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Theories of Sport

1.1 What is a theory of sport?

Philosophers propose theories of sport. A theory of sport is supposed to perform a number of functions:

1. determine what is and is not a sport
2. identify how ethical values relate to the participation of sport
3. explain the nature of foundational and structural features of sport, e.g. rules, rule formation, rule change.
4. maybe what it is about sport that makes it so interesting to both participants and spectators

1.2 Demarcation criteria for sport

One goal of a theory of sport is to determine what is and isn’t a sport. That is, a theory of sport is supposed to suggest demarcation criteria for sport.

<table>
<thead>
<tr>
<th>Definition – Demarcation Criteria for Sport</th>
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<tbody>
<tr>
<td>A set of criteria (or way of separating) activities that are sport from those that are not sport.</td>
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1.2.1 extensional definitions of sport

At first glance, we can define what is and isn’t a sport extensionally. In other words, we define which activities are sports by listing them out. There are at least two main problems with this approach.
Objection 1-1: *extensional definitions can’t justifiably exclude borderline cases of sport*

Is bowling a sport? Are esports sports? Is chess a sport? Is shooting a sport? Intuitions are mixed on whether these are or are not sports and without any stated criteria guiding our extensional definition, it seems arbitrary to include or exclude these activities as sports.

Objection 1-2: *extensional definitions can’t tell us if certain future activities are sport*

Suppose some new activity that involves skateboarding and shooting clay disks becomes popular. A number of individuals engage in it and there are teams that compete against each other.

If we simply define what is and isn’t a sport extensionally (simply by listing all of the current activities that are sports), then we cannot tell antecedently whether the above activity is or isn’t a sport.

### 1.2.2 Intensional definitions of sport

Another type of definition is an **intensional definition**. An **intensional definition** involves specifying the *necessary* (essential, required) and *sufficient* characteristics an activity must have in order to be a sport.

One sort of intensional definition of sport is an essentialist. This definition of sport says that there is a single set of characteristics belonging to all activities that are sports. An example of an intensional and essentialist definition of sport might be to say that all sports must involve rules, strategy, and some physical component to them.

<table>
<thead>
<tr>
<th>Definition – Essentialist Definition of Sport</th>
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<tr>
<td>An activity is a sport iff it has a single set of specified characteristics.</td>
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</tbody>
</table>

One example of an essentialist definition of sport is the following:

**Objection 1-3: hard to determine the essential features of sport.**

The main problem with intensional definitions of sport is that any definition in particular is controversial. Consider, for instance, the definition that sport is just activity involving rules, strategy, and some physical component to them.
This definition seems too inclusive for it would include things like doing homework or playing board games (there are codified rules, strategies, and you have to move your body to do these things).

**Objection 1-4: skepticism about essentialism**

In addition to skepticism concerning any particular definition, there seems to be skepticism that all sports can be defined using the same set of necessary and sufficient criteria. That is, perhaps some activities get classified as “sports” because they have characteristics \(X, Y, Z\) while other activities get classified as “sports” because of characteristics \(A, B, C\).

In other words, sport is a highly diverse group of activities not unified by a single shared set of characteristics.

**Exercise 1-1:** Look at the following activities and state whether you think they should be classified as a “sport”. Try to give reasons for your decisions.

1. basketball
2. football
3. hockey
4. croquet
5. competitive swimming
6. swimming for relaxation in your backyard
7. badminton
8. bowling
9. poker (cards)
10. professional League of Legends (an esports game)
11. hockey
12. playing tag
13. bar-room brawling

**Exercise 1-2:** First, privately craft your personal definition of sport. Next, in a group, present your definition of sport. Finally, ask your group members to come up with examples that seemingly challenge your definition (e.g. an activity that poses a problem for your definition).

Another approach to defining sport says that rather than there being a single set of characteristics that demarcate activities that are sport from those that are not, the way
to determine whether something is a sport is to make use of a cluster of criteria. The idea here is to consider all of the various characteristics that might be associated with sport and to say that provided an activity meets a sufficient number of these criteria, then it is a sport.

The idea here is to **first** lay out a set of “sport characteristics”. These are characteristics that we might associate with the practice of sport, e.g. athleticism, rules, teamwork, competition, etc. The **next** step is to weight these criteria in terms of their importance to sport. One way to do this is to assign each characteristic a point (e.g. 1-3) in terms of how key it is to our idea of sport. **Finally**, determine how many points would be required to make an activity a sport.

<table>
<thead>
<tr>
<th>Definition – The Cluster Criteria Approach to the Definition of Sport</th>
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<tbody>
<tr>
<td>An activity is a sport iff it meets a sufficient number of sport characteristics.</td>
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One of the benefits of this cluster criteria is that it avoids the essentialist assumption that all sports share some core characteristics that make them a sport. Instead, the cluster definition allows that what makes boxing a sport is different than what makes basketball, soccer, or swimming a sport.

**Exercise 1-3:** *In a group, complete the following activity.*

1. Come up with a list of sport characteristics (that is, characteristics you think are associated with sport)
2. Rank them on a scale of 1-3 in terms of importance (1 - being somewhat associated with sport and 3 being strongly associated with sport)
3. Try to determine how many points an activity would need to have in order to be a sport.
4. Test the above by considering the following activities and see whether your scale determines the activity to be a sport or not-a-sport: basketball, football, hockey, croquet, chess, competitive swimming, swimming for relaxation in your backyard, badminton, bowling, poker (cards), professional League of Legends (an esports game), hockey, playing tag, bar-room brawling

**Exercise 1-4:** *What is one problem you see with the cluster definition of sport.*
1.3 Ethical values in sport

A second key component of a theory of sport concerns how ethical values relate to the participation in sport. This idea involves not only the various ethical issues that arise in sports (e.g. various forms of cheating) but also whether or not there are any ethical values that are required in the very participation in sport.¹

Exercise 1-5: In a small group, think of an ethical issue in the participation of sport, e.g. the use of performance-enhancing drugs. Once you’ve stated what the issue is, what is your stance on this topic?

While there are a number of ethical issues in sport, some individuals are skeptical about the very possibility of discussing these ethical issues. This skepticism arises because individuals hold one of two views concerning ethics: ethical (cultural) relativism or ethical skepticism.

1.3.1 ethical (cultural) relativism

<table>
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<th>Definition – Ethical Relativism</th>
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<tr>
<td>Ethical relativism is the position that an act is moral good (bad) only relative to some subject (ethical subjectivism) or culture (cultural relativism).</td>
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</tbody>
</table>

Ethical relativism simply asserts that there are moral truths but what is morally true (and morally false) is relative to the group (culture) in which an individual belongs.

Example 1 killing someone as ethically permissible depending upon the cultural

for one individual $S_1$ living in culture $C_1$, shooting someone that steps onto $S_1$’s property might be morally wrong. However, for another individual $S_2$ living in culture $C_2$ this is morally acceptable behavior.

In short, ethical relativists think there are moral facts to the matter but that these moral facts depend upon the groups to which individuals belong.

Applied to sport, this suggests that standards of moral right and wrong are determined by the various sports and/or sporting body.

¹The idea here is that in order to do sport as opposed to something else you must have certain goals that commit you to certain values. For example, suppose to do sport you need to try to win. This commits you to certain things you ought not to do, such as match-fixing.
1.3 Ethical values in sport

Example 2

1. Tackling another player might be ethically permissible in football but not in boxing.
2. Excessive celebration might be ethically permissible in boxing or MMA but morally wrong in golf when someone misses a put.

Why might someone accept ethical relativism? The relativist might reason as follows:

P1 our ethical views (what we actually think) are strongly shaped by culture.
P2 there is no way to shape / determine what is morally right or wrong beyond the culture to which we belong.
P3 individuals in certain cultures often appear to have different opinions about what is morally wrong and right.

C Therefore, insofar as there is moral right and wrong, this can only be determined relative to the culture to which one belongs.

In short, the existence of disagreement between cultures suggests that there is no way to determine what is universally right or wrong outside of what our culture tells us.

Objection 1-5: disagreement does not imply that truth is relative to culture/subject.

Ethical relativism seems to be supported by the lack of agreement concerning ethical issues. If disagreement implied relativism more broadly, then there would be very few things we could say are universally (objectively) true. For example, a number of people believe the earth is flat (cultures of people). The mere fact that they disagree with individuals who contend that the earth is not flat does not imply there is no universal (objective) fact concerning the matter.

Analogously, just because performance-enhancing drugs are permitted in certain body-building leagues and not permitted in other sports does not make it morally acceptable for the body builders and not for other athletes.

Objection 1-6: some cultural views are intuitively wrong

Consider a culture that permits genocide, rape, murder of innocent children. To say that this is morally permissible in that culture but not morally permissible in our culture is extremely counterintuitive.
1.3 Ethical values in sport

1.3.2 ethical skepticism

A second position individuals might hold is that of ethical skepticism. In contrast to ethical relativism (a view that contends that there are moral facts but these are relative to a culture/subject), ethical skepticism denies that there are moral facts or that there can be any good reason for believing in the truth of any moral proposition. In short, the ethical relativist contends that we cannot know whether propositions like “action is morally wrong” are true or false.

<table>
<thead>
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<th>Definition – ethical skepticism</th>
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<td>Ethical skepticism is the position that there can be no objectively good reasons for saying that an act is morally good or morally wrong.</td>
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</table>

Applied to sport, the ethical skeptic would contend that while some activities might be deemed “distasteful”, “against the rules” or even “criminal”, there is nothing that could be considered “ethical” or “unethical”.

**Objection 1-7: disagreement does not imply there can be no good reasons.**

Similar to the objection against the relativist, ethical skepticism seems to be supported by the lack of agreement concerning ethical issues. If disagreement implied skepticism more broadly, then there would be very few things we could say are universally (objectively) true.

**Objection 1-8: some actions are intuitively morally wrong (good)**

Intuitively we think that some actions are morally wrong. Consider a defensive end who intentionally spears a quarterback well after the end of the play and the spearing puts the quarterback into a coma. Intuitively, we would find this to be morally wrong.

**Exercise 1-6: In a small group, can you think of any actions in sport that would be intuitively classified as morally wrong.**

1.3.3 Moral reasoning

Even if it is possible to reason concerning ethical issues in sport, this does not entail that the type of reasoning that occurs about such issues is the same as how we might reason about other matters of fact. When trying to decide some ethical issue, what ought we to expect?
1. we should not expect the same rigor (or kinds of proof) that we find in some of the empirical sciences, e.g. less reliance on specialized equipment, less reliance on mathematically precise models.

2. we should expect arguments with reasons given in support of conclusions

3. we should expect arguments to be impartial. That is, we should look for arguments with the best reasons/premises that support arguments just because they are in our self-interest.

4. we should aim for consistency. We shouldn’t accept a theory that has internally contradictory principles.

5. we should be able to test our theories and general moral propositions against our intuitions and test-cases.

**Exercise 1-7: In a group, consider the following scenario and questions.**

Consider the penalties associated with excessive celebration in the NFL. According to Rule 12, Section 3 (Unsportmanlike Conduct), players are prohibited from a certain type of “taunting”. This include:

- The use of baiting or taunting acts or words that engender ill will between teams.
- Individual players involved in prolonged or excessive celebrations. Players are prohibited from engaging in any celebrations while on the ground. A celebration shall be deemed excessive or prolonged if a player continues to celebrate after a warning from an official.
- Two-or-more players engage in prolonged, excessive, premeditated, or choreographed celebrations.
- Possession or use of foreign or extraneous object(s) that are not part of the uniform during the game on the field or the sideline, or using the ball as a prop.

What would the ethical relativist and ethical skeptic say about the moral wrongness / rightness of the above acts? What do you think about these kinds of acts? Are they morally wrong or right (specify under what circumstances and give reasons for your view)?

Some examples: [https://www.youtube.com/watch?v=HdCZIrJBYHw](https://www.youtube.com/watch?v=HdCZIrJBYHw), [https://www.youtube.com/watch?v=R6Jb2iLvOKE](https://www.youtube.com/watch?v=R6Jb2iLvOKE), [https://www.youtube.com/watch?v=OEh0Y0xVPVv](https://www.youtube.com/watch?v=OEh0Y0xVPVv)

**1.4 Rules in sport**

A theory of sport is not only supposed to (i) demarcate sports from other activities and (ii) identify how ethical values relate to the participation of sport, but also (iii) explain the nature of foundational and structural features of sport, e.g. rules, rule formation, rule change.
Sports can be understood as types of games. While not all games are sports, two facets of games can be understood as belonging to all sports. A game is defined by a set of constitutive rules which specify what moves or equipment are permissible and impermissible (allowed vs. against the rules) and strategic rules which specify various tactics you might use to win the game.

### 1.4.1 Constitutive rules

**Definition – Constitutive Rules**

A constitutive rule is a rule that defines terms, permissible rules, penalties, and conditions for the game’s outcome (e.g. winning, losing, drawing, forfeit, etc.).

**Example 1 dribbling in the NBA**

In the official rules for the NBA, not only is “dribbling” defined, but the rules state what is and is not permitted with respect to dribbling:

(a) A player shall not run with the ball without dribbling it.

(b) A player in control of a dribble who steps on or outside a boundary line, even though not touching the ball while on or outside that boundary line, shall not be allowed to return inbounds and continue his dribble. He may not even be the first player to touch the ball after he has re-established a position inbounds.

(c) A player may not dribble a second time after he has voluntarily ended his first dribble.

(d) A player who is dribbling may not put any part of his hand under the ball and
   
   (1) carry it from one point to another or
   (2) bring it to a pause and then continue to dribble again.

(e) A player may dribble a second time if he lost control of the ball because of:
   
   (i) A field goal attempt at his basket, provided the ball touches the backboard or basket ring
   (ii) An opponent touching the ball
   (iii) A pass or fumble which touches his backboard, basket ring or is touched by another player.

**Penalty:** Loss of ball. Ball is awarded to the opposing team at the sideline nearest the spot of the violation but no nearer the baseline than the foul line extended.
1.4 Rules in sport

1.4.2 Strategic rules

In contrast to the constitutive rules of a game, there are strategic rules. These rules do not define how the game must be played but are rules for playing well or effectively.

One helpful example to distinguish the constitutive and strategic rules concerns chess. One set of constitutive rules of chess involve how the different pieces are allowed to move. Players are forbidden from moving those pieces in a way contrary to the constitutive rules. However, the constitutive rules don’t tell you how you should move these pieces in order to best win the match. That is, they don’t offer any rules of thumb about how you should go about sacrificing (trading) pieces.

**Definition – strategic rules**

A strategic rule is a rule that states how a game is best played by way of effective tactics.

**Example 1 screens in basketball**

A screen (or pick) in basketball is defined as “the legal action of a player who, without causing undue contact, delays or prevents an opponent from reaching a desired position.”

Screens can be used strategically in basketball to allow better shooters on the team to take easier shots or to create mismatches.

**Exercise 1-8:** In a group, give an example of a constitutive and strategic rule.

1.4.3 Key ideas about rules in sport

There are a couple of points working making with respect to constitutive and strategic rules.

**First**, constitutive rules set up obstacles designed to make a seemingly simple task challenging. It would be simple to score a touchdown if you had unlimited plays, or to make a basket if you had unlimited shooting attempts or no one to prevent you from scoring. Constitutive rules thus take a seemingly simple task, e.g. scoring a goal, touchdown, etc., and turn it into a challenging activity.

**Second**, constitutive rules (rather than the strategic rules) can be used to distinguish different types of sports. Thus, even if we cannot precisely distinguish a sport from every kind of activity, the constitutive rules can be referred to distinguish one sport from another.
1.4 Rules in sport

The idea here is that the constitutive rules that define what basketball is as a sport are different from the constitutive rules that define all other sports.

Third, constitutive rules tend only to provide some general parameters as to who can be a participant in a sport. That is, they may specify that you need to be of such and such age and such and such sex, but they tend not to specify that you need to be such and such \textit{height} or such and such \textit{ethnicity}. That is, there is no constitutive rule saying that what kind of person can play the game. In other words, games do not discriminate on the basis of race, social status, wealth, and religion (although there are some exceptions).

Where constitutive rules do specify the type of person that can participate, this specification is typically done to either promote fairness or safety.

\begin{example}
\textbf{Example 1 Boxing weight divisions}

In boxing, we discriminate on the basis of weight as it would be unfair to have a 300lb heavyweight fight a 112lb flyweight.
\end{example}

\begin{example}
\textbf{Example 2 Running and swimming.}

In long-distance running, we discriminate on the basis of \textit{sex} as it would be unfair to have the top male runner compete against the top female runner.

In contrast, women are much better long-distance swimmers and so we might discriminate on the basis of sex as it would be unfair to have the top female distance swimmer compete against the top male swimmer.
\end{example}

Notice that the above exceptions discriminate in order to allow players of \textit{relatively equal standing} to play the game. The goal of this discrimination is to make a sporting event is a fair competition. Rules that would discriminate on grounds that don’t have this interest in view, e.g. only allowing white people to play soccer, would discriminate in the wrong way.

Certain games, however, do tend to attract individuals that have particular physical characteristics. For example, players in professional basketball tend to be taller than the average human being. But, these characteristics are part of the \textit{strategic rules} of the game. In other words, there isn’t a constitutive rule in basketball that says you must be above a certain height in order to play basketball. Coaches and managers tend to choose taller players as it plays a role in their overall strategy, but they could decide to have a team with short players.
1.5 Theories of sport

Exercise 1-9: Think of a sport and consider what constitutive rules it employs to decide which players can participate and how. Next, with respect to that same sport, how are strategic rules employed to decide which individuals participate.

Fourth, the constitutive rules of games are not entirely arbitrary. The constitutive rules are sensitive to our practical limitations as human beings and they aim to avoid putting participants in unnecessary danger.

Example 3 Non-arbitrary constitutive rules

1. A football field is not ten miles long
2. Distance running events are not 1,000 miles or 1 step
3. Basketballs do not weight 100 pounds
4. A soccer ball is not a sharp object.
5. An amateur boxer with a 1-0 record cannot fight the heavyweight champ

Fifth, the constitutive rules set the boundaries of the game (what one can and cannot do within the confines of the game). There are different ways that an individual can “break” these constitutive rules. Some violations are done strategically while other forms are thought to be forms of cheating.

1.5 Theories of sport

In this section, we will consider various theories that seek to explain whether a particular rule or act is either morally good or bad in the sport.

Before looking at specific theories, we might consider two different very general ways this can be answered.

1.5.1 Internalism and externalism

Assuming that ethical skepticism and ethical relativism is false, on a fundamental level how might we go about answering whether or not an act is morally acceptable (or just acceptable in general) in a sport. In order to answer this question, it is helpful to consider the question of whether (a) participating in sport commits an individual to certain ethical values or (b) all ethical values are external to the participation to sport.

1. externalism is true: any values associated with sport are not found in sport itself, but comes from something outside of (external to) sport. There are no values unique to sport.
2. internalism is true: sport itself is the source of its own values. There are values
unique to sport. That is, participating in sport involves committing one’s self to certain ethical rules and norms.

1.5.1.1 Externalism

In order to answer whether or not something is good or bad with respect to sport, externalists contend we need not consider anything like sport values. Externalists contend that sports themselves don’t come with their own values. Instead, they contend that individuals come into sport and participate in sport with an existing set of values and principles and while the participation in sport may reinforce certain existent values, sport does not require individuals to ever take on specific values.

The values that sport may seem to promote, e.g. teamwork, hard-work, athletic superiority, fortitude, are the product of some larger structure, e.g. social, economic, national, religious.

Example 1 Sport and capitalistic values

Simon, Torres, and Hager (p.27) point to the example of how sport seems to promote competition and rivalry. The externalist will reason that these values are not the result of participating in sport but instead are the result of something external to sport. Namely, the capitalistic economic structure values competition and rivalry and this is transferred into sport.

The idea behind externalism then is that the values found in sport will simply be a reflection of the broader societal values. Individuals who participate in sport won’t ever take on a unique set of values that contrast with the broader societal structure in which they find themselves.

Thus, in response to our question of what is and isn’t acceptable in sport, externalists contend that trying to answer this question requires us to look at what is and isn’t morally acceptable in society as a whole. Sport doesn’t have a sort of unique moral code or set of values that its participants must follow.

1.5.1.2 Internalism

In contrast to externalism, internalism is the view that there are unique values to be found in sport and that these values can contrast with the larger societal structure in a sport is embedded.

The idea here is that while society might promote greed, individualism, or selfishness, it is possible for sport itself to promote its own (potentially conflicting) set of values.

Thus, in response to our question of what is and isn’t acceptable in sport, internalists
contend that trying to answer this question requires us to look at the goal, practice, or structure of sports and see if any of these resources can be used to determine whether an act is morally acceptable in the sport.

Exercise 1-10: In a small group, what sort of values can you think of that playing sports promotes.

1.5.2 Formalism

Formalism is a theory that a sport can be defined by reference to its constitutive rules and that these rules determine what is morally right and wrong within the confines of a sport. What is morally permissible is what is allowed in the sport and what is morally forbidden is what is disallowed by the rules.

Objection 1-9: Formalism cannot explain values that are found in the sport that go beyond the rules.

For example, suppose two hockey teams A and B are facing off but A forgets their hockey sticks. Since B is under no obligation by the rules to provide A with hockey sticks, it seems that B would win easily or by forfeit. But, we might say that B should provide A with some hockey sticks assuming they had extras.

Objection 1-10: Formalism cannot explain rule change.

Formalism says a sport is just defined by its rules. This seems to imply whenever the rules change, there is a new sport. This is counterintuitive.

Objection 1-11: Formalism cannot explain rule change and formation.

Formalism says a sport is just defined by its rules and what is morally permissible is defined by these rules. This seems to imply the values of the sport are wholly found (stated) by the rules. What values motivates new rules designed to increase player safety or to make the game more competitive? These values have to be outside the rules themselves.

Example 1 Advertisements in track and field.

There are strict rules regulating advertisements that track and field athletes
can have on their sporting attire. They cannot, for example, behave like Nascar drivers and put advertisements all over their uniform. Some individuals argue that this rule favors large corporations (e.g. NIKE) and hurts athletes who would be better served by acquiring a variety of smaller sponsors.

According to the formalist, there are no values in sport beyond the constitutive rules themselves that we could appeal to in order to change the rules or add a new rule that would allow athletes to have multiple sponsors.

1.5.2.1 Conventionalism

Another theory of sport is conventionalism. According to conventionalists, sport is defined not only by the explicitly-formulated constitutive rules but also by certain implicit rules (that is, conventions) that participants agree upon.

Example 2 Shaking hands.

In various sports, there are rituals that display sportmanship between fellow athletes. Opposing soccer teams walk out of the same tunnel, sometimes with a child of one of the members of the opposing team. At the end of an NBA playoff game (and regular season games), NBA athletes shake hands. While not an explicit rule, it is an unstated rule that these rituals are observed.

When these conventions are broken, the act is said to be morally wrong. For example, in the 1991 NBA Eastern final, the Detroit Pistons were swept by the Chicago Bulls. Rather than shake hands with the Bulls players, the Pistons left the stadium before the end of the game.

Example 3 strategic fouling

At the end of an NBA game, individuals often foul other players on purpose. The goal here is to poor free throw shooters to the line. According to the formalist, this would be against the rules of sport. But, on the conventionalist’s reading, there is a convention that permits this commonplace strategy.

Objection 1-12: conventionalism cannot tell us what to do in novel situations.

According to conventionalism, a particular act is morally permissible provided it is covered either by the constitutive rules of the game or is a convention. However, it is possible for there to be certain acts which are not covered by
either the rules or conventions. In these cases, conventionalism gives us no guidance on whether or not the act is morally wrong or acceptable.

**Example 4 Transgendered athletes**

With the rise of more and more transgendered athletes competing, at least initially there were no rules or conventions on whether they ought to compete as males or females. In other words, simply appealing to conventions was not sufficient for determining what the morally acceptable action should be taken.

**Objection 1-13: Bad conventions.**

Some conventions are rejected by some of the participants in a sport. Consider, for example, strategic following bad free throw shooters in basketball. Participants and fans have objected that this should not be a legitimate strategy since it slows down the flow of a game and makes for a less interesting athletic contest.

Conventions does not have the resources to determine whether or not this is a convention that should be revised. We need some value outside the explicit rules and the conventions to decide this matter.

### 1.5.3 Broad internalism

A third view is that of **broad internalism**. This view contends that a sport is defined by (i) its constitutive rules and (ii) a set of **sport principles** that are presupposed (internal) by the idea of sport. On this account, what is morally permissible within sport are actions that are in line with both (i) and (ii).

**What are sport principles?**

According to Butcher and Schnider (p.32-33), sport principles are that which is in the best interest of the sport itself. Thus, if such and such rule change would be in the interest of the sport, then that rule should be changed.

**Objection 1-14: This does not make sense. People have interests, not sports.**

Rather than saying a sport has interests, we might say that **sport principles** are simply the rules that we would accept if we “respected” sport?
Objection 1-15: The notion of “respect” implies that there is something that has interests that can be respected. And so, this reformulation still seems to assume that a sport has interests.

Rather than saying a sport has interests, we might say sport principles are the rules that would emerge if we “ask ourselves whether or not some action we are contemplating would be good for the game considered, if everyone did that” (see p.32).

Objection 1-16: What is “good for the game” still seems to imply that a sport has interests and this notion is mistaken.

Another attempt to reformulate what is being said here is to ask ourselves whether some act would better test the skills or abilities that the sport is supposed (designed) to test. That is, if we understand a sport as designed to test certain physical and cognitive abilities, then “respecting a sport’s interests” just means doing only that which better tests these abilities.

Example 1 Moving the three-point line

Let’s consider the distance of the three-point line in the NBA. In contrast to other shots, the three-point shot is thought to be more difficult to make given its distance from the basketball hoop. Thus, it tests an individual’s ability to shoot a long-range shot.

Now suppose there was a proposal to move the three-point line closer to the basketball hoop. As we saw, the formalist and conventional don’t seem to have the resources for determining whether this should or should not occur. However, since the broad internalist contends that not only is a game determined by the explicit rules but also its sporting principles, there is a good objection to moving the three-point line were much closer. It would no longer test an individual’s ability to shoot a long-distance shot. Similarly, moving it significantly farther away may result in a test of luck rather than physical skill or ability.

Example 2 Reddy Mack and homeplate interference.

Consider an example raised by J. S. Russell. Take the baseball player (Reddy Mack) who crosses home plate and then proceeds to interfere with the catcher, thereby allowing another base runner to score.
At the time in which this occurred, while there were rules preventing base runners from interfering with the catcher, there was no explicit rule or convention prevented non-base runners from interfering. In this scenario, the umpire cannot appeal to the rules or the conventions of the game to determine what should occur.

The umpire thus has at least two potions. Allow non-base runners to interfere with fielders or don’t allow base runners to interfere with fielders.

According to broad internalism, the correct choice in this situation would involve looking at which rule would better test the abilities that the sport is designed to test.

Exercise 1-11: Consider the following question in a group.

Some NBA players (Draymond Green, Reggie Miller) “kick out” when they shoot or rebound. Kicking out when shooting allows shooters to maintain space between them and the guard, making their shots more difficult to block. In addition, it increases the likelihood that the guard will make contact with the shooter and thereby resulting in free throws. “Kicking out”

1.6 Competition in Athletics

When we ask what is the point of any given sport, we are often faced with two very different answers. The first answer is attributed to UCLA football coach Henry Russell (“Red”) Sanders, and later falsely attributed to Green Bay Packers Coach Vince Lombardi. Sanders is claimed to have said the following during a workshop: “Men, I’ll be honest. Winning isn’t everything. Men, it’s the only thing!”

The second answer is encapsulated by two quotes, one from journalist Grantland Rice and the other to Pierre de Coubertin, one of the founders of the Olympics. Rice writes that “it’s not that you won or lost but how you played the game” while de Coubertin’s writes that “the important thing in life is not the triumph but the struggle, the essential
thing is not to have conquered but to have fought well.”

We thus have two answers to the point of sport:

1. winning is everything
2. winning is secondary to participating well

Exercise 1-12: In a small group, discuss whether it is more important to win or to participate/play well.

1.6.1 Winning is everything: competition

Let’s consider the idea that winning is everything. This point might be argued for on the basis of the nature of sport. The idea here is that sport, by its very nature, is a competitive endeavor, and the goal of every competitive endeavor is to win.

P1 A sport, by its very nature, is competitive. (The sole goal of competition is to compete).

P2 The point of any competitive endeavor is to win.

C Therefore, the point of sport is to win.

The argument hinges upon the premise that the sole goal of any competition is winning.

Objection 1-17: Competition does not entail winning as the primary goal.

One problem with understanding sport as wholly competitive is that people participate in sport for reasons other than to compete or to win.

For example, take an individual who has no chance at winning a 5K race and knows no one in the race. That individual may train for the 5K knowing full well that s/he won’t win the race. He or she may simply be trying to run a faster time than she has in previous races or to get in better shape.

The idea here then is that even if all sports are competitive endeavors, winning need not be the primary goal if one competes in sport.

Objection 1-18: Even if winning is the main goal of sport, this does not mean it should be its main goal.

—L’important dans la vie ce n’est point le triomphe, mais le combat, l’essentiel ce n’est pas d’avoir vaincu mais de s’être bien battu.
Let’s assume that *winning* is currently the point (main goal) of sport. Assuming this is the case, perhaps it shouldn’t be. That is, perhaps having this as the main goal of sporting events leads to bad consequences that we might avoid.

For example, consider that in some sports, there is a winner or loser. This can be said to create *adversarial* relationships between both players and fans. That is, rather than bringing people together to enjoy a good match or good game, it instead encourages hostility and a *me vs. you* attitude between individuals. Viewing individuals in this way involves viewing them as *obstacles* or *things* to overcome rather than *persons* deserving of our respect.

**Objection 1-19:** *Seems to allow for anything goes.*

If winning is *all* that matters, then *how* one wins does not seem to be a concern. This implies that it is acceptable to break the rules (cheat) in order to win.

One response to these objections is to make the position a little more moderate. That is, rather than saying that competition is the *sole* goal of sport, the position is revised to say that competition is the **primary goal of sport**.

- **P1**  The primary goal of sport is to compete.
- **P2**  The point of any competitive endeavor is to win.
- **C**   Therefore, the primary point of sport is to win.

On this revised argument, individuals may participate in sport for a variety of reasons but the primary goal of such participation is to compete and thus winning is the most important goals of sport. With this said, why should competition be the primary goal of sport? What is it about competition that makes it so important?

One answer is that there are certain *goods* that result from making it the primary goal. For instance, it is often thought that sport helps to develop the character of the participants. That is, competitive physical activities whose goal is to compete (and win) plays a role in the development of positive characteristics in individuals. For example, sport teaches human beings loyalty, self-discipline, perseverance (overcoming adversity), and how to set goals and work towards these goals.

**Exercise 1-13:** *In a group, detail some of the positive character traits you think are created (or reinforced) by participation in competitive sport.*
1.6.1.1 Does sport develop good character traits?

The question, however, is whether or not it is in fact true that sport plays a causal role in developing good character traits.

According to Ogilvie and Tutko,\(^3\) sport does not build positive character trait. They contend that the positive character traits that we see in certain athletes is not because of sport. Instead, they contend that sport requires individuals to have certain positive traits in order to compete at a high level. The idea then is that individuals with these positive character traits tend to be more successful at sport while individual without these traits tend to be weeded out. In short, sport selects rather than creates positive character traits.

On the other hand, some\(^4\) have argued that while sport does not create positive character traits in individuals, it does develop these existing traits. The idea here is that sport allows individuals with certain good character traits to both enhance these traits. For instance, an individual might be excellent at working with others by nature (or developed this outside of sport) but sport gives him/her the opportunity to develop this positive quality.

**Objection 1-20:** Even if sport does develop positive character traits, this does not imply that competitive sport doesn’t also encourage bad character traits.

Let’s assume that winning is the primary goal of sport and having an activity with this goal allows individuals to develop positive character traits. This does not mean that the total good that results from the positive character traits developed exceeds the evil that results from certain negative character traits.

To be successful in sport, one might need to develop certain positive traits (loyalty, hardwork, etc.), but if winning is the primary goal, then evil traits may also be beneficial. For example, the ability to get away with cheating (e.g. drug use) or creating other unfair advantages to get ahead of your competitor (e.g. hyper-aggression).

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\(^3\) Bruce C. Ogilvie and Thomas A. Tutko, "Sport: If You Want to Build Character, Try Something Else.

\(^4\) Harry Edwards, Sociology of Sport, p.324.
Objection 1-21: *Competition invites selfishness and selfishness is wrong.*

Consider that when one person wins, another person loses. Sport then is a zero-sum game.

<table>
<thead>
<tr>
<th>Definition – zero-sum game</th>
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<tr>
<td>A game is zero-sum iff each participant’s gain subtracted by each participant’s losses totals zero.</td>
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Example 1 knockout-style tournament

If a team wins, then continue forward. If they lose, then they are out of the tournament. The total gain from the competition then is being able to continue on in the tournament (let’s assign this a value of 1). The total loss from the competition is elimination from the tournament (let’s assign this a value of 0). The game is zero-sum since each the winner’s gains subtracted by the loser’s losses equals zero.

Thus, the goal of competition is to advance one’s own place while simultaneously preventing one’s opponent from advancing their own. There is no net benefit from the total outcome of the sporting event. And so, competition is a narrowly selfish endeavor and this sort of narrow selfishness is immoral.

1.6.2 Competition as a mutual quest for excellence

Given the above objections against the value of competition, it appears that the point of sport should not be to compete and thus winning should, at best, be a non-primary concern in the participation in sport. Athletes should instead focus on doing their best, playing well, but not on trying to beat their opponents.

Let’s consider some possible criticism then to the claim that competition is immoral because it requires selfishness.

Objection 1-22: *competition involves cooperation between teammates.*
Objection 1-23: good competition does not involve complete selfishness

Even if competition isn’t a completely selfish activity, it might nevertheless be characterized as primarily selfish. That is, while there are elements of cooperative behavior involved, sport is still a zero-sum game.

Let’s return to the idea that the primary goal of sport is to compete and this implies that sport itself is a zero-sum game and requires that its participants behave selfishly and thereby immorally. One way we might object to this idea is to argue that while the primary goal of sport is to compete (win), sport itself is not a zero-sum game and its participants are not behaving selfishly when they compete.

Earlier arguments that stressed the value of competition depended upon the premise that the goal of competition is to win. A number of objections were raised in criticism of this premise. However, rather than understanding the goal of competition as simply winning, we might say that the goal should be to test one self. This is the view taken up by Simon et al. (pp.46-47). They contend that “the principal value of athletic competition lies not in winning but in overcoming the challenge a worthy opponent presents.” On their view, they contend that competition is not a zero-sum activity where participants are in an adversarial relationship with each other. Instead, they contend that good competition “presupposed a cooperative effort by competitors to generate the best challenge to each other.” Competition in sport then is “a mutually acceptable quest for excellence through challenge.”

In support of their claim, they point to a key intuition we have concerning the value of a sporting events. According to Simon et al., we value a match between individuals of relatively equal ability over a lopsided match between individuals of disparate ability. The reason that we value a match between worthy adversaries is because the value of competition is not in the winning of the event but in the testing of the individuals.

Good competition then is not a selfish activity since it requires both participants to put forward their best possible effort. Good competition is also not a zero-sum game because the result is not defined solely in terms of winning and losing, but also how well one competed.

Exercise 1-14: Simon et al. argue for the value of competition but they contend that the primary point of competition is not to win but is a mutually acceptable quest for excellence through challenge. What does this mean to you and do you agree with it?
Handout 2

Cheating and breaking the rules

What does it mean to cheat? What conditions need to be met in order to classify some action as an instance of “cheating”? Are all instances of cheating morally wrong and what should be done about individuals who do cheat?

Exercise 2-1: In a small group, consider some concrete instances of cheating.

2.1 Theories of cheating

2.1.1 Cheating as breaking rules

One way to analyze cheating is to say that an individual cheats when s/he breaks the rules of the sport. That is, if an individual uses a performance-enhancing drug (PED) and that drug is prohibited, then that individual has cheated.

The problem with this account is that there are a number of cases where individuals break the rules of the sport but intuitively we do not think they have cheated. Such cases include instances where rule-breaking is accidental or unintentional. For example, consider an offensive lineman in the NFL who is false starts or a soccer player who tries to slide tackle a player with the ball but ends up tackling the player.

Another case of rule-breaking that would not be called cheating is when the rule being broken is innocuous or does not give a player any advantage. For example, while there are rules prohibiting high school swimmers and divers from wearing jewelry, we wouldn’t consider cases where individuals wear jewelry cheating. ¹

¹In short, simple rule-breaking is not sufficient for cheating. In order for an individual to cheat s/he needs to break a rule intentionally to gain an advantage over his/her opponents.
2.1 Theories of cheating

2.1.2 Cheating as deception

Another way to analyze cheating in sport is to say that an individual cheats when s/he intentionally breaks his/her promise to adhere to the rules in order to gain an advantage over his/her opponents. The idea here is that cheating is a form of deception or lying for personal gain.

An example of this form of deception would be a soccer player who intentionally scores using his/her hand but claims that s/he did not use his/her hand. Not only is a rule of sport violated but the individual has also violated the rule intentionally for an advantage.

**Objection 2-1:** *Not cheating if one doesn’t promise to adhere to the rules.*

One problem with this position is if athletes claim that they never promised to obey the rules. They can argue that they are not deceiving anyone or breaking any promise to obey the rules since they haven’t ever promised to obey such rules.

In short, not only is simple rule-breaking not sufficient for cheating, but characterizing cheating as a form of lying or promise-breaking is also insufficient since athletes can cheat but claim to have never made a promise to obey the rules.

2.1.3 Cheating as lack of respect for opponents.

Another way to analyze cheating in sport is to say that an individual cheats when acts in such a way that his/her intentional action could not be consistently universalized. The idea here is that an individual does not cheat when s/he can be committed to the rule that the act s/he is performing is one that s/he can consistently will be universalized, that is to say, “I can will that everyone is permitted to do what I am doing.”

An individual cheats when s/he intentionally takes advantage of the fact that athletes are expected to obey a set of rules but s/he does not hold himself/herself to these rules. In short, an athlete cheats when the athlete makes himself/herself an arbitrary exception to the rules in order to gain a competitive advantage.

For example, the soccer player who intentionally uses their hand to score is guilty of cheating because s/he wishes to be the exception of the rule that forbids the use of one’s hands. S/he wishes that everyone else obey this rule but that this rule not be applied to one’s self.

If an athletic competition is thought to be a mutual quest for excellence, a test to determine who is the better athlete, then this test presumes that individuals are held to the same set of rules. When one cheats, one no longer treats one’s opponent as a means
to one’s personal end, e.g. one simply wishes to win, or to please his/her fans, or to obtain a better contract.²

Exercise 2-2: In your own words, explain what you think it means to cheat in sport? Be as precise as possible and (i) give an example that is a case of cheating and (ii) an example that might appear to be cheating but isn’t.

2.2 Strategic Fouling

Even if all cheating is morally wrong, it is unclear how to categorize strategic fouls (also known as professional fouls).

**Definition – Strategic Foul**

A deliberate breaking of the rules in order to gain an advantage, e.g. to prevent an obvious scoring opportunity.

Some have argued that all forms of strategic fouling is wrong (see Simon et al., pp.64-65). They argue strategic fouls are intentional violations of the constitutive rules of the game that participants have agreed to in virtue of the fact that they are participating in the game.

²Some have argued that cheating is not always wrong in sport. One point in its favor is that it can make sport more exciting and add a new layer of challenge for athletes. Athletes not only need to train for their respective events but also need to learn to circumvent drug tests. Boxers need not only learn how to box within the confines of the rules but also how to get away with low punches and headbutts that appear accidental but are, in fact, intentional.

In response, Simon et. al. argue that cheating undermines the point of sport. They contend that sport is a mutually acceptable quest for excellence through challenge. From this idea, they argue that while cheating may make sport more entertaining for fans and may add a new layer of challenge for athletes but this new layer of challenge is not a new sporting challenge. That is, the challenge it presents is not a test of one’s athletic skill but more a test of one’s trickery or deceit.
Objection 2-2: *Against the rules but not against the conventions.*

One response to this position is that even though strategic fouls are against the rules, they are not against the conventions of the game. That is, teams mutually agree that it is acceptable to violate certain rules (provided certain penalties are in place).

As Simon et al. write “such behavior [is] normal and expected” and such behavior is “appropriate for all participants, including opponents” (p.66). It is thus not a form of cheating since cheaters want to violate rules without permitting others to violate them.

2.2.0.1 Prices and Sanctions

Simon et al. consider the view that strategic fouling should be considered morally permissible since participants pay for violating the rules with penalties. For example, in soccer, if a defender fouls a striker is fouled in the penalty box, the striker’s team is given a penalty shot. Simon et al. contend that this theory is too permissive (extreme). To see there objection, they distinguish between penalties as sanctions and penalties as prices.

They understand a penalty as a price similar to fees for acquiring a driver’s license or registering your car or getting married. Prices are not punishments for doing something, nor is there any intent to hide what one is doing. In contrast, a penalty is a sanction is akin to a prison sentence for a crime. Sanctions are punishments for doing something that society deems prohibitive and immoral.

With the notion of sanction and price distinguished, they then argue that one condition for determining when a strategic foul is acceptable is by determining whether or not there is a fair price for that foul. They contend that the price for a strategic foul should provide “equitable compensation” for the opposing team (p.67).

The implication then is that a strategic foul has a fair price if Team A commits a strategic foul and either:

1. Team B would (in general) rather A had not committed the foul (since the price is too low),
2. Team A has little to no incentive to not commit such fouls.

For example, suppose a striker is fouled by a defender in the box, but the price is that the defender is simply told to be careful. Here is a case where

1. striker’s would rather not be fouled
2. there is no incentive for the defender to stop fouling and the
2.2 Strategic Fouling

Exercise 2-3: Consider the following activity in a group.

1. Think of at least two penalties in sport where one penalty is a sanction for committing the foul while the other is a price for committing the foul.
2. Think of at least one price for committing a foul where you think the price is not fair. How would you change the rule to make it more fair?

2.2.1 Strategic rules and the skills of sport

One argument put forward by Warren Fraleigh is against strategic fouls as an acceptable part of sport. To understand this argument, first consider the distinction between the constitutive skills and the restorative skills of sport.

The constitutive skills of sport are the skills the game is designed to test. In soccer, these include skills like shooting, passing, dribbling, running, tackling, positioning, etc.

The restorative skills of sport are the skills involved in receiving payment for a penalty. In basketball, a restorative skill would include free-throw shooting. In soccer, a restorative skill would include taking a penalty shot. In hockey, a restorative skill would involve a power-play.

P1 The constitutive skills are a more complex, difficult, interesting, and important set of skills than the restorative skills.

P2 Strategic fouls diminish the value of a game by replacing the constitutive skills with the restorative skills.

C Therefore, strategic fouls are wrong.

The idea behind the argument then is that strategic fouls undermine the game by making it less interesting and less a test of an athlete’s true ability. If we understand sport as a mutual test for athletic excellence through challenge, then strategic fouls harm this quest by testing lesser abilities.

Objection 2-3: Argument seems to depend upon the sport.

Some restorative skills seem to add another, interesting dimension to the game. For example, free kicks in soccer are not simple skills and teams often employ specific individuals who perfect this ability.

In addition, to say that restorative abilities are less interesting to fans isn’t true since a good set of penalty kicks can be very exciting.
2.3 Sportmanship

Objection 2-4: *Restorative skills are sometimes necessary.*

If A and B are equally matched in terms of their constitutive skills, having them play an endless game can make the game uninteresting and perhaps hazardous to the athlete. Restorative skills can provide an alternative way to determine a winner in a particular match.

Exercise 2-4: *Do the restorative skills of a sport make a sport less of a true test of an athlete’s abilities? Do they make sport less or more interesting?*

2.3 Sportmanship

In contrast to the concept of cheating which is seen as morally wrong behavior in sport, there is the concept of sportsmanship. The notion of sportsmanship is somewhat of a vague concept, but several properties are thought to be associated with it.

1. sportsmanship refers to certain acts between players involving sport.
2. sportsmanship should not be understood merely as ethical behavior or being good.
   
   If that were the case, then it would provide no additional explanatory work than the idea of being good.
3. sportsmanship is said not supererogatory (actions that are above and beyond our moral duty), e.g. like extreme acts of charity.
4. some claim that we are obligated to behave in sportsmanlike way, viz., to be a good sport.

2.3.1 A theory of sportsmanship

Let’s assume that sport has two components. First, sport is by its nature competitive. Second, sport is supposed to be a diversion from life’s necessities, viz., it is supposed to be fun and pleasurable. On this account, sportsmanship can be defined as what preserves the second aspect of sport. That is, sportsmanship is supposed to protect the fun, joy, or pleasurable aspect of sport. Athletes are required, not only to obey the rules of sport, and to compete to their best ability, but also to do that which increases (or preserves) what makes sport pleasurable.

In support of this idea, we might consider what would be the case if athletes were not obliged to act in a sportsman-like way. The competitive interaction between individuals might be said to degenerate into a heated, conflict between two groups that potentially hate each other. Sport would be more like war between two players or teams rather

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3Sport is not an activity that is not necessary for collective survival of the human species, but instead has a recreational or superfluous element to it.
than a serious, competitive, yet fun contest between participants.

**Exercise 2-5:** Consider the following questions in a group.

1. Are individuals ethically obligated to be good sports? That is, is it a requirement to behave in a sportsmanlike way?
2. Simon et al. contrast two cases involving a case where a team won because a referee mistakenly awarding the other team an advantage. In one case, the winning team declined the win on the grounds that it would be bad sportsmanship to accept a win in those circumstances. In the other case, the winning team accepted the win. Is accepting the win a case of being a bad sport? Explain your answer.
Handout 3

Gender equality

This chapter considers issues surrounding gender equality in sport.

3.1 Women are not fit for sport

It is worthwhile to consider some older views on the place of women in sport. This is the view that women are neither physically capable nor interested in participating in competitive sport.

The first aspect of this claim is that sport poses a specific sort of health danger to women and they should be prevented from undertaking this danger. The principle underlying this claim is paternalistic, namely women should be barred from participating in competitive athletics (a limitation on their liberty) for their own good.

The second aspect of this claim is that since women are not interested in sport, there is no reason to devote any special resources to accommodating them. This lack of interest helped to justify the separation but unequal devotion of resources to women’s sports.

The above claims, however, is not to say that women were completely unable to participate in any type of sporting event or had absolutely no interest in sport. Instead, the physical capacity of women as well as their interests were better suited to non-stressful, non-competitive, play-like events. Physical activities that required competition or put a serious stress on the human body were off limits.

From our modern perspective, the claim that women are neither physically capable nor interested in sport appears absurd.

**Objection 3-1:** Increase participation in sport since the 1970s.
In the early 1970s, few women participated in sport. However, when laws
prohibiting the discrimination of women in sport were put in place, there was a
huge increase in the number of women who began to participate in competitive
sport.

“In 1971, 1 in 27 girls participated in high school sports. In 2008, that figure
was 1 in 2.4; for boys, the figure has remained constant at 1 in 2 for many
years; in 2008, boys’ participation reached 1 in 1.7. (Women’s Sports Foun-
dation calculation based on NFHS and Department of Education statistics,
2009.)”

If women were not interested in sport, then what would explain the increase?

**Objection 3-2: Events women were thought to be dangerous to women were
not dangerous.**

Both objections against the claim that women were not physically capable of particip-
pating in certain events nor interested in sport receive an illustration in Bobbi Gibb’s
completion of the Boston marathon.

**Example 1 Bobbi Gibb and the Boston Marathon**

In the 1960s, women were barred from participating in the most famous marathon
outside of the Olympic Games: the Boston Marathon. The first woman to run
the Boston marathon was Roberta Louise “Bobbi” Gibb.

First, Gibb’s interest in running the marathon emerged out of an early interest
in running in general. In an interview, Gibb recounts an early love of running.

I spent my childhood running in the woods with the dogs. [...] I’d run for miles and walk and look at things. [...] I would see a
field and it would be shimmering in the sun and the wind would be
blowing and I would just get this wonderful uprising sense of joy
and I’d tear across the field at full speed and leap into air. It was a

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1Women were not permitted to participate in the Olympic Games in ancient Greece, and as Charlie
Lovett reports in his *Olympic Marathon* “[a] woman who was caught even as a spectator at the Games
could face execution’. This sort of exclusion wasn’t something of the distant past for when the Olympic
games were reborn in 1896, women were not allowed to compete. But this did not keep them from
trying to participate. The 1896 games were to include a recreation of Pheidippides mythical “marathon”
rung from Athens to Marathon in the Battle of Marathon (a 25 mile distance). Although not officially
recognized as an entrant, Stamatis Rovithi ran alongside the entire marathon course, circling the stadium
as her male competitors finished with a final lap inside.
way of celebrating life. I just felt so much love of life and so much joy that there was no other way of expressing it than just running as fast as I could. It was almost an instinct.

Gibb had never heard of the Boston marathon until in the early 1960s, a father of a high school friend told her about the epic 26.2 mile event. In 1964 Gibb and her father went to watch the race. “I just fell in love with it,” Gibb says, “I saw these people running and they had such strength, courage, and dignity, and I felt as though they felt the same bond and the same bond with themselves as human animals as I did.” Gibb resolved to run the event and so she began to train for it the next day.

In 1965, Gibb drove from Boston to San Diego in her Volkswagen Bus. She would drive a couple hundred miles during the day and then train by running and walking up to three hours a day. It was perhaps fortunate for Gibb that she undertook her training in relative ignorance of the rules prohibiting women from competitive distance running and of the prevailing ideas that women could not physically cover the 26.2 mile distance. It was only after she arrived in San Diego and received word from the Boston Athletic Association (BAA) about the status of her application that she received the grim news. “When I had written for my application blank from San Diego,” Gibb recounts, “I had received a letter back they said ‘women are not physiological able to run 26 miles’, but I was already running 40 miles at a stretch as a part of my training.”

Gibbs was outraged by the response but her goal of running the Boston marathon took on new purpose. No longer was running the event solely an attempt to commune with others who celebrated life and nature in the same way she did, but “I knew”, Gibb remarks “I’ve got to do this to set women free.” So Gibb resolved to sneak into the 1966 race. In order to avoid detection at the starting line, Gibb—in a blue hooded sweatshirt and her brother’s bermuda shorts—decided to hide in the bushes before the start. Once half of the pack went by, Gibb slipped into a crowd of runners and began running. Part way through the race, Gibb was identified by several male runners. This worried Gibb as she wasn’t sure what would happen if race officials recognized her. “I thought I would be arrested or the police would pull me out,” Gibb said. The men remarked “we won’t let them throw you out. It is a free road.” Invigorated by this, Gibb tossed off her hooded sweatshirt. As Gibb continued the race, she received support from a cheering crowd, other male runners in the race, and the governor of Massachusetts who greeted her as she finished the race in 3 hours 21 minutes and 2 seconds, placing 124th out of 416. But the attitude of race directors Will Cloney and Jock Semple was similar to the attitude of the directors of the first 1896 Olympic marathon. Though Gibb had run the Boston marathon course, she was not officially registered and so she had not
officially competed in the race.

Figure 3.1 – One of the most memorable instances in 1967 involved Kathrine Switzer, who became the first “official” woman to participate in the Boston marathon by registering under the name “K. V. Switzer”. Much like Gibb before her, Switzer wore a hooded sweatshirt to hide her identity. Roughly two miles into the race, she removed her hood which alerted race officials who tried to forcibly remove her. Co-director Jocke Semple tried to forcibly remove Switzer from the race, but was met with a body-block from her boyfriend and hammer-thrower at Syracuse Tom Miller.

3.2 Title IX: Assimilationist and Pluralist readings

Title IX of the United States Education Amendments of 1972 prohibits discrimination in federally assisted education programs. Not only does this bar sex-discrimination with respect to academic programs (e.g. quotas were once put on the number of women who could become doctors or lawyers), but this law also applies to athletics.

Title IX reads:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”

3.2 Title IX: Assimilationist and Pluralist readings

3.2.1 Assimilationist reading

There is debate how best to interpret and/or implement the above law. One way to interpret it is to make no distinctions based upon sex. This approach is to effectively be sex-blind when it comes to sport. That is, just as we ignore eye-color, hair-color, and skin-color when it comes to sport, we ought also to ignore one's sex. Instead, we ought to only focus on the attributes of the human being that are relevant to the sport.

This type of reading is an assimilationist reading (or integrationist reading) of Title IX. Calling it by these terms refers to the ideal that women and men should be allowed to assimilate or integrate in sport. It rejects the idea that sport should be separate but equal.

The assimilationist can justify this reading of Title IX by arguing that when women do not participate in a particular sport, e.g. American football, they are not being discriminated against because of their sex. They are, similar to many other men, being discriminated against because they lack the requisite skill/ability to compete at the required level.\(^3\)

There are a number of reasons to support the assimilationist theory.

The first argument for the assimilationist theory is by analogy. The argument by analogy can be stated in two different ways.

First, consider various other competitive environments, e.g. entry into law school, entry into medical school, hiring for a job. When reviewing applications to law school, the assimilationist contends that one ought not to take into consideration the sex of the applicant. Analogously, one ought not to do the same in sport. Thus, the assimilationist argues that just as it would be wrong to discriminate on the basis of sex in these other competitive environments, it would also be wrong to discriminate in sport.

Second, the assimilationist might argue that sex is analogous to race. And, just as it would be wrong to discriminate on the basis of race in sport, it would also be wrong to discriminate on the basis of one’s sex.

A second argument for the assimilationist theory is that separate but equal opportunities to participate in sport is not acceptable. The separation of sexes into different sports reinforces certain stereotypes or sex roles.

How exactly does separate but equal access to sport create/reinforce certain sex roles and thereby keep individuals from living their lives how they want to?

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\(^3\) According to the assimilation model of sex equality, an individual’s sex should play no role in the distribution of civil rights or economic resources. Society should effectively be sex blind. That is, it should treat sex similar to how we treat hair color, eye color, or height as a non-factor in how we legislate and distribute resources as a society.
P1 Separate but equal access to sport reinforces (or creates) certain sex roles.

P2 Sex roles inhibit an individual’s autonomy (restricts or limits what one can do with one’s life).

C Therefore, separate but equal access to sport is unacceptable.

Table 3.1 – Argument against separate but equal access to sport.

The idea here is that if we allow women and men separate but equal access to sport, then there are certain social expectations on the types of sports in which women should participate. Certain sports get associated with being women’s sports and women are expected to participate in those sports rather than some sport that is traditionally associated with men.

Exercise 3-1: Consider the following sports and state which sex they are traditionally associated with (if any)?

1. rugby
2. American football
3. soccer
4. tennis
5. cheer leading
6. golf
7. hockey
8. volleyball
9. swimming

Objection 3-3: Decrease women athletes.

If no distinctions are made on the basis of sex, then there would be far fewer female athletes playing at the highest level. While women professional athletes are far superior to the majority of non-professional men in sporting events like baseball, track and field, swimming, etc., men appear to have physiological advantages over women. The consequence then would be that many women (but not all) would not be able to participate in intercollegiate sports.

Response 3-1: This would not matter.

First, consider that in 2015, roughly 75 percent of NBA players were black. This means that white individuals are a minority in the NBA. This, however, does not appear to be a problem for white people. That is, just because there
are fewer white people in the NBA does not mean that there should be a separate league (or resources) for white people. Analogously, just because very few women would compete at the highest level of certain sports (or at levels where federal aid is distributed) does not mean there should be a separate league for women.

Second, consider that there are very tall and hefty jockeys. Just because height is a physiological bar to participation as a horse jockey does not mean that there should be separate but equal resources devoted to tall-hefty jockeys.

The third argument is related to the idea that a separate but equal reading of Title IX would be harmful to women. On this line of argumentation, what is dangerous to women is not that separate but equal sports would encourage certain sex roles for women (e.g. women’s sports). Instead, it would encourage the general idea that women are athletically inferior to men and so women’s sports are not as valuable.

P1 When top-level women and men compete against each other, men regularly win (there are some exceptions).

P2 Because men are better than women at sport, non-separate-but-equal competitions are more valuable (and more interesting to watch).

P3 Creating a division between men and women in sport would thus draw attention to the view that women are inferior to men.

C Therefore, separate but equal access to sport is unacceptable.

Table 3.2 – Argument 2 against separate but equal access to sport.

Exercise 3-2: The above argument rests on P2, namely that because men are better than women at sport, men’s sport is more valuable and more interesting to watch.

1. Are there any women’s sports that are more interesting to watch? Why are they more interesting? Any less interesting? Why?
2. Are there any women’s sports that are just as interesting to watch? What about them makes them as interesting?
3. Are there any women’s sports that if you knew more about them, you might be more interested (e.g. if you knew more about the sport)?

3.2.2 Pluralist reading

Title IX is not traditionally interpreted in terms of the assimilationist theory (although perhaps it should be!). Critics of the assimilationist theory argue that turning a blind eye to sex would result in discrimination (see objection above) as it would reduce the total number of women competing in sport. In contrast to the assimilationist reading is
the pluralist reading.

According to the pluralist reading, we avoid discriminating not by simply ignoring sex as a factor but by preventing any particular sex from being in a place of dominance (privilege) over the other. On this reading, men and women should be allowed separate but equal opportunity and benefit from federal resources.

One implication of allowing separate but equal opportunity and benefit from federal resources with respect to sport is that this does not imply that for every men’s sport there is an identical women’s version of that sport. While we explore the details of equal benefit later, at least for now, while there may be men’s football, there need not be women’s football. There can, instead, be women’s volleyball.

There are at least three arguments for the pluralist position.

First, in order to receive equal benefit from federal resources, men and women would need to be equal in terms of their physiological capacities. But, there are physiological differences between men and women that allow men to get more of a benefit from federal resources directed toward sport.

An analogy would be if the entrances to various buildings (e.g. post office, banks, hospitals) were created such that individuals had to scale a series of large steps to enter. For some able-bodied individuals, entry into these buildings would pose a minimal challenge, but for others it would pose a significant (perhaps impossible) difficulty. The elderly, certain disabled individuals, children, some injured individuals, and perhaps certain short individuals would not be able to enter these buildings.

Second, divisions in sport are often made based upon one’s ability (to retain competitiveness) or in terms of safety issues. For example, in wrestling and boxing there are weight classes. In high school sports, there is often a junior varsity team and a varsity team. In soccer, there are youth teams and the first team. If having these divisions is uncontroversial, then there is no reason why dividing men and women sport should be uncontroversial. It might be argued that doing this would either increase competitiveness between individuals of relatively equal physiological capacity OR doing this is necessary for safety concerns (e.g. think of the male heavyweight champ against the female heavyweight champ).

Objection 3-4: Sexist assumption.

According to the assimilationist, the above argument seems to assume that women are athletically inferior to men. This assumption appears sexist. The assimilationist can accommodate any physiological differences in terms of the abilities of men and women simply by creating divisions in terms of one’s athletic ability.
Objection 3-5: Women may be better off competing against those who have physiological advantages.

It may be the case that some exceptional female athletes may prove that they are good enough to participate against their male counterparts. However, if the goal of sport is a mutual quest of excellence through athletic challenge (rather than winning), then whether the top athletes at a particular sport are men or women is irrelevant. What matters instead is the opportunities awarded to test one’s athletic ability. If this is the case, then it may be that women are better served (from a competitive viewpoint) by having more opportunity to test themselves against individuals born with certain physiological advantages.


Third, creating separate but equal opportunities for both men and women can actually help undermine the view that women are physiologically inferior by highlighting aspects of the female physiology where women are physiologically superior to men.

1. long-distance swimming (Penny Palfrey holds the record for the longest ocean swim at 63 miles (101km), was stung three times by a jellyfish en route).
2. balance beam (gymnastics)
3. certain ice skating moves (e.g. the only single-skate back-flip performed in the Olympics was by Surya Bonaly, now illegal)
4. free diving (diving while holding your breath)
5. maybe equestrian sports
6. maybe rock climbing
7. maybe keepie uppie (most touches by Milene Domingues)

The underlying idea here is that the existing set of sports (basketball, American football, tennis) actually favor men. Creating separate but equal programs

Objection 3-6: This argument also supports the assimilationist position.

The introduction of new sports that highlight female physiological advantages and thereby undermine the idea that women are physiologically inferior to men better serves the assimilation position. For allowing men to compete against women in these sports would better highlight the advantages of women in these sports.

*Lynn Hill is the first person to free climb the Nose (El Capitan)*
Objection 3-7: “Women’s sports” might exclude women from the traditional sports that they desire to participate in.

Exercise 3-3: Arguments for and against the assimilationist and pluralist position have been put forward. Do you think that avoiding discrimination (achieving gender equality) against women in sport is best avoided by separate but equal opportunities for women and men (the pluralist model) or is it best served by ignoring one’s sex as a factor (the assimilationist model)?

3.3 Title IX

How is Title IX actually understood? What does it require? What are some of the problems with it?

There are three parts of Title IX as it applies to athletics.

1. Participation: Title IX requires that men and women are given equal opportunities to participate in sport. As mentioned, this does not require identical sports, but equal opportunity to participate.

2. Scholarships: Title IX requires that men and women receive scholarship dollars proportional to their participation in sport.

3. Other benefits: Title IX requires equal treatment of men and women in eleven areas, including: (a) equipment and supplies; (b) scheduling of games and practice times; (c) travel and daily allowance/per diem; (d) access to tutoring; (e) coaching, (f) locker rooms, practice and competitive facilities; (g) medical and training facilities and services; (h) housing and dining facilities and services; (i) publicity and promotions; (j) support services and (k) recruitment of student-athletes.\footnote{http://www.ncaa.org/about/resources/inclusion/title-ix-frequently-asked-questions#comply}

On the surface, the second condition might appear to imply that men and women receive the same amount of scholarship dollars. But, this is not the case, as it says that they need to receive the same amount of scholarship dollars \textit{propositional to their participation}. What this means is that if there are more men than women, then men can receive more scholarships dollars than women. The Women’s Sports Foundation reports that “male athletes still receive $176 million more scholarship dollars than female athletes every year.”\footnote{https://www.womenssportsfoundation.org/home/athletes/for-athletes/know-your-rights/athlete-resources/mythbusting-what-every-female-athlete-should-know}
3.3 Title IX

3.3.1 Equal treatment is not identical treatment

The third condition (Other Benefits condition) requires equal treatment with respect to various athletic benefits. The notion of equal treatment does not mean identical treatment or identical benefit. What is instead meant is that individuals are given equivalent treatment relative to the sport.

To illustrate, suppose two different teams: a hockey team and a distance (cross-country) team. Both teams will, perhaps, require some identical resources, e.g. a bus to transport them to events, meal stipends, coaches, uniforms, access to tutoring, access to a gym, etc. However, each team will require different resources to participate in their respective sport at a certain level. The hockey team will need ice skates, pucks, a hockey rink, an assortment of pads, helmets, hockey sticks, skate sharpening, etc. The distance-running team will need running shoes and perhaps some assorted running gear (hats, watches, etc.). In short, the cost of funding the hockey team so that individuals can participate at a certain level will be far higher than the cost of funding the distance running team to compete at the same level.

Despite the fact that some sports require more resources (and so the treatment is not identical), we might nevertheless say that both teams are treated equally. The runners and the hockey team have equal access to the equipment required to participate in their respective sport (even if the hockey team’s might cost more). The runners and the hockey team have equal access to a coach (even if a hockey team might cost more). The runners and the hockey team have equal access to a place to practice or play (even though funding a hockey rink might cost significantly more).

In short, Title IX does not require each team receive the same resources, services, supplies, funding, etc. Instead, it only requires that each team receive the same level of resources, services, supplies, funding, etc.\(^7\)

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Exercise 3-4: Consider the following challenge to Title IX.

Coaches of men’s football often make large sums of money. For instance, the head football coach at Penn State (James Franklin) base salary for 2016 is $1,500,000, including various bonuses, incentives, contract work, etc., it is closer to $4,200,000.\(^a\). He is also reported as being the 8th highest paid college football coach in the USA.\(^b\) No other coach at Penn State likely makes as much as Franklin (men’s or women’s).

On the surface this appears to violate Title IX since men’s sports are being given more financial resources than women’s sports (here we’ve singled out the amount the university is willing to pay a coach but we might also consider

\(^7\) [http://www.ncaa.org/about/resources/inclusion/title-ix-frequently-asked-questions#athletics](http://www.ncaa.org/about/resources/inclusion/title-ix-frequently-asked-questions#athletics)
equipment, quality of equipment, transportation, practice areas, etc.). But how might one argue that Title IX is not being violated, namely that women’s sports are receiving equal treatment even if football receives a huge chunk of the resources?

http://grfx.cstv.com/photos/schools/psu/sports/m-footbl/auto_pdf/2013-14/misc_non_event/James_Franklin_Financial_Terms.pdf

http://sports.usatoday.com/ncaa/salaries

3.3.2 The three-part test

Turning to the first condition (Participation), what does it mean for sexes to be given equal opportunities to participate in sport. As mentioned, this condition does not require identical opportunities. That is, there need not be a women’s football if there is a men’s football. Does this mean that there simply needs to be another sport (e.g. women’s volleyball) if there is a men’s football? Do there have to be the same number of women’s sports as men’s sports?

In order to ensure equal opportunities, Title IX requires institutions as passing a three-part test. Namely, organizations are in compliance with Title IX provided they meet at least one of the following three conditions: 8

1. Whether intercollegiate level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments; or
2. Where the members of one sex have been and are underrepresented among intercollegiate athletes, whether the institution can show a history and continuing practice of program expansion which is demonstrably responsive to the developing interests and abilities of the members of that sex; or
3. Where the members of one sex are underrepresented among intercollegiate athletes, and the institution cannot show a history and continuing practice of program expansion, as described above, whether it can be demonstrated that the interests and abilities of the members of that sex have been fully and effectively accommodated by the present program

Thus, institutions that receive federal aid that offer athletic programs, need to either (i) show that both sexes are proportionally represented in athletic programs, (ii) show that there has been significant efforts to increase participation for the underrepresented group, or (iii) even if participation is not equally represented nor has there been an increase representation, that accommodations are made for individuals who wish to participate in sport.

8 http://www2.ed.gov/about/offices/list/ocr/letters/colleague-20100420_pg3.html
3.3 Title IX

3.3.2.1 The proportionality condition

One of the ways that equal opportunities for men and women can be achieved is by ensuring that participation in athletics is proportional to the student population. Thus, if a student body is composed of 55 percent male and 45 percent female, then the make up of the athletes in the programs is 55 percent male and 45 percent female.

The proportionality condition on the surface seems reasonable. If a student body was 95 percent female and 5 percent male but the make up of athletes was 50 percent female and 50 percent male, then the male students would have a much greater opportunity to participate in sport than women.

**Objection 3-8: Proportionality isn’t important. What is important is proportional interest.**

The proportionality condition might be criticized on the basis that *equal opportunity* is not achieved when there is *proportional representation of the number of students* but when there is proportional representation of the number of students **interested** in sport.

Suppose, for example, a student body composed of 50 men and 50 women. Now suppose that of those men, 100 percent are interested in participating in sport (50 men) and of those women only 10 percent (5 women) are interested in participating in sport. Making proportional representation of the number of students **interested** in sport the condition for meeting equal opportunity seems to get things wrong for at least two reasons.

**First,** even though there is not proportional participation, it does not seem that we have **discriminated** against anyone (men or women) by allowing everyone who is interested in sport to participate in sport.

**Second,** there are problems with how we might practically achieve the proportional requirement.

1. **Reduce the number of men’s programs / athletes.** Since there are 5 women who want to participate in sport, we need to deny the 45 men who want to participate in sport.
2. **Increase women to participate in sport.** Since there are only 5 women who wish to participate in sport, in order to accommodate the men who wish to participate (but are excluded), it is necessary to increase the number of female athletes. This might be problematic since women may simply wish to pursue other (equally (or more) important) endeavors.
Exercise 3-5: Consider the following statistics and questions relating to the proportionality condition.

1. Consider the statistics provided by the NCAA concerning participation rates of women and men in sports (see see NCAA 2014, pp.73-74). Are there more male or female NCAA athletes? Do the statistics pose a problem for the proportionality requirement given that 57% of all college students are female?

2. Using see NCAA 2014, pp.73-74. can you draw any conclusions about the types of sports offered to men and women? For example, do men’s sports tend to be more costly, require more resources, etc.?

3. According to the Women’s Sports Foundation\(^a\) “Across all NCAA divisions, male athletes received 63\% ($354,893,514) of the total $567,164,225 of scholarship funds allocated. Female athletes received 37\% ($212,270,711) of scholarship dollars, or $142,622,803 less than their male counterparts.”

4. At Penn State, the percentage of female students is 44.66%, the percentage of female athletes is 37.70%, they receive 39.57% percent of the scholarships, 27.21% of the recruitment budget is directed toward acquiring women athletes, and 30.99% of the athletic budget is spent on women’s sport.\(^b\) Do you think this information suggests that Penn State is not meeting the proportionality condition of the three-part Title IX test?

\(^a\)https://www.womenssportsfoundation.org/home/research/articles-and-reports/school-and-colleges/%7emedia/PDFs/WSF%20Research%20Reports/GEreport.pdf
\(^b\)https://www.womenssportsfoundation.org/home/research/articles-and-reports/school-and-colleges/%7emedia/PDFs/WSF%20Research%20Reports/GEreport.pdf
Handout 4

Collegiate Sports

4.1 Sports and college are incompatible

Some might contend that competitive, intercollegiate sport should not be supported by universities. They contend that intercollegiate sports are incompatible with academic values and goals.

**Definition – Incompatibility Thesis.**

The thesis that competitive, Division I intercollegiate sports are incompatible with the goals, values, and purpose of colleges and universities.

Before giving reasons in support of the incompatibility thesis, it is worthwhile to make several points about the incompatibility thesis.

First, the thesis does not imply that there can be no intercollegiate sports on a university campus. According to the incompatibility thesis, only sport played competitively at the Division I (and perhaps Division II) level are incompatible with the goals and mission of the university. This means that intramural, recreational, and some intercollegiate sport is acceptable.

Second, the thesis is not impractical or practically impossible. It is tempting to look at the current situation in the United States regarding the relation of the university to intercollegiate sports and think that it could not realistically be any other way.

1. A number of schools have opted to eliminate or marginalize their athletic programs without detriment to the school itself. There are nearly 100 Division I programs that do not (or no longer) sponsor a Division I football team.

2. Many universities outside of the United States do not have athletic programs. Typically, when there are such programs, attendance at these sports is poor and
the quality of competition tends to be low (there are some exceptions).

3. Historically, the entry of intercollegiate sport into universities was resisted by uni-
versity officials. At least by one account, the development of intercollegiate sport
began as an alternative to hazing freshman.

4.1.1 A defense of the incompatibility thesis

There are at least three reasons given in support of the incompatibility thesis.

First, intercollegiate, Division I sport is highly lucrative\(^1\) and competitive. Such an
environment encourages university officials to engage in corrupt and/or ethically ques-
tionable activities. Examples of such ethically questionable actions include academic
fraud, low graduation rates, and covering up various NCAA and even criminal
violations (e.g. payments to athletes).\(^2\)

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**Example 1 UNC paper classes.**

The University of North Carolina at Chapel Hill (UNC) was regarded as an
institution successful in both the academic and athletic sectors. However, in
2014 Kenneth L. Wainstein published a detailed report on “paper classes” being
held at UNC from 1993-2011 (involving more than 3,000 students).\(^3\)

The report details the assignment of many student-athletes to independent
studies or lecture-style courses that required the submission of a single re-
search paper. These courses did not require attendance, did not involve any
faculty interaction with the students, nor was there any instruction or oversight
in the writing of the research paper. The only role that the faculty member
played was in grading the paper, where students were given As and Bs irre-
spective of the quality of the paper. These courses were thus totally lacking
in academic rigor and grades were awarded with complete disregard for the
quality or authenticity of the work.

In lecture-style paper classes, student-athletes accounted for a high proportion
of the students taking the course (approximately %48 percent of the students
were athletes where student-athletes only accounted for %4 of the student

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\(^1\) Universities stand to make large sums of money through tickets sales, television revenue, and mer-
chandise. Successful (high-profile) athletic teams increase a university’s exposure and thus can attract
incoming students as well as attract donors.

\(^2\) Some reports find that student-athletes are less likely to be prosecuted for crimes than their non-
athlete counterparts. It is argued that student-athletes benefit from an assortment of factors, including
(i) access to high-priced attorneys (e.g. team lawyers), (ii) intimidation of witnesses and prosecutors who
feel a higher burden of proof is required to prosecute athletes, and (iii) interference of athletic departments
4.1 Sports and college are incompatible

The argument then is that since *as a matter of fact* lucrative intercollegiate sports create an environment that encourages academic officials to undermine the academic mission of a university, intercollegiate sports and universities cannot *ethically* coexist together. Simply put, since running a successful athletic program requires undermining the rules and goals of an academic curriculum, the two cannot harmoniously operate.

**Exercise 4-1:** *The assumption in the argument above is that the lucrative nature of intercollegiate sports requires a corruption of the academic and/or moral values of universities. Can you think of any instances that support this claim. Is this true? Explain your reasoning.*

**Second**, big-time intercollegiate sports is said to be incompatible with higher-education in that it *exploits* student-athletes.

- **P1** Intercollegiate athletics exploits athletes.
- **P2** Exploiting individuals is morally wrong.
- **P3** Universities should not engage in behaviors that are overtly wrong.
- **C** Therefore, intercollegiate athletics is incompatible with higher-education systems.

**Table 4.1** – Intercollegiate athletics as exploitative

The key premise in the argument above is **P1**. How exactly do intercollegiate athletics exploit athletes? We might consider two different ways that student-athletes are exploited.

**First**, it might be argued that the NCAA and the intercollegiate sport system is a monopoly. As a monopoly the NCAA is able to take advantage of athletes by dictating what athletes will be compensated for their services. Since the NCAA is a monopoly, athletes are left no reasonable substitute post high school. This allows universities to increase their total revenue from college sports programs.

The argument for **P1** involves looking at the type of contract struck by colleges and universities with the athletes. Universities gain *significant revenue* from certain athletic programs (and the services of the athletes). Athletes are **not paid** for their services. They do not receive salaries from the universities, nor can they use their athletic reputations to earn additional income (e.g. jerseys, likeness in video games, etc.) or receive gifts. What athletes are given in return are *athletic scholarships* (essentially a free edu-
Example 2  O’Bannon v. NCAA

O’Bannon v. NCAA is a class-action anti-trust lawsuit brought against the NCAA by former college basketball star Ed Obannon. The suit argues that student-athletes—after graduating—should be entitled to compensation from the NCAA for the use of the student’s image/likeness. The NCAA argues against this, claiming this would violate rules that student-athletes are amateur athletes (rather than professionals).

In August of 2014, Judge Claudia Wilken ruled that the NCAA was in violation of anti-trust laws and that schools be permitted to offer student-athletes full cost-of-attendance scholarships (this effectively allows them to pay students more money to cover cost-of-living expenses) and to put up to $5,000 a year in a trust for the athlete upon graduation.

The NCAA appealed this decision and in September of 2015, the 9th Circuit Court of Appeals upheld Wilken’s ruling but overturned the decision to allow college’s to pay athletes $5,000. Both parties are seeking a hearing in the Supreme Court.

Figure 4.1 – Former UCLA basketball player Ed O’Bannon. By J Rosenfeld (Ed O’Bannon Uploaded by GrV). CC BY 2.0 (http://creativecommons.org/licenses/by/2.0), via Wikimedia Commons

The National College Players Association and Drexel University Department of Sport Management investigated the issue of whether football and basketball players were being compensated adequately. They found that:

\footnote{For highlights of the study, see http://www.ncpanow.org/research/study-the-price-of-}
1. In 2010-2011, it cost universities roughly $3222 for each “full” scholarship athlete.
2. A number of scholarships do not cover all of the out-of-pocket expenses of athletes.
3. Schools provide athletes room and board but these provisions left roughly 85 percent of full scholarship athletes living below the federal poverty line.
4. The fair market value of a full scholarship football player was $121,048 while the fair market value of a basketball player was $265,027 (this would not include individual endorsement deals, e.g. video games, signings, radio-tv appearances, etc.).
5. The fair market value of University of Texas football players was $513,922 but they lived at $778 below the federal poverty line.
6. The fair market value of Duke basketball players was $1,025,656 but they lived at $732 above the federal poverty line.
7. The fair market value of Penn State football players was $384,082 but they lived at $1,836 below the federal poverty line.

P1 is thus supported by the fact that athletes a free education is not fair compensation for their services.

A second reason why athletes might be said to be exploited is that the free education they are paid for their services is of low quality. The idea here is that the student-athlete is an athlete first and a second second. That is, the bulk of an athlete’s time is directed toward the participation in athletics and not toward making the most of their educational opportunity. Critics point toward (i) low graduation rates at certain schools, (ii) that athletes are encouraged to take “easy” courses, that (iii) the athlete’s guarantee of education is often conditional on their maintaining their scholarship (e.g. scholarships are not guaranteed for four years), and (iv) that athletics requires a huge time commitment from student-athletes.

Exercise 4-2: What do you think of the argument that student-athletes are exploited by the higher-education system? Does this exploitation support the incompatibility thesis or does it require another adjustment to how we understand the role of athletics in relation to higher-education.

poverty-in-big-time-college-sport. For the complete study, see http://www.ncpanow.org/research/body/The-Price-of-Poverty-in-Big-Time-College-Sport.pdf

5 The study applied revenue sharing provisions of 45 percent based on collective bargaining agreement in the NFL and it estimates a 50 percent bargaining agreement for the NBA. That is, it assumes fair market value is determined by football players receiving 45 percent of the total revenue while basketball players receiving 50 percent. See Price, p.19
4.1 Sports and college are incompatible

4.1.2 The compatibility thesis

In contrast to the incompatibility thesis is the claim that elite, intercollegiate sport is compatible with higher education. We will consider two arguments in support of this claim.

The first argument runs something as follows.

First, it is important to note that the goals of the university are not purely academic. It has many goals. One goal might be to provide community service to both the student body, the general public, and surrounding areas. Such community service can come in many forms in terms of pure charity (e.g. organizing events to raise money for various causes) or in the form of entertainment.

Second, the community service of the university–either through pure charity or through entertainment–is beneficial to the student body, to the local community, and to the broader public. That is, it increases the total amount of happiness in the world.

Third, many universities provide a variety of different types of entertainment (e.g., art, theatre, music, etc.). One of the principal ways that universities can provide entertainment is through sport.

| P1 | The university has many goals, one being entertainment. |
| P2 | The entertainment that the university provides increases the total amount of happiness in the world. |
| P3 | One of the principal forms of entertainment is through sport. |
| C  | Elite intercollegiate sport is compatible with the goals of the university. |

Table 4.2 – Argument from entertainment
4.1 Sports and college are incompatible

**Objection 4-1: Only applies to well-attended sports.**

The above argument only applies to sporting contests that generate entertainment for the student body or the community. If the community does not attend certain sporting events, e.g., men’s cross-country, then the argument fails to justify its inclusion in the university. Likewise, if an entire university’s sporting events are not well-attended, then these programs should be eliminated as well.

**Objection 4-2: Athletic entertainment comes at the expense of academic abuses.**

Presumably the university’s goal is not to provide entertainment at any cost. Instead, it’s goal is to provide entertainment while also providing education. A relevant difference ignored by the above argument is that athletics is the only form of entertainment that seems to come at the expense of its academic goals.

In other words, critics of the incompatibility thesis might contend that teaching and research are not the sole goals of the university. Even if this is true, and even if the university does have, as one of its functions, the aim to entertain, this should not come at the expense of its academic goals.

A second argument for the compatibility of elite sport and higher-education involves seeing sport as a form of education akin to music, art, and theatre. The general idea is that if elite, intercollegiate sport is a kind of education, then there is no incompatibility between that activity and the goals of higher-education institutions. In short, sport is a type of education, the university’s principal goal is to educate, and thus through sport is one way that the university can educate students.

The key claim that must be argued for, however, is that the activities of an elite student-athlete are educational in nature. Critics will contend that the principal aim of sports is winning, entertainment, generating revenue, or physical excellence and not the education of student-athletes. One way to argue for the educational dimension of athletics is by analogy (see Table 4.3).

**P1** contends that the life of a performance music major is similar to that of an athlete. In addition to classes, the musician must practice, competes against other musicians, performs (sometimes for a fee), and, in some cases, must compromise on other educational goals (e.g., needs to skip certain classes or take an easier load). The same is true for the athlete.

One aspect of **P2** is that we often regard what the musician does as having intellectual or educational value. This is often reflected in the fact that individuals pursue specific
P1 The educational life of a student-athlete is analogous to the educational life of an individual in performing arts (e.g. music, theatre, dance, etc.).

P2 The activities of the student in the performing arts are considered educational while those of the student-athlete are not.

P3 There is no justification for P2.

C Therefore, the activities of the student-athlete ought to be considered educational.

Table 4.3 – Argument that athletics is educational.

Performance art degrees. Furthermore, we often think the academic component of performance art is important to practicing the craft. Musicians (or individuals in the performance / fine arts) need to learn about the history of their craft, different compositions, different techniques, perhaps how their instrument is made, etc. That is, they approach the activity which they perform as though it were an academic discipline (e.g. Biology, English, Chemistry). Perhaps for this reason, academics are inclined to treat what the musician does as being compatible with the educational goals of the university since their craft involves an educational component.

The other aspect of P2 is that in contrast to the performance arts, the activity of student-athletes is not regarded as having educational value. For one, athletes are not awarded scholarships to pursue degrees in football or basketball (where they are required to study the sport’s history, analyze its ethics, learn various approaches to rehabilitation, investigate its sociological effects on society). Rather, the skills and concepts involved in sport are treated as though they are devoid of educational value.

According to the above argument (P3), this latter aspect of P2 is thought to be unjustified. That is,

1. athletes learn not only various physical skills but also develop their cognitive abilities
2. the university could conceivably treat student-athletes primarily as students who are interested in studying athletics both as a student and as a participant

Exercise 4-3: The second argument for the compatibility of sport requires a shift in how we understand elite sport in universities.

1. One shift in perspective is treating what an athlete does as requiring certain cognitive abilities. Supposing that this is an expectation of the

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6For example, Penn State offers a Bachelor of Music degree, and its School of Theatre offers degrees in Theatre (B.A.), Musical Theatre (B.F.A.), Design and Technology (B.F.A.), and Stage Management (B.F.A.)
university of its athletes, how would the university integrate athletics as a discipline into the existing curriculum? *For example, various sports have “plays” and athletes should be expected to know these plays; perhaps athletes should be tested over their competency to read a playbook or explain certain strategies.*

2. Another shift in perspective is to treat various sports as specific majors, e.g. majoring in football. What would have to be done in order to make this a reasonable proposal?
Handout 5

Commercialization of sport

5.1 The evils of commercialization

Sport is something that has become increasingly commercialized. It is viewed as a commodity (something to be bought and sold) and its fans are viewed as the sport’s consumers. Ticket prices have increased, team memorabilia and apparel is sold, players are bought, sold, traded, and advertisers will pay to promote their brands at sporting events.

Problems with the commercialization of sport can be broken into two main types. The first are those pertaining to the negative effects on individuals (e.g. fans, athletes, etc.). The second are those pertaining to the negative effects on the sport itself (that is to say, its purpose / goal (e.g. mutual quest for excellence through challenge) or its internal values (e.g. fairness)).

5.1.1 Argument from harm to the youth

One argument against the widespread commercialization of sport is from harm to young people. The idea here is that as youth sport becomes increasingly lucrative, it also becomes increasingly competitive. And, with the increased competitive environment, athletes are encouraged to take health risks that they normally would avoid. This argument is particularly problematic when the individuals risking their health are young people.
The idea here is that while it may be morally acceptable for grown adults to accept the health risks associated with sport (they can decide whether or not the potential rewards are worth the risks), it is not morally acceptable to subject children to this type of wager.

Example 1 Youth injury data

1. According to Safe Kids Worldwide, approximately 3.5 million children (ages 14 and younger) require medical treatment for a sports-related injury each year.\(^\text{a}\)

2. In addition, there are 1.35 million sports-related injuries to children that require a visit to the emergency room (one every 25 seconds), with roughly 12 percent of these being concussions.\(^\text{b}\)

3. In the last ten years, there has been a 400 percent increase in ACL injuries (the explanation is that children now play sport year-round).

\(^\text{a}\) http://www.safekids.org/sports-safety-policy-brief

Table 5.1 – Argument against the commercialization of youth sport: from harm to young people

Objection 5-1: It is necessary to expose children to some amount of harm

The world is a dangerous place. It is impossible (and it would be immoral) to completely isolate children from all forms of physical harm. There are some activities where the risk of being injured is worth taking given the potential benefits associated with that activity. For example, it might be argued that children should not be exposed to the use of various lawn tools (e.g. clippers, sheers, lawnmower, chainsaw, etc.) because these tools can (and do) harm children.

On the other hand, there are at least two reasons why such risks might be necessary (or worthwhile).

First, learning how to use these tools has a number of actual and potential benefits:

1. the child can do something they could not do before. This can be ben-
5.1 The evils of commercialization

official for the child because in the future they will be able to use said tools
2. it also can facilitate the child’s self esteem by giving them a sense of empowerment or feeling of accomplishment.

Second, assuming said risks are not fatal or serious, minor injuries can have positive benefits for the child.
1. encourage the child to learn about the limitations of their body
2. encourage the child to behave in a more cautious way in the future to avoid future injury.

5.1.2 Argument from harm to the general public

A second variety of the argument of harm asserts that commercialization of sport has resulted in an increased emphasis on elite sport and athletes and a decreased emphasis on causal (or amateur) athletes.\(^1\) The increased emphasis and focus on elite athletics has a number of negative effects. Some include:

1. it has contributed to general health issues (e.g. obesity, heart disease, etc.)
2. it has turned the general population into a mass of spectators (rather than participants) and so individuals no longer take advantage of all of the positive benefits of participating in sport at an amateur level.

5.1.3 The corruption of the values and purpose of sport

The second main type of argument contends that commercialization corrupts sport insofar as it undermines its internal values (e.g. fairness) and/or purpose. This type of argument focuses less on how the commercialization of sport harms specific individuals and more on how it makes certain sports less valuable.

This type of argument can be put forward in terms of a type of conflict. Namely, there are values of the marketplace (money, fame, recognition) and there are sport values (athletic excellence, fairness, competitive seriousness). Critics of the commercialization of sport contend that market values and sport values are out of alignment and that market values have increasingly begun to undermine sport values.

To see this more clearly, how exactly do market values interfere with sport values?

1. **Rule changes:** commercialization can influence rule changes to make the sport *more entertaining* but less of a true test of one’s skill

   - **Example:** introduction of the designated hitter (p.191). More home runs is

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\(^1\)This idea is put forward by James Michener in *Sports in America*. 

more entertaining but less a test of every baseball player’s total skills

- Example: introduction of "TV timeouts" interrupt the flow of the game (p.191), allows less conditioned teams breaks.
- Example: introduction of “zone defense”

2. **Rule enforcement**: commercialization can exert force on how rules are enforced to make the sport *more entertaining* but less fair. An example might be biased officiating that favors star players.

3. **Pay to Win**: The high revenues and rules for buying, selling, trading players favors wealthy teams. The sport can become less of a test of a team’s capacity to develop skills and succeed together and more of an organization’s ability to buy the best players (In video gaming, this is sometimes called *pay to win* instead of *pay to play*).

4. **Season setup**: In order to increase revenue, teams may play seasons that are entirely too long. Players begin to treat each game with less seriousness and so each game is less competitive.

**Exercise 5-1**: Critics of the commercialization of sport argue that (i) it endangers the youth, (ii) it turns us into unhealthy spectators, and (iii) it corrupts the internal values of sports by degrading the quality of sport (e.g. rule changes designed to increase the entertainment value of sport rather than testing the fitness or skills of the athlete).

1. what ways have you recognized commercialization (market values) in sport?
2. has this commercialization had negative effects or positive effects on sport?

### 5.2 The goods of commercialization

We can think of two different types of arguments in favor of the role that commercialization has played in sport. These are arguments from **good consequences** and arguments from the **nature of sport**.

#### 5.2.1 Arguments from good consequences

Support of the widespread commercialization is that it produces a number of good consequences for many individuals. One argument *against* the commercialization of sport is that it has the effect of turning individuals who might normally participate in sport to an individual who now is a mere spectator. This is said to be a negative (bad) consequence for two reasons:
5.2 The goods of commercialization

1. health-related reasons
2. it is better to play sport than to spectate sport

However, the above argument might be challenged in a number of ways.

First, one argument is that the commercialization has not decreased the number of participants in sport (it has not turned us from participants to spectators). Instead, it has increased the total number. If this is the case, then health issues related to physical inactivity must have some other source.

In support of an increased participation in sport, we can think of the following:

1. commercialization allows more individuals to participate in sport, e.g. the local Dairy Queen funding a youth baseball team
2. commercialization creates idols out of athletes and this causes young people to aspire to be professional athletes

Second, putting aside health-related issues, the argument that commercialization has turned us into spectators and this is a bad consequence depends upon the assumption that being a participant is better than being a spectator. This assumption paints spectators as being passive, stupid, and lazy. Thus, the argument against commercialization contends that, on the whole, we lose out on certain goods that we would acquire if we were to participate in sport.

Simon et al. (pp.197-8) point out several reasons why this argument is flawed. They point out that this view of spectating is too simplistic. They contend instead that commercialization has allowed fans to become more educated about their sport and so now more than ever are able to critically evaluate athletes and apply thoughtful standards of excellence to activity in sport.

In addition, the point to the work of Stephen Mumford who contends that spectating can actually make people more moral. The idea here is that spectating sport gives us an opportunity to morally reflect on various activities (e.g. use of PEDs, fighting in hockey, late hits on quarterbacks, diving in soccer, etc.). In addition, given that so many other people spectate alongside us, we have the opportunity to engage with others on moral topics in sport and, hopefully, our reflections will make us more morally aware in our own lives.

**Objection 5-2: Hyper-intellectualized account of sport.**

The above argument assumes that most fans are active, intellectual, critically-engaged, and reflective individuals. That is, the good consequences caused by commercialization only applies to these individuals. Instead, commercialization has transformed individuals into hyper-consumers, drunken party-goers, and gang members.
The idea here is that while commercialization has done some good. The idea that the commercialization of sport has made us more moral is preposterous. Sport is seen as an excuse to party, engage in excessive drinking, and, in many cases, enact violence on the opposing team’s fans.

Third, the commercialization of sport allows for more individuals to play professional sport than ever before. In addition, it also allows for more retired athletes to supplement post-career income with sports-related work, e.g. providing commentary, analysis, coaching, etc.

5.2.2 Arguments from the internal values of sport

What about the argument that commercialization has corrupted the internal values of sport. That is, even if we put aside its consequences to individual health and well-being, what about the criticism that market values are consistently interfering with sport values?

First, Simon et al. (p.202) argue that “not all changes in the rules of sport have been for the worse, even when one of the reasons for the change was to make the sport more appealing to the masses.” They point to two examples to support their claim:

1. the three-point line
2. the shot clock

They argue that while one of the reasons the introduction of these rule changes was to make the game more entertaining, they also add more nuance to the game and a better test of an athlete’s ability.

Objection 5-3: This argument misses the point.

Critics of commercialization don’t argue that certain rules that make sport more entertaining automatically corrupt sport. Certainly the best rule changes make the game more entertaining and add more value to the game. They claim is that commercialization has a tendency to prioritize market values over sport values.

Second, critics of commercialization contend that market values have corrupted the values of individual athletes. Athletes are said to privilege market values over sport values. This occurs when athletes are less concerned with winning (or playing well) and more concerned with the size of their salaries or other external goods. For example, Everton soccer player Seamus Coleman recently remarked that young players are often more concerned with material possessions then developing their abilities as athletes:
If I see a footballer with a Louis Vuitton wash bag I wonder what that does to others. If you are the only young lad in the changing room without one then you feel that pressure that you need to go out and get one. Even if you don’t want one or even like one.²

**Exercise 5-2:** What other ways do athletes seem to be more concerned with material goods than with the sport that they play?

In addition, some athletes contend that there is a right way to win. They argue that the athlete (when s/he is at the top of his/her game) should aim to play for his/her team for as long as s/he can. The idea of changing teams either to (i) acquire a somewhat larger salary or (ii) to play with better players and thereby gain more fame and sponsorship should be a secondary concern. Nevertheless, **team loyalty** appears to be degrading. Players become nomads or journeymen, traveling from team to team, based upon whomever is offering the highest salary or to whichever team offers them the best opportunity to promote their brand.

In addition, players often opt to switch teams to play with better players. The idea is that playing with better players will make winning easier and will lead to more marketing opportunities. Players are more concerned with how they can use sport to make money than trying to become better athletes.

Because players seem to be more concerned with how much money they can make and team loyalty is an afterthought, commercialization seems to **alienate fans from their team’s players**. Such alienation is thought to play a role in the **abusive behavior** that some fans direct at their team’s players. If players view their relation to their fans and teams in such a purely monetary light, fans see the players as products to be bought, sold, and used however they see fit. In short, players are seen as **things** rather than **people**.

1. when basketball player Nick Anderson missed four consecutive free throws in the NBA finals for the Orlando Magic, his fans labeled him as “Nick the Brick” and “Brick Anderson.”
2. Soccer fans are notorious for abusive behavior directed at their own team’s manager.
3. Distance running fans are notoriously critical of wildly successful distance runner Galen Rupp

5.3 Moral limits on sports franchises

We have seen a number of problems with the commercialization of sport. It is argued that it contributes toward (i) harming young people, (ii) harming adults, and (iii) corroding certain valuable aspects of sport (e.g. competitive fairness). In addition, commercialization appears to be a good thing insofar as it may (i) increase the number of athletic opportunities for young people, (ii) better the financial situation of many professionals, and (iii) make various sports more entertaining.

5.3.1 Sport corporations and increasing profits

Some might argue that sport franchises have absolutely no responsibility beyond making money. That is, their sole goals are dictated by market values and not sport values. The sole goal of sports-corporations is to increase profits and it can do this independent of any other concerns and/or values.

The idea here is that particular teams and sports are simply businesses (corporations) and their moral obligation is solely to their shareholders (not to the athletes or the general public). These corporations take the money of investors who expect to see a return on their investment. Thus, it would be immoral for sport-corporations to do anything different than try to increase their total profits because if they were to use it for other purposes than they would effectively be stealing the money of the shareholders.

Objection 5-4: They have legal restrictions

The claim that sport-corporations should try to increase profits by any means necessary is exaggerated. They should only do this within the confines of the law (e.g. they shouldn't engage in fraudulent or illegal activity).

Given the above objection, let’s slightly modify the thesis here. Namely, instead of saying that the sole goal of a sports-corporation is to increase profits, let’s revise this to say that the sole goal of sport-corporations is to increase profits within the confines of the law. In other words, corporations can totally disregard any other ethical obligation other than their responsibility to their stockholders.
5.3 Moral limits on sports franchises

5.3.2 Sport corporations and their ethical responsibilities

5.3.2.1 Profits restricted by values

On the one hand, we might argue that extra-economic values constrain how sports-corporations can proceed. In short, certain values interfere with the acquisition of profits. That is, sports-corporations cannot in total disregard for the welfare of people.

Take, for example, an analogous case of a pharmaceutical company that wishes to drive up the price of certain drugs that are medically necessary (e.g. HIV drugs, ephedrine injections, etc.). In short, consider a scenario where:

1. Company A produces product B that is necessary for a huge group of individuals.
2. These individuals will die or suffer without B.
3. In order to increase profits, Company A has driven up the price of B so that it causes financial suffering for individuals who need product B.

There are a couple points to make here:

1. From a consequentialist point of view, this is morally wrong. Company A is putting its own profits over the basic well-being of individuals who need the drug. That is, they gain a small increase in happiness whereas a number of individuals receive serious suffering.
2. We might contend that since Company A relies upon public resources to create their products (e.g. roads, education of citizens, military to protect their employees, the postal system, etc.) and that these public resources are funded by the citizens of the State, Company A has an ethical responsibility not to engage in a price-gouge.

Exercise 5-4: Consider the following questions in a group.

1. Do corporations have an ethical responsibility to the public or are their responsibilities simply to their shareholders?
2. Are pharmaceutical companies ethically obligated to sell their products for whatever price they see fit (even if it endangers lives)?
3. Does the argument against pharmaceutical companies also apply to sport? If so, in what way?

5.3.2.2 Market values and their coincidence with sport values

However, the theory that sports-corporations can operate in total disregard to sports values can be said to be mistaken for another reason. Namely, we can argue that in order to serve the market values that drive certain sports-corporations, it is necessary for corporations to be attentive to sports values. That is, sports-corporations need to be ethically responsible for their own sake.
Let’s consider whether sport corporations are required to respect certain sport values. That is, let us consider whether their are any sport values that market values cannot totally override.

First, sport corporations need to protect athlete health and be institute measures to protect them from unnecessary harm.

Suppose there is no legal requirement concerning how safe a particular sport needs to be. That is, while athletes are not permitted to kill each other (or use weapons), various sports could be made more or less dangerous.

Consider whether a sport needs to be concerned with athlete safety. A sport-corporation might make a particular sport highly dangerous, but fans are likely to lose interest and this would influence profitability. For instance, if US football were more dangerous, then fans would not be able to become attached to certain players (e.g. their favorite quarterback) since players would be routinely suffering career-ending injuries. Thus, it is in the mutual interest of the athlete, the sport itself, and the corporation to introduce certain rules that protect an athlete’s health and well-being.

This also seems to imply to the long-term health of the athlete. If serious negative long-term health effects are associated with a sport, some individuals will be reluctant to participate in that sport. In addition, parents of children will steer children away from that sport to other sports.

Second, Sport-corporations must preserve fairness and competitively balance. Part of the entertainment value of sport is tied to it not being a form of entertainment. That is, if sport were merely choreographed play, if games were rigged in order to maximize entertainment, if athletes were simply physically-adept actors, then many people would not longer be fans of the activity. In addition, this would negatively impact profitability.

Thus, sport-corporations must respect certain values that are integral to sport. If games are unfair or uncompetitive across the board, then sporting event is a mere show. Sport-corporations must respect other sport values, e.g. fairness, competitive balance, ensuring that games are normally decided by an athlete’s ability and strategy rather than pure luck.

Third, sport-corporations must preserve the game so that games are decided by the best athlete(s) and not other factors. That is, one sport value is that the best athlete, not the richest athlete should be winner of a given sporting event. Sporting bodies appear to preserve this value by taking various measures to prevent games being won purely by those who have more money.

Example 1 LZR swimsuit

While the $550 ankle-length LZR suit isn’t a huge sum of money to the...
Olympic-Gold-wearing swimmers, not every elite athlete is making hundreds of thousands of dollars (especially those in developing countries). The financial cost is significant enough, especially considering that the suit is guaranteed for ten uses, and its effect on the performance of athletes vary depending upon the body type of the swimmer (those with more fat in the stomach and thighs received more benefit than more slender swimmers). In reaction to what might be conceived as “technological doping”, the governing body of professional swimming FINA (the Fédération Internationale de Natation) effectively banned LZR (and other high-tech) suits by setting increasingly strict standards on the thickness, buoyancy, construction of seams, surface of fabric, permeability, and design of swimsuits.

But why would they do this? Companies like Speedo help fund Olympic swimmers and fans seeing their favorite athletes win event after event in an effort to obtain a huge haul of medals would (seemingly) draw more recognition to the sport and increase sales associated with swimming.

Presumably, one of the reasons is that it would make the winner of an event determined by the individual with the best equipment. While this led many to joke on swimming message boards that for consistency’s sake, FINA should simply require athletes to swim in the nude, FINA’s position is consistent with the idea that the tools of the trade should not be the deciding factor in the outcome of competition.

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In sum, market values (commercialization) cannot completely override sport values.
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However, the theory that sports-corporations can operate in total disregard to sports values can be said to be mistaken for another reason. Namely, we can argue that in order to serve the *market values* that drive certain sports-corporations, it is necessary for corporations to be attentive to *sports values*. That is, sports-corporations need to be ethically responsible for their own sake.

Let’s consider whether sport corporations are required to respect certain sport values. That is, let us consider whether their are any sport values that market values cannot totally override.

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Suppose there is no legal requirement concerning how safe a particular sport needs to be. That is, while athletes are not permitted to kill each other (or use weapons), various sports could be made more or less dangerous.

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Thus, sport-corporations must respect certain values that are integral to sport. If games are **unfair** or **uncompetitive** across the board, then sporting event is a mere show. Sport-corporations must respect other sport values, e.g. fairness, competitive balance, ensuring that games are normally decided by an athlete’s ability and strategy rather than pure luck.

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Presumably, one of the reasons is that it would make the winner of an event determined by the individual with the best equipment. While this led many to joke on swimming message boards that for consistency’s sake, FINA should simply require athletes to swim in the nude, FINA’s position is consistent with the idea that the **tools of the trade** should not be the deciding factor in the outcome of competition.6

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Once the LZR Racer suit was banned from swim competitions, Speedo set to work to develop “swim systems” specially designed caps, goggles, women’s suits and men’s “jammers” (suits that extend from the navel to the above the kneecap) that were in compliance with FINA’s regulation but could offer swimmers a synergistic effect by reducing drag. Speedo claimed that their swim system was even faster than the suits that were banned in 2009. See [?] Pearce, Nick. 30 November 2011. Olympic Swimming Records Set to Tumble at London 2012 as Speedo Unveil Fastskin3 Swimwear System. The Telegraph http://www.telegraph.co.uk/sport/olympics/swimming/8924083/Olympic-swimming-records-set-to-tumble-at-London-2012-as-Speedo-unveil-Fastskin3-swimwear-system.html. Accessed: 5/29/14. See also Kessel, 22 November 2008. Born Slippy. The Guardian. http://www.theguardian.com/sport/2008/nov/23/swimming-olympics2008 Accessed: 5/30/14.

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In sum, market values (commercialization) cannot completely override sport values.