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Morgan, the 'gratuitous' logic of sport, and the art of self-imposed constraints

Abstract

Sport occupies a significant role in modern society and has a wide following. In his *Leftist Theories of Sport* (1994) (LTS), Morgan examines what he considers to be a degradation of modern sport and the lack of proper critical theory to address this challenge. In the latter part of LTS, he presents a reconstructed critical theory with 'a liberal twist' in terms of an analysis of what he sees as the internal 'gratuitous' logic of sport, and a call for critical deliberation in sporting practice communities. I depart from Morgan's ideas of the 'gratuitous' logic of sport which, I believe, has significant potential and operative force. I argue that the logic of sport can be expressed as forms of self-imposed constraints at three levels: in the rules, in norms for fair play, and in a particular interpretation of sporting excellence as a form of human excellence. Using the practical case of performance-enhancing drugs, I demonstrate how this interpretation can exert operative power. I conclude by pointing to the internal 'gratuitous' logic of sport as cultivating what Goethe classically defined as a sign of mastery: the art of limitation and self-imposed constraints.

Key words

Sport; critical theory; internal logic; constraints; human excellence

Sigmund Loland:

Morgan, the 'gratuitous' logic of sport, and the art of self-imposed constraints¹

In his 1994 book *Leftist Theories of Sport. A Critique and Reconstruction* (LTS), Bill Morgan points to what he sees as a degradation and 'social pathology' of modern sport. The critique is no less relevant today. Being among the top-rated products of the international entertainment market, sporting events are contested terrain. What sport aficionados consider internal goods are challenged by strong external and instrumental interests in terms of cynical result orientation, commercialization and trivialization.

Morgan proceeds by making a call for a transformation of sport. He turns to traditional critical and 'leftist' theory in this respect but finds clear limitations. Simplistically speaking, in portraying sport as a mirror or reflection of hegemonic power structures, critical theory overlooks its 'complex social composition' and internal logic as well as the transformative power of deliberative practice communities. In the second part of LST, Morgan's project is nothing less than reconstructing critical theory to fit his purpose.

¹ I have had the pleasure of knowing Bill Morgan since the late 1980s. In the beginning, and as a rookie in the international sport philosophy community, I did not really *know* Bill but knew of him as one of the founding fathers of sport philosophy. In the early 2000s, as I organized a sport ethics work shop in Oslo with Bill as the main lecturer, I got to know him better and experienced his academic rigor, devotion and discipline, and also his considerable gift as a teacher and pedagogue. After my 2014-16 stay as visiting professor at the University of Southern California, Bill and I became closer. I learned that behind Bill's terrible but funny and self-ironic sense of humor is a generous, gentle and genuinely kind person. Bill is one of the good guys! I am privileged to be able to call Bill Morgan my friend, and it is an honor to get the opportunity to comment upon some of his work.

I find Morgan's ideas of the internal logic of sport to be particularly enlightening. Morgan (1994: 210 ff.) sees a 'gratuitous' logic in what he with a term taken from Walzer (1983) calls sport's 'characteristic normative structures'. I believe more can be said in this respect. More specifically, I will present an interpretation of the normative structures of sport that I think complement and may add analytic and operative power to Morgan's ideas. Hence, my essay is not really a critique of Morgan's work but a possible extension and an acknowledgement of its relevance and potential.

Informed by Merton's classic analysis of science, I refer to a normative structure of a practice or an institution as a system of explicit and implicit norms distinguishing between non-permissible, permissible, and admirable acts and conduct.² A normative structure also makes reference to more general values and can serve as a justification of a practice or institution from a moral point of view. Working inductively, and, as Morgan, starting out with explicit rules and goals, I will argue that the normative structure of sport is characterized by relatively strict constraints at three levels: in the relation between rules and goals, in norms for fair play, and in a particular understanding of athletic excellence as a form of human excellence. Furthermore, and using the case of performance-enhancing drugs, I aim to demonstrate how these ideas can exert operative power. Sport can be a sphere of what Goethe classically characterized as a sign of artistic mastery: the art of limitation and of self-imposed constraints.³

² According to Merton (1943: 269), the norms of science define '... prescriptions, proscriptions, preferences, and permissions' when it comes to actions and conduct and are '...legitimized in terms of institutional values'.

³ In the final verses of his sonnet *Natur und Kunst*, Goethe (2005: 125) says:

Wer Großes will, muß sich zusammenraffen;

In der Beschränkung zeigt sich erst der Meister

In David Luke's translation, the verses read as follows:

'To achieve great things, we must be self-confined;

Mastery is revealed in limitation.'

First level of constraints: accepting 'unnecessary' obstacles to reach sporting goals

People engage in sport for many reasons and understand sport in many ways. Following Morgan, I acknowledge the diversity of individual motives and socio-cultural interpretations. Still, and also along the lines of Morgan, at least in LTS, my argument builds on the premise that beyond this diversity there is an internal logic demarcating sporting games as a particular kind of social practice.

In all sports, core rules define what counts as performance and how to distinguish between participants according to the quality of their performances. In running events, evaluations and rankings are made by measurements at the accuracy of a thousand of a second. In ball games, a team is evaluated and ranked according to its ability to score goals or points and prevent the opposing team from doing the same. More generally, sporting competitions are characterized by the structural goal of measuring, comparing, and ranking competitors according to relevant abilities and skills (Loland 2002).

On closer examination, additional common features emerge. John Searle's (1969: 33-34) well-known analysis of constitutive rules is illuminating. Constitutive rules, Searle says, are those that define a particular practice in such a way that the practice is inconceivable without them. The existence of the practice is logically dependent upon the rules. In hurdling, these are rules that define starting procedures and prescribe all runners to jump the hurdles placed along the racetrack. In soccer, core constitutive rules prohibit players' touching the ball with their hands and being in a so-called 'off side' position. The goals of a game are defined by, and their realization depends upon, adherence to the constitutive rules. Constitutive rules make sense only within the context of the activity they define.

Morgan (1994: 229-230) proceeds with the help of Bernard Suits' (1978) account of games. Games are created by imposing what from an instrumental, non-game perspective seems to be 'unnecessary obstacles' in reaching a game goal. Realizing a hurdle race depends upon all runners jumping and not skipping the hurdles. Realizing a soccer game depends upon all players keeping the rules against

handball and off side positions. Playing a game can be defined as ‘the voluntary attempt to overcome unnecessary obstacles’ (Suits 1978: 55). The logic of sport is one of carefully developed self-imposed constraints. Here, then, we have what Morgan calls a first, formal element of the gratuitous logic of sport.

Suits’ game definition is criticized for its formalist elements.⁴ If constitutive rules define the game, strictly speaking rule violations break the game and make its realization impossible. In tight and competitive games with extensive physical movement, however, non-intentional rule violations are unavoidable. A hurdle runner may accidentally step into a competitor’s running lane. Soccer players may accidentally touch the ball with their hands.

This does not mean that these games cease to exist. Strategies are developed to cope with the unavoidability of rule violations. Firstly, when it comes to non-intentional violations, there are rules defining sanctions and ways of restoring the game. A hurdle runner who steps into another lane, is disqualified. Touching the ball with the hand in soccer, results in a free kick to the other team. Secondly, in many sports there are norms expressing accept for some intentional rule violations as ‘part of the game’. Soccer players seem to accept shirt holding in tight situations, and basketball referees accept some forms of intentional body contact without administering fouls. Suits’ game definition needs contextualization.

Second level of constraints: practicing fair play

D’Agostino (1981) points to the fact that for sport to be realized in meaningful ways, participants depend upon a shared interpretation of how main constitutive rules are applied in concrete circumstances. D’Agostino uses the basketball example. In principle, rules prohibit body contact. In real life basketball, avoiding body contact seems difficult if not impossible. Hence, players and game officials agree pragmatically on functional rule interpretations in which a certain degree of body

⁴ See McBride (1979) and D’Agostino (1981). See also Kretchmar’s (2015) nuanced defense of formalism.

contact is accepted. D'Agostino refers to a shared rule interpretation among sport competitors in concrete circumstances as the ethos of that particular sport.

D'Agostino's thesis solves some problems with formalism but raises other issues. Should we accept any sport ethos as long as it is shared among participants? Imagine the emergence in basketball of increased accept of violent acts where players and referees accept mutual punching in tight phases of the game. Obviously, there is need for a critical, normative perspective. Morgan (1994: 225) extends and deepens D'Agostino's concept of an ethos to cover not only shared rule interpretation but shared understanding of 'the way of life intrinsic to a game' and to its '... rules, mores, goods, and commitments'. The basketball situation calls for critical deliberation among practitioners based on ideas of the 'gratuitous' logic of the game and the ideals and internal standards of excellence it facilitates.⁵

This move opens for further analysis. Morgan (1994: 131-139) builds in part on MacIntyre's view of social practices as cooperative human activities that are socially established with a history and tradition and with socially shared standards of excellence.⁶ In the quest for realizing these standards, internal goods arise: experiential qualities such as joy, mastery, excitement, a sense of community. From a wider perspective, internal goods can contribute to development of virtues such as

⁵ There is a parallel here in Elster's (2000) theory of optimal constraints as discussed in Lewandowski's (2007) work on boxing. Comparing the ethos of the fight with the ethos of sparring, Lewandowski holds sparring as superior as it realizes the internal standards of boxing excellence (technical and tactical boxing skills, virtues such as mutual respect, courage and honesty) to a larger extent.

⁶ MacIntyre's (2007: 187) definition of a social practice goes as follows: 'Any coherent and complex form of socially established cooperative human activity through which goods internal to that form of activity are realized in the course of trying to achieve those standards of excellence which are appropriate to, and partially definitive of that form of activity, with the result that human powers to achieve excellence, and human conceptions to the ends and goods involved, are systematically extended.'

justice, courage, and honesty, and social practices can be examined from a moral point of view.

By including in an ethos a shared idea of internal goods, practice community deliberation is given critical and potentially transformative potential. Do new ways of practices contribute to the goods of the game? Or, do they challenge internal goods? Beyond the specific internal goods of particular sports, I will take a further step and argue that such deliberation is based on a shared interpretation of the moral ideal of fair play.

Following Rawls (1971), when participants are voluntarily engaged in a just and rule-governed practice, moral obligations arise. The primary obligation is one of fairness. Participants ought to keep the rules. Rawls explains the idea as follows:

...when a number of persons engage in a mutually advantageous cooperative venture according to rules, and thus restrict their liberty in ways necessary to yield advantages for all, those who have submitted to these restrictions have a right to a similar acquiescence on the part of those who have benefited from their submission. We are not to gain from the cooperative labors of others without doing our fair share.

Rawls (1971): 112

The obligation of fairness, which in sport can take the form of an obligation on keeping the shared ethos of one's sport, is justified on neo-Kantian contractualist grounds.⁷ Whereas a contractualist perspective helps understanding the logic of the fairness idea, Morgan's communitarian approach opens for wider perspectives. In sporting games, fairness belongs to shared standards of excellence realizing their internal goods and is embedded in sporting practice. Fairness is not just a matter of

⁷ Loland and McNamee (2000: 76) propose a similar formulation: 'If voluntarily engaged in sporting games, keep the ethos of the game if the ethos is just and if it includes a proper appreciation of the internal goods and the attitude of playing to win!'

duty but is cultivated among practitioners as a predisposition for action, as an attitude, as a virtue.

Similarly, taking part in sport without respecting its standards of excellence breaks down its internal goods. Morgan's (1994: 223) use of Suits' example of 'the trifler' is illustrative. The trifler is keeping the rules but does not really care about performance or results as he indulges in 'his own privately crafted goals'; the kin-aesthetic feeling of certain movement patterns, testing out the space for random movement within the framework of the rules, et cetera. The structural goal of measuring, comparing and ranking according to relevant abilities and skills is compromised. Competition does not make much sense.

Pointing to the significance of honest effort resonates well with theories of the value of play. Huizinga (1949) defines play as being of pure autotelic value and at the very origin of culture. Suits (1978) refers to the voluntary acceptance to overcome 'unnecessary obstacles' as an expression of a 'lusory' (playful) attitude. The internal goods at stake depend upon fair play.

In other words, a second dimension of the 'gratuitous' logic of self-imposed constraints in sport is practice according to a shared ethos of fair play including (i) a shared interpretation of the rules, and (ii) a shared norm of performing at the best of their ability; of 'playing to win'.

Third level of constraints: understanding sporting excellence as a form of human excellence

Still questions arise. Normative structures relate to and are justified by more general values. Pointing to a 'gratuitous' logic and internal goods and 'the kind of life they embody' calls for elaboration. What role can sport play in human life? To rephrase the title of another of Morgan's books: Why do sports *morally* matter (2006)?

The structural goal of competitive sport emphasizes athletic performance as the very core 'variable'. In performing according to fair play, athletes demonstrate a quest for shared standards of excellence and internal goods in their sport. But how can athletic

performances be understood in a larger scheme of things? What are the more general values with which sport can be associated?

An athletic performance is the complex product of innumerable predispositions and influences. Genetic predispositions find their form at the moment of conception, which is a chance event sometimes referred to as 'the natural lottery'. From that moment on, performance-related phenotypes develop in complex gene-gene-environment interactions that are matters of merit, chance, and luck.

Sometimes inequalities in performance challenge our sense of values. Imagine two sprint runners, A and B, with significant inequalities in genetic predispositions. A has great genetic talent and is successful with moderate training efforts. B has moderate genetic talent and trains very hard over many years but with less success. The difference between A and B is due to the outcome of 'the natural lottery'. Is the outcome fair, or does B 'deserve' more success due to her harder efforts? Imagine then two skiers X and Y with more or less identical genetic predispositions. X is born next to a skiing resort with a good coach and a supportive social environment. Y is born into a poor environment with scarce facilities and little coaching expertise. These are inequalities over which X and Y experience lack of influence and control; they are outcomes of what can be called environmental luck (Rescher 1995). X outperforms Y. Is this fair?

Obviously, as sports are competitive skill games, merit-based inequalities are of main relevance. Few would dispute fairness of success based on hard work and efforts. The critical question is whether a meritocratic scheme should be followed strictly, and to what extent inequalities based on chance and/or luck should be eliminated or compensated for.

A closer look at the way sport is structured, and in particular at the way eligibility rules are set up, indicates an answer. Several attempts are made to eliminate or compensate for certain forms of chance and luck. When it comes to inequalities in genetic predispositions, most sports classify between men and women. Part of the reason is contextual and historical. To the extent that women were allowed sport participation at all, conventional morality required separation of men and women.

Part of the reason seems to be based on a sense of fairness. Statistically speaking, in sports in which women have less favorable predispositions for performance than their male counterparts, classification is called for. Typically, these are events such as athletics and weight lifting in which basic bio-motor of strength, speed and endurance are crucial to the outcome. Similar reasoning can be found when it comes to classification according to body size (body height and mass). In combat sports in which body mass exerts significant impact on performance, weight classification is the rule rather than the exception.

Different from the individual obligation of fair play discussed above, the issue here is one of institutional fairness and distributive justice. Elsewhere I have argued that classification in sport is best understood on the background of a fair equality of opportunity ideal (FEO) (Loland 2002, Loland 2018):

In the distribution of significant goods and burdens we should compensate for or eliminate inequalities between individuals and groups over which they exert little or no control and for which they cannot be held responsible.⁸

In most democratic societies, ideals of equal opportunity, or what is sometimes referred to as luck egalitarianism, regulate to a larger or lesser extent the distribution of what Rawls (1971) holds as primary social goods such as liberty and opportunity, income and wealth, and the social bases of self-respect (such as just and fair institutions and practices). Physical and mental handicaps, or having been born and raised in unfortunate environments, or inequalities due to accidents or illness, are compensated for to various degrees by social welfare and insurance schemes.

Not surprisingly, sport relates to the ideals of the social and cultural context of which it is a part.⁹ Beginning with the less controversial issues, FEO is followed relatively

⁸ For thorough and critical review of various interpretations of the fair equality of opportunity ideal, see Arneson (2015).

⁹ There is a complex relationship between the 'robust' gratuitous logic of games, its expression in a given social and cultural context (for instance in the form of competitive sporting games in the 21st century), and general norms and values of

strictly when it comes to external conditions. Soccer teams switch pitch halves after half time, racing courses in alpine skiing are prepared and restored regularly between racers, in running races all competitors run the same distance on the same surface and are timed in identical ways. Most sports involving technology have standardization rules. In most sailing events, there are strict definitions on the size and shapes of boats and sails. In the throwing events in athletics, competitors throw identical javelins, shots and hammers.

As argued above, FEO has implications when it comes to individual inequalities, too. In most sports athletes are classified according to biological sex, and in some sports according to body size. Implications of FEO for classification however is not as straightforward as when discussing external conditions. Firstly, FEO is not followed in consistent ways in all sports. In weight lifting and boxing, weight classes secure evaluation of what are considered relevant abilities and skills. Inequalities in body mass should not determine the outcome. In volleyball and basketball, body height has significant and systematic impact on performance but there is no height classification. These ball games practice sex classification, though, and height classes might be a next step of development. Although the world of sport is not consistent in all aspects, sporting classification systems can be understood on the background of FEO.

Secondly, a more radical challenge is that a strict interpretation of FEO could lead to requirements on compensation for a high number of inequalities of both genetic and environmental kind. We cannot be held responsible for genetic inequalities in developing bio-motor qualities such as endurance, strength or motor skills. Nor can we be held responsible for a series of environmental inequalities. Ultimately, and since each individual is unique in terms of genetic make-up and environmental background, we could end up requiring one competition class per sport competitor.

the social and cultural context in which the games take place. See Morgan's (1994: 210 ff.) discussion of the social demarcation of sport. See also an update of Morgan's thoughts in terms of his deep conventionalist position in Morgan (2015).

Obviously, there is need for distinguishing between relevant and non-relevant impact of chance and luck in sport.¹⁰ When it comes to genetically based inequalities in biological sex and body size, they are stable inequalities and out of control of individuals. Hence, where such inequalities exert significant and systematic impact on performance, classification is warranted. Inequalities in genetic predispositions for developing endurance, strength, and motor skills are to a larger extent dynamic and can be influenced by individual effort and systematic training.

There is never complete equality from the outset, though. Still, FEO should not be applied mechanistically but contextually and related to the norms and values of the practice under consideration. Sport is not a scientific experiment (Loland 2018). Its performance measurements are not always accurate, outdoor sports imply the challenges of mastering varying conditions in light, temperature, wind and precipitation. Sporting logic is a gratuitous one opening for internal goods of various kinds. Simon's (2007) solution to handling of chance and luck is to expand the idea of sporting meritocracy. Athletes are responsible not only for the part of their performance they fully control, but also for how they deal with uncontrollable elements. Good athletes develop their given talent in efficient ways, and they compete with strategic wisdom and care. 'The more I practice, the luckier I get', as the saying goes. May be this is what justifies the metaphor of the game of life: The good life is characterized by the same ability of playing one's given cards in sensible ways? Moreover, even if limited talent restricts even the hardest-training athlete in reaching the top level, this does not limit his or her access to the internal goods of their sport. As Kretchmar (1975) points out, the crux of the matter is to find one's competitive family: those of one's own performance levels and with whom one can develop and flourish. With this extended understanding of athletic merit, FEO still makes sense.

When it comes to environmental luck, FEO guides good solutions as well. A perfect fairness scheme would imply that each individual's background is evaluated based

¹⁰ For further discussion of the role of chance, luck and desert in sport, see Morgan (1985), Carr (1999), Simon (2007), and Loland (2016).

on a precise assessment of the impact of chance, luck and merit. As our individual life histories can be interpreted in various ways and are matters of innumerable happenings and events, this is both theoretically and practically impossible. Compensation for environmental inequalities is relevant primarily at the system level and in setting of the competition. Inequalities in what Heinilä (1982) calls system strength: the total amount of human, technological, scientific, and financial resources supporting an athlete or a team, can be dealt with by restrictions and standardization.

For example, it seems unfair to have soccer clubs from the top of Forbes' annual list of operating income— Manchester United, Real Madrid, Barcelona, Bayern Munich and Manchester City – compete with clubs of far more modest means and with less resources.¹¹ There is a strong correlation between financial strength and success. Hence, in European soccer, a Financial Fair Play initiative is launched to limit inequalities in financial resources.¹² Similarly, it seems unfair when Scandinavian cross-country skiers with extensive technological support compete against Ukraine or Belarus skiers with far less support. Financial and technological 'muscle', and not athletic performance, tends to be decisive of the outcome. Following FEO, there are proposals that all competitors be given equal access to skiing technology and expertise.

Reflecting upon concrete cases of FEO, more general values emerge. Classification and compensation for system inequalities indicate a priority on matching competitors of similar performance capabilities. The aim seems to be even competition and uncertainty of outcome. Lopsided contests are held to be of lesser quality (Dixon 1992). Again: Competitors need to find their 'testing families'.

¹¹ See https://www.forbes.com/soccer-valuations/list/#header:revenue_sortreverse:true. Accessed April 16, 2018. For a discussion of the impact of financial system strength on athletic performance, see Walsh and Giulianotti (2006).

¹² For details, see <http://www.uefa.com/community/news/newsid=2064391.html>. Accessed April 9, 2018. For a critical review, see Peeters and Szymanski (2014).

Huizinga (1949) emphasizes uncertainty of outcome as a core characteristic of play. The quest for uncertainty can be found in all games from pure games of chance as in the lottery to pure games of skill as in the matching of even competitors in chess. Uncertainty of outcome can be created in several ways. For instance, handicap systems can reduce winning chances of the favorite, or humans can compete against animals or machines. These events, however, are generally not characterized as sport. The handling of chance and luck indicates that sport is designed as a meritocratic sphere in which participants are considered responsible for their performances. Competitive sport deals with *athletic* performance. Etymologically speaking, *athletes* (Greek) and *athleta* (Latin) refers to 'a prizefighter' and a 'wrestler, athlete, combatant in public games'.¹³ Athletic performances seem to have a genuinely human dimension, which again is an important insight in their ethical assessment.

In other words, sporting games deal with a particular kind of human inequality: inequality in performance as defined by the relevant ethos of a sport. This inequality involves an immensely complex combination of human abilities and capacities that are outcomes of genetic predispositions, environmental impact, and chance and luck, but is constrained by the following sport specific version of FEO (FEOs):

In the measuring, comparison and ranking of sport competitors we should compensate for or eliminate inequalities with systematic and significant impact on performance over which individuals exert little or no control and for which they cannot be held responsible.

FEOs, then, points to why sports morally matter. Above I have pointed out how fair play is part of shared standards of excellence realizing internal goods of sporting games. Sport can cultivate human virtues of fairness and honest effort. Now we can take a further step. In emphasizing merit, including the ability to cope with chance and luck events, sport can cultivate virtues such as resilience and humility and dignity in both victory and defeat. In neo-Aristotelian ways, Murray (2007) describes sport at

¹³ See The Online Etymology Dictionary, <http://www.etymonline.com/index.php?term=athlete>. Accessed April 15, 2018.

its best as the virtuous development of natural talent towards excellence.¹⁴ Sport is not about any kind of performance-enhancement but of a particular kind opening up for human flourishing. This understanding of sporting excellence as a particular kind of human excellence constitutes the third and most general layer of the 'gratuitous', internal logic of self-imposed constraints in sport.

Use of bio-medical performance enhancement

I have proposed an interpretation of three layers in Morgan's idea of the 'gratuitous' logic of sport. Part of my thesis is that this interpretation can provide further operative force in deliberation over value challenges. As a test case, I will take a closer look at one of the most controversial dilemmas in this respect: the use of biomedical performance-enhancing drugs (PED). As of today, use of what is thought to be the most efficient PED is banned and referred to as doping. But should PED-use be banned in sport?

Pointing at the logic of 'unnecessary obstacles' and norms for fair play is not necessarily of help. Indeed, provided all competitors have access to PED, and that sporting communities accept PED use as a legitimate method of enhancement, there will be no fair play conflict. As Morgan (2009) comments, the PED issue hangs on the relevance of PED use to the athletic test. The discussion over PED is really a discussion over interpretations of sporting excellence as an instantiation of human excellence (Austin 2009). The PED dilemma belongs at the third layer the 'gratuitous' logic of sport.

Simplistically speaking, there are two main positions here (Loland and McNamee 2016). From a permissive position, constraints on PED use are seen as lacking sound justification. Proponents consider it up to each athlete to choose whatever

¹⁴ Murray (2007) follows what can be labeled a perfectionist tradition in the philosophy of sport with representatives such as Weiss (1969) who talks of sport as young men's quest for excellence, and in Simon (2010) who refers to sport as a mutual quest for excellence. For a recent discussion of sporting and human excellence from the perspective of virtue ethics, see Austin (2014).

PED he or she finds appropriate. One version of the permissive position links athletic enhancement to a general ideal of human enhancement (Savulescu et al 2004). Progress and transcendence are seen as the very nature of competitive sport. Restrictions on PED use echo anachronistic ideas of 'pure' and 'natural' performances and the ideals of amateurism. If choice of PED is made freely by informed athletes, athletic excellence becomes an embodied expression of a morally admirable quest for progress.

Another and lower key pragmatic version of the permissive position is the reduction of harm approach (Kayser and Smith 2008). The view is that irrespective of a ban, a strong quest for performance will lead many athletes and their support systems towards PED use. Moreover, PED use seems to be on the rise not only in sport but in society. Visions of 'clean sport' of the anti-doping movement are unrealistic. Therefore, and as a lesser evil approach, PED should be legalized and practiced under responsible, medical supervision.

The permissive position meets opposition. The view is criticized for being sociologically naïve (Loland and McNamee 2016). One premise for lifting the ban on PED is that its use is based on informed consent. A first problem has to do with information. Most forms of PED are developed for therapeutic purposes and not for use in healthy individuals to enhance performance. Knowledge of optimal dosages and side effects is inadequate and sometimes completely missing. Another problem is the premise of free choice and consent. Athletes are recruited as young persons and socialized into systems of coaches, and, at least at higher levels of performance, medical experts who depend upon athletic success for their further career. PED use is by some support systems considered a necessary means to success. Athletes, in particularly young and inexperienced athletes, easily end up in a vulnerable position in which informed consent becomes a utopian ideal.

The lower key harm-reduction approach seems less controversial. However, medically responsible treatment of athletes would require an independent surveillance team which could demand significantly more resources than the current anti-doping regime. Moreover, even if athletes have sufficient information and use PED on a consensual basis, their choice has problematic coercive effects (Murray

1984). Other athletes may engage in PED use more or less unwillingly but with the belief that it is necessary to stay competitive. This implies a negative equilibrium situation in which individual and system costs are higher than in a situation of no PED use (Breivik 1992, Chwang 2012). The gratuitous logic of self-imposed constraints is compromised with an imposed constraint: If you want to stay competitive, you have to use PED! Recent empirical studies show athlete resistance, or, in Morgan's words, resistance in deliberative practice communities, to liberalize PED use and their awareness of challenges to liberalization (Overbye 2018). Lifting the ban on PED seems morally challenging to most athletes, not only to the young.

An alternative and restrictive view supports a PED ban. PED-enhanced inequalities in performance are considered primarily the results of system strength. The use of PED is seen as a shortcut of 'natural' biological adaptation to training, and as a reduction of individual responsibility for performance (Loland and Hoppeler 2012). Here, a different understanding of 'human excellence' is at play. Athletes' status as responsible moral agents with the possibility of making informed and consensual decisions is threatened. PED use reduces the potential of sport as a sphere for human excellence, it contradicts FEOs and drains sport of moral value.

What then is the right choice in the PED-dilemma? Should the use of PED in sport be banned or not? As of today, an international sporting community stands relatively united in the restrictive view. Since 1999, international sport organizations together with governments have funded the World Anti-doping Agency (WADA) with responsibilities for scientific research, education, development of global anti-doping policies, and monitoring of the World Anti-doping Code: a harmonized set of anti-doping definitions, rules and regulations. A ban on PED belongs to a set of self-imposed constraints that characterize the gratuitous logic of sport and promotes sporting excellence as a form of human excellence. In WADA's terminology, PED-enhanced performance violates 'the spirit of sport'.¹⁵

¹⁵ <https://www.wada-ama.org/sites/default/files/resources/files/wada-2015-world-anti-doping-code.pdf>, p. 14. Accessed June 5, 2018.

This position is not a given, however. At the third layer of self-imposed constraints, discussions become demanding as they involve thicker descriptions of sporting ideals and human excellence. On the permissive side, and challenging FEOs in its current form, human excellence is associated with transcendence and transformation of human biology. On the restrictive side, and with backing in FEOs, there is concern for distinguishing between morally admirable and meritocratic development of talent, and biomedical enhancement. It remains to be seen how ideals of sporting and human excellence will develop in the time to come.

This brief discussion of the PED-dilemma demonstrates how the idea of an internal, gratuitous logic of self-imposed constraints can illuminate and focus disagreements and facilitate informed and critical discourse. There have been discussions in the anti-doping movement of deleting the normative 'spirit of sport' criterion from rules and regulations and keep only 'scientific' criteria in deciding what drugs should be banned: degrees of performance-enhancement, and of health risks. The discussion above demonstrates that the question over PED is an ethical one. What kind of human excellence should we search in sport? Why do sports morally matter?

Concluding comments

I have proposed an elaboration of Morgan's idea of the internal, 'gratuitous' logic of sporting games and outlined how sport's normative structure can be articulated as an ethos of self-imposed constraints at three levels. Firstly, and in line with Morgan, analysis of the constitutive rules of sport demonstrates a non-instrumental logic of voluntary acceptance of 'unnecessary obstacles' to reach sporting goals. At a second level, I argued that norms of fair play including keeping to a shared interpretation of the rules and playing to win belong to shared standards of excellence that realize internal goods of sport. At the third and most general level, and with PED-use as a test case, I have pointed to the significance of the fair equality of opportunity principle in cultivating human virtues, and to the idea of sporting excellence as a form of human excellence. This third level of self-imposed constraints provides an answer to why sport morally matters.

There is need for an additional comment. To a large extent, my discussion has dealt with sporting ideals. This does not mean that I portray sport as an ideal zone. Quite to the contrary, modern competitive sport is best understood as morally contested terrain characterized by value tensions. On the one hand, as argued here, the logic of sport opens for realization of fair play and human excellence. On the other hand, at least in its elite versions, sport is challenged by excessive instrumentalism. My aim has not been to idealize but to articulate a version of 'best practice' that can be of operative value to deliberative sporting communities with an interest in protecting the 'gratuitous' logic and moral relevance of sport.

Ideas of the value of self-imposed and gratuitous constraints in the pursuit of excellence are not new. Goethe's classically pointed out that human mastery is expressed in the art of setting optimal constraints that stimulate playfulness, creativity and meaning. With his LTS argument on the 'gratuitous' logic of sport, Morgan is in good company.

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