



# THE ETHICS OF SPORT

WHAT EVERYONE NEEDS TO KNOW®

ROBERT L. SIMON

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*To Joy for her love, help, support, and encouragement*



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to work with them for over 45 years. I'm sure I have learned as much from them as they have from me.

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I have been blessed to have wonderful colleagues in the Philosophy Department at Hamilton, who have been tremendously supportive of my work on issues in ethics and sport. My colleagues in the International Association for the Philosophy of Sport, including some of those whose work is discussed in this book, have been equally supportive and encouraging. My colleagues in each area have the knack of being critical and helpful, and make philosophic inquiry into what I call a mutual quest for truth (in philosophy) and excellence (in sports); that is, a *cooperative* activity from which all of us gain.

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I owe special thanks for the support and encouragement of my wife, Joy. She not only is a proofreader *extraordinaire* but also a coach, critic, and my best friend.

I have done my best to make this book accessible to readers who have not studied issues in sport in an academic setting, or who have limited familiarity with the world of sports, as well as for those already immersed in the realm. Readers interested in a more in-depth and scholarly approach to some of the themes discussed in this book, particularly the idea of broad internalism (interpretivism) and the idea of competitive sport as a mutual quest for excellence as discussed in Chapter 1, should consult *Fair Play* (2015), which I coauthored with Cesar Torres and Peter Hager. Sources listed in the Recommended Readings and References chapter also should prove helpful for those who wish to further pursue discussion of ethical issues in sport.

I especially hope that this book in particular shows that the analysis of issues in sport is not only of interest in its own right but also illustrates how critical examination can illuminate the questions at the heart of a major practice—competitive athletics—that affects and moves so many of us.

R.L.S.

December 2015  
Clinton, New York



## PROLOGUE

### *Why should we care about sports ethics? Aren't sports only games?*

I was on a flight from Orlando, Florida, to Albany, New York, just before the northeastern blizzard of January 2015. The chief flight attendant was going through the normal preflight safety instructions when, with tongue in cheek, he reported, "The runways in Albany are slick. No need to worry, however. Tom Brady is inflating the tires."

As many readers know, Tom Brady is the star quarterback of the New England Patriots, who were about to play in the 2015 Super Bowl, under the shadow of "Deflategate," the controversy generated by the discovery that the footballs used by the Patriots in their playoff win over the Indianapolis Colts were not inflated to the degree the rules require, making them easier to catch and throw. Was this an accident, caused by atmospheric conditions, as some claimed, or was it a deliberate attempt by the Patriots to gain a competitive advantage? If it was the latter, was it cheating or perhaps morally questionable gamesmanship?

As scandals like "Deflategate" remind us, questions about ethical issues in sports are pervasive. This is perhaps the best reason why we ought to give sports ethics serious thought. In fact, we find ethical problems in everything from doping

scandals to debates over college athletics, to arguments over whether modern competitive athletics overemphasizes winning, to the requirements of gender equity in sports. As my flight attendant's remark illustrates, ethics of sport has become part of general public discourse. The attendant clearly expected virtually all the passengers on the aircraft, avid football fans or not, to recognize the reference to Deflategate.

We also need to pay attention to the ethics of sport due to their intellectual complexity. There is always more than one side to the story, and a surface understanding of the scandal or debate at hand is never adequate. For example, many of us have the intuition that the use of performance-enhancing drugs (PEDs) in athletics is a form of cheating. Perhaps it is if rules prohibit their use. But why shouldn't the rules permit use of PEDs such as anabolic steroids? Are the alleged benefits provided by such drugs any different in principle from advantages gained by techniques that are permitted, such as specialized weight training, the use of hyperbaric chambers to raise oxygen-carrying capacity, or the use of performance-enhancing equipment, such as improved golf clubs and balls, fiberglass poles for vaulting, or specialized running shoes? If everyone had access to performance-enhancing drugs, what would be wrong with using them? As we will see later in this book, the attempt to formulate a defensible position on the use of PEDs is a difficult endeavor, as we will find to be the case with many questions about ethics and sport raised in our discussions.

Third, sports have become a central element in our culture, for good or ill (a question we also will examine). Indeed, they captivate people worldwide, involving millions as participants, spectators, or simply observers. Youth sports alone are central to the lives not only of the children who play but also the adults and parents who organize leagues and transport players from contest to contest. Then at every level beyond that, the number of lives touched builds and builds when we

take into account players, employees of the teams and athletic organizations, and the countless fans.

Finally, by examining such concepts as fairness, equity, justice, and virtue in the context of sports, we may generate insights into their nature that clarify issues in other areas such as social policy and education. Sports ethics, rather than being the mere application of very general ethical principles, may help us to formulate better principles of ethics in other contexts.

But, some of you may object, sports are only games. Isn't it ludicrous, such readers may claim, that so much attention is paid to such trivial pursuits?

Even if sports are trivial, which we will see is not the case, the ethical problems that emerge about and within them have undeniable significance. Sports are bound up with issues involving questions of what is fair or just, what is sportsmanship (or sportspersonship if you prefer), and why it is important. Is commercialization corrupting sport, as many would argue it has done to other aspects of our lives? Is it wrong to promote competition in children's sports, or is healthy competition a good thing for kids? What are colleges and universities doing in the athletic business anyway? Do sports build character, and if so, do they build the right kind of character or, as some scholars claim, do they make participants worse rather than better people? Even those who may not see the value of sports themselves will see the value of thinking through these conundrums.

Moreover, if sports raise these important questions, saying that "It's only a game" is unfairly dismissive to sports themselves. If sports are a form of striving for excellence, if they often instill in us important virtues like persistence dedication and courage, and reveal the beauty of what the human body can accomplish, to dismiss them as "only games" may be like dismissing a great painting or novel as "only art," because it does not immediately contribute to solving pressing social, political, or economic issues.



In what follows, we will explore different sides of major ethical issues that arise in sports, especially competitive athletics. Although we may not always come up with answers to which all reasonable people will assent, we will be able to clarify what values are at stake in the controversies and to explore in a critical but reasoned way the arguments presented by different sides or perspectives on sports. Critical inquiry, like sports, may affect the broader society for better or worse—say by clarifying the nature of social justice—but like sports it also is an activity that the participants engage in because of the value of the activity itself and the challenge it presents to our understanding of our culture and our world.

***What is your own background in sports and sports ethics? How did it prepare you to write this book?***

I was born in Brooklyn, New York, in 1941 and grew up on the south shore of Long Island. My parents, who were more intellectual than athletic, became baseball fans in the late 1940s because of their admiration for Jackie Robinson, who broke the color line in Major League Baseball in 1947. Before Robinson's ascent to majors, they were strictly segregated; basically it was only white players allowed. Robinson showed tremendous courage and self-control in overcoming the often virulent racism that he faced.<sup>1</sup>

In any case, my parents became Brooklyn Dodger fans and I became an avid fan of the team as well. My favorite Brooklyn players besides Robinson were Duke Snider, Gil Hodges, Pee Wee Reese, Roy Campanella, and substitute George Shuba, a strong hitter known also for an iconic photograph in which he, a white player, shakes Robinson's hand after Jackie's first home run for the minor league Dodger affiliate, the Montreal Royals.

Although I was no star, I played baseball, mostly just recreationally, and it was my first love. In fact, I met my wife on a blind date in 1965 when I took her to Shea Stadium to see the

Mets play the Cardinals. I was introduced to golf while I was in college, and golf soon replaced baseball as my favorite sport both to play and watch.

Much to my surprise, I became a philosophy major as an undergraduate at Lafayette College due to the influence of the wonderful teachers in the department there, and to my even greater surprise, I continued on to graduate school at the University of Pennsylvania. At that time, the mid to late 1960s, philosophy in most American and British schools was a very narrow subject, devoted to the analysis of language, logical problems in the sciences, and fascinating but technical issues in explaining the basis of our knowledge of the world. Sports were regarded by academics, as far as I could tell, as well outside the areas where serious research should be conducted.

I remember a time, early in my career in the 1960s, when an influential philosopher, Paul Weiss, wrote a book on philosophy of sport. A review of the book was posted on the graduate student bulletin board under a sign in large letters saying, "Write on this subject only if you already have tenure!" But it wasn't only sports that were thought to fall outside the proper sphere of philosophical or academic study. There were virtually no courses in medical or business ethics and indeed the study of ethics itself was quite narrowly construed.

Fortunately, philosophy soon became far less narrow and more relevant to public affairs, due in part to the desire of philosophers to contribute to issues raised by the civil rights movement and by the Vietnam War. It was during this period that through the influence of Paul Weiss and others, especially Warren Fraleigh, the International Association for the Philosophy of Sport (IAPS) was born at the State University of New York College at Brockport.

Despite these developments, I failed for a long time to connect my own philosophical interests in broad issues of public policy to my love of sports, and I also failed to realize that sport

could be an object of intellectual study. Sports were just games and not to be taken seriously as an academic subject, right?

I'm not sure just what made me decide to bridge the gap between my athletic and academic interests, but challenges to my views on competition and the importance of winning by some colleagues at Hamilton College where I teach and attendance of some of the meetings of the IAPS encouraged me to get further involved in the developing area of sports ethics. Further encouragement from publishers led me to publish my first book in the area called *Sports and Social Values* (1985), later republished as *Fair Play*, now in its fourth edition (2014) coauthored by Cesar Torres and Peter Hager of SUNY Brockport, an institution that remains a center of academic sports philosophy.

At the same time, I was trying to become a competitive golfer and had some limited success and a far greater number of failures in local and regional tournaments. In 1987 the athletic director at Hamilton asked me to fill in for a semester as head men's golf coach, an appointment that turned out to last for 14 years. During that period our team, which competed in Division III of the NCAA, was frequently nationally or at least regionally ranked. My two sons played for me on one of our top teams.

Any delusions of grandeur as a coach were shattered, however, when during one summer, one of my sons won a qualifying tournament for the Syracuse Amateur Championship, no mean feat because many skilled college players and a number of former state champions were in the field. I served as his caddy, not his coach, because school was not in session. The Syracuse newspaper ran a story on us, the father-son team that won the event. I was brought down to earth, however, when my son was quoted in the article saying, "My dad thought he was doing great, but actually whatever he said I just did the opposite!" I must say, however, that as he became older, I have gotten a lot smarter, at least in his view.

My experience as coach and with athletics at Hamilton College has had a tremendous influence on me. Hamilton competes in Division III of the NCAA in which schools do not give athletic scholarships and athletes are truly students. Teaching many of these students who play sports has convinced me that in some contexts and *if conducted properly*, college athletics and academics can not only coexist but sometimes be mutually reinforcing. Whether that is still possible as well in the athletically elite and highly visible Division I athletic programs is questionable, a topic we will return to later in this book.

Although I have had experience as an academic who has written on sports, as a coach, as an aspiring but often unsuccessful golfer, and in various administrative capacities involving college sports, it is my background as a philosopher that I will bring to bear in this book, offering a critical examination of reasons or logical arguments that apply to various issues in sports. Although my own experience may provide a basis for the perspectives that are sometimes defended, it is important in critical inquiry as in sports themselves to be fair to all reasonable positions and to expose one's own views to criticisms when warranted. Keeping that in mind, here is a brief game plan or outline that I hope will be a useful guide to what follows.

***What issues does the book address and how is it organized?***

We will start in Chapter 1 with some very general questions about sports and athletics. In particular, we will consider how to best characterize the nature of games, the relation between games and sports, the nature of sports, and the values they may embody or express. In Chapter 2 we will go on to examine questions about the value of competitive sport, the nature of cheating, the nature of sportsmanship, and ethical principles that ought to apply even in elite competition. Chapter 3 examines issues raised by technology and fairness in

competitive sport, particularly moral issues involving the use of performance-enhancing drugs and genetic enhancement as well as the ethical evaluation of dangerous sports, especially boxing. Chapter 4 deals with the ethics of the connection between education and athletics, especially questions about whether higher education and intercollegiate athletics as presently conducted in the United States can be compatible. In the final chapter, we will consider a variety of social issues raised by athletics, ranging from questions about gender equity and Title IX in intercollegiate sport to concerns about the alleged corruption of athletics by commercial concerns.

Each chapter will examine a variety of arguments on different sides of the issues raised. In sports we are justified in regarding athletes as successful only if they compete well against worthy opponents and likewise in ethics, and more broadly in philosophy, we are justified in regarding our arguments as defensible only to the extent that our arguments can survive criticism in well-conducted discourse. Just as it is a mistake to underrate opponents in sport, it is a mistake to underrate objections to our own view simply because we want to protect our own beliefs from criticism. I hope the discussions that follow are fair to a variety of positions. Although I sometimes will suggest which positions I think are best supported by argument, I hope that this book will lead readers on to their own inquiry about issues in sport, and even more, to applying tools of critical analysis to important issues in whatever context they arise.

# **THE ETHICS OF SPORT**

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# 1

## THE MORAL SIGNIFICANCE OF SPORT

*Why is it important to study and analyze sports rather than just enjoying them? What can an analysis of ethical issues in sports contribute to our understanding of sports, and perhaps of broader ethical concerns as well?*

In a fiercely fought qualifying match for the 2009 World Cup between France and Ireland, the French captain Thierry Henry admitted to a rival player that he had violated the rules and handled the ball in a play that led to France scoring the winning goal. Fans in Ireland were outraged that their team had been eliminated from the competition through an illegal play, and some fans in France argued that their own team should voluntarily forfeit the game.

This case raises a host of issues, many of which will be discussed more fully later in this book. For now, consider three different kinds of questions that could arise about the incident. First, there are factual questions concerning what actually happened. Did Henry use his hands to maneuver the ball? If so, did his illegal play lead to France scoring the winning goal? Second, there are explanatory questions. In particular, why all the fuss? Isn't it "only a game?" After all, will anyone even know or care about the game hundreds of years from now? Third, there are ethical questions. Did Henry cheat or was he just practicing permissible gamesmanship? Should France



have forfeited the victory? Shouldn't players do everything they can to win and leave it up to officials to enforce the rules of the game?

It is important not to confuse these different kinds of questions with one another. In particular, ethical issues often concern questions about what is morally good or bad behavior, what is of moral value or disvalue, what is right or wrong, and what is fair or unfair or just or unjust. Although the relations between facts and values are often complex, when we ask what *explains* the intense interest so many people throughout the world have in sports, we are investigating a different set of concerns than when we ask whether their interest is a good or bad thing or whether an act was right or wrong. Why Henry violated the rules is one question, but whether he ought to have done so is quite another.

To navigate the complex and contentious moral questions that sports raise in cases like these, we can only get anywhere if we take a systematic approach. Participants, fans, and observers all have opinions that they express in various forums, ranging from local pubs to national media. Surely it is important that these views be open to examination, be based on evidence, and be able to survive critical scrutiny. Moreover, participants in sports may be called upon to face or publically address moral issues, whether they are professionals or amateurs. How is their response to be evaluated? Athletes, officials, fans, and critics of sport have to decide how to act in their various roles in the sporting world. If they are to avoid acting immorally, they need to have an idea of what morality requires of them, and they often need to be able to defend their behavior when it is exposed to criticism.

In what follows, we will identify and examine various moral issues that arise in sport. Many of these issues go well beyond the boundaries of sport and involve such broad issues as the nature of fairness and the manner in which we ought to treat others. Let us begin, however, by considering why sport

is such a major cultural phenomenon. What, if anything, explains the fascination with sports across the globe? As we will see, even a preliminary examination of what makes sports so special to so many will shed some light on the ethical questions of whether such interest is justified and whether sports themselves are a valuable activity.

***What makes something a sport? Do all sports share common features that define them?***

As readers will know by this point, in this book we will be concerned with ethical questions about sports and the ways that they are conducted. Before we look into the ethical questions that sports raise, however, we ought to examine the nature of sports themselves.

Is an inquiry into the nature of sport just a symptom of the unnecessary philosophical obsession with defining terms, which comes at the expense of delving into substantial questions? In other words, are we just going to be “nit picking”? Why should we be concerned with defining sports as such? Are there any characteristics that distinguish sports from other activities? Perhaps by investigating why certain activities are grouped together as sports, we can identify some features that are relevant to their moral evaluation.

Of course, various sports may have nothing in common when we look at them up close but only resemble one another in a variety of very general ways.<sup>1</sup> Perhaps influenced by the ancient Greek philosopher Plato (427–347 B.C.E.), who searched for the nature of truth, knowledge, and beauty, we might assume that all sports share common characteristics that make them sports, but perhaps that assumption is wrong. Plato influenced generations of thinkers who followed him in believing that there exist essential characteristics possessed by all and only members of certain classes of things or ideas. Sports might be an exception to this idea, as we will see.

Nevertheless, we distinguish sports from exercise; from games that have no necessary physical component, such as chess or Monopoly; and some forms of play, such as playing house, which may be a game but is not a sport. Surely, we might think, there is a basis for making such distinctions.

It might be useful, at least for our purposes here, to think of sports as games of physical skill. Games seem to be rule-governed activities in which a certain set of the rules define which moves are allowable within the game and which are not, what counts as winning and losing, and who counts as a player within the framework of the game. Such rules are called constitutive rules because they define what counts as or constitutes a play within the game. To give an example, advancing the ball through dribbling or passing is allowed by the constitutive rules of basketball, but running with the ball is not. As American readers will know right away, basketball is both a game and a sport.

On this view, sports are distinguished from games such as chess or tic-tac-toe because of the physical skill they involve. They differ from other rule-governed activities, such as taking an examination in college or filing a tax return, because the rules exist not for some practical end outside the game but simply in order to make it possible. As one writer has suggested, the rules make what otherwise would be an easy task challenging. It is easy to place a small ball in a hole in the ground, but golf is difficult because the constitutive rules require it be done through the use of golf clubs, which the former British Prime Minister Winston Churchill called "implements ill-designed for the purpose." Games, then, can be thought of as "voluntary attempts to overcome unnecessary obstacles," obstacles created by the constitutive rules, and sports are those games in which physical skill is needed to overcome the artificial obstacles that the rules create.<sup>2</sup>

We can distinguish between sports and mere exercise at least because of the obstacles created by the constitutive rules. Sports normally also differ from work because the justification