm us down. But we know that they were there primarily to get the last reserves out of you. (1988: p. 324)

The question Hoberman raises is that, given that sport psychology is manipulative psychology, just as Herman describes it, we should ask what sport psychology is and

¹⁴⁷This is what Dr. Willdor Hollman, from the Institute for Sports Medicine and Circulatory Research at the German Sport College in Cologne, calls it. (Hoberman, 1988: p. 323)

¹⁴⁸One can make an interesting comparison here with plastic surgery, especially the more frivolous kind.

what it ought not to be. The implication here is that sport psychology is just a form of brain washing. Hoberman claims that in West Germany, sport psychology is sometimes referred to as "psycho-doping" (1988: p. 324). It is the description of one of the techniques of psycho-doping which raises parallels with Herman's argument, in that, it ignores, or attempts to thwart, the human will, rendering the athlete a mere machine.

Through a receiver in one ear we send a continuous barrage of nonsense questions to the part of the brain which handles conscious perception, until it has virtually ceased functioning. Simultaneously, through a second receiver in the other ear, we send simple messages to the unconscious which penetrate directly because the conscious mind is blocked off. (Hoberman, 1988: p. 324)

For Hoberman, attempts at "psycho-engineering" raise questions about what human beings are and what physicians--medical or psychological, should be allowed to do to them.¹⁴⁹ Hence, it is critical that we examine the human model sport scientists are using because they are shaping the mind and behaviour of the athletes to conform with technological norms (Hoberman, 1988: p. 324). It is not the case that sport scientists have hybridized humans and machines for Hoberman, as others have claimed, which is why this argument does not fit into the first type of mechanization argument examined above, but rather, sport science

treats the human organism as though it were a machine, or as though it ought to be a machine. This technologized human organism comprises both mind and body, for which there are distinct sets of strategies. The implicit demand

¹⁴⁹This would presumably include operant conditioning.

of these strategies, in my view, is a streamlined and decomplexified image of the human being. (1988: p. 325)¹⁵⁰

Hoberman cites Jacques Ellul's concept of "technique" in "The Technological Society," to capture this image of the human being as

'the totality of methods rationally arrived at and having absolute efficiency in every field of human activity.' Technique is efficient procedure per se...it is efficient and brings efficiency to everything,' striving for 'the mechanization of everything it encounters.'...(it)'has fashioned an omnivorous world which obeys its own laws and which has renounced all tradition.' Its 'refusal to tolerate moral judgments' is due to the fact that it 'has only one ordering principle: efficient ordering.'...'In every conceivable way, sport is an extension of the technical spirit. Its mechanisms reach into the individual's innermost life, working a transformation of his body and its motions as a function of technique and not as a function of some traditional end foreign to technique, as for example, harmony, joy, or the realization of spiritual good. In sport, as elsewhere, nothing gratuitous is allowed to exist; everything must come up to technical expectations.' (1988: p. 325)

Hoberman uses the switch to the skating technique in cross country skiing to demonstrate his point. The skating technique is superior to the traditional method from the perspective of speed. The problem is it has a greater potential of risk of injury. This innovation has put pressure on athletes to change their style because it is a more efficient technique. Hoberman cites the concerns of a German long-distance skier, Jochen Behle, who has distressed his trainers by refusing to adopt the skating technique:

'Does Behle not have the right,' Der Spiegel asked a West German sport physician, 'to decide for himself what is or is not appropriate for his own

¹⁵⁰I will not be engaging the debate on dualism because it is beyond the scope of this study, but I recognize that it underlies this discussion.

body?' Of course he does, said the doctor, 'But an athlete who receives state support is also expected to increase his efficiency by learning new techniques. If that seems too risky to him, then he must withdraw to the second rank.' (1988: p. 326)

Although this is only one sport physician, it is not an uncommon view in high-performance sport because as mentioned in the chapter on harm, health is not the priority in high-performance sport.¹⁵¹ It is very clear from this passage that technological advancement is viewed as more important than the athlete's will or health. The analogy that is implied in Hoberman's paper is that doping is viewed as a technological advancement and that this is more important than the risk to the athlete. But further, this attitude reflects, according to Hoberman, that the athlete is viewed as a mere machine that is manipulated to get the best output. The will of the athlete gets in the way of achieving this output because "Thinking is antithetical to athletic efficiency" (Hoberman, 1988: p. 326).

Thus, both Herman and Hoberman are arguing that the athlete is less than fully human because of either psychological or technological manipulations. Doping, for Hoberman, is a symptom of, and leads to worse, manipulation of the athlete. But it would seem then, to really solve this problem, just banning the use of certain substances will not prevent what is really wrong, which is treating the athlete as sub-human. What is really wrong is the degradation of these athletes.

¹⁵¹Most people think that elite athletes are the healthiest in society so it is not obvious that high performance sport can be unhealthy. It is often the case that injury is from over use and not from a dangerous fall or the like so the risk is not obvious.

There may not be much dispute that what some athletes are put through in the name of sport is degrading, but there is argument whether on this account we should in fact ban those things and if we do, should we ban all degrading practices? It may be postulated that the essence of elite level sporting competition and excellence is the drive to perfect one aspect--the physical, of what it is to be human. Anything that detracts from the competitors' humanity detracts from that sporting event or game. Some claim that it is morally wrong to reduce sport to contests between bodies rather than persons, and that this dehumanizes by not respecting athletes as persons.¹⁵² But the argument as it stands has many gaps. A great many legal training practices already "dehumanize" the athlete, systematically removing from him or her control over what he or she eats and does and thinks. The price of success in the current competitive environment is total dedication, the relinquishing of all other aspects of one's life and total subjection to the dictates of a battery of coaches, physiologists and dieticians.¹⁵³ It would be inconsistent for sports governing bodies to ban doping on the basis that it dehumanizes athletes and not ban other dehumanizing practices, as all of these may constitute examples of degradation. If we can establish that doping should be banned because it is dehumanizing, then this would also justify the banning of other things, things not currently banned that most people do not object to at all.

¹⁵²See R. L. Simon's "Good Competition and Drug-Enhanced Performance" (1984a), and W. Fraleigh's "Performance-Enhancing Drugs in Sport: The Ethical Issue" (1985).

¹⁵³This point is made by some Neo-Marxist critiques of sport and they refer to the dehumanizing element as "alienation from oneself," for an example see J. Brohm, Sport: A Prison of Measured Time (1978).

This outcome may well be a good thing. We will look at a better way to deal with Hoberman's and Herman's concerns in the final chapter of this study.

D.L. Fairchild, R. L. Simon and W. P. Fraleigh also use a version of his type of argument (as well as some of the other categories of arguments already mentioned above). As we have seen in the previous chapter, Simon argues that the ideal of sport is a mutual quest for excellence, and therefore, a sports contest or athletic competition is a contest between persons, so it is not about better and better performances. Fraleigh concurs with Simon on this point but neither one produces any evidence to support their claims.

2.2.3. ABJECTION AND DEGRADATION

In "Sport Abjection: Steroids and the Uglification of the Athlete," Fairchild indirectly uses a degradation argument as well. He argues that if we understand the concept of abjection and the reactions that people have towards doping in sport, then this understanding will enable us to prove that doping should be banned.

Fairchild builds his argument on three premises. The first premise is that sports participants are accepted as persons, or "body-subjects" as opposed to "body-objects." The second premise is that informed appreciation of elite sport requires recognition of the athlete's commitment to training designed to explore their "existential condition;" in other words, the risks taken in elite sport are ontologically

and epistemically worth taking because they confront our understanding of what it means to be human in a significant existential event, and not in ivory-tower speculations (Fairchild, 1989: pp. 74-77).¹⁵⁴ In response to Fairchild, one may be able to see why the elite athletic event might be significant for the athlete, but one might ask why would it be significant for the informed appreciator? Fairchild does not really address this question.

In his discussion leading up to the concept of "humanness," Fairchild describes the connection between actuality, possibility, limitations and risk in sport.¹⁵⁵ Elite athletes are able to participate in this risk taking activity. Athletic courage, for Fairchild, is the deliberate risk-taking of what you have achieved and accomplished. It is not exactly clear what Fairchild means: this could mean pushing limits, or alternatively, it could mean risking a setback and, thus, losing current ranking from past accomplishments, viz. "you are only as good as your last race."¹⁵⁶ It is only through risk-taking that we learn who we are, we learn our limitations, and what it means to be human. If we are not able to take part in a risk taking activity, we must

¹⁵⁴There may be some question as to the way Fairchild is using the term "existential" here, which makes interpreting his point more difficult.

¹⁵⁵He claims that we recognize our possibilities by what we have achieved and what we have yet to achieve. We understand our limitations by actuality. Sport is a place where risks and challenges are deliberately created.

¹⁵⁶Hughes and Coakley (1991) argue that in elite and professional sport athletes believe that taking drugs would count as athletic courage.

Fairchild tries to explain the logic of abjection through: i) the boundary of the body; and ii) the limits of the body. For the boundary of the body he makes an inner/outer distinction, where things like spittle, blood and urine, once they have been passed, cannot be re-entered into the body without abjection.¹⁵⁵ The limits of the body are defined by Fairchild, as both physically and experientially, "what I am and have accomplished and by what I can yet reasonably expect to accomplish."¹⁵⁶ These limits are to be understood in terms of what it means to be human more generally, "through the achievements of those individuals whose accomplishments I accept as magnificent" (Fairchild, 1989: p. 78).

In the example of Ben Johnson as the abjected athlete, who in a few months saw public fascination with his body turn to revulsion, there was further punishment by degradation according to Fairchild. This time degradation is used in a different sense, i.e. humiliation—the IAAF took away all of Johnson's past records even though he did not test positive for steroids when he set them (Fairchild, 1989: p. 80). Fairchild claims that Johnson's musculature, which was once evidence of his "body

¹⁵⁵Abjection is worse for athletes because they are exemplars and also because we identify with them, if someone goes beyond this boundary they become abjected.

¹⁵⁶Fairchild also quotes from the new testament Mark 7:15 at this point, "There is nothing outside a man which by going into him can defile him; but the things which come out of a man are what defile him." This is Christ's comment on Jewish dietary laws and he is saying that eating pork cannot defile one because it is not what one eats that defiles but what one says. So, it is not clear that this biblical quotation does in fact support the point he is trying to make, which is, that there are things which one ingests which defile one.

beautiful," became evidence of his steroid use and this was why he was abjected. The problem with this analysis is that most people did not reject Johnson because of his musculature (which they may or may not have thought was a result of his steroid use); rather, most people rejected Johnson because he cheated and lied. This moral evaluation had nothing to do with his body. Fairchild claims that people abjected Ben because he crossed the "boundary of the body" which made him less than fully human.¹⁵⁷ His argument is that steroids are derivatives from a naturally occurring bodily substance (testosterone), and therefore, are culturally understood within the category of "inner", thus, "clearly unlike intensive, even potentially harmful training programs, which are external to the athlete" (Fairchild, 1989: p. 80). But this would not capture synthetic steroids and synthetic haemoglobin, since they are not derivatives from a naturally occurring bodily substance but are made to imitate them. What follows from Fairchild's position is that blood transfusions, organ transplants, bone marrow transplants, etc., all violate the "boundary of the body" and that we abject those who have them. But we do not in general 'abject' people who undergo these procedures. It is only when they undergo them only to gain fame in a particular line of endeavour, and when our only reason for paying any attention to them in the first place is precisely the fame so gained. The point here is that they have turned out to be frauds where we thought they were succeeding without such aids, and it turns out this was not so. Fairchild correctly points out that steroids are different and they

¹⁵⁷It is true that some people thought of Ben Johnson as a "simpleton" and perhaps because of this, less than fully human, but not because he crossed "the boundary of the body."

provoke a particular revulsion, but his explanation of why this is so is questionable, "they are special kinds of additive substances...meriting special penalties."¹⁵⁸

Fairchild claims that they are different simply because we react differently, and we react differently because they are different. Fairchild does not successfully use any other criteria to explain their difference, and so his argument ends up being circular.

Fairchild also brings in Simon's argument, as did Fraleigh, that not all users of these substances react equally, and therefore, the competitive success or failure is determined by variable innate capacities to react to substances and as a result the competition becomes a "pharmaceutical" competition rather than competition among persons (1989: p. 80). But the problem is actually worse than this; athletic prowess is determined by responses to training as much as by genetic endowment. But this usually doesn't matter because most people view this as something we have no control over and is a result of 'the luck of the draw.' The problem with this argument is that neither Simon nor Fairchild, nor anyone else for that matter, has shown how the use of steroids develops features that are not part of the athlete's personhood, but are rather

¹⁵⁸I will argue later in this chapter that we do in fact react differently to steroids and try to explain this difference.

extraneous items added to that personhood.¹⁵⁹ For example, in what sense is larger muscle bulk and strength of an athlete "external" to that person?

Fairchild does however, argue, quite convincingly, that if all we were doing was punishing Ben Johnson for cheating, we could not justify all the subsequent punishments Ben Johnson received, so there must be much more going on. He suggests the use of prohibited substances challenges the structure of sport:

Because the abjected other is radically excluded from the symbolic order, literally erased from the record books, the athlete represents to the individual and to the social order the risk to which the symbolic order is permanently exposed. (1989: p. 83)

Fairchild claims that this demonstrates that there is an operative set of core ideals of competitive sport that favours certain prohibitions, but he never lists them.¹⁶⁰ He concludes that we should look at what people "abject" to and ban it. The big problem with this position is that people react like this to homosexuals, for example, so on Fairchild's account, we should respect this reaction because it in itself justifies our

¹⁵⁹Fairchild attempts to show how this happens, by claiming that the abjection that occurs on an individual level results from "a certain degree of our own inauthenticity" (1989: p. 81). He attempts to explain this "inauthenticity" by claiming that athletes who use substances that involve "stuff" removed from the body and deliberately reintroduced for improving athletic performance, "confounds our understanding of the athlete's 'own clean self'" (1989: p. 83). Their abjection is triggered, according to Fairchild, by our recognition that they are not like us, and yet too much like what we might become. I think this might be an appeal to the "Frankenstein Factor," which will be discussed below.

¹⁶⁰Of course, this leads us right back to the perversion of sport argument and the problems associated with it, which we have already dealt with above.

treatment of them. So, in summary, Fairchild's theory of abjection is unacceptable because it would allow for potential abuses not of only athletes, but other groups in society, and would not allow us to appeal to logic to override "abjection."

Overall, the degradation argument does not work to justify the bans on doping. The primary reason for this is the lack of a clear explanation of how the practice degrades humanity. We will now look at the final type of argument from dehumanization, beyond humanity.

2.3. BEYOND HUMANITY

This argument rests on the premise that, in some way, doping takes the athletes beyond what it is to be a human being. This is not the mechanization argument because proponents of this argument are not claiming that the athlete has been mechanically manipulated or that they are mere machines. It is also not the degradation argument because the claim here is not that the athlete is subhuman, but rather, beyond being human. Gardner looks at this argument (although he calls it the unnaturalness argument) and describes it as follows:

In all instances the gained enhancement is viewed to be beyond the athlete's human capabilities. It would seem that we are opposed to such enhancement because, as earlier mentioned, we wish to view the athletes as the counterparts not of gods but of demigods. This is conditioned by the ambiguous character of their deeds which we wish to view as superhuman but definitely not nonhuman. Elite athletes exceed what average human beings are capable of achieving, but they do not break the rules of humanness. Athletes do what normal human beings do but their performances are faster, higher, farther and stronger. Such performances are considered exemplary because they are viewed as demonstrations of the ultimate capabilities that are accessible to

human beings, as such. So, once these capabilities are regarded as beyond the human range of accessibility, they are strongly denounced. And it is not enough that steroids or blood boosting may help the average person more closely replicate the extraordinary feats of athletes, for example, perhaps with blood boosting I could run a marathon like Greta Weitz. This is not the type of "accessibility" we are after. It seems more important for us to be able to view the capabilities of athletes as being within the bounds of humanness. It is along these lines that we may wish to argue against substance-acquired capabilities: they permit athletes to transcend the boundary of humanness. (1990: pp. 133-134)

2.3.1. GENETIC MANIPULATION

For this argument to work we need to establish how athletes who dope transgress the bounds of humanness, and why this is unacceptable. Gardner takes a run at establishing this by looking at genetic manipulation.¹⁶¹ Gardner does not clearly distinguish between genetic manipulations which cause a mutation where the result would be a being that was beyond human, and genetic manipulations which do not change the human gene structure *per se*, but enhances the genetic structure of the individual. The examples he cites from W. Anderson (1985) which fit into this latter category are:

- (1) Somatic cell gene therapy: correcting a genetic defect in the somatic (i.e., body) cells, e.g., replacing a cell gene which produces defective enzymes or proteins.
- (2) Germ line gene therapy: the insertion of a gene into the reproductive tissues of a person in such a way that a genetic disorder in his or her offspring would be corrected.
- (3) Enhancement genetic therapy: the insertion of a gene to try to enhance a known characteristic; for example, the placing of an additional growth hormone gene into a "normal" child.

¹⁶¹He also tries a number of other attempts which I believe just constitute "straw man" arguments.

- (4) **Eugenic genetic engineering: the attempt to alter complex human traits, each of which is coded by a large number of genes; for example, personality, intelligence, character, formation of body organs, and so on.(Gardner, 1990: p. 151)**

The immediate problem is that none of these manipulations change the humanness of the gene structure of the individual. For example, if the replacement gene were that of a horse or some other animal then it would change the humanness of the genetic structure, or if the manipulation were to cause a mutation of the genetic structure, it would also change the humanness of it. The further problem with Gardner's analogy is that doping does not affect the gene structure at all. What it may do is enhance the athlete's ability to perform, but it cannot affect the genetic determination of the athlete, i.e. it cannot take the athlete's performance beyond the limitations of the gene structure the athlete has. However, all of the genetic engineering procedures listed above do enhance the gene structure of the individual, and while some would question the legitimacy of doing procedures (1) through to (3), for individuals who are viewed as physically or mentally challenged, the major concern arises for category (4), eugenic genetic engineering, where the individuals are viewed as "normal" but could be improved. Athletic enhancement would certainly fit into this category. But the conclusion that would be drawn from this objection is that we ban eugenic genetic manipulations for athletic performance-enhancement and not that we should ban doping.

Gardner identifies one of the reasons for our concern about eugenic genetic manipulations as

for the most part the moral justification provided by medical beneficence is lost and thus other moral concerns become more paramount. One of the greatest concerns is that once we enter the realm of genetic enhancement of characteristics (e.g., IQ) there is no logical place to stop. This fear personifies the logic principle of the "slippery slope" argument...Thus, permission for one eugenic measure inevitably establishes the principle of permission for other eugenic measures...it is not clear what could prevent us at that point from engaging in genetic wanderlust: the perfection of the human species. (1990: p. 153)

Gardner then refers to Keith Boone's (1988) criterion for the logical place to stop--the point where we go from genetic "therapy" to genetic "enhancement." Gardner immediately points out the problems with this criterion, which are not dissimilar to the problems pointed out by Fost in the "additive/restorative" distinction.

Such a rationale finds apparent foundational support through our current acceptance of previously mentioned examples of altering the genetically defined body--organ transplants, artificial limbs, using hGH [human growth hormone] to correct for dwarfism, and "Tommy John-type" surgery [the implanted tendon replaced a ruptured ligament]. All cases could be justified on therapeutic grounds. Of course we encounter difficulty when we attempt to extend this line of thought to certain cases of plastic surgery. If such surgery is not done to correct, say, birth deformities (e.g., a cleft lip) but is instead done for cosmetic purposes (e.g., breast implantation, rhinoplasty (nose jobs), face lifts, etc.), then it would seem that Nature's genetic intentions are being violated merely out of personal desire and not medical need. (1990: p. 154)

Gardner then tries to use this argument as an analogy for the bans on performance enhancers, but, as pointed out above, this analogy does not work. One may respond that the point could be that going beyond human for enhancement purposes is wrong. We see this clearly in the genetic case, but the same could apply to the doping case since it is immaterial whether the enhancement is achieved by genetic manipulation,

by chemistry or by mechanical interventions. Doping and genetic manipulation are simply two different routes to the same bad result. But it has still not been established how doping takes one beyond the human, which is supposed to make it a bad result according to the dehumanization argument.

A good point that Gardner could draw with his cosmetic surgery example, which he does not do, is that the use of steroids by males who are looking for the "body beautiful" in weight training gyms is directly parallel to cosmetic surgery. The conclusion that can be drawn from this analogy is that if we have no moral objections to cosmetic surgery, then we should not have concerns about the use of steroids for cosmetic purposes, especially given that they may have much lower risks than, for example, breast implants.¹⁶² But this conclusion would not follow if the objection were not to the use of these techniques in themselves, but to the use of them solely for sport. This concern leads us back to the earlier quote about viewing athletes not as gods but as demigods. If non-athletes want to make gods of themselves that might not be our concern, but we want to keep that sort of thing out of sport. Once again, this is an objection based on the nature of sport, but the reason for this objection is that we want to restrict sport to the human.

¹⁶²Of course, there are moral concerns about this too, but there does not seem to be as much moral outcry to ban cosmetic surgery as there seems to be with steroids.

We have found that throughout this chapter so far, it has been difficult to separate the dehumanization arguments from the perversion of sport arguments; they seem to be intimately connected. We will pick up this connection again in the final chapter as it deserves more discussion. For the remainder of this chapter we will continue to try to isolate the dehumanization arguments.

2.3.2. ATHLETIC WANDERLUST

If we decide to draw a line as to where people must be prevented from pursuing what they deem to be the perfect body, then we may argue analogously that we must draw a line to prevent athletic "wanderlust" (i.e. the pursuit of the perfect athletic body). This discussion leads us into the concept of human perfection and whether or not the pursuit of it has any limits. The answer to this question is intimately tied to the question of whether or not doping should be banned from use by those pursuing *citius, altius, fortius*.

Gardner believes there are two linchpins to the argument against what he calls athletic wanderlust. The first is that doping cannot be morally justified on therapeutic grounds, and the second is that allowing it would open the door to all conceivable methods of transcending the limits (natural) genetics has placed on the body (1990: p. 155). Gardner sees and accepts the problem with the therapeutic/nontherapeutic distinction and points out a further implication for athletes.

In some cases athletes with a legitimate medical need for a substance are prohibited its use out of concern that the substance may also possess additive

properties: it might provide supernormal capabilities. Extending this basic premise to the present concern that athletes should not exceed their natural capabilities, we would more than likely have to draw a line where even medically justified intervention would be prohibited out of fear that an athlete might exceed too far beyond his or her body's genetically defined limitations. (1990: pp. 156-157)

In fact, this already happens on a very simple level. Athletes with colds are not allowed to use over the counter cold medicines if they are in competition because most of these medicines have substances which are on the banned list. So, athletes are not even allowed to have access to substances the general public have all of the time, at their own discretion, without the prescription of a physician.¹⁶³ Thus, Gardner is correct in claiming that the moral justification of medical beneficence does not provide a sufficient point of distinction in sport for determining what is acceptable interference with genetic determination because there are already cases where medical beneficence is insufficient to justify the use of substances or surgery for athletes who wish to continue to compete in sport. Gardner's conclusion regarding his first linchpin is

sport appears to operate within different ethical guidelines than the rest of society. Due to this difference, we may not be able to apply ethical precepts to sport without first establishing the moral and ethical metaphysical foundation of sport. (1990: p. 167)

Thus, Gardner ends up in his chapter on "unnaturalness," pointing to a discussion about the nature of sport, which takes us back to the previous chapter where we examined the metaphysical foundation of sport and found it to be inconclusive for justifying the bans. But what we did not consider in the previous chapter is an

¹⁶³As was mentioned earlier in this study, the birth control pill used to be on the banned list until Canada lobbied to have it removed on the basis that it interfered with the female athletes' right to control their reproduction.

argument which combines ideas about the nature of sport with ideas about the human/nonhuman. We will see if the combination will give us what we need to justify the bans when we look at the nature of excellence in sport versus human excellence in the last chapter.

Where Gardner's analysis above goes wrong is his concern with athletes exceeding their genetically defined limitations by doping.¹⁶⁴ This is irrelevant because none of the substances or methods on the banned list allow athletes to exceed their genetically defined limitations.¹⁶⁵ The only exception in the rules are those that might proscribe prosthetic aids or surgery like that of Tommy John, as mentioned above, and that was a mechanical manipulation and not a genetic one.

Gardner's conclusions on the second linchpin regarding genetic wanderlust, is that there may be logical places to stop the slippery slope.

¹⁶⁴The most plausible discussion he gives on this account is in regard to gains in height the use of Human Growth Hormone (hGH) gives if taken before an individual has reached adult height. But, of course, the big difference here is that we are talking about minors not adults and intervention will be justified on paternalistic grounds. The use of hGH by fully grown athletes will not affect their height (in fact, as mentioned in the chapter on harm, the evidence is mixed as to what benefits and harm it will give) and therefore, will not cause them to exceed their genetically defined limitations.

¹⁶⁵But they might allow the athlete to exceed the limits that would be imposed by genetic endowment working only with 'normal' training and performance methods. However, this so called 'normal' distinction is problematic as we saw earlier in this study. But if we link the normal/abnormal distinction to the human/nonhuman distinction we are still left with the problem we have been grappling with throughout this chapter; namely, how doping leads to attributes that count as nonhuman.

But even if there were not, at this point it is not yet clear why we should stop. Relying upon the basic tenet of sport that athletes should not exceed human capabilities, even in those instances where they may (e.g., bionics), athletes would still seem to be ostensibly human. What is required of sport is a clear and viable definition of what should constitute athletic *humanness*. (1990: p. 175)

Thus, the argument that doping takes athletes beyond humanness does not work for two reasons. The first reason is that doping by adult athletes does not change their human genetic structure. An even more glaring gap is left by the fact that we do not have a good, defensible, and consistent view of what it is human or "personhood" anyway. If we cannot define what it is to be human the task of labelling something as dehumanizing becomes even more difficult. We will pick up this discussion in the final chapter when we discuss human excellence and determine if we can find anything in this concept that will help us to defend the proscription on doping in the Olympic Games on that basis.

2.4. STEROIDS AND HUMANNESS

Before we leave this category of arguments, it is interesting to look at what might be the real psychological cause of our fears about these types of changes to humanity.¹⁶⁶ Gardner cites Willard Gaylin's discussion of the "Frankenstein Factor" and Boone's discussion of traditional philosophical paradigms of humanity, as the

¹⁶⁶The reason it is a fear about changes to humanity and not just to a few athletes, is that steroid use is becoming a serious problem with male teenagers and young adults who are not athletes but want the perfect body. For females the problem is with other drugs (e.g. diuretics), but they use them for the same reason: the perfect body.

larger moral objection which transcends any moral differences between athletes in sport and people in the rest of society.

Any procedures that might change or control 'the nature of our species' or that allow for 'mechanical' influencing of the human organism somehow threaten 'our sense of uniqueness, and our sense of primacy among the creatures of the earth.' Adds Boone (1988), such prospects threaten wholly to subvert traditional philosophical paradigms and undermine the standard ethical touchstones of 'human nature,' 'humanity,' and 'rationality;' these would become synthetic products rather than points of common reference. (1990: p. 168)

This description of the underlying concern seems to make sense; however, the *raison d'être* of Olympic sport is *citius, altius, fortius*, and any attempts to tie down definitions of humanness by limits of a physical nature will be constantly stressed by this drive to overcome these limits. This, of course, begs the question of the justifiability of Olympic ideals. Once again, we will address this question in the final chapter.

There may be more that we can add to Gaylin's analysis of the "Frankenstein Factor" with particular reference to steroids. Anabolic steroids draw more attention and concern than any other substance or practice. Their users are also given greater penalties than any other banned substance or practice. To look for an explanation why steroids are viewed as more morally repugnant than the rest of the banned list, it is helpful to examine some of the current anti-doping programs in place. The most sophisticated program that can be found is the Norwegian anti-doping program (1990). The message is very clear from the literature this program uses for athletes: "steroids pervert your sex."

FIGURE 6.1.



The doping agents that make you big up there



make you little down here.

FIGURE 6.2.



Before I started with doping I was a female athlete.



Now I am not so sure anymore.

The message for men is that steroids make you impotent and therefore destroy your real manhood, and the message for women is that steroids will make you into a man. This fear tactic is very successful according to the Norwegians, but it may be questionable on moral grounds for two reasons. The first is, it uses fear as its *modus operandi*, and second, it feeds negative stereotypes about men and women. The conclusions to be drawn from this anti-doping message is that men who do not have erections are not really men, and women who have large muscles, or any characteristics that are considered male, are not really women. Thus, in addition to the Frankenstein Factor, with particular regard to steroids, we have a sex factor which may very likely be the cause of the underlying fear of perversions that may take place with the use of steroids.

On the positive side, Binkley has pointed out that in the case of males, this fear tactic about sex might be aimed at counteracting another stereotype according to which maleness equals muscle mass, and which leads boys and young men to go in for steroid use.¹⁶⁷ This is a good point and it is unfortunate that the same type of message could not be given to the young girls who must face a stereotype that is seems even more harmful because of the prevalence of anorexia nervosa.

It may be concluded that steroid use does not change one's sex, that is, it does not change men into women or vice versa. It may lead to a less than normal sex life

¹⁶⁷Personal communication.

for men and produces a body form more like that of a man for women, but so does weight lifting. But this is not a good argument for banning it. It may be harmful and thus should be banned on that basis for minors as we saw in the chapter on harm, but this is not the "harm" argument. But we also found that we cannot justify the ban on the basis of harm for adults. We will now turn to the concluding chapters of this study. Since we have found that none of the above traditional arguments are sufficiently philosophically sound to justify the proscription of doping in the Olympic Games, we will look at the alternatives and evaluate the options.

CHAPTER SEVEN

CONCLUSIONS: PART ONE

1. SUMMARY OF PREVIOUS CHAPTERS

So far, in our search for a justification for the bans on doping, we have examined four categories of arguments: i) cheating and unfairness; ii) harm and coercion; iii) the perversion of sport and iv) unnaturalness and dehumanization.

We found that because the explanations of both cheating and unfairness in sport are logically tied to, and dependent on, the rules the players agree to follow, these concepts, independently, cannot justify the bans. The defender of the cheating argument must answer the question; "why was the proscription on doping included in the first place?" It was concluded that no discussion of cheating, when used to justify the proscription of doping, could be anything other than question-begging. The general point was that no argument that asserts that doping is wrong because it is cheating, can be used to demonstrate why it should be banned in the first place. Nothing about what is or is not cheating says anything about which things we should proscribe. The rules of a sport are logically prior to discussions of cheating. Similarly for unfairness; unfairness in a sporting contest, because it is also a concept logically dependent on the contest, cannot be used to justify a proscription on doping.

The harm arguments, on the surface, appeared quite powerful. After all, the one, generally accepted, limitation on individual liberty is that one's actions might harm others. But as we saw, the harm argument comes in a variety of forms, some of which are more potent than others. There are also important limitations on the arguments from harm, limitations that stem from the requirements of consistency and balance.

The argument that seeks to ban doping on the basis of the harm it causes to the adult user is paternalistic and inconsistent in application (i.e. one could make it consistent by banning all the harmful practices). While some cases of paternalism may be justified I argued that this case is not. With athletes who are competent adults there are no grounds to intervene to prevent them from harming themselves through doping. The argument is inconsistent because there are many other risks of harm that are not banned. (Even if we accept that some of those risks are inherent in the sports themselves, and therefore somehow justified, others, such as the risk of injury through excessive training, are not.)

Harm to other athletes is the most cogent form of the harm argument. The best form of this argument is that doping harms other athletes in that it coerces them into accepting risks of harm that are not essential to the sport being practised. Banning, and the measures required to enforce it, are justified to protect other athletes. This argument provides a strong argument for banning certain drugs or practices. (For

example the use of strychnine by marathon runners.) However, the argument has its limitations. The first is that it needs to be applied practice by practice, drug by drug and sport by sport. (Indeed it may even be necessary to evaluate not just substances but amounts ingested or methods of administration.) The second is that not only would it only work for some items on the banned list, but consistent application would require that we ban other non-essential, but harmful, practices. (For instance, we might wish to limit training.) Third, the harm caused by the practices concerned has to be weighed against the harm caused by enforcing bans. While the harm caused by enforcing a ban on a performance enhancer, a test on the day of the competition, is relatively minor, the requirements of enforcing bans on training enhancers are quite onerous. In this case it might turn out that the harm caused in enforcing a ban outweighs the harm caused by the banned practice itself. The conclusion here is that while harm to other athletes may well feature in the justification for banning certain elements of doping it cannot stand alone as the whole story. When I present my attempt at a justification later in this chapter, I will show how harm to other athletes can feature as part of a more broadly based justification.

The first part of the argument based on the perversion of sport was quite general; we looked at four discussions of important (or, in some cases, essential) features of sport: i) sport as games defined by rules; ii) sport and attitude; iii) sport and contests; and iv) sport as a "practice". Although I did not produce the necessary and sufficient conditions for calling an action or practice a sport, I did demonstrate

that the first cannot serve to provide a justification for bans because the proponents of this position cannot provide a rule for justifying the rules. The third, sport and contest, did not work because the central idea of fairness in contests and the best view of fair competition implies some sort of contractual agreement on how the test of skill will be conducted. The problem however is that this view does not limit the content of the agreement. For instance, there can be fair duels, and fair bare-knuckle fights and fair contests where deception of the opponent and the referee are condoned because everyone agrees to this practice. On this account it is not clear why we could not agree to a fair competition which, for instance, permitted the use of steroids. The fourth, sport as a practice, did not work because the notion of a "practice" is consensual and we could agree to all sorts of things including doping because there is nothing in this notion of a "practice" that logically leads to doping proscriptions. (While nothing in the notion of a practice would serve to justify imposing a ban, it is possible that exponents of a practice could choose to limit their own behaviour in certain ways. We will explore this possibility in Section 4 of this chapter.)

The argument from the perversion of sport in general was promising but not convincing. The conclusion drawn was that no one has presented an account of sport or sporting contests, that will justify doping proscriptions. I will later defend a view of Olympic sport that will provide the sort of content required to show why certain forms of activity should be avoided.

In the next chapter, Chapter Five, we looked at one more type of perversion of sport argument; the perversion of particular sports. We examined the suggestion that the use of a particular innovation would pervert the nature of the sport in question. It was found that this argument has not been made convincingly in the case of doping because it was not demonstrated that the nature of the sport itself was affected by doping. After deeper analysis it was found that the concern in this case seemed to be more with a change in the participant than a change in the sport in question. This discussion led us into questions about the humanness of the athlete, a quite different concern from questions about the perversion of sport. I will use what will amount to almost an inversion of this argument. We were looking for ways in which doping might change a particular sport and we found none. This shows the irrelevance of doping to the play of particular sports. I will use this irrelevance to help defend self limitation by athletes.

We then turned to the final possibility; that performance-enhancing substances should be banned because they are "dehumanizing." The argument that doping takes athletes beyond humanness did not work for two reasons. The first reason is that doping by adult athletes does not change their human genetic structure. An even more glaring gap was left by the fact that we do not have a good, defensible, and consistent view of what human or "personhood" is anyway. We found that if we cannot define what it is to be human the task of labelling something as dehumanizing becomes very difficult.

I have reached the conclusion that none of these arguments, taken individually, are philosophically sound enough to justify banning doping in the Olympic Games. In concluding this I am left with a choice, either to recommend removal of restrictions entirely (which is precisely what the IOC did with the amateurism restrictions when they realized that they were unworkable), an action which would be consistent with unfettered pursuit of athletic perfection, expressed in the Olympic motto *citius, altius, fortius*, or to recommend the setting or creating of limits that will not violate rights. I have chosen the latter and in these last two chapters I wish to explain and defend that decision and to propose a method of self-limitation by athletes that will be rational, defensible and enforceable.

2. A POTENTIAL SOLUTION: THE TWO-TIERED APPROACH

In my introduction I dismissed the "It's my ball" argument, for we saw it is an exercise of the naked power of sports administrators, which results in unwarranted intrusions into the personal, private lives of athletes. In part, my solution can be seen as an "it's our ball solution." This proposal entails a two-tiered understanding of sport in the Olympic Games and justification of why it is that doping does not fit this type of sport. The first tier requires that we show why it does not make sense for an individual to dope. The second will show why, as a community, supporters of the Olympic Games should promote doping-free sport. In this chapter we will focus on the first tier and in the next chapter we will focus on the second.

This approach is significantly different from the "it's my ball" argument dismissed in the introduction of this study, where "my" referred to sport-governing bodies. In the "it's my ball" position, the sport-governing bodies are seen simply as exercising their power, without regard for the interests of the athletes on whom they impose the rules. My position is quite different. I will show that athletes have good reason to endorse bans on doping. The rational athlete will choose not to dope and will choose enforcement of anti-doping regulations.

At the community level, I will attempt to show why it makes sense for defenders of the Olympic movement to support doping-free sport. The reasoning the supporters of the Olympics Games will use will not necessarily be the same as that of the individual athletes, but at the very least it will not be contradictory.

The proposal I am suggesting is not a proposal that nobody wants--supporters of the Olympic movement want the solution--but it cannot come from without.¹⁶⁸ The reason supporters of the Olympic movement want a solution is because they see

¹⁶⁸One need only look at the effort in time and money that has been spent on this issue, especially in the countries of Canada, United Kingdom, Australia and Norway, to see the desire to deal with it. Further, in Canada, Decima polling indicates that Canadians feel very strongly about the Olympic Games being doping-free (1989). Of course, it could be argued that people only have this reaction because doping is cheating, so if the rules were changed the negative feelings towards doping would disappear. I will argue that there is a deeper opposition to doping within the Olympic movement, and I will try to demonstrate that opposition is reasonable.

doping, and what it reflects, as not enhancing the fundamental aims of the movement.¹⁶⁹ (I will discuss whether these people are right in the next chapter.) My proposal is based on consensus as the way ahead: consensus from the athletes about the experience they want in the Olympic Games and consensus from supporters of the Olympic Movement regarding just what they want to celebrate at the Olympic Games.

It might be objected that this type of solution, justification through consensus, would always support the *status quo*—so if we generally accepted this sort of justification there would be very little change, even of those things that need change, for instance the treatment of racial minorities and women. The response to this objection is that if the approach defended here, action grounded in consensus, were universally adopted for all problems of this nature, the criticism would be fair. But the doping problem is an interestingly special case. In the case of social treatment of women and minorities, there are compelling arguments that the current social practices are immoral and unfair. Therefore, even if there exists or existed a consensus, it should be changed. But there is no evidence that banning doping from the Olympic Games is immoral. It is morally permissible, though it is not morally, or otherwise,

¹⁶⁹The aims of the Olympic Movement listed under the Fundamental Principles are: "to promote the development of those physical and moral qualities which are the basis of sport; to educate young people through sport in a spirit of better understanding between each other and of friendship, thereby helping to build a better and more peaceful world; to spread the Olympic principles throughout the world, thereby creating international goodwill; [and] to bring together the athletes of the world in the great four-yearly sport festival, the Olympic Games (International Olympic Committee, 1990b: p. 6).

obligatory. Some of the actions to enforce bans are immoral, but only because they are imposed. My argument is that a morally permissible *status quo* (or practice) can be grounded simply in consensus. Further, as we shall see below, one of the reasons we should look for a solution is the dilemma that athletes find themselves in when facing this issue.

Most of the previous attempts to solve the doping problem have sought either to justify bans imposed on athletes or to give up the bans entirely.¹⁷⁰ I have attempted to show that the former, based on the current literature, is not possible given the state of the arguments. I will look below, at why the proposal to do the latter leads many people to feel that the Olympic ideal would be violated. The proposed two-tiered approach will seek to ground the renunciation of doping in the Olympic Games on: i) the choice of athletes, rather than banning it from without; and ii) the support from the Olympic community to put limits on the pursuit of performance excellence in the Olympic Games. In a way similar to that in which informed judges decide whether or not an innovation fits a sport, the practitioners, which are the athletes, with informed assistance from the Olympic community, can decide what fits the Olympic Games.

¹⁷⁰Breivik, who we will look at under the discussion of the doping dilemma, does not attempt to produce a justification for the bans but does suggest possible strategies if such a ban were to be put in place.

I will also argue that we do not need to accept the banned list as given. It may well be that the practices currently seen as "doping" are not coherently connected. As I develop my justification for banning doping, I will simultaneously be providing a method for determining the sorts of practices that ought to count as doping. This will enable us, not only to evaluate new practices and substances, but also to re-analyze the current banned list.

3. THE FIRST TIER: THE INDIVIDUAL LEVEL

In what follows I will argue that we can usefully see athletes, faced with the decision whether or not to dope, as struggling with a form of Prisoner's Dilemma. I will also attempt to give an analysis of what victory in sport really should mean and the value of such victory. This discussion will be placed in the context of a distinction based on MacIntyre's work; the intrinsic/extrinsic goods of a practice, in this case sport. Further, I will argue that prudence will lead athletes to the avoidance of unnecessary risk in sport and that doping is non-game-productive and therefore unnecessary. The solution I will propose at the individual level is self-limitation.

3.1. WHY ATHLETES DOPE: POSITIVE DEVIANCE AND DOPING

Before we look, in detail, at the individual athlete's reasoning in regard to doping we will first examine the institutional influences that may encourage athletes to choose to dope. The behaviour of athletes who follow this kind of encouragement to

dope has been identified as "positive deviance" by Robert Hughes and Jay Coakley (1991). This concept is

grounded in athletes' uncritical acceptance of and commitment to what they have been told by important people in their lives ever since they began participating in competitive programs; in a real sense, it is the result of being too committed to the goals and norms of sport....in many cases, strict conformity to these norms becomes the basis for acceptance onto a team and a measure of status among athletes themselves. This encourages some athletes to overconform to these norms in ways seen as deviant within society as a whole and even within the governing bodies of sport itself....this difference between what might be called positive deviance and negative deviance must be taken into account when studying behavior in sport, and when recommending ways of controlling deviance in sport...Many forms of deviance in sport are not caused by a disregard or rejection of social values or norms; instead, they are caused by an unqualified acceptance of and an unquestioned commitment to a value system framed by what we refer to as the sport ethic. (Hughes and Coakley, 1991: p. 308)

The authors give four criteria for defining "real" athletes who follow the sport ethic: i) making sacrifices for the Game; ii) striving for distinction; iii) accepting risks and playing through pain; and iv) refusing to accept limits in the pursuit of possibilities (Hughes and Coakley, 1991: pp. 309-310). After explaining the sociological description of the sport environment where the positive deviance occurs, the authors conclude that

this [environment] guarantees that athletes receive continued strong encouragement to overconform to the guidelines of the sport ethic. This also means that a powerful source of deviance and ethical problems among athletes lies in sport itself, in athletes' relationships with one another, and in their relationships with coaches and managers. Paradoxically, the sport ethic when taken to an extreme, actually promotes the corruption of sport....We argue that these problem behaviors, including such things as the use of performance-enhancing substances (both legal and illegal) in excessive amounts, engaging in excessive on-the-field violence (both legal and illegal), and violating certain game or association rules (such as those restricting eligibility, limiting practice times, prohibiting participation in unsanctioned competitive events) are best

explained as the result of overconformity to the norms of sport itself. In other words, they are the result of caring too much for or accepting too completely the goals and values of sport. (Hughes and Coakley, 1991: p. 315)¹⁷¹

This passage not only captures points relevant to the discussion of perversion of sport arguments, but it also attempts to explain the sub-culture that exists in high-performance sport. The unquestioning acceptance of the norms of sport (especially those, for instance, which are historically based on the military), lack of athlete self reflection and lower levels of moral reasoning, have all been identified in other studies.¹⁷² If it is consistently found to be the case that elite athletes, as a group, score lower on Kohlberg's scale of moral reasoning, the solution I am proposing may also help to address this problem. My solution may help to address this problem because, as we shall see below, in order to cooperate effectively, the athletes must become more reflective. This may begin a process in which they can reflect and cooperate on a number of different moral issues, not just doping. I will also argue that the "norms of sport," the overconformity to which produces positive deviance, are only a selected subset of a larger set of norms of sport. When we examine the

¹⁷¹The authors also argue that this deviance would ultimately lead to fascism, not anarchy. They compare athletes to Nazis, fighter pilots, and others whom they think have a Nietzschean *Übermensch* mentality.

¹⁷²One study, done on university athletes, evaluated them on the basis of Kohlberg's stages of moral development. It found that males who played team sports were at the lowest level of moral reasoning of all the athletes and females who did individual sports at the highest, but all were below average (Stoll, 1991).

concept and value of victory we will see that only by misvaluing and misconstruing victory do we generate the norms that lead to positive deviance.

3.2. ATHLETES AND THE PRISONER'S DILEMMA

The impasse we currently face in regard to the doping issue is that most of us are concerned where the unfettered pursuit of *citius, altius, fortius* may lead--we worry about the "Frankenstein Factor," and yet we do not want to trample on the rights of athletes in an attempt to control this pursuit. Further, the athletes themselves may have this feeling; they too, may want limits (Blackhurst, Schneider and Strachan, 1991: p. 62). But the choice they face has all the elements of a prisoner's dilemma. Each athlete has two basic choices: he or she can dope or not dope. When all athletes do not dope each does better in terms of their actual preferences, or does no worse, than when all of them do dope. I will argue that they are better off not doping because: i) some drugs and practices impose risks that are not necessary in the pursuit of sporting excellence and ii) doping does not enhance the intrinsic goals of the participants. Each of these points will be explained below.

Further, the standards of justification for a policy-making body like the IOC, producing rules, for example, that force people to participate in drug testing, must be more stringent than those of individual athletes who must face the consequences of all the risks they take in the pursuit of athletic perfection.

Viewing the decision to dope as a form of prisoner's dilemma for the athletes means that for any fixed strategy of the other athletes, given that one wishes to win, one is always better off by doping than by not doping.¹⁷³ For some athletes, in some Olympic sports, doping can provide an advantage to users over non-users. We will examine the Doping Dilemma below in more detail but for now the following matrix outlines the traditional prisoner's dilemma of an ordinal game.

Figure 7.1: Ordinal Game Matrix of Prisoner's Dilemma

	B not dope	B dope
A not dope	(3,3)	(1,4)
A dope	(4,1)	(2,2)

Key: 4 = best = 'guaranteed' win with dope; 3 = next best = fair competition without dope; 2 = third best = fair competition with dope; 1 = last = 'guaranteed' loss without dope.

The first number represents A's preference, the second B's preference.

In reasoning about what to do, the athletes, just like the prisoners in a Prisoners' Dilemma, use a form of Rational Egoism and restrict themselves to independent reasons and so wind up with a less satisfactory outcome than they could have achieved. The solution to their version of the prisoner's dilemma, where none of them, even though acting rationally, get what they want, is the general solution to

¹⁷³The original exposition of this dilemma was in terms of prisoners and confessing.

prisoner's dilemmas. There are two problems to be solved if the better outcome is to be reached in a Prisoner's Dilemma situation. First, there is the "coordination problem;" the problem of figuring out what each participant must do to reach the better outcome. Second, there is the "assurance problem;" the problem of providing each participant with a guarantee that the other participants will in fact do the right thing. This is extremely important because if the other participant does not do the right thing, one ends up with one's fourth choice.

Some might argue that all we require is better enforcement and we will achieve a state of equilibrium. The problem is that most efforts at better enforcement require more violations of privacy rights. We do require better enforcement, and I will try to demonstrate why it would be rational for the athletes to request such enforcement which would mitigate the violation of privacy rights.

3.3. BREIVIK ON VARIOUS PREFERENCES AND STRATEGIES IN THE DOPING DILEMMA

We will now turn to a discussion of the various preferences and strategies the athlete may take in the doping dilemma. Gunnar Breivik, in "The Doping Dilemma: Some Game Theoretical and Philosophical Considerations," (1987) and "Doping Games, A Game Theoretical Exploration of Doping" (1992), argues that doping in elite sport can provide an advantage or compensation to those who use it over those who do not, but, if its use spread to all athletes they would be in the same relative

position as they were before doping was introduced (Breivik, 1992; 1987: p. 87).¹⁷⁴

Although Breivik does not attempt to provide any justification for doping proscriptions, he thinks that an all "no-doping" situation seems preferable to an "all-doping" one.¹⁷⁵ He realizes that this will be debated by those who feel that anything that improves performance is valuable and that the value surplus will vary with the effectiveness of doping in particular sports at particular levels (Breivik, 1992; 1987: p. 87). However, Breivik is correct when he claims that

the worst situation for an athlete, however, is the one in which the others have access to doping and he does not. (1987: p. 87)

In his articles, Breivik provides what he calls five different doping games: i) the Lombardian Game; ii) the Machiavellian Game; iii) the Brownian Game; iv) the Coubertinian Game and v) the Naessian Game. As I will point out in my analysis of Breivik's work, these "games" can usefully be seen as five different player preference rankings in a single game and some of those preference rankings do not actually yield genuine prisoner's dilemmas.

¹⁷⁴The assumption Breivik is making is that all athletes respond similarly to doping, which is yet unestablished because of the lack of research. For the present discussion we can accept this assumption and go on to look at the rest of his position.

¹⁷⁵In the doping dilemma the "dope" and "no-dope" options correspond to the "confess" and "not confess" options in the standard prisoner's dilemma; see Luce and Raiffa (1967) for further information.

Breivik assumes that the players are rational and are trying to maximize their own utility and will therefore choose the most powerful principle of choice, "the dominance principle" as defined by Nozick (1981: pp. 118-119). Breivik describes the dominance principle as

among those actions available to a person he should choose the one that, whatever the other player does, gives him a better utility than he would have gained by any other action. (1987: p. 88)

Thus, each is individually better off choosing to confess but in so doing they only reach their third best outcome. They would both have been better off choosing to cooperate, which means this solution is not "Pareto-optimal."¹⁷⁶ What is required is coordination to agree to "not confess" to reach the next best outcome for both. But this cooperative solution is always unstable, as Breivik points out, because the desire to reach the best outcome by breaking the agreement always exists (1987: p. 88).

Before we look at Breivik's analysis it is worth pointing out that the different preference rankings Breivik discusses can be seen as different valuations of varying aspects of sport. We earlier spoke of sport as a physical contest that takes place within the limits of its rules. We have also discussed the limit pushing nature of sport, both the pushing of personal limits and the pushing of the limits that bound the humanly possible. Breivik's "Lombardian" and "Machiavellian" player value victory in the contest as the most, if not the only, valuable outcome in sport, and they are

¹⁷⁶That is, there is no other outcome in which both players simultaneously do better (Breivik, 1987: p. 118).

disdainful of the process (the game played within its rules), of achieving victory. I will argue, below, against this position in my discussion of the relationship of victory to the process of attaining it. The "Brownian" player values human exploration most highly. The "Coubertinian," like the "Lombardian" and the "Machiavellian," values victory, but unlike them only values it if it comes about as a result of a fair contest, and the "Naessian" is interested only in process, not in outcome. When I present my justification for choosing doping-free sport, I will, in effect, be arguing that the "Coubertinian" outlook is the one that best represents the intrinsic values of sport, and is, therefore, the most rational set of preferences to adopt, if one cares about those intrinsic values of sport.

3.3.1. THE LOMBARDIAN PLAYER

The first matrix Breivik presents he calls "The Lombardian Game" (1987: p. 89; 1992, pp.237-237). The reason, of course, for this title is the famous slogan from the Green Bay Packers' football coach, Vince Lombardi, "Winning isn't everything, it is the only thing,"¹⁷⁷ indicating that winning is the highest preference. Figure 7.2 below is the matrix used by Breivik for this preference ranking.

¹⁷⁷Lombardi the coach may have inherited this lust for victory from Alboin an early Lombard king and his wife Rosamund. Alboin used his father-in-law's skull as a drinking cup, Rosamund took her revenge, as legend has it, by murdering him in 572.

Figure 7.2: The Lombardian Game

	B no-dope	B dope
A no-dope	(3,3)	(1,4)
A dope	(4,1)	(2,2)

Using the same key as for Figure 7.1, the most preferred outcome is doping when one's opponent does not dope. The second best outcome is an all no-doping situation, according to Breivik, due to reduced costs and risks. The third best outcome is an all doping situation, which Breivik maintains is as fair as an all no-doping situation. The worst outcome is not doping when one's opponent does dope.

Lombardian players face a genuine prisoner's dilemma, in that, if two Lombardian players act in order to maximize their individual self-interest, both will end up with their third best preference.

Breivik's analysis of the Lombardian game runs as follows:

the Lombardian preference ranking is a crucial one and if one wishes to eliminate doping, one has to eliminate the Lombardian players, force them to play non-Lombardian games, or strive for the optimal no-dope, no-dope outcome...Experimental studies have shown that players tend to cooperate more to get the best strategy (Hamburger, 1979: p. 229). In sport, however, there is a continuous change of opponents, making binding mutual agreements and cooperation difficult to obtain. Therefore, there would probably have to be an additional regulation prescribed by coaches, leaders, and sport organizations forcing the players to some degree, controlling them, punishing them for rule-breaking and so on. Such a regulation may be necessary for other reasons as

well. In many respects, top-level athletes are like top-level climbers "expedient, evaders of rules" [*sic*], people who "feel fewer obligations and are often casual". They also seem to be "assertive, independent, stubborn and tending to be disregards of authority, in fact, on the latter, a law unto themselves" (Gray, 1968: pp. 26-27). Free cooperation among athletes would hardly be enough to stop doping. Other measures, such as strict doping controls, would have to be taken in addition. (1987: p. 89)

I will discuss, below, Breivik's strategies for dealing with the Lombardian player as one strives to eliminate doping. For now it is worth pointing out the assumptions that lie behind the Lombardian preference ranking. The most important assumption is that victory is the most important outcome, and that it is valuable irrespective of how achieved. This leads one to ask why victory would be valued in this way. As I will argue later it makes sense, for reasons internal to sport, to value victory that comes as a result of playing better than one's opponent, but the Lombardian view of victory leaves open the way the victory is achieved. Sporting merit may or may not enter into it. But, if the rewards of Lombardian victory are not internally related to the sporting contest, they must be external to sport. Presumably the Lombardian player values victory in sport because that victory brings external rewards, like fame, money, recognition and so on.¹⁷⁸ This view of victory has important consequences for the position I will defend. In the first place it will be idle to expect that I could produce reasons internal to sport to persuade a Lombardian to

¹⁷⁸It might be argued that the Lombardian just wants to win. But this is a puzzling suggestion because we can see why someone might want to win a fairly played competition where winning indicates the exhibition of greater skill. We can also see why someone might want to win for the external rewards. Why would someone want to win if it were for neither of these reasons? If no reason is giving for wanting to win, it is not clear how such a desire could be rational.

prefer doping-free sport. Valuing victory the way they do, Lombardians will simply see reasons for acting that are internal to sport as irrelevant to their interests. Second, the Lombardian position relies on the fact that the external rewards of victory are bestowed on victories however achieved. If only "good" victories (victories that came as a result of superior play on the day) were rewarded, Lombardian preferences would coincide with Coubertinian preferences.

When I present my defence of doping-free sport I will argue that, if one cares about sport, one can only care about victory if it comes as a result of superior play in a fair contest. I will also argue that the sporting community should make every effort to ensure that the rewards of victory, as far as possible, only accrue to those who win their contests fairly.

The second assumption of the Lombardian position is that doping has negative aspects. This assumption can be cashed out in two ways. It may refer to the fact that, because doping is currently banned, there is always the possibility that one might get caught, and if one does get caught one may be stripped of one's victory. (Of course, this consideration would not apply if doping were not banned.) The assumption that doping has some negative elements could also be related to the idea that doping either has negative health effects, or brings risks of harm. I will look at this idea in more detail below.

3.3.2. THE MACHIAVELLIAN PLAYER

The second game matrix Breivik presents is what he calls "The Machiavellian Game" (1987: p. 89). Breivik claims that in this structure there are stronger preferences for doping than in the Lombardian game. This results in the all-doping situation as the second best alternative.

Figure 7.3: The Machiavellian Game

	B no-dope	B dope
A no-dope	(2,2)	(1,4)
A dope	(4,1)	(3,3)

Breivik claims that in the Machiavellian game "both winning and the use of all effective means are calculable" (1987: p. 89). (We will attempt to see precisely what this means below.) He bases this description of the Machiavellian attitude on the slogan "If it's under W for Won, nobody asks you how," from Leo Durocher, a professional baseball manager. Breivik's analysis of this game is that there is no optimal no-doping situation and that both players will choose to dope hoping the other won't dope, making dope, dope (3,3) an equilibrium. Thus, it would be difficult to get the adoption of a no-dope strategy without help from an external enforcement agency (1987: p. 89).

There are some problems with Breivik's analysis of the Machiavellian player. First, it is not clear how Breivik gets a different preference ranking from the Durocher slogan than from the Lombardian slogan. Both of these positions value winning the most and both, according to Breivik's calculations, are willing to cheat to win, given that doping is against the rules.

If Machiavellian players act out of self interest they will get either what they want, their best outcome or their second best outcome. There is thus no real prisoner's dilemma. But the real difficulty with the Machiavellian position is in understanding why the dope/dope outcome is preferred over the no-dope/no-dope outcome. We saw, above, that the Lombardian ranking relied on the idea that doping was somehow negative. For the Machiavellian, therefore, doping must be somehow positive. It could be that doping is, in some sense, "game-productive" (we will look at this idea in more detail when we look at the "Brownian" player) that is, doping enhances the game or sport in some way. But it is not clear why this would count as significant for the Machiavellian. Such a player's sole goal is victory, so the quality of the game is irrelevant. For the Machiavellian, the means of attainment are significant only in that a victory too dearly won, could turn out to be Pyrrhic. The game-productiveness, or otherwise, of doping is immaterial for the Machiavellian.¹⁷⁹

¹⁷⁹It might be argued against my position that perhaps the goal is not just victory for the Machiavellian, but victory at the highest level made possible by doping, which might make it game-productive. If the Machiavellian could care about game-productivity, his or her preferences would then be like that of the Brownian player, who values doping because it could assist pushing personal limits. This is a challenge to my position, I will

It is similarly unhelpful for the Machiavellian to assume, contrary to the Lombardian, that the risks of harm of doping are negligible. If the risks were truly negligible the Machiavellian would be indifferent between the dope/dope and the no-dope/no-dope scenarios.

One might try to argue that, because of the overwhelming importance of winning for the Machiavellian, he or she must feel that all possible steps have been taken to achieve victory. On this account the Machiavellian cannot countenance failing to dope, for it would indicate a failure of the will to win. But this says nothing about the Machiavellian's opponent. If only victory is important, then how hard one's opponent strives for victory is irrelevant. If the Machiavellian prefers a contest where both opponents take all possible steps for victory, the Machiavellian is beginning to show an interest in the process of attaining that victory. If one's only concern is victory and its rewards, it does not matter how worthy one's opponent might be, or how hard he or she might strive, one just wants to win. The Machiavellian who cares about the worthiness of an opponent is beginning to look dangerously, and inconsistently, like a type of Coubertinian.

What I am attempting to show is that the Machiavellian preference, as described by Breivik, does not make sense, that it is irrational. I will not, therefore, spend much time, as I try to argue in favour of the no-dope/no-dope position, on

argue below in my discussion of the Brownian player that doping is not game-productive.

Breivik's Machiavellian. Insofar as the Machiavellian is irrational he or she is impervious to my arguments; insofar as the Machiavellian is rational, he or she will be better dealt with under one of the other preferences. It is worth pointing out that Breivik drops discussion of the Machiavellian from his 1992 paper.

3.3.3. THE BROWNIAN PLAYER

The third matrix Breivik presents is called "The Brownian Game," based on the position put forward by W. M. Brown in the articles discussed in Chapters Three and Four above. In this matrix the preference structure is based on a combination of fairness and exploration which also leads to doping, according to Breivik (1987: p. 89; 1992: p. 239). He quotes the following passage from Brown to explain this preference structure:

Should we place limits on who may perform and how? My answer is, with one proviso, not at all. But should we not restrict the use of *some* drugs, or blood doping? No, in no way whatsoever. But isn't that unfair? Yes, possibly, as I indicated before (and this is my proviso), if the use of any substances or techniques is restricted to some, or kept secret and hidden. I welcome, then, research into the use, effects, and detection of whatever drugs, processes, and techniques are available and the wide dissemination both of them and of information gathered about them. (Brown, 1980: p. 22)

Breivik uses the following matrix for the Brownian player's preference ranking, with the provision that fairness is more important than exploration. Exploration means using any means to push one's sporting limits.

Figure 7.4: The Brownian Game

	B no-dope	B dope
A no-dope	(3,3)	(1,2)
A dope	(2,1)	(4,4)

According to Breivik, in this game, if one follows the maximin principle--"that among the possible strategies in a game one should choose the strategy leading to the best possible outcome in case the worst happens," one is led to an all-doping situation (1987: p. 90). But, once again, this has to be traced to the preferences of the individual players; it is not part of 'the game.' (One could work out what happens when a Lombardian player meets a Brownian player, etc. and Breivik does this in his latest article.) The reason for this preference is the exploration principle from the quotation above from Brown, which for Breivik means that "the dissemination of doping, experiments, information-gathering and so on, are valuable ways of expanding our knowledge of the human body and its capacities"(1987: p. 90).

The second best outcome is the all no-doping situation, due to the superiority of the fairness principle for Brown (which is not the case for the Machiavellian player as we saw above). The third best outcome is for players to dope when their opponents do not, and the worst situation is where players do not dope but their opponents do dope. Breivik claims this is due to the relative importance of winning, and in an

unfair situation it is better to have the advantage than not (1987: p. 90). It is important to note that Breivik claims that the Brownian doping game has no dominant strategy.

The Brownian player ranks exploration as the most important of the goals of sport. As such, he or she closely fits the Olympic motto of *citius, altius, fortius*. On this account doping is assumed to aid in the exploration and thus be "game-productive." The conclusion then, is that the Brownian player would prefer the dope-dope outcome.

The Brownian player presents a serious problem for the position I wish to defend. Doping is being defended on the grounds that it enhances what is taken to be the most important goal of sport—human exploration. I will try to meet this challenge head-on, for what I will try to argue is that doping is not game-productive; that it does not enhance the intrinsic values of sport. I will argue that the exploration that takes place in sport, takes place within a context and within limits, that context and those limits being the artificial constraints of the agreements to subscribe to the rules of the games concerned. I will argue that it is not only morally permissible, but also prudent and consistent with the intrinsic goals of sport to limit oneself to explorations that exclude doping.

Brown himself may also offer some support for this view, for the picture Breivik has painted of the Brownian player is somewhat one-sided. In "Prudence and Practices," Brown introduces the notion of the "prudential athletic life" (1990).

The prudential athletic life (PAL) as described by Brown depends heavily on two related considerations. The first is Derek Parfit's *"The Requirement of Equal Concern: A rational person should be equally concerned about all parts of his future"* (Parfit, 1984: p. 313). Brown describes this requirement as one which pushes us to "consider the issue of well-being in our lives to be time neutral: Our well-being when old is equally important as our well-being when young."¹⁸⁰ The second consideration Brown presents relies on discussions by Norman Daniels on keeping one's options open (Daniels, 1988). This outlook

requires us to keep in mind that at later stages of our lives we may well have different projects, different allegiances, and different priorities and values, and we will then also need to call on our abilities and resources to satisfy the demands of these stages...We cannot, prudentially, commit all now with no thought to what prospects and projects we may then face, ones likely to be quite different from those that entice and fulfil us now and yet every bit as alluring. (Brown, 1990: p. 78)

Brown says that the most serious problem facing those who wish to lead a prudential life in sport is the element of risk. The cautious prudential perspective,

¹⁸⁰Brown's point, which is based on Parfit's requirement for equal concern, is one of rationality. Of course, there are many examples of elite and professional athletes who are perfectly willing to sacrifice their future selves for current rewards. Presumably Brown and Parfit would respond to these examples by saying so much the worse for them since they are not acting rationally.

which "forgoes extremes with an eye to later enjoyments," clashes with the important risk element of many sports. The problem is, according to Brown, that to seek to eliminate the risk elements "is to eliminate some of the very features of the sports that draws people to them," and may well result in the elimination of the sport itself, e.g. alpine skiing (1990: p. 78). Picking up on his discussion of MacIntyre's "internal" and "external goods" distinction, as discussed in Chapters Two and Four, Brown points out, correctly, that with the elimination of some of these risks, we also eliminate the goods of these sports as well, "the excellences required to meet and overcome dangerous challenges with high levels of hard-won skill and courage, and the payoffs of adulation, fortune, and self-knowledge" (1990: p. 80).

Brown is suggesting that it is possible that some of the virtues associated with sport, e.g., courage, autonomy and self discernment, "are not won without the challenges of activities that inherently involve considerable risk." Further, gaining these goods may enhance later stages of life, thus affecting more than current well-being (Brown, 1990: p. 80). The risks are kept in check by PAL because it requires one not jeopardize one's athletic capacities and talents through injury or misuse. Consequently,

we must, if we are prudent, carefully select sports (or change them) so as to maximize the probability of our achievement of their goods and minimize the threats to long-term participation by injury or burnout...Even if we do not value sports when young, we are obligated by prudence to develop our talents and capacities sufficiently to allow for later changes in our values and life plans...This has the further implication that, if we are prudent, we must maintain some minimal level of health and fitness compatible with the possibility of lifetime participation in sports. (Brown, 1990: p. 80)

These types of decisions are very complicated because they are very personal and depend on things like current health, risk probabilities, and the goals and values of the individuals. It is due to this complex nature of these personal decisions that Brown thinks that MacIntyre's internal/external good distinction does not help much because we are "faced with choices affecting a lifetime that begins with the realities of the lottery of life" (1990: p. 82). Brown's focus is on the weighing of harms and benefits that each athlete must do as he or she decides whether or not to participate in some risky sport. As I will argue later, there is also the possibility that some of the risks of sport can be eliminated without the loss of what is important in sport.

At the end of this article Brown draws the conclusions he thinks follow for the issue of doping in sport.

These conclusions have important negative consequences for reflections about performance-enhancing drugs. They suggest that nothing in a conception of sports as practices involving various goods, nor in our efforts to limn the contours of a prudential athletic life span, entails the prohibition of such substances. At most, if one is prudent, one will be wary of anything that may jeopardize one's lifetime in sports activity and the goods that may accompany it. But then one will also be wary of many of the sports themselves whose dangers, costs, or low prospects of benefit require them prudently to be avoided. Moreover, these reflections also suggest that a prudent life in sports, or elsewhere, is not necessarily a good one and that if prudence is to have a role in our lives it must be because it serves other values, the realization of which does promote a good life. (1990: p. 82)

This means that, for Brown, prudence is an instrumental virtue, not a virtue for its own sake and each decision by each person on each substance or practice, will have to be made on its own merits and risks. I will attempt to respond to Brown below when I try to show that MacIntyre's view does enable us to single out some practices which

are non-game-productive, and that prudence will mandate these as unnecessary (to the game) risks.

The decisions on restrictions can extend beyond doping. For example, athletes could decide that brainwashing, training three times a day, etc., are not prudent practices. If athletes are encouraged to reflect on PAL, it does not matter if they significantly change the face of current Olympic sport as long as what is valuable and essential to sport remains. This means that the matrix Breivik constructed for the Brownian player would only apply to situations where the athletes do not subscribe to PAL. If athletes did subscribe to PAL, any doping practices that would violate it would result in the same preference ranking as that of either the Coubertinian or the Lombardian player, and thus, an all no-doping outcome would be the best choice.¹⁸¹

3.3.4. THE COUBERTINIAN PLAYER

Game playing where having a fair and exciting contest is more important than winning is referred to as "the Coubertinian game" by Breivik.¹⁸² In this game, players regard all no-doping as the best situation and all doping as the second best situation if fairness in competition is maintained (Breivik, 1990: p. 238).

¹⁸¹As an aside, fewer doping practices would contravene PAL than are currently on the banned list.

¹⁸²Breivik cites Suits (1978: p. 74-81) for this position.

Figure 7.5: The Coubertinian Game

	B no-dope	B dope
A no-dope	(4,4)	(2,1)
A dope	(1,2)	(3,3)

According to Breivik, because an underlying premise in this game is that it is better to suffer injustice than to do injustice, the next worst situation is one where I do not dope and my opponent does. The worst situation is when I dope and my opponent does not. I will give more detailed comments on this preference ranking below. In particular I will argue that an understanding of the intrinsic values of sport, provided one cares about those values, will lead one to rank the no-dope/no-dope and dope/dope scenarios in the way the Coubertinian player does.¹⁸³

3.3.5. THE NAESSIAN PLAYER

"The Naessian Game" is the last two person preference ranking identified by Breivik. It is one where athletes value the process as the only important thing and the result is worth nothing (1992: pp. 239-240). In this stable game there is a dominant all no-doping strategy.

¹⁸³This analysis assumes that a rationally self-interested agent can pursue intrinsic as well as extrinsic goals.

Figure 7.6: The Naessian Game

	B no-dope	B dope
A no-dope	(4,4)	(3,2)
A dope	(2,3)	(1,1)

Breivik claims that "if the elimination of doping was the main problem in sport, one should try to influence all the players to adopt a preference scale of this type" (1992: p. 240) because his analysis of some n-person games lead him to the conclusion that "in a population of Naessian athletes no-doping would be a dominant choice for all and no coalition with doping as strategy could form and be viable" (1992: p. 249).

Breivik bases this matrix on the Norwegian philosopher and climber, Arne Naess, who "thinks that the way you climb and the process of climbing are what matters. To reach the top is of no importance and uninteresting" (1990: p. 239). This view represents an interesting development in the history of climbing, and a development that may be instructive. Mountain climbing, in its early stages was closely allied to the urge to explore. At that time, the only way to reach the summit of a mountain, to go where no-one had gone before, was to climb it. We are no longer in that situation; not only have people now scaled most mountains, but there are often alternative methods of reaching the summit. The goal of reaching the summit is now inextricably linked to how one does it; the outcome is tied to the process. One

could now "fail" even if one reached the summit, if one used oxygen, or took an easier rather than a more difficult route and so on. (Similar things have happened in, for instance, polar expeditions. Now we can get to the poles by snowmobile, the challenge is to get there on skis or mountain bikes.) This change is instructive for other sports, in that it directs our attention to the connection between process and outcome. For instance, we may take the view that the interesting sport in bicycle racing has to do with the extent to which humans can power vehicles, rather than the technological developments of the bicycles themselves. Bicycle racing could well be better sport if the contestants used the same equipment.

If Naessians and Coubertinians play each other they have no prisoner's dilemma. Neither has the inclination to dope first, so their contests will be fair and dope-free. The problem, of course, arises when they meet players with other preferences. What they need is protection. My challenge is to show that it is reasonable to want dope-free sport and that the protection needed in order to preserve it can be maintained at a morally acceptable cost. Before we look at my defence of this position let us examine Breivik's proposed solutions to the doping dilemma.

3.3.6. BREIVIK'S STRATEGY TO SOLVE THE DOPING DILEMMA

Before we look at Breivik's suggestions it is worth reiterating that he has not presented an argument in favour of any of the preferences he has discussed. What he is attempting to do is to find the best outcome, given players with the preferences he

has described. His strategies for solving the doping dilemma accept the preferences outlined above. I will argue below that some preferences better fit the practice of Olympic Sport than others, and that athletes have good reasons to adopt some preferences over others. This will lead to rather different strategies than Breivik's for solving the doping dilemma.

In Breivik's earlier article (1987) he attempted to provide a solution to the doping dilemma with the following strategy (he does not change his position significantly in his latest article (1992)):

- (1) Try first to eliminate doping using vigorous checks and controls.
- (2) Start in top-level sport.
- (3) The initiative will not come from the athletes or coaches; it must, therefore, come from top leaders and international organizations.¹⁸⁴
- (4) Only force can stop the Lombardian and Machiavellian athletes from using doping in the present situation. Therefore one should use thorough controls and severe penalties.
- (5) Check the controllers by international inspection.
- (6) If, in a certain time, say ten years from now, doping is still a problem, then adopt the second strategy.¹⁸⁵
- (7) The second strategy is to legalize doping. This does not mean that doping may not be immoral, unhealthy etc.
- (8) Each individual athlete must decide for himself if he wants to use doping. He himself must take on the responsibility and the costs.¹⁸⁶
- (9) The consequence of following this strategy may be the formation of different organizations, games, competitions etc.
- (10) In the long run, one might want to return to no-doping after a period of exploration, experimentation, and information-gathering about doping.

¹⁸⁴For example, it would come from the IOC.

¹⁸⁵Binkley, and others, have suggested that alternatively, one might cancel the Olympics or suspend them for 10 years to see if that has any effect.

¹⁸⁶Presumably, this means more than just paying for one's own dope.

- (11) As we have already seen in some sports, such as climbing, the ultimate goal in sport may be to accomplish more and perform better with fewer and simpler means. Perhaps not only doping but also much of the complicated equipment will disappear.
- (12) The legalization of doping does not necessarily lead to an increase in the use of doping. It may lead to a decline. The history of doping may just have begun or we may be at the beginning of the end. (1987: pp. 93-94)

Further to this earlier proposal, Breivik adds, in his latest article, what would happen in a population of modern athletes in n-person games.

There are two equilibria, no dominant strategy, and two critical phases. There is a tendency towards a doping strategy. Only for a certain number of athletes using a no-doping strategy, a coalition is viable. The coalition is however unstable until it reaches a certain size. From there on it will be stable since no-doping will then become increasingly attractive. In the first expanding phase, defecting from the coalition is profitable (1992: p. 249).

As pointed out earlier, the suggestion of a coalition must cope with the problem of trust. Breivik briefly cites Parfit's four moral solutions to the lack of trust and the selfishness of the actors in prisoner's dilemma situations (Parfit, 1986: p. 64):

First we might become more trustworthy. Second we might become more reluctant to be free-riders. Third, we might become Kantians believing that there are norms and moral laws that are absolute and should be made a part of our conscience. Fourth, we might become more altruistic. (1992: p. 250)

But Breivik does not analyze or embrace any of Parfit's solutions, he simply concludes that "Parfit maintains that moral solutions often are the best solutions and the only attainable solutions. That means that moral motives must become stronger and more widespread" (1992: p. 250). Presumably, to make moral motives stronger we need to produce an argument to justify them and this has been the challenge of this entire study. Breivik does not present such an argument.

Another solution that Breivik mentions is the "Tit for Tat" strategy which he believes "may evolve in top level sport at least if sport competitions are organized in certain ways (1992: p. 250). This, surprisingly simple strategy--one never defects first, and always punishes a defection with a defection--is not new and is well known in game theory.¹⁸⁷

The paradox of prisoner's dilemmas is that the model of rationality that views rationality as the maximization of individual self interest is incoherent. Following the strategy of maximizing individual self interest, in certain not too uncommon situations, leads to self defeating behaviour. Acting "rationally" on this account is contrary to your self interest. These actions are directly self defeating. We will analyze this strategy in more detail below, taking into account how it would work with players with differing preferences.

Breivik's closing point is about the use of game theory in the doping problem:

Game theoretical analyses can include coaches or whole groups or "systems" in the notion of a collective actor. Suppositions about morality or non-morality can be built into the analyses through the ordering of preference structures. Gauthier (1987) in his contractarian theory of morality starts with the non-moral selfish actor and then "builds" morality into the contract situation as constraints that change the preference structures. In a similar way future game theoretical analyses of doping should "build" both the constraints of morality and the constraints of doping controls into the preference structures. The payoffs of a strategy will change when I change my morality or when heavy controls are introduced. This should be analyzed in a more precise way in the

¹⁸⁷Axelrod, for one, has extensively evaluated the tit for tat strategy in The Evolution of Cooperation (1984).

future. Only then, we may have a rational and effective anti-doping policy.
(1992: p. 251)

Thus Breivik's conclusion in his later article is consistent with his earlier position with the addition of the issue of changing the athlete's morality. The question of why the athlete's morality should be changed is not addressed by Breivik.

There are some additional problems with Breivik's earlier solution listed above. First, to wage a war to try to eliminate doping using vigorous checks and controls (as outlined in (1) above), is a losing proposition because it has become a battle between scientific laboratories, not one between athletes and the authorities as Breivik claims.¹⁸⁸ This is what is currently happening and the athletes are just pawns in the battle. The best way to deal with doping is through legislation, testing and education that will allow athletes to make informed choices and by giving them the power to do so. Unless governing authorities also make it clear that certain behaviours are unacceptable and explain why, education aimed at causing behavioural change at the grass roots level will be limited, because the rules committees also have an effect on the grass roots level. The kind of education program required is tied to "informed assistance" from supporters of the Olympic movement; the content of which will be explained below in Chapter Eight.

¹⁸⁸This claim is not like claims that wars are between armaments manufacturers, not soldiers; where the soldiers are the ones who use the arms, after all, and are prominent at least among those who are killed by them. For this comparison to work the manufacturers would have to be out on the field with the soldiers explaining and advising every step of how to strategically plan and use the armaments.

Second, starting at the top level in sport (as suggested in (2)), is inadequate. By the time the athletes reach this stage they have already developed characteristics and beliefs that will be difficult, if not impossible to change. Thus, the place to begin the education is with children. This does not mean that we should abandon the present generation of athletes to their fate. They would also have to be involved. The appeal must be a combination of references to the intrinsic value of sport, and the self-interested adoption of a co-operative solution to the dilemma faced by Lombardians.

Third, having the initiative come from the top leaders and international organizations like the IOC (as suggested in (3)), is likely to fail because they do not have the trust and respect of the athletes. One reason for this mistrust is the perks that the sport-governing bodies shower on themselves while forcing most of the athletes to survive in Spartan conditions. Most athletes believe that they survive in spite, rather than because of, the sport-governing bodies. Further, the initiative should come from the grass roots, the athletes themselves, because they believe in it and not because it is being forced on them from on high. They must "own" it, or no substantial change will happen.

Fourth, the claim that only force will stop the Lombardian and Machiavellian athletes, as described by Breivik, with the use of thorough controls and severe penalties (as suggested in (4)), betrays a misunderstanding of the problem. As suggested above, the reward system favours Lombardians; if we want to eliminate

Lombardian players then we should change the rewards in the current system,--if not then it would be hypocritical at the very least to suggest that we force (which implies coercion) and penalize Lombardian players to accept non-Lombardian rules in a Lombardian game. This change is not just done by taking away the medals of the few athletes caught doping. I will suggest how this change might begin from a positive, rather than a punitive, perspective below.

4. THE WAY AHEAD

My intention in this section is to defend two separate, but related claims. The first is that, given that athletes are in the sort or situation that Breivik describes, and given that they have the sort of preferences he has outlined, it would be rational of them to act in a co-ordinated way to achieve the outcome that satisfies the greatest number of their preferences. As we will see, this would lead to the adoption and enforcement of a no-doping policy. I will also argue that enforcement that springs from a rational choice such as this will not run into the problems of invasion of privacy faced by enforcement of rules imposed from without.

But, as I have pointed out earlier, a solution that relied on satisfying existing preferences would be philosophically unsatisfying. People can, and do, want all sorts of things they have no good reason to want. For a co-ordinated, consensual, no-doping position to be philosophically interesting, rather than just the outcome of

unanalyzed preferences, there must be reasons to prefer no-dope/no-dope, to dope/dope as the outcome. The second part of my argument will attempt to show that athletes should, provided they are both prudent and care about sport, prefer the all no-doping outcome.

4.1. ATHLETES CHOOSE

The situation that individual athletes face, according to Breivik's analysis, is that for many of them, although they would prefer not to dope, they have to do so to prevent an even worse outcome. The result is a situation very few people want. There are three steps athletes need to take to solve the dilemma they face. The first is to work out the outcome that is desired, perhaps the one that would satisfy the greatest number of first and second preferences. The second is to co-ordinate actions to achieve that goal, and the third is to provide the necessary assurances that people are acting in the way they agreed.

Given the preferences that Breivik has discussed, the outcome that would satisfy the greatest number of preferences is no-dope/no-dope. This is the first choice of both the Coubertinians and the Naessians. It is the second choice of the Lombardians, but as their first choice is unattainable (that each Lombardian dopes while others do not) they should be satisfied that they get their second rather than third preference. On this account, one that seeks simply to maximize rather than evaluate preference satisfaction, the Brownians do not present much of a problem.

They should be outnumbered, and, given assurance mechanisms, they will be faced with the choice of conforming or breaking away and forming their own competitions. (For my account the Brownians are a problem, for I wish to show that the athletes ought to prefer the no-dope/no-dope situation. I will present my argument below.)

The second difficulty is that of co-ordination. At present athletes act in isolation and are unable to make the decisions and take the actions required to bring about the no-doping scenario. The first practical step is that athletes be encouraged to organize into representative groups that have the authority to act on behalf of athletes as a whole. However, this step is not a necessary condition for my argument to work as a rational justification for banning certain substances and practices.

One important difference between this proposal and the current situation, is that athletes will decide what agreements they will undertake and athletes will have the power to request assistance from the IOC; the IOC will not impose its agreements and enforce its bans. For, of course, the change in values and actions I am suggesting is not something to be enforced by a ban, but rather something to be embraced through an attitude. An attitude that comes only after true ownership of the agreement is reached. This would mean a very big change from the current situation, where the rules are imposed from outside onto athletes. This solution would mean that the athletes would choose the rules they want to follow themselves.

Some might argue that the athletes already do this to an extent when they enter the agreement to participate in the sport. But, just as happened with amateurism, there are athletes, coaches, and countries that do not take the agreement not to dope seriously. They believe the request for this agreement is hypocritical and many do what they believe everyone else is doing. The only way the athletes can effectively bring about change, is with the wholehearted and committed support of the IOC and other sport-governing bodies. I will argue in the final chapter that those who care about sport should be more than willing to provide that support.

But rational choice and co-ordination are not by themselves sufficient to bring about the change required. Unless compliance is assured, and until we have rejected as empty the rewards that come from victories unfairly gained, there will continue to be a strong temptation to break the agreement. It is here that the significance of the athlete driven agreement comes into play. In the first place, because athletes themselves should have good reasons to decide not to use certain drugs and practices, they are more likely to adhere to the agreement. Second, athletes should choose to voluntarily limit their personal privacy in the ways that are required to guarantee compliance. It is one thing for state agencies, or sport-governing bodies to insist on random-unannounced-out-of-competition testing for a wide range of banned substances without good reasons, and quite another thing for athletes to voluntarily request random-out-of-competition testing for substances they have declared they do not wish

to use.¹⁸⁹ Thus, it would make sense for athletes to request the enforcement mechanisms required to assure compliance, a move which avoids the moral difficulties of imposing both rules and the methods of enforcement.¹⁹⁰

As an additional, and not incompatible strategy, some have suggested that the list should be changed from a "negative list" (i.e. a list of things one cannot use) to a positive list, a list of drugs and strategies that are permitted. The advantage of a move of this type is that a list of prohibitions implies that everything else is permissible, hence creating an incentive to develop new substances that are not yet on the list, or that cannot be detected.¹⁹¹ With a positive list there would be a reduced incentive to develop new methods of doping, because, in effect, the technological race for advantage in sport had been stopped. This suggestion could usefully be applied to the example of bicycle racing that we looked at above. One could remove the technological aspect of the sport of cycling by freezing bicycle technology at its current state. There could be Olympic sanctioned bicycles, one of which had to be used by competitors.¹⁹² While an approach of this type may be useful in some

¹⁸⁹The invasion of privacy could also be made less onerous if only training enhancers were tested for out-of-competition.

¹⁹⁰The insistence on the athlete owned and driven system of rule making and enforcement marks a departure from Breivik's position.

¹⁹¹Gert Wagner suggested something similar to this suggestion at the 1992 Annual Meeting of the Philosophic Society of the Study of Sport.

¹⁹²As a somewhat amusing aside, a similar approach was suggested by Monty Python in their sketch on the Olympic event of being swallowed by a crocodile. One competitor complained that foreign competitors were illegally smearing themselves with sauces

respects I am not sure how it could be enforced. In effect one would have to test for everything not on the permitted list, which would lead to dreadful practical difficulties.

What I have argued in this first section is that it is morally permissible and rational for athletes to decide to restrict the pursuit of athletic excellence in certain ways and to request the measures required to assure compliance. This permissible action would be reasonable to the extent that it satisfies the preferences of the players. But I think we need to go further. In the first place we have not evaluated the reasonableness of the preferences concerned. Second we have overridden the first preference of both Lombardians and Brownians. (While the Lombardians have no rational complaint, if they, and others pursued their first choice, I dope/you do not, they would end up with their third choice, dope/dope, the Brownians do, they have simply been outvoted. What if their position on the true value of sport is the right one--after all the Olympic motto is *citius, altius, fortius*.) What I intend to do is show that the no-dope/no-dope outcome is the one that should be preferred, on sporting grounds, by all competitors.

4.2. THE INTRINSIC GOODS OF SPORT

MacIntyre's discussion of the internal, or intrinsic goods of a practice, and their distinction from goods external to the practice has cropped up before in chapters Two

designed to tempt crocodilian appetites. His suggestion was the removal of restrictions on sauces or the requirement that all competitors use an Olympic sanctioned mayonnaise.

and Four. Here I would like to briefly recap and then expand that account, and then use it to show two things. The first is that doping is irrelevant to the achievement of the internal goods of sport, the second is that victory, while valuable, is only of sporting value if it is achieved as a result of more skilful play in a fair competition. The first of these points will answer the Brownian, while the second should go some way to answering the Lombardian.

MacIntyre situates his discussion of internal goods within the context of his conception of a practice as mentioned in Chapter Four above.

By a "practice" I am going to mean any coherent and complex form of socially established cooperative human activity through which goods internal to that form of activity are realized in the course of trying to achieve those standards of excellence which are appropriate to, and partially definitive of, that form of activity, with the result that human powers to achieve excellence, and human conceptions of the ends and goods involved are systematically extended. (1984: p. 187)

A practice creates the opportunity to acquire and demonstrate skills, it provides standards of excellence and criteria for judgments of excellent performances or practitioners. But while it provides those standards and criteria it is not static, for excellence in a practice springs from, and then modifies, a tradition. Excellent practitioners are constantly modifying and extending the range and depth of their practice.

On this account some sports, in particular those that are well-established, and that have strong followings and traditions, can count as practices. (MacIntyre gives as

examples of practices the sports of football and cricket and the game of chess (1984: p. 187;p.191)). Sports provide an opportunity for the exercise of human skill in ways that are defined by the sport. In turn, novel or excellent practitioners can go on to redefine what counts as excellence in the sport.

The goods that are internal to a practice are those goods that cannot be achieved in any other way, they are goods that are partially defined by the practice itself. As MacIntyre acknowledges, our vocabulary is restrictive when it comes to talking of the goods internal to a practice (1984: p. 188). This is unsurprising. Internal goods are, in a sense, essentially arcane and recondite, accessible to, and distinguishable by, only the aficionados and practitioners of the practice in question. (This should not be overstated, in North America there are a vast number of baseball aficionados, many of whom can talk with great passion and knowledge of their beloved sport, even though they could not come close to playing the game with any sort of skill. The arcane nature of the practice of baseball can readily be seen when a baseball connoisseur attempts to explain the mysteries of the game to one of the many who just cannot see the attraction.)

The internal goods of a practice act as their own rewards to practitioners and aficionados. For the player, the joy that comes with mastering a skill, with the perfect execution of a difficult play, or the elation at the end of a well-played game are the

rewards of the hard work, dedication and commitment that went into building up those skills in the first place. Nor could those joys be duplicated any other way.

This highlights the contrast with external goods. I was a rower, a sport I came to from track and field. While I might have achieved the external goods that come from a successful amateur sporting career, from success in either rowing or track and field, I could not achieve the internal goods of each of those sports from the practice of the other. The joy that comes from getting the stroke just right, and just right in harmony with the rest of your crew, when each member gets her stroke just right at the same time, cannot be exactly duplicated in any other sport. That is, the beauty of a well rowed boat is unique. So while I may get the external goods of money and fame from a variety of sources I can only get the joy of a well rowed boat from rowing.

While internal goods are recondite, accessible only to those initiated into the mysteries, external goods, are, by their nature, common currency. Just because external goods, such as wealth, comfort, fame and the like, are goods and can be achieved in a multiplicity of ways, their value is clear, and clearly shared.¹⁹³

¹⁹³MacIntyre, of course, is not alone in his discussion of this type of internal/external, intrinsic/extrinsic distinction. He himself refers to Aristotle (although without helpful footnotes or references). Aristotle's account of virtues depicts them as carrying their own rewards, rewards that cannot be achieved in any other way. (For a hint of this position see the discussion of the intrinsic good of truth-telling in the Nicomachean Ethics, (1127a13-1127b22). MacIntyre's discussion is also picked up and extended by Kekes, (1989).)

The evidence of actions motivated by intrinsic goals is far more common than we might imagine. The world is full of people who do what they do because they love it. These people are obvious, their eyes light up as they begin to talk of their passion. We find such people among volunteers, among the aficionados of any sport or game, among passionate hobbyists and even amongst the ranks of those who love their professions. We cannot explain the passion and dedication of these people without thinking and talking about the joy that their activity brings.

There is also interesting psychological evidence to back up this philosophical point.

Csikszentimihalyi, when surveying groups of people which included basketball players, chess players, rock climbers composers, surgeons and others, found that the goals and rewards they saw as most significant, the ones they consistently listed as first and second, were: i) enjoyment of the experience and use of skills; and ii) the activity itself, the pattern, the action and the world it provides (Csikszentimihalyi, 1975). These are the internal rewards of the activities in question. They were consistently seen as more important than the following, external rewards: i) development of personal/social skills; ii) friendship, companionship; iii) competition, measuring self against others; iv) measuring self against one's own ideals; v) emotional release; and vi) prestige, regard, and glamour.

4.3. THE IRRELEVANCE OF DOPING

We are now in a position to see why doping is irrelevant to the achievement of the internal goods of sport. The internal goods of sport are essentially linked to the acquisition and exercise of the skills of that sport. The skills of a sport are defined by the relationship between the prelusory goals of the sport and the rules that limit the ways in which that goal can be achieved.¹⁹⁴ One achieves the internal goods of sport through the exercise of its skills and through experiencing the world created and defined by the sport. In general, doping does not enhance the acquisition or exercise of sporting skill. What doping does is increase strength or endurance, factors which give the one who dopes a competitive advantage over his or her opponents (provided, of course, that they do not also dope).

This is easy to illustrate for relatively complex sports that require a high degree of skill. Take the example of ice hockey. In addition to, for example, skating and puck-handling skills, a hockey player has a competitive advantage over his or her opponents, given that the game is robustly physical, if he or she is stronger than they are. If a player were to take steroids and embark on an appropriate course of weight training, the competitive advantage that comes from strength would be increased. The player's skills would not be correspondingly enhanced. Naturally, if one's opponents

¹⁹⁴I leave aside the question of whether the prelusory goals of a sport or game can be specified adequately, independently of the rules that limit their achievement, for the conjunction of prelusory goals and the rules that define their achievement are what I am interested in here.

respond by also taking steroids the competitive advantage formerly gained, now disappears, and one is back at the original state of equilibrium. In a case like this steroid use singularly fails to help one achieve the internal goods of the sport of hockey.

The case is more difficult to make in extremely simple sports, but I think the point can still be made. Take, for instance, weightlifting. If the goal of weightlifting is to lift as much weight as possible, and skill measures how well one can do this, then steroid use would enhance one's skill. Weightlifting, as a sport, certainly has its roots in contests of brute strength. But we have moved some way from those roots. Weightlifting now has different weight categories, we are no longer interested just in the person who can lift the greatest weight, but in the relation between the weight lifted and the person's body weight. In addition, one does not simply lift weights, one has to lift them in a variety of specialized ways, ways that require the exercise of skill as well as brute strength. The point here is that the goal of lifting the greatest possible weight is tied to the means permissible for doing it. We are not just interested in lifting huge weights, but in lifting them in just this way. When we think of weightlifting like this we can see how steroid use is irrelevant. While steroid use may help one achieve the bare goal of lifting the greatest weight, and while steroid use may help one achieve the external rewards that come with competitive victory, it does not help in the acquisition of skill.

We now have an answer for the Brownian. The Brownian ranked personal exploration as the greatest good attainable in sport. On the Brownian position that personal exploration was enhanced by the "game-productive" nature of doping. The argument above demonstrates that the personal exploration that comes from sport comes not from the achievement of the goals of sport (at least not as defined in isolation from the means of achieving those goals) nor, as we shall see below, from victory, but from the exercise of sporting skills. One explores, and expands the self through sport as one masters its skills and unlocks its mysteries. Doping is therefore not game-productive, in that it does not enhance the acquisition or exercise of skills, or the understanding of the practice.

Against my position, it could be argued that sometimes what doping does is create the opportunity for the exercise of skill. For instance a beta-blocker may reduce anxiety, thus enabling a competitor in the biathlon to shoot more skilfully, or an "upper" may bring increased energy allowing a player to perform more skilfully at the end of a gruelling match or race. These uses of doping could be presented as game-productive, as they permit the exercise of skill. I think the response is tied to the connection between the skills of a sport, its goals and its rules, some of which define what will count as a contest and hence what will count as the proficient exercise of skill. Take, for instance, the example of the beta-blocker and the biathlete. The biathlon as an event tests two quite different skills, and compounds the difficulty of the exercise of each of them by making the competitor perform the two of them

without delay. To be a good biathlete one does not just have to be a good cross-country skier and a good shot, one must also be a good shot given that one has just skied. If beta-blockers allow one to exercise one's skill as a marksperson it does so by removing or minimizing the difficulty entailed in being a good marksperson immediately after one has strenuously skied. Now, one may argue that the sport of the biathlon would be improved if people could use beta-blockers, but that is beside the point; the use of beta-blockers, by changing the nature of the skill required to be a good biathlete, changes the sport. That is, beta-blockers do not make their users better biathletes (in that their skills in the biathlon are not enhanced) but rather it changes the nature of the contest, and hence the nature of the skills required to excel at it. Against my contention that beta-blockers change the skill that is tested, it could be argued that they operate in just the same way that increased aerobic training operates, i.e. allowing one to return more quickly to a low resting heart rate, thus enabling one to shoot with greater control. Interestingly enough, beta-blockers have now been abandoned by biathletes because the resulting low heart rate impedes one's ability to ski directly after shooting, which of course, reinforces my contention that the use of beta-blockers would change the skills the biathlon tests. Similar considerations apply for arguments intended to show that doping practices designed to enhance stamina are game-productive. They are not; rather, they change the nature of the contest, which changes the nature of the skills required to do it well.¹⁹⁵

¹⁹⁵This position is clearly related to the idea that a game is defined, and thus its skills are defined, through its rules and the way in which those rules are interpreted and practised.

We thus have a response to the Brownian, the next task is to answer the Lombardian.

4.4. VICTORY AND THE INTRINSIC GOODS OF SPORT

4.4.1. THE LOMBARDIAN MISTAKE

What I intend to argue is that Lombardians, if they care about sport, are mistaken to value victory without appropriate regard for the means of attaining it.¹⁹⁶ The Lombardian places victory as the highest good to be obtained from sport. This lust for victory leads Lombardians to flout the rules of sport and to cheat to win. One response to the ugliness of the Lombardian desire for victory is to suggest that victory is worthless and unimportant, Breivik's Naessian takes this view. But this approach is unsatisfactory to many who care about and practice sport; the will to win seems to be an essential element of a good sporting contest. But the will to win seems to lead to the Lombardian lust to win, with all its negative elements. What I wish to do is to show how victory in a sporting contest is important, and thus how it is important to want to win, but also to show how the concept of a victory in sport excludes the use of any means to win.

Victory may be important for its own sake, or it may be important for other goods it brings. If the Lombardian values victory, just on the basis that external

¹⁹⁶It may be open to question whether Lombardi, when claiming "winning isn't everything, it is the only thing", was condoning cheating to win or just "gamespersonship".

rewards accrue to victors, not the vanquished, then no argument that moves from the internal goods of sport will be convincing. In this case we will have to rely on some other factors to change the Lombardian's behaviour. The first is the Lombardian's self-interested motivation to escape the prisoner's dilemma. The second is the enforcement mechanism designed to provide assurance. The third, which we will look at in the next chapter, could come from the sport-governing bodies' attempts to tie external rewards more closely to excellence of sporting performances.

But there are good reasons, if one cares about sport, both to value victory, and to value it only as the outcome of a fair and challenging process. If a person performs an action for the sake of the extrinsic reward there is no good reason to perform the action properly, or well, or even not to cheat.¹⁹⁷ If the goal is the reward then the action is just a means, a means that can be shortened or bypassed whenever possible.

If one practices a sport for the external rewards it brings, then, provided that one can still gain those rewards there is no good reason not to use any means to achieve them. This, of course, is not so if one is motivated to take part in the sport for intrinsic reasons. In this case the use of any means does not make sense for one may not enhance the opportunity of achieving the goals that motivated you to play the game in the first place. Let us look at an example. If you are a member of the school football team because you like the attention it brings, and if you believe that you get

¹⁹⁷As was pointed out by MacIntyre in his discussion of internal and external goods.

more attention for winning the local championship, there is no reason at all, not to use any means, including illegal ones, to achieve your goal. If however, you view football as an opportunity to master new and complex skills, then in any match, you must view your opponent, not as a foe to be vanquished but rather as a partner in the joint project of mutually testing your skills. The Lombardian mistake is to fail to acknowledge that victory is only valuable when it comes as the outcome of superior skill. It is, of course, up to the rule makers to ensure that superior skill will generally win; for instance, that fouling superior players is punished sufficiently severely so as not to be worth while. If you value the exercise of the skills themselves, victory is only significant if it comes as a reward for more skilled play. There is thus, no possible reason to cheat, or to use certain substances or practices, for you rob yourself of the thing you sought to gain by entering the contest, the opportunity to show and extend your skills. This works for doping as it is currently cheating, but it also, given the arguments above, follows because doping does not enhance skill. Doping does not contribute to the intrinsic goods of sport and thus it would not be unreasonable to choose not to do it if one were seeking those intrinsic goods.

So far I have argued that doping is irrelevant to sport, so there is therefore no reason to choose to do it. What remains is to argue that there are good reasons to choose not to do it.

4.5. DOPING, PRUDENCE AND THE AVOIDANCE OF UNNECESSARY RISK

In our earlier discussions of Brown's concept of the prudential athletic life we looked at the view that a prudent athlete would seek to keep his or her options open for an athletic lifetime. A prudent athlete would not engage in activities that risked shortening, or otherwise limiting future athletic activity. The problem that Brown raised for this view was that many of the internal goods of sport can only be achieved through risk. Unless one trains to one's limit, unless one plays all out, one will not achieve sporting excellence. This is true as far as it goes, but it does not go far enough. Some of the risks are essential to the sport being practised. For instance, the risk of brain damage, is a necessary risk if one boxes. One cannot box without allowing the possibility that one will be hit, and hit hard and often enough to cause permanent damage. Obviously boxers can, and do, take steps to reduce that risk, but it remains nevertheless. As Brown points out, it is open to each boxer to decide if the potential rewards of boxing outweigh the risks of harm. (It is helpful to concentrate on the intrinsic rewards of boxing. If we begin to factor in the extrinsic rewards then we have to ask questions about a society that would countenance the giving of such rewards for pummelling a fellow human being senseless.) But, as I have been at pains to argue above, the risks that come with doping, and obviously these vary by substance, practice, amount ingested and so on, are not necessary in order to gain the intrinsic rewards of boxing.

Given that doping does not enhance the achievement of the intrinsic goals of sport, given therefore that it is irrelevant to sport, the prudent athlete needs little evidence of a risk of harm to rationally avoid it. For many forms of doping the risks are apparent. While these risks may be worthwhile if one thinks one can thereby gain a competitive advantage, or if one thinks the risks are necessary to achieve otherwise unattainable intrinsic goals, those risks may well be worthwhile. But as we have seen, doping fails to achieve the first goal because if everyone dopes the competitive advantage disappears, and it fails to achieve the second because doping does not enhance skill. Even in those cases where risks are not well documented the process of injection carries risks of infection, and our medical history has sufficient examples of drugs or practices thought to harmless that turned out to have terrifying side-effects. As there are no sporting advantages to be gained the prudent athlete will simply avoid doping as an unnecessary risk.

It might be objected that I earlier rejected an argument just like this in Chapter Three, so am I not now being somewhat inconsistent? I think I can avoid the charge of inconsistency. I earlier rejected the argument that doping should be banned because of the harm it caused. I rejected this argument on two grounds. One was that the argument was inconsistent, in that its proponents sought to ban doping on the grounds of harm or risk, but would not ban similarly harmful or risky sports. I said then that there was no suitably developed account of what would count as a risk that was inherent to sport, an admittedly risky enterprise, and which could thus be used to

distinguish bannable risks from those that should not be banned. In the absence of such an account the argument from harm could not proceed. However, even if such an account was forthcoming there still remained the matter of the harms that would be caused by bans. I argued that banning doping, and the imposition of the necessary enforcement, would result in intrusions into the freedom and liberty of athletes, unwarranted by the harm the bans sought to avoid. In my argument against doping I have answered both points. I have given an account of the intrinsic goods of sport which provides a mechanism for the determination of necessary and unnecessary risks in sport. Using this mechanism we have seen how doping does not enhance the acquisition of skill and is thus unnecessary.

I have argued that it would be rational and morally acceptable for athletes to choose to limit their own pursuit of athletic excellence, which would simultaneously remove the harm of imposition and diminish the degree of harm doping requires to be prudently avoided.

In conclusion then, athletes have good reasons to seek to avoid doping and to have it banned. In my final chapter I will argue that the IOC, the social agencies which support sport, and those of us who love it, should support such a decision.

CHAPTER EIGHT

CONCLUSIONS: PART TWO

1. COMMUNITY SUPPORT FOR DOPING-FREE SPORT

In the last chapter I argued that athletes have good reason to limit their pursuit of athletic excellence and to support the steps required to ensure it, and that this is morally permissible. In this, final chapter, I wish to demonstrate that the community has good reason to support athletes in a move towards doping-free sport. When I speak of the "community" I have two groups particularly in mind: the International Olympic Committee, their national counterparts, and the international sport-governing bodies; and the Canadian government agencies that fund and support sport (analogous considerations should apply to the governments of other countries). The arguments I produce will be directed towards showing that these two groups ought to attempt to support and promote doping-free sport. Those of us in the sport-watching and sport-loving public, should, I hope, have been convinced by the arguments in the last chapter that showed that sporting excellence, as demonstrated through the exercise of skill, would be unaffected by the absence of doping. Before we go on to look at why the IOC and government agencies concerned with sport should promote doping-free sport let me briefly review two different, but related positions.

1.1. FAIRCHILD AND "ABJECTION"

In Chapter Six, Section 2.2.3., we examined Fairchild's argument to justify banning doping that moved from the revulsion that was generally felt towards athletes who dope. Fairchild spoke of the way an athlete who is caught doping is abjected by society. Fairchild's justification for banning doping, in essence, springs from a social consensus that abjects the athlete who dopes.

I made a number of points against this position. First, the revulsion could be felt simply on the basis that one who dopes has, given the current rules, cheated. The revulsion could very well thus be targeted towards the athlete as one who cheats, rather than one who dopes. Obviously this reaction could not go any way towards a justification for banning doping. Second, a rationally undefended social consensus is slender support for anything. As I pointed out then, if social consensus can be used to justify social action, then we have the makings of a justification for racism and sexism. Against this the defender of social consensus as a justification in the doping issue will argue that doping is different from sexism or racism, because both of those can be shown to be morally wrong, independently of the consensus, and this is not the case for doping. But this move runs into the moral difficulties of enforcement. While it may be possible to use a social consensus to ground the morally indifferent action of banning doping, the social consensus does not carry sufficient moral weight to justify the restriction of athletes' freedom that comes with the enforcement bans require. Fairchild's arguments from social consensus and the abjection of the athlete cannot,

therefore, justify doping bans and their enforcement. There is another account which seeks to expand this idea of a social consensus.

1.2. LAVIN AND THE JUSTIFICATION FROM SOCIAL CONSENSUS

Michael Lavin, in "Sports and Drugs: Are the Bans Justified?" claims to present a "different kind of argument for the regulation of drugs" (1987: p. 34). Lavin begins his argument for restrictions on drug use in sports with the premise that we recognize the permissibility of imposing certain prohibitions in sports. The second premise of his argument is that we can apply a "test of pervasive disapproval" on which substances to ban and, if there were agreement, then regulations could be justified" (Lavin, 1987: p. 39). Lavin then claims that "some core set of ideals of sport covertly operates to favor the adoption of certain prohibitions rather than others" and "that these ideals do not involve morally impermissible ends" as premise four (1987: p. 39,41). Lavin concludes that "consensus often can do the work of reason" and that this consensus can justify the banning of drugs in sport.

In his article Lavin assesses current rationales given to justify the bans on drugs in sport. He argues that only two classes of drugs pose special issues to the sports world, namely, restorative and additive, not recreational. The two criteria Lavin uses to distinguish restorative and additive drugs are: 1) the ability to change "natural" peak performance; and 2) being a health risk. For Lavin, restorative drugs do not take athletes beyond their natural peak, but improve the health of unhealthy athletes. The

additive drugs take athletes beyond their natural peak and they do not improve the health of healthy athletes, but rather are a health risk.

Lavin does not attempt to define either "natural" or "health." As we have already seen, the restorative/additive distinction has serious problems. (See Chapter Six, Section 1.2., the discussion of Fost.) Recreational drugs, for Lavin, are those taken without medical supervision and may be illegal. Perhaps a better way of distinguishing the recreational from the non-recreational is to look at the reason for the usage, namely, that recreational use of drugs is not done for performance-enhancement. Lavin also looks at the drug and non-drug distinctions and finds it to be inadequate, just as Fost does. He then discusses the inadequacy of what he feels are the traditional reasons supporting the bans, namely, unfairness, danger and coercion. He rightly rejects these arguments.

Lavin's solution is partially based on Simon's concept of the ideal of sport. (The mutual quest for excellence through challenge, see Chapter Four, Section 3.2.) Although, Lavin claims there is no definitive ideal of sport, he also recognizes the need for an alternative to what he calls Brown's "pharmacological libertarianism", and feels that Simon's theory is worth building on. His solution is based on developing a method of justifying the imposition of prohibitions as an acceptable practice. Lavin claims that the banned substances have the common factor of public disapproval.

Lavin maintains that the unacceptability of substances that have public disapproval is determined by an intrinsic core set of ideals of sport that society maintains. But this ideal of sport is dynamic, hence as it changes so do the prohibitions of substances to reflect the new ideals. These ideals perpetuate society's moral standards and Lavin reasons that if the promotion of accepted and morally admissible ideals is defensible, the governing and banning of certain substances is also defensible. Hence, banning by virtue of an unwritten, unspoken, ideal of sport is an adequate justification of present bans. Lavin's proposal does not require consistency. In addition, by studying what is banned, one can determine the current, socially held, ideals of sport. The most serious problem with this suggestion is the lack of any rational grounding for such a social consensus.

Lavin seems to realize this problem when he claims that this set of ideals of sport are internalized and hard to vocalize. In the absence of an account of these ideals of sport one might be tempted to respond sceptically to Lavin. One merit of my account of the intrinsic goals of sport is that it provides a method of articulating the value and nature of sporting excellence, the mastery of sporting skills and the value of victory.

Lavin suggests that the way to decide what is to be banned, and what is morally objectionable, is to have a consensus. Although Lavin does not indicate a rational grounding of the consensus, he does indicate what would count as having a

consensus. First, the consensus should consider the interest and opinions of a broad cross-section of interest groups. It should reflect a widespread opinion and if there is an extensive rejection of the regulations, it should be determined that a consensus does not exist.¹⁹⁶ Second, substances that are banned should elicit a common dislike, indicating they are contrary to the current ideals of sport. Third, the regulation should be considerate of the history of the sport. By this, it is meant that the regulation should respect what is required for competition in that sport. When these elements of consensus are missing, Lavin claims that unhappiness with the regulations may exist and this could manifest itself in abuse of the substances banned.

Lavin's position provokes many questions. First, is the widespread opinions of diverse interest groups limited to those knowledgeable about or interested in sport, or does it include anyone? There are interesting variations:

Surprisingly, data reported by Vuolle and Heinila has clearly shown that interest groups differed significantly in their "permissiveness" with respect to doping in sport. Whereas there was almost unanimity against doping in sport when "youth was concerned", there was far greater laxity in the case of top level sport and competitive sport in general. The percentages of those of the opinion that doping be "not permitted in any circumstances" in association with top level sport were lower than expected and varied considerably indeed: coaches 53%; sport journalists, 54%; athletes, 60%; sport leaders, 62%; sport physicians, 81%; public at large, 82%. (Schneider and Butcher, 1991: p. 495)

If one took Lavin's view of justification, and a broad definition of the interest groups concerned with sport, one would have the imposition of unreasoned rules favoured by

¹⁹⁶This may have been part of the reasoning the IOC used when it decided to strike the amateur requirement from the rules of eligibility.

a large majority of those outside sport, on those who compete, far fewer of whom actually want the rules concerned. The advantage of the position I defended in Chapter Seven is that athletes would be rational to decide to impose limits, and more importantly, they have also been given the grounds for making the decision about the game-productivity of any doping procedure.

Second, Lavin's suggestion has no defence against inconsistency. His only criterion is that the substances or practices concerned should be disapproved of. Lavin may argue that inconsistency is not a problem for him because all he requires is that people agree they do not like certain drugs or practices. This is philosophically unsatisfying. In addition any appeal to fairness on behalf of the athletes may well demand consistency.

Third, whose history of the sport will be taken as the correct version to base the current bans? For instance, Gardner notes that

Reports of athletes using substances to improve performance date back as far as the third century. Greek athletes competing in the Ancient Olympiads used special diets and ingested mushrooms and a variety of herbs in efforts to enhance their physical abilities, (Finley, 1976). In Ancient Egypt the rear hooves of an Abyssinian ass, ground up, boiled in oil, and flavored with rose petals was the substance recommended to improve athletic performance, (Hanley, 1983). Knights injured in medieval jousts used stimulants in order to continue the contest, (Donohoe, 1986)...

In the late 1860's, the coaches of teams of six-day bicycle racers were widely known to be giving their riders a variety of substances in the hopes of increasing endurance and reducing fatigue. The French used *Vin Mariani*, a mixture of coca leaf extract and wine, that was called "the wine for athletes." The Belgians sucked on sugar cubes dipped in ether. Some teams used

speedball, a mixture of heroin and cocaine. Other riders were given coffee that was 'boosted' with extra caffeine and peppermint, as the race progressed the mixture was spiked with increasing doses of cocaine or strychnine....Following the sprint sequences of the race, nitroglycerine capsules were often given to the cyclists to ease breathing difficulties. (Donohoe, 1986; Murray, 1984; Goldman, 1984). (1990:2-3)

Gardner's list of substance use through the history of sport goes on for several pages. But even with this type of historical documentation of the use of performance-enhancing substances in sport, many people believe "sport never used to be like this." Appeals to the history of sport may not give people the evidence they would like to demonstrate that drug use has no place in sport.

Appeals to the history of sport are interesting, but must be taken with some caution. "Sport" covers a wide territory and has a long and complex history. But let me, for a moment, enlist that history for my own purposes. Some Olympic sports, and some aspects of the Olympic celebration, can trace their roots directly to Homer's account of Patroclus' funeral games (Homer, *Iliad*, Bk.23). Those games featured chariot racing, boxing, wrestling, a foot race, a fight in full armour with naked weapons, discus, javelin and archery. As is immediately apparent, each of those sports tested skills of direct value in battle. There were also handsome and valuable prizes on offer for each of the events.

But despite those considerations there is evidence of an acceptance of the idea that victory was a victory in a sporting contest, and so had to be won with due respect

for the process, the rules of the sport concerned. Menelaus, who came third in the chariot race, appealed on the basis that Antilochus, who came in second, held up his chariot with a deliberate foul. Antilochus confessed his offence and offered his prize, a mare, and an apology, to Menelaus. Menelaus, not to be outdone in fairness, accepted the apology and declined the mare. As a further indication of the way in which some notions of fairness, and a concern to match external rewards to skill at the sport, ran through these games, Achilles awarded a consolation prize to Eumelus, the acknowledged champion charioteer, whose chariot had come to grief in the race. (We should not, however, overstate the nature of the concept of fairness operating in these games. Eumelus' chariot came to grief through the actions of Athene, who broke his chariot as retribution for the intervention of Appollo against Diomedes, the eventual winner of the race. Athene also tripped Aias, so that her favourite, Odysseus, could win the foot race.) The point I wish to use these examples to make is that, even though these games carried such valuable extrinsic rewards for victory, and even though the activities were extremely simple--to use our terminology, the prelusory goals of the games were relatively unencumbered with rules making their achievement more difficult--the idea is apparent that victory was only of value if achieved within the confines of the rules.

Sport has come a long way since the time of Achilles. In the last one hundred and fifty years we have seen the development, and widespread acceptance of a large number of extremely complex team games. To fully explain the goal of scoring a try

in rugby, or a goal in soccer, requires a great familiarity with both the permissible means of getting the ball to the appropriate place and the possible means the opposition may use to impede one. The skills of the contestant in the games that celebrated the death of Patroclus had quick and ready transfer to a soldier's life. But despite that, the games took on a life of their own as the sporting nature of the victories became apparent. That internal life, the world of the intrinsic goals of sport, is even more apparent in the contemporary sophistication and game dependence of modern sporting skills, which often have little or no use outside of sport. In addition, our current technological capacities to extend the range of the humanly possible, change the skills the sports used to test. Now, more than ever, we need to refocus on the sport-dependent nature of sporting skills.

A final difficulty with Lavin's position is that he has to answer the charge that his proposals, would, if implemented, infringe on athletes' freedom. Lavin responds by reminding the reader that involvement in sport at any level is voluntary. This is reminiscent of the "it's my ball" argument. Conflicts between athletes and societal power over sport may be resolved for Lavin, by the athlete's retirement from that sport. "Those who do not share the core ideals of the sport need not participate" (1987: p. 41). As I argued in the Introduction, and again in Chapter Three, this is not an adequate response, unless, of course, the rules are rationally justified, and to the interest of the athlete, both of which I have been attempting to defend in these last two chapters.

Lavin concludes his proposal by recapping that the current bans are not justified by the reasons traditionally offered. Here he is right. However, he states that consensus may be able to do the work of reason for philosophers of sport who cannot formulate a logically sound justification for banning doping. In other words, even if we have not got the reasons, we may still have a justification. As we have seen, this is not dissimilar to the position put forward by Fairchild, where societal "abjection" could replace good reasons to justify the bans. The difficulty with Lavin's position, as with Fairchild's, is that we are forcing athletes to give up rights to privacy in order to satisfy an unreasoned objection by some members of society.

The two principal objections to both Lavin's and Fairchild's positions are: first, that the accounts do not provide a rational basis for the social rejection of doping; and second, that there is no justification provided for the intrusion into athletes' lives that enforcing bans requires. As I argued in the last chapter, my account seeks to answer both of those objections.

It remains for me to show that the IOC and the national agencies that support sport have good reasons to promote doping-free sport and assist athletes in their attempts to achieve it.

1.3. THE IOC AND DOPING-FREE SPORT

1.3.1. THE IOC AS AN INSTITUTION TO SUPPORT SPORT

We have drawn a great deal from MacIntyre's discussion of internal and external goods. But there is more to this discussion that is of value in our enterprise.

MacIntyre is at pains to distinguish "practices" from "institutions:"

Chess, physics and medicine are practices; chess clubs, laboratories, universities and hospitals are institutions. Institutions are characteristically and necessarily concerned with what I have called external goods. They are involved in acquiring money and other material goods; they are structured in terms of power and status, and they distribute money power and status as rewards. (1984: p. 194)

Practices are dependent on institutions, for without them they could not long survive. Practices require the finances for support and infrastructure that can only be provided by an institution. Similarly, institutions owe their existence to the practices they serve. But institutions not only reward, but can also endanger practices. If an institution becomes over concerned with the acquisition of funds and the disbursement of rewards it can lose sight of that which motivated it in the first place; the internal goods of the practice concerned. If external rewards come to dominate an institution and its practice then the practice itself can lose its integrity, as the practitioners themselves begin to strive more and more for the external rather than the internal rewards of the practice. The charge that the IOC is currently undermining sport in just this way is not uncommonly heard. (See, for example, The Lords of the Rings, Simson and Jennings, 1992.) I do not wish to make that claim here; all I want to do is to argue that the IOC, its national counterparts and the sports governing bodies are institutions,

the function of which is to support and promote the quest for the internal goods of sport.

As the relationship between an institution and its practice is one where the institution is charged with finding the means to allow practitioners to achieve the intrinsic goods of the practice, and in turn to enhance the development of the practice, it becomes clear not only how an institution can pervert the practice it is supposed to serve, but also how it can enhance it. One primary duty of an institution, and the one we are most concerned with, is to match external rewards with excellence in the practice concerned. Ideally those practitioners who best exemplify excellent skill in the sport concerned should be those who are rewarded and praised. But this is not without its difficulties.

External rewards must be given on the basis of a criterion. One wants to reward excellence, so one requires a criterion of excellence. In sports contests the most natural criterion of excellence is victory (or perhaps over a longer time span a series of victories). One therefore rewards the victors. This practice has two drawbacks. In the first place, victory is a criterion of excellence, not its definition. The assumption that motivates rewarding victors when one wants to reward sporting excellence, is that excellent teams or sporting performances tend to win, while non-excellent teams or performances do not. The limitations of this assumption are obvious. We can all think of examples when the best team did not win a particular

contest, not through their lack of skill, but through sheer bad luck. The philistine could argue that excellent play just is victorious play, just as great art simply is that art which commands the highest price. We use the term "philistine" because this argument precisely refuses to consider the nuances of the practice in question. An inferior soccer team can sometimes defeat a superior team by systematically hacking down their best players, timewasting and waiting for a fortuitous break. To say that such a team is better than their opponents merely because they won is to discount all of the things that make a well played game of soccer a thing of elegance, beauty, grace and skill. So if one simply rewards victory one will sometimes fail to reward excellence.

The second problem is even more significant. If one rewards victory one increases the value of victory. While all competitors must want to win, if one values sport for its own sake, for its intrinsic goods, the value of victory is maintained in a particular perspective. If one values the sport for its own sake it is better to lose a well-played contest where the most skilful team won, than it is to luckily win a poorly played game where one's opponents played below their best. But if victory is rewarded, a reason has been given to prefer the lucky win over the good defeat. It is only a small step from reasons to prefer, to reasons for action. If one is rewarded for victory one would rationally seek to achieve victory, even if that victory is to be had in the absence of the well-played game. The result is that one promotes victory at the expense of sporting excellence, the very thing one sought to reward in the first place.

The outcome is that rewarding victory not only sometimes fails to reward the excellent team but can also actively undermine the pursuit of sporting excellence.

The difficult task that thus faces sporting institutions, is that they must go beyond merely honouring the victors, and they must, like Achilles in that ancient chariot race, find methods of rewarding excellence that is not also victorious. To do this the sporting institutions must become far more articulate in their defence of the intrinsic goods of sport, and far more defensive of pure sporting skill. The conclusion is that the sporting institutions should be actively working to promote the pursuit of excellence in their practices. As I argued above, doping is irrelevant to sporting excellence. Doping, at best, merely creates a competitive advantage over those who do not dope; it thus both springs from and encourages an emphasis on winning over a concern for the intrinsic goods of the practice. The sporting institutions thus have good, sport based and institutional reasons for seeking to aid athletes in the elimination of doping (and not to support events in which doping is allowed); an extraneous, and potentially confounding, irrelevance.

1.3.2. THE VALUES OF THE OLYMPIC MOVEMENT

I have just argued that the IOC, as an institution, should play an important role in supporting and nurturing the intrinsic goals of sport. But the modern Olympic movement has, since its inception, both done, and sought to do, a great deal more than that. In what follows I intend to examine some of the goals of the Olympic

Movement and assess the extent to which they complement or contradict their role as defenders of sport.

The IOC has produced a book called The Olympic Movement (1987) as a guide for readers who wish to understand "Olympism" and "the Olympic Movement." This book contains a collage of quotations from various Olympic leaders since 1896, the beginning of the modern Olympic Games. Not surprisingly, the founder of the modern Olympic Games, Pierre de Coubertin, is one of the people most frequently cited.

Why did I restore the Olympic Games? To ennoble and strengthen sports, to ensure their independence and duration, and thus to enable them better to fulfil the educational role incumbent upon them in the modern world. (IOC, 1987: p. 14)

This short passage is typical, not only of De Coubertin's view of the Olympic movement, but also of the views of many who followed him. In this passage we can see a concern for the nature of sport itself, something De Coubertin sought to elevate and ennoble, immediately combined with a comment on sport's educative function. The discussion of the intrinsic value of sport is often covert in writings originating from the Olympic movement. That is perhaps unsurprising, for the ideas are quite difficult to express. Where we do find an attempt at a defence of the intrinsic values of sport it is buried in a defence of a quite different concept, and one that has rather fallen out favour; amateurism.

Amateurism has been a part of the modern Olympics since their origins. In the invitation to the Sorbonne conference of 1894, which was the prelude to the revival of the Olympic games in Athens in 1896, De Coubertin spoke of defending against the "spirit of lucre and professionalism" (MacAloon, 1981: p. 166). This defence rapidly took the form of banning anyone from competition

who has (ever) taken part in a public race open to all comers and for a money prize, or for money forming a part of the sum taken at the gates, or with professionals for a prize, or for money taken at public subscription, or who has (ever) been, at any time of his life, a professor or salaried master of physical exercises... (Times, London, June 20th, 1894)

Why was the defence against the spirit of lucre and professionalism necessary? There are doubtless many reasons. The British, in particular, were keen to use sport to maintain social and class distinctions, and the British representatives to the Sorbonne conference sought to deem manual labourers as professionals, in order to exclude them (MacAloon, 1981: p. 172). But there is a more interesting reason. An "amateur," like a "dilettante" does something for the love of it, not as a profession. As such, the amateur is focused on the activity itself, what we have called the intrinsic rewards of the activity, not anything that might come as an external reward for good performance. Payment, in particular payment for winning, can divert attention away from the intrinsic goods of the activity.

Sometimes this idea is quite specifically expressed. In 1960 the IOC defined an "amateur" as "one who participates and always has participated solely for pleasure and for the physical, mental or social benefits he derives therefrom" (Strenk, 1988: p.

306). Avery Brundage, the IOC President from 1952-1972, and an ardent defender of amateurism, remarked:

Amateur sport is a delicate and fragile thing. Its values are intangible. They come from the delight of physical expression, the broadened outlook, the deepened experience, the self-satisfaction and joy of accomplishment to the participant. It is an enlargement of life but it must be pure and honest, or it is nothing at all. (Strenk, 1988: p. 306)

In the attempts to defend the purity of sport it was assumed that the mere presence of money would act as a corrupting influence such that the pure pursuit of the intrinsic goals of sport would be necessarily perverted. I think that assumption was mistaken and unfortunate. While external rewards can corrupt, and those rewards can just as easily be public status as financial, they do not do so necessarily. As Csikszentmihalyi pointed out in his discussion of the rewards of being a surgeon (See Chapter Seven) getting paid for doing something you love does not prevent you from loving it. The assumption was unfortunate because the concept of amateurism has now been completely abandoned, and with it has gone an opportunity to continue to articulate the value of the intrinsic goods of sport.

While the defence and promotion of the intrinsic values of sport has always been part of the Olympic movement, it has also expressed a concern for other, and broader social goals.

Olympism seeks to create a way of life based on the joy of effort and respect for the fundamental principles of universal ethics. Its aim is to place sport at the service of man in order to bring about a world of peace in respect for human dignity. This ideal was proclaimed with fervour at the festivals celebrated every four years by the ancient Greeks at the Olympic Games, in which they devoted themselves to the pursuit of harmonious development, not

only of the body and the moral sense, but also of man's cultural and artistic qualities. (IOC, 1987: p. 9)

The joy of effort, may, with some restrictions be made to fit with a concern for the intrinsic goods of sport, but the other values expressed in this passage, such as, world peace, universal ethics, respect for human dignity, etc., although very admirable, do not qualify as intrinsic goods of sport. And although Coubertin claimed he restored the Olympic Games to ennoble and strengthen sports by ensuring their independence and duration, the primary role of the Games was to be an educational one which glorified the individual athlete "whose muscular activity is necessary for the community, and whose prowess is necessary for the maintenance of the general spirit of competition" (IOC, 1987: p. 14).

It would make sense from my account that the IOC as an institution focus on supporting and developing the intrinsic goods of sport, but unfortunately the myriad other values it claims to support would lead one to question just what the Olympic Movement is really about. For example, Sigfrid Edstrom, a Swedish former President of the IOC, claimed that the "raison d'être" of the Olympic Movement was

to improve the human race, not only physically, but to give it a greater nobility of spirit, and to strengthen understanding and friendship amongst peoples. It is also necessary, especially for young people, to counteract the bad influence of industrialization. The Movement uses the revival of the Olympic Games of Antiquity and their adaptation to modern times as the means to achieve its elevated objective. (IOC, 1987: p. 9)

Edstrom is not very clear about the intrinsic values of sport. At best, they will be the things that allow the Olympic Movement to play its role in achieving the "elevated objective" of counteracting industrialization.

We are given a slightly different version of the Olympic Movement by Avery Brundage:

The Olympic Movement today is perhaps the greatest social force in the world. It is: a revolt against the Twentieth Century materialism, a devotion to cause and not reward, a revolt against discrimination, racial, religious or political, a glorious living demonstration of that hopefully felicitous maxim: "The world is one". (IOC, 1987: p. 35)

The Olympic Games must not be an end in itself, they must be a means of creating a vast programme of physical education and sports competition for all young people. (IOC, 1987: p. 86)

The sportsman knows that sport is a recreation, a game, an amusement and a pastime, but his eyes are fixed on a higher goal, on the most important thing in his life, which is his education or his vocation. (IOC, 1987: p. 107)

The revolt against materialism is a revolt that springs from a commitment to the internal values of sport, but the rest of the values have little to do with the intrinsic goods of sport. (As an aside, it is very clear that the Games are not a revolt against sexual discrimination even though Lord Killanin, a past Irish President, stressed that equality of opportunity to reach world standards was the ideal of the IOC (IOC, 1987: p. 40).

The IOC considers the Olympic Movement to be a world organization comprised of more than just itself. It also includes the International Sports

Federations (IFs) (but only the ones that are recognized by the IOC), the National Olympic Committees (NOCs), the Organizing Committees of the Olympic Games (OCOGs), and last, but not least "the athletes, whose achievement and conduct during the Games may be considered the highest expression of Olympism, are also an integral part of the Olympic Movement" (IOC, 1987: p. 13). Thus, the gate keepers of Olympism are more than just the IOC.

The stated fundamental aims of the Olympic Movement which entail more than the defence of the intrinsic goods of sport: i) to promote the development of those physical and moral qualities which are the basis of sport; ii) to educate young people through sport in a spirit of better understanding between each other, and of friendship, thereby helping to build a better and more peaceful world; iii) to spread the Olympic principles (presumably i) and ii) above) throughout the world, thereby creating international goodwill; and iv) to bring together the athletes of the world in the great four-yearly sports festival, the Olympic Games (IOC, 1987: p. 13).

Interestingly, many of the goals of the Olympic Movement can detract from the pursuit of the intrinsic goals of sport in precisely the way in which professionalism detracts from those goals. It is easy to imagine examples where the desire for world peace would lead to one to act, in a sporting contest, in ways in which one would not have acted had one been solely concerned about the intrinsic goods of the sport. This may not be an unsurmountable difficulty. It may be possible to argue that the cause

of world peace, and indeed the other laudable goals of the Olympic Movement, are in fact, best promoted, by the Olympic Movement, through an unalloyed commitment to the purity of sport as such.

The most serious tension between values in the Olympic Movement comes from the Olympic motto "*Citius, Altius, Fortius*" which was devised by an educationalist friend of Coubertin, Father Didon (IOC, 1987: p. 70). This is due to the fact that the motto is not placed securely in a context that provides any limits; in fact the motto promotes the constant breaking of limits without qualification. Of course, one might argue that all of the above discussion places it in a limiting context. But, this discussion has been far too diverse and unfocused to lend any credence to real limits.

The Olympic motto provides a direct challenge to the position I have been defending. If we are principally concerned with going faster and higher, and being stronger, there is no obvious reason why we should not pursue those goals through doping. Clearly my position commits me to the view that the Olympic motto needs revision. What the motto denies is the connection between the prelusory goals of sport and the means of achieving those goals. I have argued at length that even in fairly simple sports (those where attainment of the prelusory goal is relatively unhindered by rules) there is an essential connection between the attainment of the prelusory goal and the method of doing so. Sport is not interested just in stronger or

faster, or bigger or more powerful; that is the stuff of the circus and of freak shows. Sport is about skill. If one is permitted to make recommendations in a doctoral dissertation I would recommend the abandonment, or serious modification, of the Olympic motto.

1.4. THE CANADIAN GOVERNMENT AND DOPING-FREE SPORT

I have been at pains to argue that what is most important in sport, particularly to those who care about sport as such, are what I have been referring to as the intrinsic or internal goods of sport. These are the goods that cannot be achieved in any other way than through the sport itself, the goods that include the mastery of complex skills and bodily movements. But, as is abundantly clear, sport is engaged in, and supported, for a multitude of reasons, for sport offers a range of goods that extends far beyond the mastery of skill and the spoils of victory. Discussion of the goods that sport can bring is further complicated by the fact that the recipient of the goods can vary so widely. For instance, the good of mastery of a skill is one that accrues, in the first place, to the possessor of the skill. But, as MacIntyre points out, when great exponents of a practice revolutionize that practice, the beneficiaries are all of those who care about the activity concerned. (His examples are of Turner in the painting of seascapes and Grace in batting at cricket (1984: pp. 190-191). We might add Gretzky as a contemporary example.) But there are goods less esoteric than the mastery of a skill and less crass than the spoils of victory. One reason for participation in certain sports is the exercise benefit for health promotion. While that

is a benefit that comes to the person who exercises, there are also good reasons for a community or a country to value health for its citizens. Participation in some sports can thus be valued for reasons of health.

There is also a much touted social interest in the moral character sport is supposed to foster. Sport can act, on a social level, as the focus of national, or regional pride, or can function simply as a reason for a cultural celebration. There is thus a not illegitimate, instrumental, social interest in sport. The comment about the battle of Waterloo having been won on the playing fields of Eton (attributed to the Duke of Wellington), has a direct echo in Justice Dubin's comments in his report.

We look to sport to build character, to teach the virtues of dedication, perseverance, endurance and self-discipline. Sport helps us to learn from defeat as much as from victory, and team sports foster a spirit of cooperation and interdependence. We look to sport to impart something of moral and social values and, in integrating us as individuals, to bring about a healthy, integrated society.

Sport, through the discipline which it requires, brings home the necessity of order and the benefits of voluntary, organised effort. The team activity often involved in sport develops a respect for the loyally established hierarchy, a sense of equality, solidarity and interdependence. Sport is undoubtedly an excellent apprenticeship for human relationships: a remarkable school of sociability.

Sport can be used to teach a great number of desirable things: how to master skills and the satisfaction that follows; good general work habits and cooperation; how to break down racial and class prejudices; how to build respect for and responsibility towards other people.

... [Sport] contributes so very much to the health and character of those who participate, arming them with essential tools that will help them meet the challenges that life inevitably presents.

It is for those reasons that the Government of Canada is a financial contributor to amateur athletic competition in Canada. (Dubin, 1990b: pp. 499-500)

I have quoted at some length because this passage indicates, quite clearly, the range of reasons that motivate Government involvement in sport. Before we go on to examine those motivations, and how they fit, or fail to fit, with doping, I would like to make a distinction that Dubin did not. In addition to the wide range of sporting activities, there is also a great deal of variety in levels of involvement or competition. For instance, basketball can be played by a non-organized gang of kids in a parking lot, by a high-school team in a competitive league, as a pick-up game in a university gym at lunch-time, as a national team sport at the Olympics or as part of a professional league. The different goals of a Government in funding sport will be better or worse met by targeting funding to different levels of the sport. Encouraging people to participate in physical activity for health reasons (Canada's "Participation" programme) is a different goal, and would require different funding than fostering a spirit of cooperation or teaching people what can be learned from defeat. The contrast is especially clear when we compare "recreational" with "elite" sport. The goal of promoting health is probably quite ill-served by encouraging elite competitive sport (at least for the competitors themselves, although there may be spin-off benefits from the physical role models elite athletes provide) for the intensity and duration of elite level training may well cause injury, rather than prevent it. Having said that, let us see if Government objectives for sport are compatible with doping.

As is indicated in the passage quoted above, there is some Government interest in the pursuit of sport for its own sake. One of the functions of Government is to provide opportunities for its citizens to pursue excellence. In this respect funding elite level sport permits talented Canadians the opportunity to seek excellence in sport in the same sort of way that funding for the arts permits the possibility of a career in the arts. Given that doping does not enhance sporting skill or excellence, there is no reason why the Government should not seek to eliminate doping from sport.

But there are stronger reasons for the Government to oppose doping in sport. The first of these concerns the role of Government in promoting the opportunity for excellent lives for its citizens and the second moves from the disadvantages of relying on extrinsic rewards.

1.4.1. HUMAN EXCELLENCE AND PERFORMANCE EXCELLENCE

I start from the assumption that any Government has at least an interest, and probably a duty, to maximise the opportunities for excellent human lives for its citizens. One part of an excellent life may be to strive for performance excellence in sport. But this can lead to a tension. In both cases the concern is for excellence, but in one case the focus is on excellence of a sporting performance, and in the other, the focus is on the excellence of a person or human being. Both forms of excellence are worthily pursued, but they are not to be achieved in the same way. I think it is this

tension that has surfaced repeatedly in the study under the perversion of sport arguments and the dehumanization arguments.

Personal or human excellence may be thought of under the ancient Greek (especially Aristotelian) ideal of *eudaimonia*--the well lived and flourishing life.¹⁹⁹ In the flourishing human life, sport plays a role as it tests and strengthens such personal virtues as strength, agility, valour, self confidence and courage and, in addition, promotes physical health. Sport allows one to push oneself to one's limits and to do one's best. But, of course, although sport is part of an ideal life it is not the whole. The flourishing human being will also engage in intellectual and political pursuits, and will appreciate the arts and culture. Such a person's life will be balanced and his or her "soul" will be in harmony. The Greek concept of *eudaimonia* attaches to a whole life, and is not a transitory or emotional state. (It may be argue that the translation to English of *eudaimonia* as 'happiness' has seriously hindered our understanding of an important human ideal.) It also follows from the concept of *eudaimonia* that morally bad people cannot have excellent lives.

But performance excellence is rather different. In the first place it can be a single event; one might produce an excellent performance on just one occasion. Second, whereas personal or human excellence fits sport into a life, performance

¹⁹⁹This concluding discussion could easily lead one into an entirely new study. Due to the scope of this study this discussion will be very limited, but its merits are obvious for the case at hand.

excellence can (and normally does) demand that life conform to sport. To achieve excellent performances in Olympic sport one needs to completely submit oneself to coaches, physiologists, psychologists, and myriad others in the attempt to make the body a machine which generates excellent performances. Whereas sport can play a role in promoting health in the life of the excellent person, it often destroys health in the lives of those who seek performance excellence. We finished the last paragraph by noting that morally bad people could not have excellent lives; clearly, being a bad person is no impediment to producing excellent performances.

So far, this sounds like an argument for de-emphasizing performance excellence, and re-emphasizing personal excellence by promoting sport as part of life and so on. Unfortunately, this is too simple. That old Greek ideal of *eudaimonia* does not say that trying one's best is good enough. To be an excellent human being one cannot just try, one must also achieve. Excellent performances in sport, or art, or intellectual endeavour, are a part of excellent lives. So the tension between personal or human excellence and performance excellence lies right at the heart of life. Performance excellence is a worthy pursuit, but it is only valuable as part of a complete and excellent life. Sometimes the balance of an excellent life is achieved by putting limits on the means that can be taken to achieve performance excellence. For instance, we might agree that certain forms of training, or certain activities, even

though they promote performance excellence, should not be used.²⁰⁰ That is, we could limit the pursuit of excellence by involving the notion of personal or human excellence. This is a hard thing to do, for we may well find that there are many practices, and indeed some sports, which have a serious and negative impact on a complete and excellent human life.

Let us take the example of downhill skiing. As I pointed out in Chapter Three, downhill skiing is extremely dangerous. Let us, for the sake of argument, accept that an excellent performance in downhill skiing just is a fast performance. Pursuing excellence in skiing would thus be the pursuit of speed. The problem, however, is that pursuit of this excellence jeopardizes one's chances of having a complete, and healthy, excellent life. Concern to provide the opportunity for Canadians to lead full and excellent lives could well prompt either withdrawal of funding for downhill skiing, or better, its modification. One could devise methods of slowing skis down, so that the differences in ability between skilled and less skilled skiers would still be apparent, but the danger would be reduced.

²⁰⁰It should be noted that this notion of "performance excellence" leaves open the way one goes about defining the excellence of the performance. I have previously argued that doping assisted performances, even if they are faster, higher etc., are not "better" in sporting terms (because they exhibit no greater skill) than non-doped performances. The argument that would limit the pursuit of performance excellence on the basis of concern for a complete, excellent life will work even if we accept that doping assisted performance is genuinely better or more excellent. What is at stake is the clash between a complete life and the pursuit of performance excellence.

Obviously this position is a return to a version of the argument from harm. But a version quite different from those we examined above. In the earlier cases of the argument from harm a justification was sought to ban certain activities and to enforce those bans. I argued then that such bans would be paternalistic for adult athletes, and the steps required to enforce the bans would infringe on athletes' freedom. The argument I offer above is not designed to defend a ban, nor is it intended to show how a government could justify enforcing such a ban. The purpose of the argument is to show why a government would have an interest in supporting efforts to promote opportunities to pursue excellent lives.

In addition to balancing the pursuit of performance excellence by setting limits to its pursuit, we can balance performance excellence by putting it in the context of a whole life. An excellent human being may pursue sporting excellence to the exclusion of all else, but only for a time. That dedication may be a good thing for part of a life--but not for a whole life.

The informed assistance that the larger society, can give to athletes is to educate them and to maximize the opportunities for excellent lives through the sport. Part of such excellent lives is the pursuit of performance excellence. Therefore this larger society should want to provide the means to achieve performance excellence, but must also--and consistently, show how performance excellence in sport is part of a wider excellent human life. This can be done if they help the athletes to wisely

choose to set limits, and by showing how excellent sporting activity fits into an excellent and complete human life.

There is an additional reason why Governments should seek to maximize an understanding of the intrinsic goods of sport. Let us assume that the goods outlined by Dubin in the quotation above are worthily pursued. One might seek to get people to engage in sport by rewarding them for doing so, perhaps by paying them. The difficulty with this is that extrinsic rewards, are, by their nature, scarce. There simply is not enough money to go around. If governments wish to encourage participation in sport, for instance for its health or other social benefits, they will achieve this goal most efficiently, and cheaply, by encouraging people to participate in sport for the intrinsic goods sport provides.

It should be pointed out that governments in general, and the Canadian Government in particular have sometimes acted in a way which seemed to positively encourage doping. Funding for Canadian amateur sport has long been heavily dependent upon international success. The Olympic Games, and other international sporting events have long been opportunities to promote a political system or ideology. The assumption is that sporting success is reflective of general success for a regime or country.

The Canadian government has at times been quite crass in its pursuit of this sort of international sporting success. Dubin, in his review of the 1988 Task Force report on Canadian amateur sport Task Force 2000 says

the thrust of the report... stresses government funding for the winning of medals primarily in major and international competition and uses that focus as one of the principal criteria for the determination of the level of future government funding. (Dubin, 1990b: p. 52)

It is easy to see how this type of emphasis on results directly encourages athletes to take whatever steps are required to achieve those results. Given that doping enhances one's chances of competitive success, Canadian Government emphasis on medals may well have encouraged Canadian athletes to be "positively deviant." Acceptance of my arguments on the Government interest in sport will necessarily lead to a re-analysis of the connection between extrinsic rewards and medal success.

So far in this chapter and in the last, I have sought to show that athletes, the sport-loving public, the institutions which support sport, and the Canadian Government, all have reason to choose and to support doping-free sport. In addition, I have shown how we can pursue doping-free sport without infringing on the rights of athletes. But it would be misleading to suggest that my position does not have its drawbacks, so let me conclude with an acknowledgement of some of the difficulties.

1.5. POTENTIAL PROBLEMS

The position I have defended, in its attempt to respect the privacy rights of athletes, has given them reason to decide to choose self-limitation in sport. I have

provided arguments to show that athletes ought, on the grounds of prudence, to limit their pursuit of performance excellence by eschewing activities that are not "game productive." I have also provided arguments to show that the notion of "game productivity" is dependent upon the skills of the sport concerned. Doping was shown not to be game productive and therefore should be prudently avoided.

It is, however, possible that athletes might, despite the arguments I have offered, choose not to limit their pursuit of performance excellence. This would not mean that I have not produced a rational justification for certain bans that it would be reasonable and prudent for the IOC and athletes to support.

Further, although my position gives a rationale for determining whether or not some activity or practice should be abandoned, its game-productivity, my position would not simply support testing for all of the items currently listed in the IOC Doping Charter. For instance, there is no evidence that marijuana use provides a competitive advantage. Nor is there any evidence that marijuana enhances the acquisition or exercise of skill. Marijuana is thus not related to either the intrinsic or the extrinsic goals of sport. There is thus no sport-connected reason for either using it or not using it. It is difficult to see, therefore, (except perhaps for reasons of political correctness) why athletes would choose to limit their freedom by agreeing that marijuana was one of the substances they ought to avoid. I have argued that, steroids, for example, are irrelevant to sport because they do not enhance the acquisition of

skill, although they do promise a competitive advantage over those who do not use them; marijuana is thus doubly irrelevant.

My position leaves open the possibility that there could be a drug, or other substance that was game-productive in the sense that I am interested in. It may be argued that logically I would have to support the use of such a substance. It may be contended that even if I say that game-productiveness is a good thing, it doesn't follow that I must say that everything that enhances game-productiveness is acceptable. Further, as I suggested above I think that this is unlikely; what is more likely is that a substance will change the difficulty of performance, and thus the level of skill required, to do the relevant task. Then the question would concern whether or not the modification of the skill, and thus the modification of the sport, is a change that was worth making.

Despite these drawbacks, however, I believe that the position I have defended--that of well-thought out and justified bans--is not only worthy of acceptance but is also a better option than either of the alternatives of allowing the uncrammelled pursuit of *citius, altius, fortius*, or the continued imposition of ill-thought out, and unjustified bans.

Naturally, the end of a doctoral dissertation is the beginning of the next project, and that, of course, must be a deeper understanding and clearer articulation of the intrinsic values of sport.

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