

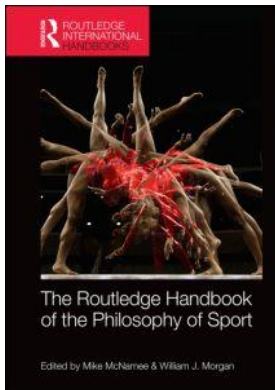
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9

ETHICS AND SPORTS

Mike McNamee

Introduction

It might be said that there are some interesting points of similarity within philosophy generally, and ethics more specifically, and the philosophy of sport and sports ethics. In 1982, the American philosopher Steven Toulmin (1982) wrote an article entitled 'How medicine saved the life of ethics'. The success or otherwise of medical ethics led Glenn McGee (2006), another leading American scholar, to write an editorial in 2006 asking 'Will bioethics take the life of philosophy?'. The titles of the essays are self-explanatory. There is little doubt that the development of sports ethics breathed new life into the philosophy of sport and has, for the last two decades, been the most dominant subject of published scholarship in the field. Whether its success will be seen to have eclipsed the parent subject or 'merely' invigorated it is something that cannot be evaluated *in media res*. What I take to be incontestable is that the philosophy of sport has flourished during this period, and has brought wider interest from philosophers outside sport and policy makers within it than has ever been the case hitherto and that has been due in large part to the rise of sports ethics as an academic subject. In this chapter, I chart the history of sports ethics scholarship, set out its main theoretical approaches and indicate future prospects.

History and philosophical influences

When setting out to chart the nature, history and scope of sports ethics, I was reminded of a celebrated philosophical joke, whose punch line has import for the present task. Ryle's (1949) classic, *The Concept of Mind*, included the idea of a category mistake: the misappropriation of an item(s) belonging to one category that is put in another. Ryle (1949) gives the example of a foreign visitor to Oxford or Cambridge University, who claims to have seen all the colleges, libraries, playing fields and so on, but states that they have yet to see the university. Of course these universities are no more than the sum of their various parts, not another building or institution. The analogy with sports ethics is this: the typical list of items that comprise the category (doping, inequality, technology, fair play, and so on) are already to be discussed under their own headings elsewhere in this volume. One is left wondering: what else is there to sports ethics other than these constituent parts?

One could go back to Plato and Aristotle and note that they had already made observations about the place and limitations of gymnastics and athletics in the good life (Reid, 2012). A renewed scholarship of this area has been of recent interest (Dombrowski, 2009; Holowchack and Reid, 2011). Others have connected that early Greek scholarship with similar developments elsewhere in the ancient world (Reid, 2010; Ilundáin, 2014). The highly regulated states of affairs we now recognize as sports is usually attributed to Victorian Britain, and one finds considerable ethical reflection in texts of sports history (see, for example, Mangan, 1981; Mangan, 1987; Holt, 1989; McIntosh, 1979; Renson, 2009). In addition, but closely related to both ancient and Victorian sources, were the reflections of the Baron Pierre de Coubertin (De Coubertin, 2000), among whose voluminous writings was the concept of Olympism, the official ideology and philosophy of the International Olympic Committee, which is rich in ethical content. It too has spawned a significant scholarship (see Reid and Austin, 2012; DaCosta, 2006; McLaughlin and Torres, 2011; McNamee and Parry, 1998; McNamee, 2006; Parry, 2006; Walmsley, 2004) despite near universal criticism of its philosophical coherence.

In his 1983 review of the state of the art in sports ethics, Scott Kretchmar surveys no more than a handful of articles on cheating, sportsmanship (*sic*) and the work of Fraleigh and McIntosh, but little else. This, in itself, is comment on the then embryonic state of sports ethics scholarship. Perhaps the first sustained scholarship – a monograph in sports ethics, recognizable within the philosophy of sport – was Warren Fraleigh's (1984) *Right Actions in Sport*, produced in the halcyon days of the philosophy of sport's rise in the USA. As the title indicates, the book was a confluence of Fraleigh's twin interests in philosophy and physical education. Fraleigh's task was to set out a coherent and philosophically robust system of duties for participants and others engaged in sports. It is a classic in the field. It is important to note that the book attempted much more than an analytical account of the moral nature of sports. Fraleigh laid out a very clear normative vision which, if assented to, committed rational sportspeople and coaches to a system of duties within sports regarding their individual opponents and opposing team and entourage. In this sense, he offered an account of duties of those engaged but also an account of what *good* sports look like. Thus, the book embodies both deontological (a theory of ethical duties) and teleological (a theory of ethical ends, goals, or purposes) concerns. The import of the book, however, largely resided in its systematic and practical application of duties or obligations that were rationally founded in the nature of the sports contest.

Shortly after publication of *Right Actions in Sport*, a second classic in sports ethics was published: Robert Simon's (1985) *Sports and Social Values*. Again, the text arose in the context of American sports and scholarship. As with Fraleigh's groundbreaking book, Simon sought to move beyond the mere conceptual analysis of games, play and sport that had dominated the sole journal then dedicated to the field – the *Journal of the Philosophy of Sport* – and to entwine conceptual and normative analysis. Simon's book has been revised since then, but its essential structure and message stayed the same: drawing on legal and political contractarian theoretical precursors he argued that sports are a mutual quest for athletic excellence. The thesis has been widely influential in the scholarship of the philosophy of sport, not just in sports ethics.

For reasons that are difficult to comprehend, these books, although well received in the philosophy of sport milieu, did not initiate a step-change either within the subject or in cognate professions. This may have been due to the philosophical complexity of the volumes and the relative paucity of qualified personnel to teach the subject. In 1994, Angela Lumpkin, Sharon Stoll and Jennifer Beller produced a text in the subject, *Fair Play*, which was clearly aimed at the American undergraduate market and enjoyed widespread success there. Nevertheless, it was not until 1998 that another volume, *Ethics and Sport*, edited by Mike McNamee and Jim Parry in the UK, was published in the English language, to bolster the work

that Fraleigh and Simon's monographs had begun. Unlike those monographs, the book was both theoretically and geoculturally diverse, drawing on contributions from philosophers of sport from around the world. As an edited collection, it was eclectic in the subjects and thus showcased the range of issues that the ethics of sport might address. It was critically well received and went on to spawn a book series that now comprises approximately 30 volumes, making sports ethics easily the most voluminous of the strands of philosophy of sport. Another feature of its impact was that, in the UK and around Europe at least, new modules at undergraduate and postgraduate levels were initiated. In addition, several further international anthologies have been published that evidence the robust health of this branch of the philosophy of sport (Boxill, 2003; Morgan, 2007; McNamee, 2010).

Finally, in the first decade of the twenty-first century, two new journals have been developed. *Sport, Ethics and Philosophy* (2007), published quarterly, and *Fair Play. Journal of Sport: Philosophy, Ethics and Law* (2013), published biannually in both English and Spanish languages.

To sum up this first section then, it strikes me that, both intellectually and institutionally, the philosophy of sport sailed through difficult waters between the mid 1980s and 1990s. After Toulmin's remarks quoted above, it seems fair to claim that ethics, if it did not save the life of philosophy of sport, certainly gave it much-needed oxygen.

The scope of sports ethics

The reach of sports ethics is far and wide. I chart only what I take to be the major issues that have been discussed, although the survey is admittedly brief and selective. Only those issues that have generated significant philosophical interest are noted, while it is recognized that there are important issues, such as children's rights, child abuse, deviance, homophobia, racism, and so on, that have tended to be more discussed in the sociological literature.

The dominant ethical theories that are found in the sports ethics literature have generally speaking been applied *mutatis mutandis*. That is to say, there are no outstanding examples of sports ethics scholarship that simply take a received ethical theory and mix with sports to deduce normative guides for action. Fraleigh's (1984) classic came closest to this. But even here, as was noted above, the book was a combination of deontology and teleology. Precisely how the theories were to be combined was not laid out in sophisticated methodological detail.

Taking inspiration from Fraleigh, and to a lesser extent Simon, the Norwegian philosopher Sigmund Loland (2002) attempted to combine a Rawlsian theory of justice and aspects of utilitarian philosophy to maximize the rational assent of interested parties in sports with specific regard to binding norms of fair play. Loland's programme is a strong one, drawing in large part its inspiration from the liberal political philosopher John Rawls' (1971) classic *A Theory of Justice*. Nevertheless, both Loland and Fraleigh attempt to develop an architectonic structure that will bind all competitors to norms or action guides. This struck many philosophers of sport as overly rationalistic. Some claimed that their underpinning universalism pays insufficient detail to the human agent, cultural differences and the powerful roles that sports institutions play in the shaping of sports.

There exist exceptions to this multi-theory method of stating a system of sports ethics. A small but important literature has developed from a utilitarian perspective and represents a more deductive application of a single moral theory to sports. The second, virtue ethics, is less deductive and more context-sensitive. It might be claimed that it too eschews a single vocabulary of ethical vision, incorporating ideas from other theories under its broad theoretical umbrella. I discuss them in turn.

Over the last 10–15 years, the philosophy of sport welcomed a new and vibrant pair of

philosophers from Sweden who had not previously published in sports. Bringing instead their expertise in moral and political philosophy, Claudio Tamburrini and Torbjorn Tännsjö created considerable interest in their challenging ethical ideas by the strict application of consequentialism. Although Loland, before, had incorporated utilitarian ideas within his largely Rawlsian approach to sports justice, Tamburrini and Tännsjö separately published work that challenged widely held norms regarding sports. Two positions are especially noteworthy.

First, Tännsjö (1998) argued that our admiration for sporting heroes embodied a fascistic disposition, since it necessarily entailed contempt for the weak (that is, losing or lesser opposition). His line was challenged by his former doctoral student, Tamburrini (1998: 45), arguing that, 'The positive results for the public's admiration of sporting heroes seems to outweigh the eventual negative consequences of the practice'. Other scholars offered criticisms that did not rely on consequentialist readings (Holowchak, 2005; Persson, 2000). Secondly, Tamburrini has argued for the relaxation of anti-doping policy, technologization and some forms of cheating (including Diego Maradona's famous illegal and deceptive punching of the ball into the 1986 football World Cup final), sex equality in sport, and so on (Tamburrini, 2000; Tännsjö and Tamburrini, 2005). Controversial claims such as these, were defended according to utilitarian principles. Both scholars brought fresh impetus to sports ethics, attacking conservatism, promoting liberal-utilitarian defenses for controversial topics, and promoting a largely neglected ethical theory in and for sport. Two points are worth observing here. The first is that *ceteris paribus* one might think there was a significant opportunity to explore the possibility of the public provision of sports in those countries of the world where there was state provision of sporting opportunities or elite sports programmes, or sports where the state has intervened on grounds of harm prevention where utilitarian commitments to beneficence, impartiality, and maximization would have ready application. But discussion of such is thin on the ground (cf. McNamee *et al.*, 2001; Radford, 1988; Savulescu, 2005). Secondly, despite their utilitarian credentials and expertise, it is noteworthy how little empirical evidence is offered in defense of the positions so controversially proposed by Tamburrini and Tännsjö – and for an ethic predicated on empirical matters this is an important weakness.

Two key themes emerged from the ruminations of utilitarian writings that have broader import and they can be traced back to John Stuart Mill's founding ideas: the focus on individual liberty (usually expressed as autonomous choice or agent sovereignty) and the 'harm principle', whereby competent adults ought to have the freedom to choose pursuits that might be harmful to themselves though not to others. Certainly, these principles fuelled Tamburrini's more *laissez faire* attitude towards doping practices in elite sport (and others of a non-utilitarian persuasion, such as Møller, 2009). Crucially, however, these two ideas have been propounded by others who have not relied overtly on a utilitarian (or more generically consequentialist) theoretical framework. Notable examples include Davis (1993) and Dixon (2001), in relation to boxing, and Russell (2005) in pursuit of adventurous activities. It is noteworthy that with respect to the latter or, more generally, risky pursuits, Breivik (2007) has remarked that the circle of those affected negatively by the apparently risky choices of BASE jumpers is far greater than the individual jumper. Negative consequences must be considered to extend to the unhappiness (even misery) of family members and state-provided health care services in the case of dead or seriously injured jumpers. Again, however, actual data for such are sparse. And this, for a branch of applied ethics, can be considered problematic *qua* incompleteness and/or accuracy of the harms and benefits that are to be counted.

Perhaps the most significant volume of sports ethics literature has been published in broadly speaking in the domain of virtue ethics in sport (Arnold, 1997; Feezel, 2004; Gough, 2007; Holowchack and Reid, 2010, 2011; McNamee, 2008). Much of their inspiration, although not

all, has come directly from Aristotle's writings or from contemporary philosophers heavily influenced by Aristotle such as Martha Nussbaum, Edmund Pincoffs and, most especially, Alasdair MacIntyre.

In his most celebrated book, *After Virtue*, MacIntyre (1981) articulated the necessarily social contexts in which virtue, the particular dispositions of good persons aimed at the living of good lives rather than the principles of right action, must be understood. Certainly, some authors have taken this general theoretical commitment (Morgan, 2006; Feezel, 2013) without drawing in detail on MacIntyre's specific thesis on the social practices and their constitutive goods and virtues. Others have attempted to provide a critical interpretation of the idea of sports as social practices whose existence is predicated on supra-subjective norms of excellence, supportive virtues (and corrosive vices) in the pursuit of internal goods that represent the inherent satisfaction and value of sporting engagement (Arnold, 1997; Dombrowski, 2009; Feezel, 2004; McNamee, 2008; Reid, 2012). Each of these authors, despite their differences, share a common concern that goods external to sport such as money, fame, media, and so on, continue to have a corrosive effect on sports – although not all agree on the extent nor indeed on the precise economic pathologies (Lasch, 1979; Walsh and Giulianiotti, 2006) that have brought them about. The insight is, of course, hardly unique to virtue ethical considerations.

Notwithstanding the widespread support for the idea that an emphasis on external goods might corrupt sports, serious concerns have been raised about the intelligibility of the idea of internal goods as related to sports. Little philosophical attention has been paid to the dual, and mutually opposed, functions of sports institutions to structure, administrate, promote and regulate sporting practices. Serious sports journalists and sociologists of sports have tended to take on the critical task of holding sports institutions such as the Federation of International Football Associations (FIFA) and the International Olympic Committee to task (see, for example, respectively, Jennings, 1996; Sugden and Tomlinson, 1998). More complex philosophical analyses of the political and economic (cf. Walsh and Giulianiotti, 2006) criticism of unethical practices and governance failures at individual and social levels have not been as forthcoming. Equally, little virtue ethical consideration has been given to issues of corruption in sports, which appears to be the biggest threat to sports integrity outside doping.

Authority and expertise in sports ethics

Those who specialize in sports ethics are likely to be met with uncomfortable questions, which come in at least two forms. The first pertains to the value of the field, while the second has to do with a confusion as to its methods and aims. When members of the general public learn that philosophers discuss sport ethics for a living, they respond (not infrequently) with incredulity to the fact that this could be the object of a profession and not more fitting to a bar or after dinner conversation. Part of this response is a general assumption that subjectivism is the only possible ethical perspective in late modernity, and a more specific one that ethical issues in sports are something in which non-philosophers might have as equal a claim to authority as the philosopher or ethicist. The most generous view, under such assumptions, would be that any view is as good as the next one, and the least generous would be that those enamoured of a lifetime of sports participation would have greater authority than sports philosophers or sports ethicists.

A word about nomenclature is necessary here. The term 'ethicist' has gained international recognition in a number of domains in recent years. Professionally, this might be seen to be a good thing and, although I confess that I am not enamoured of it, I use it throughout the chapter. It appears to identify (at least in name) a person who has the relevant knowledge,

competencies and expertise to claim this domain as their field. One philosophical concern is that this confers a kind of technical expertise such as might be had by an engineer, or a doctor, plumber or a mechanic. By contrast to the general public, an ethicist would be thought of as having relevant and developed knowledge base that the general public does not. Is this identification justifiable? Specifically, for present concerns, it might be asked why ought sports ethicists' voices be thought of as authoritative? What is the nature of their expertise that might afford them such authority?

One helpful way to proceed in thinking about this problem is to indicate, at least loosely, an epistemological scheme that set out what a sports ethicist ought to know in order to be considered a *bona fide* ethicist. What might that look like? Kretchmar (1998) argued that a sophisticated understanding of the nature of sports would be a necessary precursor. It would be more than merely difficult to appreciate the kinds of behaviours of athletes and players without some appreciation of the nature of the activity they were engaged in. Sports ethicists should possess, in addition a thorough knowledge of the relevant rules. An understanding of the well-known distinction between constitutive and regulative rules (Reddford, 1985; Suits, 2005) and widely agreed upon auxiliary rules (Meier, 1985) would be necessary as well. Sports ethicists would also need to possess sufficient knowledge of the (relevant) rules that prescribe and proscribe forms of sporting conduct. They would also require a developed capacity to reflect upon the normative dis/value of a given behaviour, which, in turn, depends on a reasonable familiarity with the kinds of formal and informal agreements that the rules allow, or as the case may be, disallow. It is difficult to see, based on these provisional remarks, whether there is a sufficient body of ethical knowledge required in sport to designate someone as an ethical expert or authority on these matters. Is it not the case, it might reasonably be asked, that most devotees of sports already possess the kinds of knowledge mentioned above?

We might then say that the kinds of knowledge possessed by the sports ethicist must be more than, or at least partly different from, that possessed by the philosopher of sport who does not specialize thus. We might call the former, philosophical appreciation of the conceptual features of sports: a form of systematic knowledge. Understanding, for example, the gratuitous logic of sports is not something even devoted and lifelong players and coaches are likely to have reflected upon or understood in any deep or meaningful way (Hardman and Jones, 2010). Then, of course, there are the various understandings of formalism, internalism, conventionalism or institutional theories of sport discussed elsewhere in this volume, which extend and deepen the insights of what it means to play a sport.

Thus far, the sports ethicist is no more than a philosopher of sport. I am not convinced that a deep and systematic knowledge of the rules or cultures of sports are required for most scholarship in the philosophy of sport. Yet these seem to be vital to the sports ethicist if they are to reflect conceptually and normatively on the modes of conduct that have been the object of discussion such as cheating, gaining unfair advantages, the voluntary suspension of fair play, exploiting covert technologies, deceiving officials by simulation (diving), and so on. Knowing what the ethos of the relevant activities are, what the sports' rules are and how they are (or might be) interpreted, would seem to be critical if one aspired, as sports ethicists do, to provide nuanced ethical evaluations thereof. In outline, we would have here the basis of theoretical and practical knowledge that might comprise the knowledge base of sports ethics and the claims to authority of the sports ethicist. But more needs to be said about the theory–practice relation here, and the kinds of each that might develop *de jure* authority in ethical discussions of sport.

Certainly, the sports ethicist will need to understand ethical theories and have a grasp of general argumentative strategies, such as assumption spotting, the making of invalid inferences, asserting conclusions that go beyond the premises, and so on. One particular challenge to

ethicists is their knowledge of the relevant empirical data. In ethics, as opposed to many branches of philosophy, facts seriously alter our considerations of particular cases, even where there is agreement on general norms. So the technical knowledge of sports ethics required by the sports ethicist will comprise general philosophical techniques, particular knowledge of sports cultures and the relevant empirical literatures concerning issues like of sporting practices, harms arising from participation, what athletes actually think about the intrusiveness of anti-doping controls, prevalence of homophobic attitudes, and so on. It is the combination of this technical knowledge that, along with the philosophical acumen of the ethicist, can help cultivate the practical wisdom that is necessary for authoritative guidance and intervention into the daily milieu of sports contexts such as sports administration, policy making, coaching and event organizing.

I suggested in the previous paragraph that one form of *techné* a sports ethicist must grapple with and master pertains to empirical data concerning ethical issues in sports. Now the question remains, in the light of the naturalistic fallacy (Moore, 1903), whether and how such data may be used in ethical argument. In the early days of analytical philosophy it was widely held that facts and values were distinct logical categories. Moore (1903) argued, following Hume (1978), that one could not infer normative conclusions from statements of natural facts. The idea found its way into a number of arguments concerning the ethics of doping, where certain substances or methods were argued to be unnatural and, by virtue of that determination alone, regarded as unethical. Such arguments were (perhaps a little too swiftly) brushed aside (Miah, 2000). While it is true that one cannot slide together what is natural with what is good, the idea that a particular behavior or body enhancement was un/natural still has some normative force, drawing on either the pervasiveness of a widely held value or a fact pertaining to the health or harm of the body. Rather, it is the naive deductive move from what is natural to its being thought thereby to be good that is problematic. Moreover, as legion philosophers have commented, the very idea that the generation of fact is somehow removed from all evaluative or normative scientific enquires is a crude positivistic assumption now widely discredited (Putnam, 2002).

So, the place of facts within (sports) ethical discourse cannot be swept aside as a piece of faulty logic. And it is worth observing that some sports ethical argumentation may properly progress without recourse to empirical data. For example, it is a widely shared concern whether sports are to be conceived of, taught and evaluated as inherently ethical practices (Carr, 1998). The issue may be evaluated at a conceptual level (Gough, 1995). Equally, there might be relevant facts unearthed in favour of or against such a contention (Stoll, 1999). The facts do not settle the matter. Nevertheless, it may be necessary, depending on the ethical issue in question, to marshal the relevant empirical data for or against a position. Careful conceptual work is always inevitable and may even cut the feet from under psychological and sociological research, which is conducted in ways that display naiveté as to the theory-ladenness of the research questions and data (Carr, 1998; Gough, 1995, 1997; McNamee *et al.*, 2003).

Pace Fraleigh and Loland, I submit that what cannot be expected of the sports ethicist, *qua* ethicist, are technical solutions that are necessarily error free, or neutrality with respect to theoretical commitments. In some fields, the received idea of expertise will belong to the person who can identify best practice solutions, as if these were uncontested. There will be tasks that a sports ethicist might undertake where s/he might identify weaknesses in sports rules, inconsistencies with mission statements, of guiding values of sports institutions, ambiguities in the concepts employed in educational materials, and so on. This conception of the task is likely to be less problematic than offering substantive and positive revisions for sports practices, being largely negative in nature and employing the technical knowledge and abilities typical of a

philosopher. Making positive recommendations, for example, to bring about more just allocation of prizes, fairer alignment of competitors, rules for the protection of vulnerable participants in children's sports, educational anti-doping materials for athletes, and so on, are more likely to be contested. Both represent deeply normative tasks, but it is likely that the conservatism of sports institutions and their often anti-intellectual character may render them deaf or blind (or both) to the kinds of sophisticated marshaling of evidence and argument that a sports ethicist can offer. And this conservatism is not merely a product of the commercialization of sports and the preservation of their interests. After all, Macintyre himself argues that those who are not immersed in the practices he uses as exemplars of social practices (a heterogeneous list that includes agriculture, architecture, making and sustaining family lives, politics, sports, and so on) are incompetent thereby to judge them. This problem has been recognized in the sports ethics (Brown, 1990; McNamee, 1995) and social theory/political philosophy of sport literature (Morgan, 1994), and has appeared in debates regarding internalism (Simon, 2000). But it is not yet clear how much or to what extent this is either a theoretical or practical problem, or indeed both.

Future prospects

None of us has the gift of clairvoyance but it is possible to discern the initial developments of four new directions in sports ethics. I briefly discuss them as follows: (i) the critical evaluation of ethics of particular sports (ii) the confluence of sports ethics and sports law; (iii) ethical critique of policy; and (iv) the rise of descriptive or empirical sports ethics.

First, while the last 20 years or so have seen a number of edited collections, whether themed or not, a natural development for the subject will be the development of in-depth collections focused on single sports or categories of sports, such as Paralympic sports, which have been widely neglected. Such collections already exist within the philosophy of sport in the case of football (soccer) (Richards, 2013) and cycling (Ilundain Agaruzza and Austin, 2010). The extent to which future volumes will be aimed at a popular philosophy market or a professional one remains to be seen. There is no principled reason why the development should not be in relation to the latter, although the former will clearly have more commercial appeal and may have more beneficial long-term effects in terms of widening the appreciation for the subject and drawing in a wider group of philosophers hitherto unpublished in the field.

Secondly, in some branches of applied ethics, it is notable that ethics and law are taught and researched together. Certainly this is the case in medicine. Within sports, however, there is no tradition for the conjoining of the two disciplines. Yet there are definite benefits relating to that confluence. The first is that sports ethics discussions are seen to have greater purchase. Members of sports institutions are more likely to sit up and take note when an ethical point made by philosophers is contextualized in a legal landscape. Partly this will be out of crude self-interest: after all, who wants to be sued for breaking (for example) laws on discrimination or unjust treatment, or for fraud (such as doping and athlete sponsorships)? Secondly, legal scholars of sport can, in principle, benefit from the precise arguments laid out by sports ethicists. I say 'in principle' here because the legal toolkit is not so very different from a philosophical one. There may be no reasons to suppose *qua* sports ethicists that their reflections will be *sui generis*. At the very least, one might expect there to be synergy between the two disciplines but, at present, the academic field of sports law is still in relative infancy and the profession has tended to grow in close relation to commercial practices (typically regarding employment contracts).

Thirdly, sports ethicists develop their work in the realm of policy critique to create a greater profile. For more than 20 years, a considerable literature on ethical aspects of Title IX legislation

in the USA regarding equal opportunities sexual discrimination in athletics funding has developed (Boxill, 1993; Burke, 2010; Francis, 1993; Lopiano, 2007; Simon, 1993; Staurowsky, 2003). Recent years have witnessed a burgeoning literature in relation to anti-doping policy (Houlihan and McNamee, 2013; Møller, 2009; McNamee and Møller, 2011; Murray *et al.*, 2009). Nevertheless, the area of ethical policy critique is something of a lacuna. The dangers of work in this field are that one's work quickly becomes dated in relation to the shifting sands of policy makers and revisions of the policies under discussion. Moreover, it may be difficult for ethicists to find matters of significant ethical depth to engage them fully. Yet the value of greater clarity and coherence within sports policy and greater ethical justifiability therein are not gains to be dismissed lightly.

Finally, I have said that there are times when good facts are simply necessary for good arguments in sports ethics. Sometimes these data will come from personal observation, at other times they will come (or ought to come) from rigorous social scientific examination. The latter is often referred to as descriptive ethics. Those doing descriptive ethics need 'hard' facts to develop their postures or policies on ethically challenging matters. Of course how 'hard' these facts are is a moot point. Nevertheless, descriptive ethics – yielding both qualitative and quantitative data – is something that sports institutions are likely to seek more frequently in the future as the field becomes more established and better known. The challenge for sports ethicists with training in (sports) philosophy will be to contribute philosophical depth to these discussions. The criterion of 'relevance' is not one automatically pursued by philosophers, whose problems have often been thought of as timeless. This 'one step removed from the world' approach is highly unlikely to impress research sponsors or sports institutions. Creating impact can lead to dumbing down of research. But the challenges may well be worth the risk.

The only danger attending this shift is that policy makers, educators, coaches, and others, privilege descriptive over normative or philosophically dense ethical enquiries. If this were to happen, we might very well find that descriptive ethics brings in its wake a situation pathological to those sports ethicists who want seriously to engage in ethical theorizing in the contexts of sports. But only the future will reveal that. What is clear is that the field of sports ethics is, at least in these early decades, flourishing and with every sign of a healthy long-term future.

References

- Arnold, P. (1997). *Sport, Ethics and Education*. London: Bloomsbury.
- Boxill, J. (1993). Title IX and Gender Equity. *Journal of the Philosophy of Sport*, 20(1): 23–31.
- Boxill, J. (ed.) (2003). *Sports Ethics: An anthology*. Oxford: Blackwell.
- Breivik, G. (2007). 'Can BASE jumping be morally defended?' in M. J. McNamee, (ed.). *Philosophy, Risk and Adventure Sports*. Abingdon: Routledge, 168–85.
- Brown, W. M. (1990). Practices and Prudence. *Journal of the Philosophy of Sport*, 17(1): 71–84.
- Burke, M. (2010). A Feminist Reconstruction of Liberal Rights and Sport. *Journal of the Philosophy of Sport*, 37(1): 11–28.
- Carr, D. (1998). 'What Moral Educational Significance has Physical Education? A question in need of disambiguation' in M. J. McNamee and S. J. Parry (eds), *Ethics and Sport*. Abingdon: Routledge, 119–33.
- DaCosta, L. (2006). A Never-Ending Story: The Philosophical Controversy over Olympism, *Journal of the Philosophy of Sport*, 33(2): 157–73.
- Davis, P. (1993). Ethical Issues in Boxing. *Journal of the Philosophy of Sport*, 20(1): 48–63.
- De Coubertin, P. (2000). *Pierre de Coubertin 1863–1937: Olympism: Selected writings*, edited by N. Müller. Lausanne: International Olympic Committee.
- Dixon, N. (2001). Boxing, Paternalism, and Legal Moralism. *Social Theory and Practice*, 27(2): 323–44.
- Dombrowski, D. A. (2009). *Contemporary Athletics and Ancient Greek Ideals*. Chicago, IL: University of Chicago Press.

- Feezell, R. (2004). *Sport, Play and Ethical Reflection*. Urbana, IL: University of Illinois Press.
- Feezell, R. (2013). *Sport, Philosophy and Good Lives*. Lincoln, NE: University of Nebraska Press.
- Fraleigh, W. (1984). *Right Actions in Sport: Ethics for contestants*. Champaign, IL: Human Kinetics.
- Francis, L. P. (1993). Title IX: Equality for Women's Sports? *Journal of the Philosophy of Sport*, 20(1): 32–47.
- Gough, R. W. (1995). On Reaching First Base with a 'Science' of Moral Development in Sport: Problems with scientific objectivity and reductivism. *Journal of the Philosophy of Sport*, 22(1): 11–25.
- Gough, R. (1997). *Character is Everything*. Fort Worth, TX: Harcourt Brace.
- Hardman, A. and Jones, C. (eds) (2010). *The Ethics of Sports Coaching*. Abingdon: Routledge.
- Holowchak, M. A. (2005). 'Fascistoid' Heroism Revisited: A deontological twist to a recent debate. *Journal of the Philosophy of Sport*, 32(1): 96–104.
- Holowchack, M. A. and Reid, H. (2011). *Aretism*. New York: Lexington.
- Holt, R. (1989). *Sport and the British. A modern history*. Oxford: Clarendon.
- Houlihan, B. and McNamee, M. (eds) (2013). *Anti-doping: Policy and Governance*. Abingdon: Routledge.
- Hume, D. (1778) [1739]. *A treatise of Human Nature*. London: John Noon.
- Ilundáin, J. (2014) Skillful Striving: Reflective cultivation of excellence, active pursuits, and embodied cognition, *Sport, Ethics and Philosophy*, 8(3–4) [special issue].
- Ilundáin-Agurruza, J. and Austin, M. W. (2010). *Cycling – Philosophy for Everyone: A philosophical tour de force*. Oxford: Wiley-Blackwell.
- Jennings, A. (1996). *The New Lords of the Rings: Olympic corruption and how to buy gold medals*. London: Pocket Books.
- Kretchmar, R. S. (1983). Ethics and Sport: An overview. *Journal of the Philosophy of Sport*, 10: 21–32.
- Kretchmar, R. S. (1998). Soft metaphysics: a precursor to good sports ethics. In M. J. McNamee, and S. J. Parry (eds), *Ethics and Sport*. Abingdon: Routledge, 19–34.
- Lasch, C. (1979). *The Culture of Narcissism*. New York: Warner.
- Loland, S. (2002) *Fair Play in Sport: A moral norm system*. London: Routledge
- Lopiano, D. A. (2000). Modern History of Women in Sports: Twenty-five years of Title IX. *Clinics in Sports Medicine*, 19(2): 163–73.
- Lumpkin, A., Stoll, S. K. and Beller, J. M. (1994). *Sport Ethics: Applications for fair play*. St. Louis, MO: Mosby.
- McGee, G. (2006). Will bioethics take the life of philosophy? *American Journal of Bioethics* 6(5): 1–2.
- McIntosh, P. C. (1979). *Fair Play: Ethics in sport and education*. London: Heinemann.
- MacIntyre, A. C. (1981). *After Virtue*. London: Duckworth.
- McLaughlin, D. W. and Torres, C. R. (2011). A Moral Justification for a More Inclusive Olympic Program, *Olympika*, 20, 55–78.
- McNamee, M. (1995). Sporting Practices, Institutions, and Virtues: A critique and a restatement. *Journal of the Philosophy of Sport*, 22(1): 61–82.
- McNamee, M. (2006). Olympism, Eurocentricity, and Transcultural Virtues. *Journal of the Philosophy of Sport*, 33(2): 174–87.
- McNamee, M. and Möller, V. (eds) (2011). *Doping and Anti-doping Policy in Sport: Ethical, legal and social perspectives*. Abingdon: Routledge.
- McNamee, M. J. (2008). *Sports, Virtues and Vices: Morality plays*, Abingdon: Routledge.
- McNamee, M. J. (2010). *The Ethics of Sport: A reader*. Abingdon: Routledge
- McNamee, M. J. and Parry, S. J. (eds) (1998). *Ethics and Sport*. Abingdon: Routledge.
- McNamee, M. J., Sheridan, H. and Buswell, J. (2001). The Limits of Utilitarianism as a Professional Ethic in Public Sector Leisure Policy and Provision. *Leisure Studies*, 20(3): 173–97.
- McNamee, M., Jones, C. and Duda, J. L. (2003). Psychology, Ethics and Sports. *International Journal of Sport and Health Science*, 1(1): 61–75.
- Mangan, J. A. (1981). *Athleticism in the Victorian and Edwardian Public School*. Cambridge: Cambridge University Press.
- Mangan, J. A. (1987). *Manliness and Morality*. Manchester: Manchester University Press.
- Meier, K.V. (1985). Restless Sport. *Journal of the Philosophy of Sport*, 12(1): 64–77.
- Miah, A. (2004). *Genetically Modified Athletes: Biomedical ethics, gene doping and sport*. Abingdon: Routledge.
- Möller, V. (2009). *The Ethics of Doping and Anti-doping: Redeeming the soul of sport?* Abingdon: Routledge.
- Moore, G. E. (1903). *Principia Ethica*. Cambridge: Cambridge University Press.
- Morgan, W. J. (1994). *Leftist Theories of Sport: A critique and reconstruction*. Champaign, IL: University of Illinois Press.
- Morgan, W. (2006). *Why Sports Morally Matter*. Abingdon: Routledge.
- Morgan, W. J. (ed.) (2007). *Ethics in Sport*. Champaign, IL: Human Kinetics.

- Murray, T. H., Maschke, K. J. and Wasunna, A. A. (2009). *Performance-enhancing Technologies in Sports: Ethical, conceptual, and scientific issues*. Baltimore, MD: Johns Hopkins University Press.
- Parry, J. (2006). Sport and Olympism: Universals and multiculturalism. *Journal of the Philosophy of Sport*, 33(2): 188–204.
- Persson, I. (2005). What's Wrong with Admiring Athletes and Other People? in C. Tamburrini and T. Tännsjö (eds), *Genetic Technology and Sport: Ethical questions*. Abingdon: Routledge, 70–81.
- Putnam, H. (2002). *The Collapse of the Fact/Value Dichotomy and Other Essays*. Cambridge, MA: Harvard University Press.
- Radford, C. (1988). Utilitarianism and the Noble Art. *Philosophy*, 63(243): 63–81.
- Rawls, J. (1971). *A Theory of Justice*. Cambridge: Harvard University Press.
- Reddiford, G. (1985). Constitutions, Institutions, and Games. *Journal of the Philosophy of Sport*, 12(1): 41–51.
- Reid, H. L. (2010). Athletic Virtue: Between East and West. *Sport, Ethics and Philosophy*, 4(1): 16–26.
- Reid, H. (2012). Athletic Beauty in Classical Greece: A philosophical view. *Journal of the Philosophy of Sport*, 39(2):281–97.
- Reid, H. L., and Austin, M. W. (eds) (2012). *The Olympics and Philosophy*. Lexington, KY: University Press of Kentucky.
- Renson, R. (2009) Fair Play: Its Origins and Meanings in Sport and Society, *Kinesiology* 41: 15–18.
- Richards, T. (ed.) (2013). *Soccer and Philosophy: Beautiful thoughts on the beautiful game*. Popular Culture and Philosophy, vol. 51. New York: Open Court.
- Russell, J. S. (2005). The Value of Dangerous Sport. *Journal of the Philosophy of Sport*, 32(1): 1–19.
- Ryle, G. (1949). *The Concept of Mind*. Oxford: Oxford University Press.
- Savulescu, J. (2005). 'Compulsory Genetic Testing for APOE Epsilon 4 and Boxing' in C. Tamburrini, and T. Tännsjö, (eds). (2005). *Genetic Technology and Sport: Ethical Questions*. Abingdon: Routledge.
- Simon, R. L. (1985). *Sports and Social Values*. Englewood Cliffs, NJ: Prentice-Hall.
- Simon, R. L. (1991). *Fair Play: Sports, values, and society*. Colorado: Westview.
- Simon, R. L. (1993). Gender Equity and Inequity In Athletics. *Journal of the Philosophy of Sport*, 20(1): 6–22.
- Simon, R. L. (2000). Internalism and Internal Values in Sport, *Journal of the Philosophy of Sport*, 27: 1–16.
- Staurowsky, E. J. (2003). Title IX and College Sport: The long painful path to compliance and reform. *Marquette Sports Law Review*, 14: 95.
- Sugden, J., and Tomlinson, A. (1998). *FIFA and the Contest for World Football: Who rules the people's game?* Cambridge: Polity.
- Tamburrini, C. M. (1998). Sports, Fascism and the Market. *Journal of the Philosophy of Sport*, 25: 35–47.
- Tamburrini, C. M. (2000). *The Hand of God. Essays in the philosophy of sport*. Göteborg: Acta Universitatis Gothoburgensis.
- Tännsjö, T. (1998). Is our Admiration for Sports Heroes Fascistoid? *Journal of the Philosophy of Sport*, 25(1): 23–34.
- Tännsjö, T and Tamburrini, C. M. (eds) (2000). *Values in Sport: Elitism, Nationalism, Gender Equality and the Scientific Manufacture of Winners*. London: E & FN Spon
- Toulmin, S. (1982). How Medicine Saved the Life of Ethics. *Perspectives in Biology and Medicine* 25(4): 736–50.
- Wamsley, K. B. (2004). 'Laying Olympism to Rest' in *Post-Olympism? Questioning sport in the twenty-first century*, edited by J. Bale and M. K. Christensen. Oxford: Berg, 231–42.
- Walsh, A. and Giulianotti, R. (2006). *Ethics, Money and Sport: This sporting Mammon*. Abingdon: Routledge.