

## The Ethos of Excellence

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### **Abstract:**

The purpose of this paper is to draw attention to the normative role of conventions in sports. However, the approach I have in mind does not dispatch the theory of interpretivism. What I offer is a synthesis that aims to show how interpretivism works in concert with – and relies heavily on – conventions. To make this point, I will argue that historical, cultural, and even simple preferential needs and desires help to determine what counts as athletic ‘excellence’ in sports.

**Keywords:** sport ethics | interpretivism | conventionalism

### **Article:**

The purpose of this paper is to draw attention to the normative importance of conventions for ethical adjudications in sports. This is a novel approach because the model of conventionalism that I have in mind does not dispatch the rival theory of interpretivism. What I offer, rather, is a synthesis. I hope to show that interpretivism works in concert with – and relies heavily on – conventionalism.

To make this point I give credence to the interpretivist principle that sportspeople should maintain and foster athletic ‘excellence’. However, I will also argue that historical, cultural, and even simple preferential needs and desires help to determine what counts as athletic ‘excellence’ in sports. Moral considerations in sports are thus informed by conventionally shaped understandings of athletic ‘excellence’. At first glance this may strike readers as dangerously relativistic. Nonetheless, I will show that it need not be so. If this stance has merit, it should make the methodology sport philosophers and participants use to work through moral dilemmas more transparent and effective.

## **The Development of and Debate over Interpretivism**

My argument draws directly from ideas introduced by other thinkers, and a review of their work will be useful for situating the present proposal. Among the first of competing theories about ethics in sports is 'formalism'. This theory claims that normative actions in sports are directed by explicit constitutive rules. To act morally is to do as a sport's rules prescribe. However, as D'Agostino (1981) pointed out, moral behaviors in sports are often informed by implicit social conventions, an 'ethos' that dictates how rules are interpreted and implemented. According to this theory, often called 'conventionalism', what counts as a foul in basketball, for instance, is not necessarily found written in rule books, but instead in tacit social arrangements. In this case, to act morally, one does not just follow the rules. One also heeds unspoken social norms.

Yet, neither rules nor conventional interpretations of them seem to be adequate. There will be unforeseen circumstances for which no existing rules or conventions were ever meant to apply (Russell 1999). Moreover, even in cases where they do apply, neither a sport's rules nor its conventions can interpret or justify themselves (Simon 2007a). It seems, then, moral conduct in sports cannot be guided by rules or ethos (or combination of the two) alone.

A number of sports philosophers have claimed that a theory they call 'interpretivism' succeeds where these previous theories have failed. Interpretivism is a realist and perfectionist philosophy derived from fundamental non-moral aspects of sport. Sports are generally defined as projects that require participants to face 'unnecessary obstacles' that are voluntarily encountered and that require the use of 'physical skills' (Suits 2007). Interpretivism attests that since sports are predicated on such 'constitutive skills', sportspeople have responsibilities to cultivate and safeguard the specific 'excellences' entwined therein (Torres 2000). As Russell (2004) explained, stating what he terms the 'internal' principle of all sports, 'the practice of any game should be undertaken in such a manner that the excellences embodied in achieving the lusory goal of the game are not undermined but maintained and fostered' (146).<sup>1</sup> Thus, sports people should act in ways that cultivate the particular skills, abilities, and capacities that a given sport has been designed to test and celebrate. This principle is intended to have universal applicability.

Although interpretivism enjoys considerable popularity, irrealist thinkers have raised epistemological questions and concerns. Morgan (2004) in particular has argued there is no independent normative formulation that can be discovered and applied to all sports practices because sports have no knowable telos or essence. Following in Richard Rorty's (1989) anti-foundationalist footsteps, Morgan (2004) holds that 'there is no way to test whether our descriptions of the world are more or less adequate to the world and accurately describe it, because there is no way we can climb outside of our descriptive vocabularies to get to the other side, the world's side, to assess how they [our descriptions] are faring' (166). As Morgan (2013) more recently put it, it makes little sense to say we can come to discover the properties of sport when such discovery requires us to 'take the perspective of the object of inquiry as opposed to that of the inquirer'. In short, since our normative descriptions of sport are born only by our own conceptual constructions of sport, sports philosophers cannot objectively verify the non-moral or moral truths of their claims.

This epistemological stance, however, led Morgan to face an obvious methodological question concerning sports ethics. How should the rules and ethos of sports get created, interpreted, and

judged if not by a universally verifiable moral principle, as interpretivists claim? Morgan (2012) responded by reviving a form of conventionalism. To make normative claims, Morgan argued, sports philosophers must attend to socially and historically shaped 'deep conventions' that provide a community with shared background knowledge with which context-specific ideals of sports can be articulated and judged. From this outlook, sports practices are always situated within specific cultures, each with their own ways of knowing that uniquely inform a sportspeople's particular understanding of what sports are, why they are valuable, and thus how they should be interpreted and played.

While Morgan's epistemological commitments differ from those of most interpretivists, such philosophers do not disagree with the claim that contextual factors are important. As Dixon (2003) pointed out, realist-interpretivists 'do not propose that we clumsily impose a single, universal, unchanging view [of sports] . . . that ignores vital differences between different places and different areas' (113). Following Dworkin's (1986) legal interpretivism, Russell (1999) defended his internal principle by explaining that the purpose of the principle is to uphold the virtue of 'integrity', a virtue surely cognizant of distinct historical developments. When Torres (2012) complemented Russell's framework by arguing for the importance of aesthetic values in sports, he remained sensitive to contextual factors, noting a 'moral-aesthetic approach' should account for 'the intrinsic properties of . . . either an object or an event . . . a product of or a doing considered worthy of sustained attention . . . within a particular culture' (310). Most recently, Kretchmar (2014) has gone as far as to propose what he called a 'pluralistic' version of interpretivism, which acknowledges varying, but equally acceptable types of 'excellence' in sports, and thus embraces cultural flexibility. Interpretivism seems to be an adaptable normative theory.

Jones (2010) has even hypothesized that in many (if not all) instances realist-interpretivism and Morgan's conventionalism will yield similar (if not the same) conclusions. Whether for the sake of integrity or because conventions are deemed morally relevant, both theories will make recommendations in the present by appealing to the qualities imbedded within a specific sports practice in the past. One could then ask if there is any significant difference between Morgan's call for interpretations that emerge from context-contingent ideologies and the claim of realist-interpretivists that, in Russell's (2004) words, 'different [historical and cultural] circumstances can [be taken into account to] produce different moral results using the same moral principle' (157).

Nonetheless, Morgan (2013) has maintained that there is a significant difference between approaches. He has argued so by claiming interpretivism's apparent flexibility actually proves his point. As he put it, interpretivism's 'realist commitment to track moral truth about sport cannot be reconciled with [its] professed historicism'. That is, although both sides acknowledge that 'culturally grounded considered views are doing important work, there is real question whether [interpretivist principles] are [also efficacious]' (Morgan 2013). Morgan (2013) defended this stance by observing that when two different culturally shaped views of sports collide, interpretivist principles 'are pitched at such an abstract level that both sides can interpret [the normative purpose of sport] however they please to support their respective positions'. On

this view, the nature of sports and the call to foster ‘excellence’ in sports provides minimal ‘substantive content’ with which ‘to make criticism’ (Morgan 2013). As Morgan contends, cultural perspectives, rather than moral principles derived from the nature of sport, carry the predominant argumentative force.

### **Non-moral Content and Normative Evaluations**

There is a perspective that might help settle this controversy, or at least help followers of opposing views realize some of their commonalities. This view can be gained by emphasizing that within all sports practices there will always be socially constructed non-moral content that possesses normative significance. This point has been made before. When Simon (2007a) laid out his initial case for interpretivism, he noted that normative formulations about sports involve ‘issues that are not primarily moral ones’. As Simon (2007a) explained, the ‘role [a specific] skill should play’ as well as ‘the best overall conception of a game or sport need not necessarily be’ based on what is ‘morally best’ (46). A variety of non-moral goods might support a variety of sporting forms and traditions. What this suggests is that when it comes to sports, there may not be any independent set of skills, abilities, capacities or ‘excellences’ that philosophers can universally reference when making normative claims.

When Simon made this point he was referring to intentional ‘strategic’ fouls in basketball. Gratuitous tests and challenges come in many shapes and forms. A wide variety of physical skills and ‘excellences’ might be employed in solving them. Thus Simon admitted that opinions over the legitimacy of ‘strategic’ fouls might vary from one sporting community to the next. A given group of basketball players might prefer smart fouling and pressured filled foul shots. In contrast, another group might dislike being forced to turn from basketball’s central constitutive skills (i.e., dribbling, running, passing, and shooting while facing defenders) to a secondary restorative one (i.e., foul shots) in order win a game in its closing minutes (Fraleigh 2007; Torres 2000; Simon 2007b). Both options appear morally acceptable. Meanwhile, the possibility of two separate ideals directing basketball players to two separate normative conclusions did not bother Simon. Indeed, he (2010) has even gone so far as to state that differing, yet equally permissible sports practices might have ‘different and even conflicting inner moralities’ (197).

I doubt most advocates of interpretivism would disagree with Simon’s analysis.<sup>2</sup> Still, in light of Morgan’s objections, the implications of this point have not been fully dealt with. Interpretivism claims that ‘sport’, as commonly defined, presupposes values or ‘excellences’. These ‘excellences’ in turn give rise to moral commitments and obligations. However, it appears that sport generically understood only vaguely points to the specific skills and attributes that real-life sports practitioners cherish, celebrate, and then refer to when making normative assessments.

This leads to a number of critical questions. For one, where does the particular ‘excellences’ sportspeople prize come from, if not the metaphysics of sport broadly construed? Moreover, once possibilities are articulated, how do sportspeople determine which specific ‘excellences’ their given practice should prize? How are particular athletic ‘excellences’ able to stand up to critical scrutiny in light of other possibilities and potentialities? As in the case of strategic fouls discussed above, simply citing the duty to foster ‘excellence’ is not enough. For the question

necessarily becomes, what exact ideal of athletic ‘excellence’ does a given community have in mind – and then, what makes that conceptualization of ‘excellence’ more defensible than others?

I believe that conventionalism provides the best available answer to these questions. That is, within sports, notions of athletic ‘excellence’ are socially constructed by sporting communities and these ‘excellences’ stand up to scrutiny in large part because of a consensus (spoken or unspoken) surrounding them. Indeed, there may be times when historical, cultural, and even simple preferential needs and desires hold sway over what counts as ‘excellence’ and thus over what is morally appropriate in a given sports setting. In short, understandings of athletic ‘excellence’ are themselves, to a significant extent, conventions.

Notably, one does not need to be an irrealist or deep conventionalist to admit that this could be so. Even if realists are on the mark and we can identify the fundamental structure of sports broadly; even if we can universally agree that sports are about the exercise and display of athletic ‘excellences’; that still leaves undetermined what *particular* ‘excellences’ specific sports practices should cherish and value. As Simon (2007a) recognized, just because all sports assume ‘excellences’ it does not follow that they all assume the same exact ones. Realists can (and perhaps already do) acknowledge that specific ‘excellences’ bear normative weight, to a significant extent, because of social agreements. At the same time, they can also maintain that *after* those agreements are made – *after* conventional understandings of athletic ‘excellence’ are formed – then sportspeople have responsibilities to maintain and foster the ideals that their specific sporting community has chosen to prize. Of course, if this analysis is right, since ideals of athletic ‘excellence’ are conventions, by virtue of a consensus they could potentially be changed.

At this point skeptics may be suspicious of a descent into relativism. Such fears are unwarranted and they will be dealt with directly later in this essay. For now, however, all should be able to agree that for interpretivism to work effectively, sports practitioners must have a clear understanding of what counts as an ‘excellent’ display of physical skill in specified sports settings. Acknowledging this, skeptics of the type of conventionalism that I am arguing for are still faced with key unanswered questions. Who or what determines which ‘excellences’ a sports practice should aspire to? By what standard or measure should the game-specific physical excellences that sports are meant to promote be judged and endorsed? How and why should one form of athletic ‘excellence’ be deemed more valuable than another form? How should we evaluate competing ‘excellences’?

### **The Meaning of ‘Excellence’ and the Limits of Integrity**

In his portrayal of interpretivism, Russell (1999) suggested a possible solution that could undermine the assertion that athletic ‘excellences’ are contingent on conventions. As previously noted, Russell claimed ‘excellence’ should be understood through the lens of ‘integrity’. Sports philosophers should consider the ‘excellences’ that a given sport’s predecessors presupposed and then make contemporary recommendations that show those ‘excellences’ or values in their ‘best light’ moving forward (Russell 1999). This theory promotes a comprehensive sense of what a sport is about, thereby restricting what a sport can become. A degree of coherence, predictability,

value continuity, and fairness is preserved. But is this enough to explain the normative weight of particular athletic ‘excellences’ in sports?

To consider Russell’s proposal in greater depth, we ought to take a closer look at Dworkin’s legal theory. When Dworkin (1986) presented the notion of integrity in law (the one that Russell appropriates for sports), he recommended it as a political virtue, meant to ensure the presence of a consistent moral authority within political and more specifically legal affairs. For sports philosophers, then, a further question presents itself. Do principles in sporting communities really work analogously to principles in political ones? Does integrity do equivalent normative work in the moral dilemmas sportspeople face? A key step in my argument is to show that it does not.<sup>3</sup>

Sports are physical tests and contests created by rules that presuppose notions of ‘excellence’. According to legal-interpretivism, a legal system is also a set of rules that assume certain values. Thus, the two types of practices are both dependent on rules and both presuppose values, but after that they differ greatly. According to Dworkin (1986), the values the law presupposes are not athletic ‘excellences’, but justice and fairness. Moreover, by enacting justice and fairness in their ‘best lights’, adjudicators keep the law’s integrity intact, thereby providing good reasons for community members to continue to consent to their (and thus the law’s) authority. This type of consent is of a different order from that given by athletes who agree to follow the rules and conventions of a sport.

In legal systems conceptions of fairness and justice can surely differ, but within a group of political affiliates the importance of shared understandings and commitments with regard to these normative ideals seems fundamental. If any faction were to undermine the integrity of the law there could be significant consequences for the stability of a society. For this reason, institutions are set up to cope with actions that might challenge or weaken the normative legitimacy of a given legal system. Law breakers that undermine shared ideals of justice and fairness will be dealt ‘fair’ penalties and punishments. Those who act within the confines of the law and its values are believed to receive their ‘just’ deserts.

But what happens if a group decides to break-off and undermine the integrity of a sport? Unlike the construction of and adherence to a legal system, the construction and playing of a sport is, by definition, voluntary and gratuitous. It would appear, then, that the consequences of instability in a sport are different from those associated with a challenge to normative agreements about justice and fairness in law. This is not to say sportspeople should be wholly indifferent to maintaining the integrity of a given conception of athletic ‘excellence’. Yet in sports, economic, social, and political deserts and penalties are not inevitably at stake. Nor is the moral validity and stability of a comprehensive legal system. People do not rely on coherent and consistent conceptions of athletic ‘excellence’ to live together. Because sports are gratuitous (and legal systems are not) it thus becomes unclear why the ‘best lights’ of previous conceptions of ‘excellence’ are always the best moral and normative criteria by which to judge a practice heading into the future. One might ask, what is morally wrong with a sporting community (or a group within a community) that substantially revises or abandons a sporting ideal because they prefer to do so?

Beyond the possibility of revisions or outright rejections to conceptions of athletic ‘excellence’, without a political function at play, another and perhaps even more obvious issue crops up. How does integrity account for the emergence of a sports practice – and the values therein – in the first place? That is, apart from the inherent Suitsian framework that says what sports are generally, how does integrity explain the genesis of a particular sporting ideal? Take the game of basketball as an example. Designed by James Naismith in Springfield, Massachusetts in 1891, it is one sport that has a rather clear origin. But basketball’s creators could not have referred to the integrity of basketball and the ‘excellences’ it assumes when they invented it. For, of course, the sport and its constitutive skills and abilities did not yet exist until Naismith decided what those skills and abilities should be.

Where, then, did basketball and its particular athletic ‘excellences’ come from? This is as much a historical question as a philosophic one. There is good evidence to show that basketball was originally connected to fears of effeminacy wrought by industrialization, changes in work, and in politics, within America’s middle- and upper-class at the turn-of-the twentieth-century. Indeed, the game was devised to promote upper-class and Anglo-American masculine ideals tethered to ‘muscular Christianity’, such as virility, discipline, competitiveness, cooperation, controlled-aggression, and bodily health (Putney 2001; Mrozek 1983, 202–209). The initial vision for ‘basketball’ was not born out of a reverence for a universal conception of athletic ‘excellence’. Instead, it was connected to the needs and desires of specific people at a particular moment in time. At least at its inception, it would seem that the point and purpose of basketball was, by a large measure, the product of a unique cultural and historical context.

At this point, perhaps granting conventions some moral force, one might still retort that when it comes to a sport’s *telos* the virtue of integrity becomes more morally significant than the fact of a social agreement after the initial agreement is made. At the least this is debatable. One could claim that the moral thing to do in sports is to always privilege preceding forms of athletic ‘excellence’ for the purpose of coherence and evenhandedness. But as the question of origination unveils, if these prior embodiments of ‘excellence’ are not themselves initially based on historically situated social conventions stipulating what counts as ‘excellence’, then what are they based on? That is to say, the call to preserve the integrity of ‘excellence’ seems to presuppose culturally contingent social agreements that articulate what ‘excellence’ means. When it comes to sports, then, unless one argues ‘excellence’ exists *a priori*, conventional values lay significant groundwork before the virtue of integrity can get going. It would seem remiss to ignore this point. At the same time, critics still need to provide an explanation for why forcing changes to ideals of athletic ‘excellence’ are always morally impermissible. Just because a certain set of skills or abilities are considered essential to a sport does not mean it should always be so.

### **Changing Ideals: Navajo and Mormon Basketball**

There are examples that show how after a sport is invented and its constitutive ‘excellences’ are established changes in the very ideals that birthed the sport in the first place can be undertaken. In these cases cultural norms and preferences, rather than the integrity of a sport, play the leading normative role. For example, with the goals of Naismith and his contemporaries in mind,

integrity has not always been the predominant normative force in determining how a sport such as basketball should be played.

Consider how basketball transformed when it was introduced to New Mexico's Rimrock Navajo community. The game had been introduced to the Navajo by their Mormon neighbors. Yet the versions of the game played by the Navajo and the Mormons became distinct. For the Mormons, the point and purpose of basketball was more aligned with what Naismith intended. It was a means to moral and religious education. Through deliberate strategy, controlled-aggression, team play, and self-sacrifice, the Mormons inculcated their culture's standards of accomplishment. Rules were strictly enforced and there were always clear authority figures present (e.g., coaches and referees). Moreover, success was judged largely by victories and defeats.

In contrast, for the Navajo, basketball became foremost about family structures, creativity, individualism, and entertainment. Navajo players would choose to pass the ball to family members over superior teammates. They would enter games without game plans. There were no clearly delineated authority figures to enforce strategies, rules, or even substitutions. The Navajo were much less concerned with the 'proper' administrations of the rules. Furthermore, they prized opportunities for innovation and excitement, often at the expense of teamwork. Although competition was part of the drama, players and fans often celebrated the team that was the most entertaining over the team that won.

Anthropologist Kyle Blanchard's (1974) explanation for these different styles of basketball is telling. As he wrote,

Despite their obvious fascination and obsession with the game, the Navajos, spectators, and players alike, are not internalizing the meaning intended by the local Mormons who have taught them the fundamentals of the sport. By pragmatically picking-and-choosing only the vital prerequisites of the game, Navajo hoopsters are circumventing value conflicts. Basketball is simply a new vehicle for the expression of traditional play needs (Blanchard 1974, 9).

In line with Morgan's (2012) prediction, the skills celebrated through basketball by the Navajo basketball players are not explained by the essential features of basketball. Rather, 'traditional play needs', or more simply their culture, determined which physical 'excellences' should hold normative weight.

It is important to note here that there are differences between the changes to basketball found in this example and the changes allowed within Dworkinian (1986) legal theory. According to Dworkin, changes in rules of law (and in our case the rules and conventions of a sport) can be made. This is because the principles presupposed by, and embodied in, a constitution can prove to have been misapplied. Thus slavery was abolished in the United States because adjudicators came to realize its legality was inconsistent with the ideals of justice and fairness that guided the framers of the United States constitution (even though the framers themselves failed to reach this conclusion). This type of change in policy, however, is different from what I am suggesting occurred with regard to Navajo basketball.

In Dworkin's theory, the political ideals of justice and fairness are not what get revised. They just get interpreted and applied differently, given what their best lights call for in contemporary circumstances. After all, the virtue of integrity requires citizens to keep the ideals that the framers of a constitution presupposed intact. Conversely, I am arguing that the very concept of athletic 'excellence' assumed by and manifested in a sport's rules and conventions can be significantly altered and even abandoned without any major moral qualms. This would not merely be a new application or interpretation of previously established ideals, but a drastic departure and novel reconceptualization. As I think the case of Navajo and Mormon basketball illustrates, in sports, culturally driven values and emergent social agreements can sometimes outweigh the integrity of certain notions of athletic 'excellence', even if such notions of 'excellence' actually underwrote a sport in the first place. This is not to say sports practices should change and even subvert their own ideals. It is only to note that by consensus and consent they surely can.

### **The Ethos in Interpretivism**

If the above analysis has merit, if preserving integrity does not always provide the best moral explanation as to why a given sporting community should promote any particular notion of athletic 'excellence' over others, then what does? This is the question that sparked the present inquiry and led me to the main point that I am trying to defend.

That main point is that specific instantiations of athletic 'excellence' in sports are to a significant extent the consequence of a given sporting community's unwritten and perhaps even unspoken underlying agreements. And, again, the fact of such social agreements, rather than integrity, is the most comprehensive explanation available as to why specific instantiations of 'excellence' should be deemed morally germane. In particular, novel manifestations and creative variations of athletic 'excellence' receive their final warrant and validity from social preferences, period.

To put my argument another way, it appears that under the cover of the abstract notion of 'excellence' a good measure of culturally shaped ethos has been embedded within interpretivist schemes. It is not that interpretivism in sports is wrong. It is not mistaken to say sportspeople should respect certain 'excellences' related to solving certain artificial problems that require physical skills. It is just that this principle functions through a sizeable dependency on conventionalism.

My argument could and I think should be read as a means to make interpretivism's internal principle more robust. Still, if interpretivism means to rid itself of conventionalism entirely, problems will arise. It is an empirical point that the 'excellences' a given sporting community prizes may not be transferable between practices. Moreover, the question of the origin of a sport and the fact of competing ideals of sports both reveal that the particular athletic 'excellences' that guide moral adjudication in sports cannot be derived entirely from the metaphysics of sports broadly defined. At the same time, previous embodiments of 'excellence', via integrity, will not necessarily be the proper measures with regard to future claims. Thus, when it comes to specific sports, the call to foster 'excellence' is a normative engine, but it is an engine that runs on ethos. For without reference to conventional constructions that explain what 'excellence' consists of,

interpretivism will have no meaningful normative standards from which to make or assess moral claims.

To further exemplify this point, it is worth revisiting the case of Navajo basketball. There ought to be to a normative explanation as to why a sports practice should embody certain values.<sup>4</sup> But so long as we assume Navajo and Mormon basketball are both morally acceptable practices, neither integrity nor a general principle can be said to be the prevailing moral force. Basketball could have been fair and just and meaningful had the Navajo agreed to play by Mormon standards. Yet, when Navajo basketball players determined who they should pass to, how to prepare for a game, or how to judge success the virtue of cultural consensus held normative authority. Without this consensus, how else can the Navajo justify the altercations they made to basketball? Indeed, how else might the Mormons defend their own version of the game in light of other possibilities?

Thus I think a contextually situated ethos that determines what counts as ‘excellence’ should be recognized as a necessary and complementary normative measure of morality in sports. I have been willing to accept the theoretical merits of Russell’s (2004) internal principle. I have also side stepped the epistemological difficulties raised by Morgan (2004). Yet I have come to agree with Morgan (2012, 2013) in this other regard. On its own, absent any reference to conventional values, a recommendation to honor athletic ‘excellence’ will be too vague and hence insufficient to act as an effective normative tool.

### **The Parameters of ‘Excellence’**

There is one last objection to this thesis that I would like to consider. Some may still be concerned that the present argument leads to an untenable relativism. I do not think this is the case. To assign conventions normative weight, to argue that some form of ethos is needed to furnish and flesh out ‘excellence’ in sports is not to suggest that this ethos is the *only* normative standard present within athletic arenas. Other external principles and values will still be valid.

### **Russell’s Principle of Consent**

For example, along with the ‘internal’ principle of sports that calls on participants to foster ‘excellence’, Russell (2004) also devised what he called sport’s ‘external’ principle of ‘consent’. This precept ‘regulates and sets certain conditions for entry into, and exit from, a game’. Namely, stemming from the fact that sports are said to be voluntary, Russell claimed that morally permissible ‘competitive games can only be undertaken’ by virtue of competitor volition (147). When it comes to the choice over engaging in a sport or not, autonomy matters and should be preserved.<sup>5</sup>

Sure enough, this external principle can hold true under the lights of multifarious conceptions of athletic ‘excellence’. It could be argued that all sportspeople should retain autonomy over whether they engage in a sport or not. At the same time, if one prefers to participate one should also be held accountable for maintaining and fostering the non-reducible and context contingent notions of ‘excellence’ at work in the specific sport one has chosen to enter. In this way, universalism and conventionalism work in tandem. The principle of consent applies across the

board. Meanwhile, ideals of ‘excellence’ will function relative to the conventions at play in specific settings.

### **Appiah’s Rooted Cosmopolitanism**

An even more robust way to conceptualize this type of thinking can be found in Appiah’s (2005) theory of ‘rooted cosmopolitanism’ and the notion of ‘particularist goods’. Particularist goods are project-dependent and nontransferable values that call on individuals to discharge special obligations.<sup>6</sup> Appiah made room for this type of partiality because he reasoned that a coherent identity is predicated on what he called ‘identitarian projects’ – that is, projects that give rise to particularist goods and thus special obligations which then hold unique relevance to specific individuals. However, Appiah advocates for such projects and the unique goods therein within a liberal cosmopolitan paradigm that continues to appeal to ‘thin’ general obligations. As Appiah (2005) suggested, ‘we can reconcile a kind of universalism with the legitimacy of at least some form of partiality’ (223).

Thus Appiah argued that within certain projects, like sports, a certain cultural understanding will lead people to appeal to favored particularist goods. In sports this would be a favored conception of athletic ‘excellence’. This particular conception of ‘excellence’ in turn gives rise to special obligations that arise only within the specific project or sport at hand. Still, following Appiah, the goods that such projects promote remain constrained by general responsibilities to respect universal human rights, needs, and values. As just mentioned, one might say the obligation to respect the autonomy of others holds true across different understandings of sports.

Respect for autonomy is just one example of several possible ‘thin’ general obligations that constrain the decisions made by sportspeople as they choose which particular athletic ‘excellences’ they ought to aspire to. The negative duty to not cause undo harm would represent another ‘thin’ moral parameter, for instance.<sup>7</sup> In this way, philosophers can claim forcing Christians to fight to the death in the Roman Coliseum was morally wrong because it violated certain universal human rights. The key point to notice here is that this claim depends on a reference to general obligations that all people are subject to, not special obligations that are project-dependent. Within the discourse of sports ethics, this is to say external values and principles are doing important normative work. They set parameters for the various, perhaps infinite internal goods or ‘excellences’ that might function within specific sports.<sup>8</sup>

### **Conclusion – Revisiting Lavin**

This defense of the normative weight of ethos in sports has taken a number of turns. I wanted to be clear that the form of conventionalism that I am advocating for in sports does not entail relativism. Nor does it discount the work interpretivism’s internal principle can do. Nonetheless, I hoped to show that to retain methodological validity and to provide the most efficacious and transparent moral counsel possible, interpretivism should attend to the ethos that informs various understandings of athletic ‘excellence’. From this perspective, normative principles will call on sportspeople to cultivate and foster socially agreed to, context specific, non-reducible, and potentially non-transferable particular ‘excellences’. These ‘excellences’ should be understood as being appreciably contingent on social conventions.

While I have yet to apply this theory to any controversial cases directly, I would like to conclude by revisiting Lavin's (2007) argument about performance enhancing substances (PESs). Lavin has already employed a methodology very close to (if not the same as) that for which I am advocating. Searching for a full proof rationale for the prohibition of PESs and failing to find it, Lavin reasoned that present day bans of such substances must somehow rely on covert 'ideals' – in my words, a specific ethos of 'excellence' – rather than a philosophical proof that would hold intellectual appeal across time and space. 'Some core of ideals covertly operates to favor the adoption of certain prohibitions rather than others', Lavin (2007) concluded, 'current prohibitions . . . do not capture a timeless ideal of sport' (268).

As Lavin (2007) went on, however, 'one might say that regulation is a democratic attempt to enforce and perpetuate widely accepted ideals [and] insofar as the fostering of widely accepted and morally permissible ideals is defensible, the regulation and even prohibition of certain substances is also defensible' (268). Rather than making an appeal to the nature of sports qua sports alone – if a particular ethos of 'excellence' has been constructed within a given sporting community and that ethos disapproves of using certain PESs, while at the same time it does not violate any 'thin' moral parameters, then *that* collection of considerations is the most pertinent normative justification for banning PESs. Of course, it is then true that the point and purpose of a sport and thus normative recommendations can be challenged and changed. As Lavin (2007) claimed, 'since . . . ideals may change, so may what is regulated' (268). Changes and transformations to the ethos of 'excellence' are possible and permitted. So long as PESs can be used within general moral guidelines, perhaps someday sports practices that currently frown upon them will alter their ideals and deem such substances morally acceptable.

This paper has not considered all the angles of the PESs issue. Nor has it solved all the epistemological or methodological dilemmas sportspeople and sports ethicists face.<sup>9</sup> But it has provided evidence to show why differing epistemologies should acknowledge the central role of ethos within moral adjudications about sports. In particular settings, various sports can be guided by differing, but equally forceful normative conceptions of 'excellence', informed by different, and even conflicting, underlying social conventions. At the same time, across histories, cultures, and preferences, practices employing diverse notions of 'excellence' will still be subject to general moral constraints. With all this in mind, when it comes to sports, acknowledging the normative importance of ethos should help to provide the most transparent, comprehensive, and efficacious means possible for making normative recommendations.

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### **Notes**

1. Russell (2004) also discusses an ‘external’ principle of ‘consent’ which ‘regulates and sets certain conditions for entry into, and exit from, a game’ (147). Namely, persons should not be coerced into participation. I will return to this principle later.
2. Interestingly, nonetheless, interpretivists have debated and taken rather clear stances on ‘strategic’ fouling, Simon (2007b) included.
3. Russell (2011) has delved into this very issue and, in fact, concluded that integrity in sports functions differently from integrity in legal-systems. However, the differences he identified differ from the ones I will point out.
4. Of course some changes could ruin a sport. If a change diminishes physicality enough, an activity may no longer be a sport. But this is semantic issue, not a moral one.
5. It is worth noting that this principle probably extends beyond sports to other forms of recreation and leisure (assuming here that recreation and leisure, like sports, are by definition freely chosen).
6. Appiah’s notion of project-dependent goods sounds strikingly similar to Alasdair MacIntyre’s (1981) description of the telos of a ‘practice’, a notion that sports philosophers have employed (Butcher and Schneider 2007). In comparison see MacIntyre’s (1981) explanation of a ‘practice’ (175). MacIntyre’s communitarian scheme holds that normative recommendations are grounded in practices, imbedded in specific traditions. Sports philosophers could reposition this idea within Appiah’s rooted cosmopolitanism. That is, MacIntyre’s conception of a practice should apply, but only to non-transferable particularist goods born of identitarian projects, like sports. Meanwhile general liberal guidelines still apply.
7. What constitutes human dignity or human rights is too large a topic to delve into in this essay. Nonetheless, by giving these concepts credence broadly, it is possible to see how they can remain intact even as partiality is given some normative weight in sports. There will be times when general obligations and special obligations conflict, when our duties to others as persons test our duties to our identitarian projects and practices. I have not tried to strike the balance between the two in this essay. But if my analysis is correct, this is an important topic for future consideration.
8. This also begs the question of how, conversely, recommendations based on a sports internal values might affect a society at large. This is an important issue but will not be delved into in the present paper.
9. One methodological issue left on the table is based on Appiah’s rooted cosmopolitanism. See note 7. One epistemological issue left unanswered pertains to the merits of Morgan’s anti-foundationalism, which I have bypassed for pragmatic reasons. Another point that calls for further inquiry is role of integrity in sports. While it is not the fundamental virtue with regard to fostering ‘excellence’, it is still possible there may be times when it will be very important. I have not tried to delineate when these times might be. However, my guess is these instances will themselves be contingent to a specific cultural moments and contexts. It will be socially constructed conventions that make integrity a prevailing value.

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