

Questions of Athletic Excellence and Justice in Sport

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Abstract:

This essay delineates and analyzes two kinds of questions that sport ethicists tend to ask: (1) questions about athletic excellence and (2) questions about justice. To pass ethical judgements when delving into questions concerning athletic excellence, sportspeople rely largely on a sport's internal values, primary skills, or sport-specific athletic excellences. In contrast, questions about justice do not and should not include the reference or application of principles derived from the nature of a sport. Instead, sportspeople must refer to general theories, most often based on the rights and obligations of fellow citizens. There are multiple benefits to pointing out this distinction. First, it can help sportspeople and sport philosophers recognize the normative standards most appropriate within specific debates. Second, the distinction may explain why some disputes in sport philosophy remained unresolved. Finally, and perhaps most significantly, an awareness of the differences between these types of questions enables us to pose a further query. To which of the two discourses about sport ethics should sport philosophers lend the majority of their efforts? By adopting Susan Okin's analysis of the role of morality in families, this paper suggests that questions about justice in sport carry greater moral import and should be resolved prior to questions of athletic excellence.

Keywords: Ethics | athletic excellence | justice | broad internalism

Article:

In a recent article, Nicholas Dixon puts Robert Simon's theory of broad internalism to use, showing how it can be employed to answer questions about violence in sport. In doing so, Dixon makes an acute and somewhat surprising observation. There are instances where Simon's theory proves 'powerless to criticize violence' (Dixon 2016, 105). Simon (2007a) claims that a sport's internal values, primary skills, or athletic excellences can be deployed to make ethical evaluations.¹ However, as Dixon points out, there may be sports which have internal goods that are themselves morally problematic. Of course, such troublesome internal values cannot be used to criticize themselves. Some other normative standard or set of standards needs to be applied.

To use Dixon's (2016) example, within boxing or Mixed Martial Arts (MMA), 'it is precisely the ability to hurt and injure opponents' that participants agree to test, celebrate, and reward. As a result, 'it would be absurd to complain that violence somehow contravenes' the 'internal morality' of these athletic contests (103). 'To engage in a moral evaluation of [violence in] boxing and MMA', Dixon (2016) asserts, 'we need to move outside the "gratuitous logic" of these sports' and subject them 'to critical scrutiny in the light of general moral principles' (105–6).

This is a cogent analysis which sheds light on differences in the types of questions that sport ethicists tend to ask. In the present work, I draw on debates between sport philosophers, liberal theorists, and communitarian thinkers to flesh out these differences. I aim to show that sport ethicists are commonly concerned with two kinds of inquiries: (1) questions about sport-specific athletic excellences and (2) questions about justice. To pass ethical judgements when delving into questions concerning athletic excellence, sportspeople rely largely on a sport's internal values. More precisely, sportspeople refer to idealized versions of a sport's 'lusory means' or primary skills. In contrast, questions about justice do not and should not reference or apply principles derived from the nature of a sport. Instead, as Dixon describes, philosophers must refer to general or external theories. As this essay further explores, very often such theories are based on the rights and obligations of fellow citizens.

There are multiple benefits in pointing out this distinction. First, it can help sportspeople and sport philosophers recognize the normative standards most appropriate within specific debates. In some discussions, internal excellences should lead the way. At other times, external principles ought to do so. Second, the distinction may explain why some disputes in sport philosophy remained unresolved. If internal and external values come into direct conflict, debates might reach an impasse. Finally, and perhaps most significantly, an awareness of differences between these types of questions enables us to pose a further query. To which of the two discourses about sport ethics should sport philosophers lend the majority of their efforts? By adopting Susan Okin's analysis of the role of morality in families, I suggest that questions about justice in sport carry greater moral import and should be resolved prior to questions of athletic excellence.

Broad Internalism: Primary Skills as a Communitarian Value

On one hand, questions about athletic excellence are questions in which Simon's (2007a) theory of broad internalism should be implemented.² By outlining the development of this theory, however, I intent to reveal limits to its practical use. I will also identify broad internalism's normative resources in a way that is a bit more explicit (though not really different) from what has previously been done. As alluded to above, broad internalism relies heavily on reference to particular idealized visions of a sport's lusory means or primary skills. This is an ideal of exceptional athleticism, usually tied to complexity, creativity, and overall esthetic appeal (Torres 2012). There are also continuous internal excellences in sport, such as hard work, courage, determination, and fair play. Although these goods or virtues carry weight generally, they are often fundamental and thus rightly considered internal to sport. Yet, there are additionally sport-specific excellences, such as a jump shot in basketball or an overhead in tennis. These goods are likewise fundamental and thus internal, but also exist only within particular sport enterprises. As described below, the upshot is that the theory of broad internalism aligns heavily with communitarian ways of thinking about morality, prizing excellences which

remain context contingent. These context contingent goods are most likely to become a source of tension between internal and external values and principles.³

Importantly, broad internalism sprung from Bernard Suits's definition of playing a game. Suits considers all sports to be games that require physical skill (Suits 2007).⁴ According to Suits, all game playing includes an independent state of affairs or goal to which one aims—a 'prelusory goal'. All game playing also involves proscriptions or constitutive rules that limit the means available for achieving a prelusory goal. In turn, all game playing includes specified methods, capacities, skills, abilities, or resources which players are permitted to employ. Suits calls such resources a game's 'lusory means'. In sum, when playing a game, constitutive rules define the lusory means that players use to reach a certain goal. However, according to Suits, there is a fourth aspect, the playing aspect or doing aspect of game playing—what he calls a 'lusory attitude'. To quote Suits (2005), the lusory attitude is 'the acceptance of the constitutive rules just so the activity made possible by such acceptance can occur' (54). The lusory attitude is a psychological approach or mindset that, as Suits asserts, 'unifies the other elements into a single formula' (50). It is the subjective glue that holds the objective aspects of game playing together.

When discussing the lusory attitude, Suits focuses on how game players approach the rules, not how they approach the goal or the lusory means. In his eyes, the acceptance of the rules is the key move. Perhaps due to Suits's emphasis on the relationship between the lusory attitude and a game's constitutive rules, the rules became the starting point for meta-ethical theories about sport. It would seem that an agreement or promise to follow the rules is a solid foundation for ethical considerations. Thus, a theory commonly called 'formalism' holds that constitutive rules are the proper standard for ethical evaluations in sporting contexts. To act morally is to do as the rules prescribe. Nevertheless, as a subsequent ethical theory termed 'conventionalism' pointed out, ethical behaviors in games often appear to be informed by implicit social agreements. In this theory, normative standards are located within unspoken arrangements, which dictate how rules should be interpreted and implemented (D'Agostino 1981). Conventionalism, however, is basically an extension of formalism in that it similarly claims that to act ethically one should fall in line with socially stipulated and agreed to guidelines. In formalism we follow explicit norms, while in conventionalism we follow tacit ones.

Since these theories are alike, they both face the same two challenges. For one, there may be ethically questionable situations in sport to which no rules or conventions currently apply. Consequently, sportspeople cannot not simply fall back on rules or conventions to determine morally appropriate actions. Second, neither a sport's rules nor its conventions can interpret and justify themselves. In other words, neither theory provides a method with which to specify what a sport's rules or conventions should be in the first place.

A number of sport philosophers claim that the theory of broad internalism overcomes these pitfalls. Such thinkers remain convinced that the fundamental characteristics of sport have something vital to contribute to sport ethics. Yet, according to broad internalism, it is not simply a sport's rules or conventions that do so. Rather, the argument goes, a sport's rules and conventions presuppose the existence of certain ideals of athletic excellence. Accordingly, these excellences are the proper normative measure for making ethical decisions in sport.

These perfectionist ideals are more concrete than they might at first appear. In a similar fashion to formalism and conventionalism, broad internalism is connected to an observable non-moral aspect of all games. Namely, broad internalists located normative value in the specific skills,

abilities, or attributes—the excellences—which rules and conventions are designed to encourage. Put another way, the standard for ethical assessment in sport became highly skilled, complex, creative, and esthetically appealing embodiments a sport's lusory means.

Various sport philosophers would seem to agree with this point. Notably, in Torres's and Hager's (2011) attempt to refine the notion of athletic excellence, they contend that all sports have specific constitutive skills or 'primary skills' that are inherent to the excellences a given sport's rules and conventions are meant to advance. As Torres (2000) notes, it is 'in terms of such skills, [that] players are to show their superiority' (86). Russell (2004) additionally writes that a sport's athletic excellences are 'embodied in achieving [a game's] prelusory goal'. As Suits claims, of course, to achieve the prelusory goal of a game, one uses a game's lusory means in as effective a manner as possible. Thus, specific versions of a sport's lusory means—its primary skills or excellences, with which players test their mettle—has become a predominant standard for normative evaluation in many debates about sport ethics.⁵

Furthermore, this move toward relying on primary skills (rather than rules or conventions) to make ethical judgments about sport resulted from a merger of MacIntyre's (1981) communitarian theory of virtue ethics and Dworkin's (1986) philosophy of the law, called legal interpretivism. As MacIntyre's communitarian scheme claims, ethical actions stem not from general principles related to rights or duties, but from virtues connected to one's place within social practices, entrenched in particular traditions. According to MacIntyre, one should act so that the goods 'appropriate to, and partially definitive of ... the coherent and complex form of [a] socially established cooperative activity' becomes realized and extended (MacIntyre 1981, 175). Situation specific 'excellences' are thus seen as the ethical standards with which the members of particular social practices are judged.

While Dworkin is a committed liberal theorist, his view of codified laws provided communitarian thinking sport philosophers with a way to identify the goods 'definitive of ... coherent and complex' sport practices. In particular, Dworkin argues that the rules of law presuppose a conception of justice and adjudicators should aim to keep the integrity of that conception intact in order to preserve the law's consistent and comprehensive moral authority. As we have seen, following Dworkin, sport philosophers claim that a sport's rules presuppose certain values (Russell 1999). However, instead of a consistent notion of justice, the ideal that allows a sport's rules and conventions to maintain their moral authority is a consistent, practice-specific notion of athletic excellence. This ideal has become a chief normative benchmark within sport.

But is it appropriate to use sport-specific excellences or primary skills in this way? More to the point, when is it appropriate to use such skills and abilities as the primary reference point for ethical decision-making? The turn to idealized versions of a sport's lusory means proves constructive in many respects. In the following section, I review the dilemma of strategic intentional fouls, showing how broad internalism has and can work effectively. Nonetheless, by drawing on theories about the nature of morality in families and the issue of gender (in)equity in sport, I go on to consider why there are times when relying on sport-specific internal values will be morally inadequate and even mistaken.

A Question of Athletic Excellence: Strategic Fouls

To give one example where relying on a specific sport practice's primary skills has worked well, consider the disagreement between Fraleigh (2007) and Simon (2007b) over the use of strategic-intentional rule violations. As Fraleigh (2007) poses, is allowing 'an intentional act that violates the rules in a way in which the rule violator expects to be detected and penalized but [also] expects some benefit to his or her competitive effectiveness' an acceptable part of sport (213)? To Fraleigh the answer is usually No. As he points out, such strategies almost always interfere or altogether replace the constitutive skills, primary abilities, or the chief athletic excellences that a game is meant to test and celebrate. That is, such maneuvers are wrong because they substitute the use of a sport's primary skills (such dribbling, passing, defending etc. in basketball) with something else (such as foul shots).

Simon (2007b) presents a counterargument to Fraleigh. Yet, he does so within the same discourse of athletic excellence that Fraleigh built upon. Simon too takes into account the skills and abilities fundamental to a specific sport. Accordingly, Simon concedes that strategic rule violations that disrupt the normal flow of a game and diminish an opponent's ability to display a sports' primary skills is unethical. Nevertheless, Simon observes that there are times when intentional rule violations can add additional interest and complexity to a game without devaluing primary abilities. For example, Simon claims that it might be a legitimate strategy to use strategic-intentional fouls to stop the clock at the end of a closely played basketball game, thereby allowing the team that is losing to have a chance to come from behind. He maintains that in this instance it may be the case that the integrity of basketball's sport-specific excellences can withstand (if not be buttressed by) the use of supplementary strategies and tactics in a game's closing seconds.⁶

There need not be a final answer to the issue of strategic rule-violations in sport. Still, it appears that by identifying the importance of a sports' primary skills Fraleigh and Simon cleared some muddied waters. There are a number of other debates that could and have undergone a similar analysis. Does the shot clock hurt or enhance basketball? Does the designated hitter positively or negatively affect the sport-specific excellences of baseball? Do certain technologies, such as performance enhancing substances, maintain or conflict with the primary skills inherent to a particular sporting tradition? As broad internalists hypothesize, acknowledging the normative weight of the idealized skills and abilities of specific sports will effectively inform these types of questions.

At the same time, in such circumstances, it is worth noting that general ethical principles pertaining to rights and duties appear to be insufficient. To determine whether intentional fouls are acceptable at the end of a basketball game, we must have a clear understanding of the practice-specific excellences traditionally meant to be fostered through basketball. Without knowledge of this communitarian value, Fraleigh, Simon, and others would not get very far. It would be deficient, in other words, to simply employ theories about the responsibilities every person has to each other, for the question fundamentally concerns the responsibilities of specific people within a particular sport practice.

The Sandel—Okin Debate: Communitarianism, Liberalism, and Morality in Families

Sports are therefore teleological projects, meant to maintain and foster distinct athletic excellences. However, ethics in sport is not tethered to teleological schemes or notions of athletic excellence alone. To explain how and why this is so, a debate between communitarian philosopher Michael Sandel and liberal feminist Susan Okin over the implementation of ethical

principles within families proves enlightening. Namely, theories that call for the implementation of internal values in sport carry similar strengths and weaknesses as theories that rely on what Sandal calls ‘higher order virtues’.

Sandel’s work, *The Limits of Liberalism*, is a direct challenge to John Rawls’s *A Theory of Justice*. In *A Theory of Justice*, Rawls broaches the topic of families, claiming that they represent a paradigmatic case for the use of his famed ‘difference principle’, which asserts that fellow citizens should agree to allocate goods and resources evenly, except in instances where inequality benefits the least well-off. ‘Members of a family commonly do not wish to gain, unless they can do so in ways that further the interest of the rest’, Rawls (1999) writes. In other words, according to Rawls, in families, those ‘in better circumstances are willing to have their greater advantages only under a scheme in which this works out for the benefit of the less fortunate’ members (90).

Importantly, Rawls also contends that because people with comparable capacities but different conceptions of the good life live under conditions of scarcity—conditions he calls the ‘circumstance of justice’—we must first and foremost determine the principles with which free and equal citizens with different life plans ought to agree. Sandel zeros in on this specific assertion, countering that the ‘circumstances of justice’ do not exist in all societies and certainly not in all social groups. ‘While we can easily enough imagine that certain large-scale associations such as the modern nation-state might meet [the] requirements [of the circumstance of justice] in many cases’, Sandel (1982) argues, ‘we can readily imagine a range of more intimate or solidarity associations in which the values and aims of the participants coincide closely enough that the circumstances of justice prevail to a relatively small degree’ (30). For Sandel (1982), ‘the family may represent an extreme case in this respect’ (31). So might a sport practice holding closely shared ideals of athletic excellence.

In such cases, Sandel contends that appeals to justice would be inappropriate, because they would undermine ‘higher order virtues’. ‘To invoke the circumstances of justice’, Sandel (1982) avers, ‘is simultaneously to concede, implicitly at least, the circumstances of benevolence, or fraternity, or of [other] enlarged affections’ (32). In a marriage, for example, a couple basing their decision on Rawls’s difference principle might undermine superior motivating factors, virtues such as love, commitment, and generosity. As Sandel further explains, ‘where an increase in justice reflects some transformation in the quality of [these types of] preexisting motivations and dispositions, the moral balance might well be diminished’ (Sandel 1982, 32). On this view, within certain associations like families or tightly knit sport practices, more magnanimous virtues or excellences should remain the primary ethical arbiters.

A student (and critic) of Rawls, Okin provides a decisive counterargument to Sandel, one that should give both family members and sportspeople pause. In her work, *Gender, Justice, and the Family*, Okin challenges various ethicists for assuming gender equality—and masking gender inequality—when formulating their theories. In particular, she notes scholars have assumed that relations within families represent a model of justice and fairness, when in fact gender dynamics in families have historically compelled women to perform unpaid labor within households, effectively forcing them to become unescapably dependent on their male spouses.

In her critique of Sandel, Okin thus defends implementing principles of justice in families. She does so, moreover, by contending that Sandel has misunderstood Rawls. ‘[W]hen Rawls claims the primacy of justice’, Okin (1989) writes, ‘he does not mean that it is the highest and noblest

virtue. Rather, he means it is the most fundamental or essential' (Okin 1989, 28). There may be virtues nobler than principles of justice, but the instantiation of justice does not contradict them. Instead, the presence of justice makes actions based on higher order virtues possible. As Okin (1989) states, 'it is essential that ... higher moral sentiments and actions, within the family as well as in society at large, be underwritten by a foundation of justice. Justice is needed as the primary, meaning most fundamental virtue, even in social groupings in which aims are largely common and affection frequently prevails' (29). This analysis can be mapped onto intimately connected tradition-laden sport practices as well, where common ideals of athletic excellence are treated as paramount.

Philosopher Ludwig Beckman (2001) gives further clarity to the dynamics that the debate between Okin and Sandel unmasks. In Beckham's eyes, Sandel is correct to claim that explicit appeals to individual rights may undermine superior dispositions, such as mutual affection and generosity. Yet, he also agrees with Okin in that when rights are violated, continuing to only emphasize higher order virtues would become difficult to support. With this in mind, Beckman employs a distinction drawn by Waldron (1988) between rights as 'fall-backs' and rights as 'constant restraints'. Fall-backs are principles meant to work silently, shielding people just in case ethically commendable relationships break down. Constant constraints refer to limitations that are consistently and openly employed to regulate the way individuals treat each other. As Beckman attests, appeals to justice in groups like families should be seen as fall-backs, something people make public only when things go awry. If and when relationships are in a good ethical standing, such principles will remain concealed, functioning tacitly in the background (Beckman 2001, 512). As Okin herself writes, 'we need to recognize the associations in which ... the best of human motivations and the noblest of virtues will prevail are ... firmly built on the foundation of justice, however rarely it may be invoked' (32).

Likewise in sport. We should aim and hope for sport practices where noble sport-specific athletic excellences drive our behaviors. At the same time, we should also remember that general principles of justice await on the sideline and can be sent into the playing field, should the need arise. Thus, in sport, when it comes to determining how rules, conventions, and sporting acts should be understood ethically, higher virtues—a specific set of primary skills or shared notions of athletic excellence—will often demand the utmost respect from competitors, coaches, umpires, and gamewrights. However, that does not mean justice is not a precondition within sport. As Okin says, justice must 'underwrite' our social practices, sports practices included.

A Question of Justice: Gender Equity in Sport

When Dixon raises the question of the permissibility of sports with violent internal values, he is putting higher order virtues or internal excellences aside and instead invoking external principles of justice.⁷⁷ It is worth noting here that in the case of MMA principles of justice are not the only source of external ethical guidelines that we might appeal to. As a reviewer pointed out, there may be other external considerations that trump a sport's internal values. One could, for instance, imagine a utilitarian arguing that we should ban MMA in the name of the greatest good overall. After injuries to athletes and the promotion of violence in society, etc., perhaps the sport ends up doing more harm than good. However, in Dixon's (and Simon's) consideration of violence in sport, ideals of fairness remained central. Namely, the fulcrum of their considerations are (1) do financial incentives unfairly 'coerce' poorer athletes to subject themselves to violent sports; (2) is it fair to restrict individual autonomy today in order to preserve it in the future (what Dixon

calls 'preemptive paternalism'); and (3) do people have right to consent (in Kantian terms) to becoming a means rather than an ends, failing in their duty to treat their own selves with respect. View all notes Do these sports abide by general ethical standards, Dixon asks? If not, the implementation of their primary skills as a chief normative measure will not only be unhelpful, it will also be, as Nixon notes, immoral. To give another example and flesh out the nature of questions of justice in sport, a debate between Jane English and Raymond A. Belliotti about gender equality is informative.

English (2007) argues that sports should be reimagined so that more resources are made available to female athletes. She makes this claim by invoking each person's right to what she calls 'basic benefits'. These are benefits which, English asserts, participation in sport provides. Such basic benefits include goods like health and self-respect (among others). English presumes that these goods should be made equally available to everybody, regardless of athletic abilities or physiological traits. Furthermore, English contends that what she calls 'scarce benefits', including prizes, fame, and public recognition, should be made equally available to social groups, such as women. Importantly, English believes a group's access to goods like fame and recognition are necessary so individuals within said group can obtain the basic benefit of self-respect. English then theorizes that to achieve this end, sports should be re-structured to test skills, including flexibility and balance, in which women have physiological advantages.

In making these claims, English gives little normative weight to the primary skills or athletic excellences of any given sports practice. Indeed, she aims to subvert and transform such values. The brunt of her argument is derived from an understanding of the general rights that individuals hold. Everyone has a right to health and self-respect. It is this view that leads English to want not just to redistribute resources and reorganize sport, but to actually change how athletic excellences themselves are thought about. As Okin claims, where injustice persists, higher order virtues will become ethically subordinate.

Though Belliotti (2007) disagrees with English, he joins her in the discourse of basic and scarce benefits. He likewise presumes that all individuals have a right to health and self-respect. However, he questions English's assumption that there is a causative and necessary link between a group gaining access to scarce goods through sport and members of that group attaining basic benefits, especially self-respect. Just because female athletes may not perform as well and do not receive as much fame and fortune as men, Belliotti (2007) argues, it does not necessarily follow that people will automatically concluded 'women are naturally inferior as athletes; and it certainly should not lead anyone to conclude that women are inferior as people' (310). Belliotti thus maintains women can have equal access to self-respect (and health) without seeing other women receive special recognitions through sport. He therefore resists English's call for transforming the ways sports are structured.

Once again, this discussion is not closed and shut. At the same time, it shows how general (and in particular liberal) theories can help clarify what is at stake ethically in certain sport settings. Moreover, it seems that when a situation calls for referencing values such as justice and rights to basic benefits, understandings of a sport's primary skills, athletic excellences, or higher order virtues become beside the point. Similar to Dixon's observations about the ethics of boxing and MMA, what matters ethically in this case is external standards, which function apart from sport-specific internal goods. Particularly, in the case of gender equity, overall justice and fairness should remain at the forefront. Indeed, both Dixon's recent reflections and the English-Belliotti

debate make salient how external values may very well lead us to alter or unseat the primary skills or excellences that a sports practice has traditionally held up as admirable.

Impacts of the Distinction

There thus seems to be somewhat distinct discourses about sport ethics with which sports-people and philosophers may take part. On one hand, there are questions about athletic excellence that appeal to the primary skills internal to a sport. On the other, there are questions of justice that ask us to make use of more general and external normative theories. In questions about inherently violent sports and gender equity, ethical progress will very often be made by putting communitarian thinking and broad internalism to the side—instead turning to external principles that take the individual rights and obligations of every person into account. There are some possible advantages in acknowledging this scenario. The first is rather straightforward. In any given debate, sport philosophers should consider if internal standards of athletic excellence or external standards, such as those linked to social justice, are more appropriate. And then, hopefully, act accordingly.

Moreover, akin to Nixon's and English's speculations, there probably will be times when the two discourses are in tension. For yet another example, consider questions raised by the current concussion crisis in American football (Sailors 2015). The primary skills that constitute the sport appear to have harmful effects on the long-term cognitive health of players. This has led to debates about potential rule changes. Some might fear that proposed limitations to the type of physical contact officials allow will undermine the integrity of the sport. That is, new rules will disregard the athletic excellences on which football is based. Thus, we might ask, is it ethical generally to expose young athletes to a cultural context where masculinity is established (and wealth sometimes obtained) through dangerous contact-sports like football? In contrast, we may also wonder, would football still be football if we valued physicality differently and replaced tackling with a less dangerous skill? There will be times when obligations to sport-specific excellences and obligations to principles of justice clash—when one's communitarian aspirations conflict with one's general duties to others. Perhaps it is at this discursive nexus—where questions of athletic excellence and questions of social justice face-off—that some of the most difficult and intriguing questions about sport ethics emerge.

Even so, having identified these two realms of debate, we ought to be especially cautious of attributing too much weight to athletic excellence. Sports have a long history of being culturally and politically entrenched in unjust circumstances. Gender inequality in sport is probably the most obvious example. At least since nineteenth-century Britain and after the Civil War in the United States, sport has served as a cultural vehicle for normalizing the idea that women are essentially different from and inferior to men (Connell 1987, 84–5; Burstyn 1999; Theberge 2000; Kidd 2013). Furthermore, as critical theorist Charles Mills (2005) posits, formulating normative theories on the basis of ideal circumstances, when non-ideal realities exist, obscures oppression and marginalization and may even 'reflect, and contribute to perpetuating' inequality (166). If sport philosophers assume just circumstances exist and talk only of what the primary skills of a practice recommends, they could be, in effect, masking non-ideal situations. Perhaps unknowingly, it is possible that by ignoring things such as gender inequity and emphasizing questions of athletic excellence, sport philosophers are, more or less, silencing debates about and thereby affirming the presence of injustice in sport.

Posing and attempting to answer questions of athletic excellence and of justice has and will continue to be fruitful and interesting. Still, we ought to take heed of Okin's warning. Preserving justice should come before maintaining and fostering a sport practice's primary skills. Indeed, if sportspeople become too preoccupied with a sport's internal excellences, they may begin to ignore and even enable ethically dubious conditions. Along with injustices related to gender, as Dixon made note, this may very well be the case within inherently dangerous and violent sports. Has reverence for the primary skills of boxing, MMA, or even tackle football led sportspeople ethically astray?

While this essay does not answer this question, it provides an analysis which should enable us to confront the issue with greater precision. While questions of athletic excellence call for the application of internal sport-specific primary skills, questions of justice require reference to general ethical guidelines external to sport. There is nothing inherently wrong with debating issues of athletic excellence, such as the ethics of intentional strategic fouls. It is certainly true that finding solutions to specific dilemmas in sport will benefit from this type of consideration. Nonetheless, real-life circumstances may dictate that sport philosophers broach questions of social justice first. In such moments, as Dixon pointed out, only general principles external to sport will do.

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Notes

1. Russell (2007) argues that though certain values are connected to sports, those values also align with general moral values and expectations, such as fostering human talents, capacities, and overall flourishing. Thus, the internal values of sport are continuous with everyday morality. However, Russell agrees that specific instantiations of athletic excellence or constitutive skills become representative of flourishing in particular sport settings. For example, dribbling and shooting jump shots holds distinct value within the sport of basketball. The principles that call for the promoting and maintaining the integrity of the excellences of basketball are therefore internal to basketball. Russell also claims that general moral values such as respect for persons, fairness, and impartiality are continuous in sport. Of course, if these values carry merit in everyday life, they do so in sport as well.
2. In sport philosophy literature, broad internalism is also called and analogous with the theory of 'interpretivism'.
3. As a reviewer pointed out, it is possible that external virtues (such as hard work, determination, and fair play), that are continuous but also internal to a sport, might lead to a violation of other external principles as well. However, the prospect of ethically problematic 'continuous values' (hard work, courage, determination, fair play etc.) appears to be largely parasitic to the presence of ethically problematic primary skills (or sport-specific athletic excellences). That is, the exhibition of hard work, courage, determination, and fair play etc.

would only become unethical in a sport if said sport's specific excellences (e.g. punching, choking) were unethical. One could see how determined punching and choking is ethically problematic. But, again, the source of immorality would be acts of violence, not the virtue of determination per se. One wonders, for example, would it be possible for a continuous value internal to sport to become unethical in table tennis? Within the context of the sport, could a table tennis player be too determined, hardworking, courageous, fair etc.?

4. For example, chess would not be considered a game but not a sport, because the skills involved are not physical. Basketball on the other hand is obviously a game and a sport. Suits's theory of games and sport may lead to some grey areas, borderline examples, or controversial cases. Still, his definitions should categorize most cases of games and sports correctly and in an uncontroversial manner.

5. As Russell made explicit in his important 1999 essay 'Are Rules All an Umpire has to Work With': 'Rules that establish games should be interpreted to create a context that allows for the realization of those obstacles and the related excellences ("the lusory means") that are made available to overcome them' (35). In one of the earliest attempts to overcome formalism's and conventionalism's shortcomings, Russell seems to realize notions of athletic excellence are derived from presumptively idealized and particular versions of a sport's lusory means. The parenthesis is Russell's.

6. Simon also argues that if two teams or opponents exhibit equal levels of constitutive skills (primary skills) then secondary skills (such as foul shooting) would become an appropriate way to judge athletic superiority.

7. It is worth noting here that in the case of MMA principles of justice are not the only source of external ethical guidelines that we might appeal to. As a reviewer pointed out, there may be other external considerations that trump a sport's internal values. One could, for instance, imagine a utilitarian arguing that we should ban MMA in the name of the greatest good overall. After injuries to athletes and the promotion of violence in society, etc., perhaps the sport ends up doing more harm than good. However, in Dixon's (and Simon's) consideration of violence in sport, ideals of fairness remained central. Namely, the fulcrum of their considerations are (1) do financial incentives unfairly 'coerce' poorer athletes to subject themselves to violent sports; (2) is it fair to restrict individual autonomy today in order to preserve it in the future (what Dixon calls 'preemptive paternalism'); and (3) do people have right to consent (in Kantian terms) to becoming a means rather than an ends, failing in their duty to treat their own selves with respect.

References

Beckham, L. 2001. Rights, rights-talks, and children. *The Journal of Value Inquiry* 35: 509–15.

Belliotti, R. 2007. Women, sex, and sport. In *Ethics in Sport*. 2nd ed., edited by W.J. Morgan. Champaign, IL: Human Kinetics.

Burstyn, V. 1999. *The rites of men: Manhood, politics, and the culture of sport*. Toronto: Toronto University Press. 10.3138/9781442682214

Connell, R.W. 1987. *Gender & power: Society, the person, and sexual politics*. Cambridge: Polity Press.

- D'Agostino, F. 1981. The ethos of games. *Journal of the Philosophy of Sport* 8: 7–18.10.1080/00948705.1981.9714372
- Dixon, N. 2016. Internalism and external evaluation of violent sport. *Journal of Philosophy of Sport* 43 (1): 101–13.
- Dworkin, R. 1986. *Law's empire*. Cambridge, MA: Harvard University Press.
- English, J. 2007. Sex equality in sports. In *Ethics in Sport*. 2nd ed., edited by W.J. Morgan. Champaign, IL: Human Kinetics.
- Fraleigh, W. 2007. Intentional rule violations—one more time. In *Ethics in sport*, 2nd ed., edited by W.J. Morgan. Champaign, IL: Human Kinetics: 209–18.
- Kidd, B. 2013. *Sports and masculinity*. *Sports in society* 16 (4): 553–64.
- Macintyer, A. 1981. *After virtue: a study of moral theory*. University of Notre Dame Press.
- Mills, C. 2005. Ideal theory as ideology. *Hypatia* 20 (3): 165–85.
- Okin, S.M. 1989. *Justice, gender, and the family*. New York, NY: Basic Books.
- Rawls, J. 1999/1971. *A theory of justice*. Cambridge, MA: Harvard University.
- Russell, J.S. 1999. Are rules all an umpire has to work with? *Journal of the Philosophy of Sport* 26: 27–49.10.1080/00948705.1999.9714577
- Russell, J.S. 2004. Moral realism in sport. *Journal of the Philosophy of Sport* 31: 142–60.10.1080/00948705.2004.9714657
- Russell, J.S. 2007. Board internalism and the moral foundations of sport. In *Ethics in sport*, 2nd ed., edited by W.J. Morgan. Champaign, IL: Human Kinetics: 51–66.
- Sailors, P. 2015. Personal foul: An evaluation of the moral status of football. *Journal of the Philosophy of Sport* 42 (2): 269–86.10.1080/00948705.2014.1000338
- Sandel, M. 1982. *Liberalism and the limits of justice*. New York, NY: Cambridge University Press.
- Simon, R. 2007a. Internalism and internal values in sport. In *Ethics in sport*, 2nd ed., edited by W.J. Morgan. Champaign, IL: Human Kinetics: 35–40.
- Simon, R. 2007b. The ethics of strategic fouling: A reply to Fraleigh. In *Ethics in sport*, 2nd ed., edited by W.J. Morgan. Champaign, IL: Human Kinetics: 219–227.
- Suits, B. 2005. *The Grasshopper: Games, life and utopia*. Broadview Press.
- Suits, B. 2007. The elements of sports. In *Ethics in sport*, 2nd ed., edited by W. J Morgan. Champaign, IL: Human Kinetics: 9–19.
- Theberge, N. 2000. Gender and sport. In *Handbook of sports studies*., edited by J. Coakley and E. Dunning. London: Sage: 104–24.
- Torres, C. 2000. What counts as part of a game? a look at skills. *Journal of the Philosophy of Sport* 27: 81–92.

Torres, C. 2012. Furthering interpretivism's integrity: Bringing together ethics and aesthetics. *Journal of the Philosophy of Sport* 39 (2): 299–319.10.1080/00948705.2012.725908

Torres, C., and P. Hager. 2011. The desirability of the season long tournament: A response to Finn. *Journal of the Philosophy of Sport* 38 (1): 39–54.10.1080/00948705.2011.9714548

Waldron, J. 1988. When justice replaces affection: The need for rights. *Harvard Journal of Law and Public Policy* 2: 625–42.