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## Evaluating violent conduct in sport: a hierarchy of vice

*The landscape of sport shows conspicuous discursive and material disparities between the responses to openly violent on-field transgressors and the responses to other kinds of transgressor, most notably drug-users. The former gets off significantly lighter in terms of ideological framing and formal punishment. The latter – and drug-users in particular – are typically demonised and heavily punished, whilst the former are regularly lionised, dramatized, celebrated and punished less severely.*

*The preceding disparities cannot be upheld from the standpoint of morality in general or from that of a Broad Internalist sport ethic. Consideration of the consequences, actions, motives and vices involved in the respective categories fails to support them. Nor is support provided by the notion that sports are tests of the physical skills and virtues that the obstacles presented are designed to foster and promote, and behaviour that threatens the opportunity to exercise those excellences or have competitions determined by them should be the subject of critical moral scrutiny. Openly violent on-field transgression does not fare at all well by the yardstick of Broad Internalism. Robust investigation of and ultimate change in the values underpinning the disparities is warranted.*

KEYWORDS violence, drugs, cheating

This essay is an attempt to describe and evaluate some disparities between openly violent and other kinds of transgression within sport. The loci of disparity to be considered are (i) sociocultural application of the concepts of cheating and the cheat, (ii) public and institutional opprobrium or tolerance and (iii) formal penalties of sport governing bodies. There is some overlap between these loci, e.g. to dub someone a cheat or accuse them of an instance of cheating is – as we see again later – to express deep opprobrium. We argue that the disparities cannot be defended from the vantage points of morality in general or from that of a Broad Internalist morality of sport.

### **Violent Transgression in Sport**

Parry (1998: 207-9) delineates four determinants of violence: intentional hurt or injury to others, the attempt to harm, recklessness as to harm and negligence as to harm.

Since this conception seems to allow that violence can take psychological forms (on the fair assumption that hurt, injury or harm can be psychological), it should be specified that the violent transgression under consideration here is physical violence. It is not that psychological violence should be regarded as morally insignificant or unworthy of critique within sport, but that it is not the focus of this essay. Therefore, the extension of violent transgression in sport is intentional physical hurt or injury to others in the context of sport; attempts to physically harm in the context of sport; recklessness as to physical harm in the context of sport; and negligence as to physical harm in the context of sport. It is worth noting that there are other definitions of violence in the philosophy of sport. Simon (Simon et al. 2015: 238), for instance, defines violence as 'the use of physical force designed to harm others.' We do not argue for the superiority of Parry's definition, but prefer to deploy it here because it covers a set of behaviours we regard normatively significant and wish to discuss. That is, we wish to recognise, in addition to the attempt to physically harm others, recklessness as to physical harm and negligence as to physical harm.

Since 'the context of sport' could, if not operationalised, cover a considerable range, it is confined in this treatment to sport performers in the context of the performance of sport. Therefore, it does not admit spectator violence nor acts of violence which sportspersons commit away from the sport arena. It does admit violence committed on the field of play and violence committed during breaks in play (including formal intervals such as half-time), at the end of the contest, on the sidelines and in tunnel areas.

Finally, it bears emphasis that we are concerned with *transgressive* violence in the context of the performance of sport, i.e. violence which is normatively inappropriate and therefore apt for punishment and disapproval. There might be some sports,

boxing the obvious candidate, in which some kinds of violence are not transgressive and are internal to the goods of that sport.<sup>i</sup> This, again, is not part of the topic of this essay.<sup>ii</sup>

### *Intentional Rule-Violation and Advantage-Seeking*

The philosophy of sport is dotted with discussions about the normativity of intentional rule-violation.<sup>iii</sup> This discourse, though important and erudite, is yet of little consequence for this treatment. Violent transgression in sport, as it is explicated above, needn't be intentional rule-violation, for two reasons. First, it needn't involve rule-violation at all, since it might, again, take place outside of the play (e.g. off the field or when the contest is over). Second, it might take place during the play and be against the rules, yet be improperly described as intentional rule-violation. It may, instead (following Parry), be reckless or negligent rule-violation, and in turn reckless or negligent as to harm. Negligent actions can be defined as those where a reasonably competent adult could foresee the risk or consequence of injury or harm. Anthony Duff (Parry 1998: 213-214) defines it as 'choosing to take an unreasonable risk, failing to notice an obvious risk or acting on the unreasonable belief that there is no risk.' Indeed, it might be that the literature to date shows insufficient recognition of this common species of violent rule-violation. In football (soccer), for instance, it is surely not uncommon for performers to make a challenge without intention to violate the rules (and even with a preference for keeping them), but with intention to stop the opponent no matter what – which not uncommonly results in reckless or negligent rule-violation and, in turn, recklessness or negligence as to harm. Therefore, there is irony – as well as error – in the recent claim of Parry and Martinkova (2015: 219) that 'what makes a foul tackle wrong is its intention to use proscribed means.' Foul tackles, again, need not involve an intention to use proscribed means, but merely an

insufficient commitment *not to*. Including the consequences of an action in determining whether that act is morally acceptable or not overcomes a limitation in exclusive focus upon the intention. Since only the individual is truly aware of their intention (and perhaps even they are not fully cognisant of the fact), an inference is often made by considering context, body language, and past history. If a player is accused of a violent act but denies it, arguing that there was no intent to harm, then applying the concepts of recklessness or negligence allows for an appropriate punishment to be given, even if intent cannot be established. The footballer who suffers ligament injury as a result of a late challenge, again, cares little whether the action was intentional or not. The act can be said to be reckless if a reasonable person could foresee the consequences of making that challenge in that way, at that time, regardless of conscious intent. One is responsible for one's omissions, such as negligence, recklessness and insensitivity, as one is for one's malign or otherwise dubious intentions.

It is also mistaken to think of violent transgression in sport as a priori advantage-seeking. Again, the fact that it admits activity outside of the play entails that it needn't be advantage-seeking. And it is also mistaken to think that violent transgression within the play is essentially advantage-seeking; it might, for instance, be revenge or putative revenge, with no competitive advantage sought. This is an accurate description of Roy Keane's infamous challenge on Alf Haaland in 2001.<sup>iv</sup> Keane sought, not competitive advantage, but revenge for allegations of faking made by Haaland in a previous match. Indeed, he knew his own dismissal certain, therefore reducing his side to ten players and penalising them with his further absence. Kirkwood (2014: 60) observes that in the case of violence towards an opponent, 'the intention and outcome may have no obvious connection with seeking an advantage.

The outcome of such rule violations will often be incurring a penalty against yourself which can impair your odds of victory.'

### **Cheating and the Cheat**

Cheating has gained considerable attention in the philosophy of sport literature.

Leaman (1988), for instance, questions the perfunctory assumption that cheating should not be tolerated. Feezell (1988, 59), too, challenges the tempting assumption that deception or covertness is a necessary condition of cheating. More recently, Kirkwood (2014) has 'tested' the concept through a 'failed' case of doping, whilst Russell (2014) has compellingly argued, with the help of a collage of examples, that the attempt to find a distinctive moral concept or category in the concept of cheating is doomed. Russell agrees with Feezell that the attempt to deceive is not necessary for cheating. As such, it is not clear how cheating is to be distinguished from, for instance, intentional strategic fouling, gamesmanship and poor sportsmanship. And again, to these categories of Russell's might be added reckless rule-violation and negligent rule-violation.<sup>v</sup> Russell observes that, despite the conceptual deficit, to dub behaviour 'cheating' is to express an especially pungent species of disapproval:

I suspect that the term is better understood as a sort of general but stern moral complaint or grievance-entering concept for improper advantage-seeking conduct. ('That's cheating!') If this is right, we do not advance discussion by referring to behaviour as cheating other than to signal serious moral displeasure about some types of advantage-seeking behaviour (and perhaps a desire to end a conversation that should often just be starting). For the purposes of

any serious discussion about improper conduct in sport (or elsewhere),  
we should avoid the concept and focus on deeper issues. (319)

Following Russell's recommendations, this is an attempt to interrogate a small set of those deeper issues to which Russell alludes.

### *The Sociocultural Discourse*

In a Telegraph Online article written to mark the release of a film about the 1988 Olympics 100m final, after which the apparent winner Ben Johnson failed a drugs test and was disqualified, Oliver Pickup (2013) offers his 10 most notorious instances of cheating. Alongside Johnson, they are:

- the use of someone else's urine sample
- tampering with a sample
- repeatedly incorrect golf ball placement within the same round
- illegal nudging of the ball in rugby union
- the use of a car for 11 miles of a marathon
- slipping discreetly out of a horse race and rejoining as opponents came round on the second lap
- using a crooked fencing sword
- feigning an illegal shove in rugby union
- underarm bowling in cricket

(Re the last of the above, Pickup suggests that culprit Trevor Chappell did not 'cheat as such', but performed actions 'deemed so ungentlemanly that they caused a change in the rules of cricket.') Pickup also has a nod at Lance Armstrong and his rivals, as well as Maradona's handball against England. Pickup's 10 cases and

additional nods provide sharp illustration of what is socioculturally regarded cheating and, as Russell observes, therefore worthy of greater censure than other species of advantage-seeking transgression in sport. Pickup himself describes his golf transgressor, David Robertson, as 'shamed', probably reflecting dominant opinion within sport's social world to all of the transgressors he notes.

The aggressive sociocultural discourse of cheating and the cheat is betrayed, not only in the preceding exemplars, but also in what is excluded. Excluded from Pickup's bag of notorieties is advantage-seeking violent rule-violation, which is not socioculturally cast as cheating. It is not considered as recalcitrant as the types of crime on Pickup's radar, and its practitioners are not equivalently demonised. If Russell is right that the attribution of cheating entails serious moral displeasure at what is regarded improper advantage-seeking conduct, then the comparatively limited moral displeasure over advantage-seeking violent rule-violation entails (Denying the Consequent) that instances of the latter are not damned as cheating. Advantage-seeking violent rule-violation might be a bit naughty and occasionally quite bad, but it isn't *cheating*, is it? The famous 'hard men' of football, say, such as Norman Hunter, Ron ('Chopper') Harris, Graeme Souness, Graham Roberts, Vinnie Jones, Roy Keane, Robbie Savage and Joey Barton, whose methods of trying to secure advantage might sometimes be against the rules and a bit eye-watering - they are not *cheats*, are they? Cheats are the *really bad* competitors who do *really bad* things like taking performance-enhancing drugs or illegally nudging the ball or using a car during a marathon or diving in the hope winning a penalty ... or so the story seems to go.

### **Public and Institutional Opprobrium, Tolerance, Affection and Respect**



### *Some Eminent Cases*

The framings of violent transgressors are quite different from the framings of those who are regarded as sport's cheats. The differences are particularly acute when the 'cheating' involves performance-enhancing drugs, sport's serpentine crime of the current era.<sup>vi</sup> Consider Diego Maradona who scored against England in a World Cup quarter-final with a deliberate hand ball, was sent home from USA '94 after testing positive for a banned substance, and has the image of diving and feigning in the hope of free kicks and penalties. He is arguably the most demonised figure in the English sporting (and even national) firmament.<sup>vii</sup> The names of Ben Johnson and Lance Armstrong, as well as those of other high profile 'drug cheats' such as Dwain Chambers and Marion Jones, are ideologically synonymous with sporting depravity. If any of these figures were to aspire to a position of prestige within their sport, especially one of public visibility such as media punditry, then they must overcome a massive normative credibility obstacle, a mountain heightened by discursive 'reminders' of elite athletes' status as role models; a status tacitly presumed incompatible with 'cheating'.<sup>viii</sup>

The fate of the acknowledged cheat contrasts sharply with the profile and image of some of the preceding 'hard men'. Consider, first, one of the aforementioned names: Graeme Souness. Souness had a prodigious record of violent transgression, some advantage-seeking and some outside of the play and therefore not. As player-manager of Rangers, he was dismissed three times in a thirteen-month period (August 1986-August 1987), once for an off-the-ball kick to the shin of an opponent and twice for horrific challenges.<sup>ix</sup> The shin kick resulted in the opponent immediately leaving the field and receiving nine stitches. In 1985, there were grotesque challenges on Wales's Peter Nicholas and Iceland's Siggı Jonnson during Scotland's

World Cup qualifying campaign; the latter resulting in a broken leg for the victim. Souness also broke the jaw of Dinamo Bucharest opponent Movilla in a European Cup semi-final. In an infamous episode of March 1988, he plunged his studs into the thigh of a Steua Bucharest opponent, a transgression which, in the more lenient era, resulted in only a yellow card.<sup>x</sup> The title of his memoirs, *No Half Measures*, is in part a lionising sideglance at this element of his playing mentality. Souness is yet a categorically respected figure in the football world. Since leaving Rangers he has managed Liverpool, Newcastle United and Blackburn Rovers, and has long been a high-profile television pundit. The 'role model' argument deployed to damn sport's drug-users has not been deployed to problematize Souness's fitness for these roles. It is also worth noting that his current Wikipedia page is, with the exception of the Movilla incident, silent on the preceding record of violent transgression.

Consider, next, Roy Keane. Alongside the Alf Haaland incident, Keane was a conspicuously volatile competitor, accumulating 69 Premiership yellow cards and seven Premiership red cards. However, after some dabbling in management, he is, like Souness, a frequent and respected television pundit. The 'role model' argument, again, has not been deployed to problematize Keane's fitness for these roles.

Robbie Savage once held the record number of yellow cards in Premiership history, with 89 to his name, a distinction which has provided no obstacle to a highly visible media career. The 'role model' argument, again, has not been deployed to problematize Savage's fitness for this role.

Vinnie Jones is the most celebrated member of Wimbledon FC's 'Crazy Gang' of the 1980s. He accumulated, like Keane, seven Premiership red cards, incurred a yellow card after five seconds of a match, was photographed squeezing the testicles of

opponent Paul Gascoigne during a game, and had a generally violent and belligerent approach to playing. He was, however, as Carwyn Jones (2003: 48) notes, 'worshipped by the fans of the club for whom he played' and exercises his defining qualities of violence and belligerence in dramatized form in Hollywood. The 'role model' argument, again, has not been deployed to problematize Jones's fitness for these roles or for a status no less than cult.

The last football case is Ron Harris, Chelsea defender of the 1960s and 70s. Harris's tactics, involving regular intentional, reckless or negligent rule-violation, earned him the affectionate epithet, 'Chopper Harris', trumpeted in the title of his memoirs, *Chopper: A Chelsea Legend*. The affection tended to pervade the football community. The 'role model' argument, again, has not been deployed to problematize the preceding status, now sustained in, for instance, punditry, after-dinner speaking and Legends tours of Stamford Bridge.

Examples are not confined to football. There are 'hard men' of other sports too, celebrated for their aggressive demeanour and fiery temper. Consider rugby player Dylan Hartley, who, despite a reputation for violent conduct on the pitch and match bans amounting to over 60 weeks, is England captain.<sup>xi</sup> The 'role model' argument, again, has not been deployed to problematize Hartley's fitness for this role.

Nevertheless, it is football which arguably provides the most illustrative examples of our thesis because it is a non-collision sport (unlike rugby) and supposedly 'the beautiful game'.

### *The Local Chopper*

The tolerance of or even affection towards violent transgressors also gets casual quotidian support. For instance, in March 2015 Radio Scotland's respected

Sportsound programme mirthfully invited listeners to tell them of their football team's historical 'chopper', after Scotland manager Gordon Strachan had bemoaned the viciousness of former opponent George Dixon, who was, furthermore, interviewed as an impromptu cause celebre next night. Dixon was not called a 'cheat' or said to have 'cheated', nor, again, was the 'role model' argument deployed to problematize the preceding status. It is, again, hard to envisage Sportsound inviting listeners to chortle over performers known to have used a banned performance-enhancing drug or have scored with a deliberate handball, or that they would invite performers caught at either – especially the former - onto the programme for recreational interview.

### **Formal Penalties of Governing Bodies**

The asymmetry here is limited and perhaps reflects some change in attitude and response to violence, if changes that the preceding discussion suggests have limited impact at symbolic and ideological levels. Some contrasts involving preceding cases give the asymmetry robust support. Golf transgressor Robertson was fined £20,000 and suffered a 20-year ban from the PGA European tour. Horse racing opportunist Sylvester Carmouche served an 8-year ban. Fred Lorz, whose apparently victorious marathon was helped by a car, was given a lifetime ban, although that was soon lifted. Ben Johnson, in addition to the removal of the gold medal, was banned for two years and then banned for life after testing positive again in 1993. Maradona was sent home from the 1994 World Cup after testing positive for ephedrine. Armstrong, after a United States Anti-Doping Agency report, was initially suspended and eventually banned from participating in sports sanctioned by WADA (and lost all of his sponsors). Outside of Pickup's demonology, Dwain Chambers was banned for

two years after testing positive for THG in 2003, was barred from the Commonwealth Games and much of the European circuit from 2006-2012, and given a lifetime Olympic ban the Court of Arbitration for Sport overturned in time for London 2012. Manchester City's Kolo Toure was given a six-month WADA ban in 2011 for the use of a 'specified substance.' Middlesbrough's Abel Xavier was given a UEFA ban of eighteen months in 2005 for anabolic steroid use. And there are also fearsome penalties for footballers caught using recreational drugs, e.g. Adrian Mutu and Mark Bosnich suffered respective FA bans of seven months and nine months for cocaine use, and in a more recent case Sheffield United's Josh Baxter was given a five months FA ban for the use of ecstasy. (The drugs cases tend to confirm Moller's melancholy epithet, 'devil'.)<sup>xii</sup> Contrast the preceding penalties with that given to Roy Keane, whose challenge on Haaland resulted in a fine of £50,000 and a three-game suspension. Only later, with a written admission of pre-meditation, was the penalty increased by another five games and £150,000. Therefore, the entire punishment to Keane was £200,000 and eight games. Graeme Souness, similarly, did not suffer any penalty comparable to those endured by the 'cheats' above, despite his substantial record of violent transgression. For instance, for the preceding incident involving George McCluskey, Souness was suspended for a total of four games, with the proviso that the 'penalty points' he had accumulated would mean further suspension when he was next booked. (Rangers FC were fined an arguably lenient total of £5,000 for the accumulation of this incident and two recent comparable ones.)<sup>xiii</sup>

However, notwithstanding the difficulties sometimes involved in comparing penalties, there have been robust institutional punishments for on-field football violence. For instance, Joey Barton was suspended for 12 matches for elbowing Carlos Tevez,

kneeing Sergio Agüero and trying to head-butt Vincent Kompany in the space of a minute, whilst playing for QPR against Manchester City in 2012. Leeds United's Billy Bremner and Liverpool's Kevin Keegan were banned for what turned out to be 11 domestic matches, for fighting and dissent in the Charity Shield match of August, 1974. Ian Ure of Arsenal and Denis Law of Manchester United each suffered a 6-week suspension plus loss of wages for the same period for fighting in 1967.

And in a case to which we return, Luis Suarez was punished heavily by FIFA for a bite on Italy's Giorgio Chiellini in the 2014 World Cup: four months' suspension from 'all football-related activity', including team training and entering stadiums, plus suspension from nine international matches and a fine of £65,680. He had previously served a 10-game suspension for a bite on Chelsea's Branislav Ivanovic in 2013, and incurred an undisclosed fine from his club, Liverpool.

Therefore, whilst there might be contrasts in governing body penalties which suggest that football's violent transgressors get off lightly in relation to 'cheats', it seems that an allegation of global asymmetry cannot be upheld.

### **Normative Evaluation**

There seems a yawning disparity in the attributions of the opaque but normatively pungent concepts of cheating and its cognates to sport's violent transgressors and their attributions to performers who commit the other crimes – including the use of drugs – noted so far. That is, the c-concepts are applied in the latter cases, but not in the former. There also seems to be an equivalent disparity in public and institutional opprobrium, tolerance, respect and affection. There seems also a slimmer but real

disparity in the penalties dealt by sport governing bodies such as the Football Association and the IOC.

The preceding disparities will be evaluated against morality in general and against one particular normative conception of sport. It is not clear, as we try to explain, that they can be upheld from either of those vantage points. How is it that, say, ingestion of a banned substance or repeatedly dishonest placement of one's golf ball merits far greater sociocultural opprobrium and sometimes stiffer formal penalties than intentionally hurting or injuring others, attempting to harm others, recklessness as to the harm of others or negligence as to the harm of others? How is it that the names of Armstrong, Johnson and Chambers, say, are by-words for shame and disgrace, whilst the names of Keane, Souness, Jones, Hartley, Savage, Harris and the many smaller-time 'choppers' are - at the least - not? How is it that the former – as well as the transgressors on Pickup's list – suffer the ultimate sport excommunication of 'cheating' and 'cheat', whilst the latter do not? How is it that the transgressive styles of the latter are considered fit objects of dramatization, lionisation and humour, whilst the transgressions of the former set are not?

Consider morality in general and the three major normative theories. First: consequentialism. It is far from clear, in light of what we have good reason to think we know about the respective consequences of, say, drug-ingestion and on-field violence, that the consequences of the former are generally worse than those of the latter. No opponent, for instance, has ever been carried off, stitched and unable to perform for weeks, or had their leg or jaw broken, as a result of a performer's use of a banned substance. Indeed, no one other than the user is essentially affected by drugs - opponents remain at liberty to abstain from taking them, while user

mistreatment of opponents, authorities and the broader practice community is dependent upon rules prohibiting them. (Consequences for the user are probably often benign, too.)

Second: deontology. Dixon (2007) rightly states in his discussion of trash talking that, once allowance is made for the special permissions allowed by a sport, the same moral pressures apply on the sport field as anywhere else. It follows that intentionally hurting or injuring others, attempting to harm others, recklessness as to the harm of others or negligence as to the harm of others, and the accompanying psychology, merits the same moral audit in sport as elsewhere, with the possible caveat that some sports (e.g. boxing) give special permissions to the contrary. Fraleigh (2003: 173) speaks appositely when evaluating *Acts that intend injury to an opponent in order to reduce his or her effectiveness*. The first reason why this category is unacceptable is ‘application of the principle of nonmaleficence – it is wrong to intentionally injure someone else unnecessarily.’ To this formulation can be added that it is wrong to negligently or recklessly injure someone else unnecessarily.<sup>xiv</sup> The user of a banned substance, again, mistreats others too, most obviously opponents and regulative authorities, by reneging on formal or tacit agreements concerning preparation for contests. But an argument is needed to show that the latter species of mistreatment is worse than the former, let alone worthy of the characteristically vaster sociocultural opprobrium and attributions of ‘cheating’ and ‘cheat’ not mirrored in the former cases.

Consider, finally, virtue ethics. The character qualities which inscribe banned substance use are clearly not admirable, dishonesty and unfairness the vices which most obviously seem to characterise the practice (as it probably does most of the episodes on Pickup’s top ten). But again, it is less than clear that these character



qualities are so much worse than those attaching to violent transgression – vices such as vindictiveness, spite, maleficence (see Fraleigh above), callousness, dehumanization, negligence and recklessness.<sup>xv</sup> (And it might be, too, that where advantage is sought, the violent rule-violator is guilty of unfairness too, as we reinforce later.)

Indeed, it is useful to observe Parry and Martinkova's (2015) reflections upon serial biter Luis Suarez. They note, in defence of the punishment Suarez received after the World Cup 2014 incident, that this episode was the latest in a 'pattern' of behaviour, that Suarez initially tried to deflect culpability and also that his (pattern of) behaviour sits uneasily with the status of elite footballers as role models and the broader ambition that sport act as an agent of moral education. They conclude that 'the onus is on Suarez to demonstrate that he can behave as an acceptable opponent.' We sympathise hugely with Parry and Martinkova on the preceding points. However, it is easy to see that they all apply, probably a bit unevenly, to the 'hard men' – eminent and small-time - illustrated in this essay. In all cases, there is a pattern of behaviour; in at least most cases, a cursory check of the statistics of cautions and dismissals is sufficient to reveal the pattern, and some YouTube browsing in the present era can reveal it more luridly. Again, it is very hard to see that these patterns and images can be squared with the putative role model status of elite sport performers. And at least some of the preceding figures were liable to try deflecting culpability, claim justification or mitigation, or court sympathy for what were sometimes monstrous actions. For instance, Roy Keane penned a purported justification of his horror attack on Alf Haaland. And Graeme Souness, during his tenure as player-manager of Rangers, systematically (and most implausibly) cast himself and his club as victims of a Scottish Football Establishment that disliked him and them. After the preceding

dismissal against Celtic in August 1987, Souness intoned plaintively to the Scottish media that 'right now I feel like giving it all up.' And approximately six months later, he visibly sought mitigation for his extraordinary challenge in the match against Steua Bucharest by looking at the referee and pointing to his ankle, which had received an innocuous and insignificant clip from a different opponent. (The latter was strictly a foul, but the referee probably figured, reasonably, that Rangers would be penalised and the game needlessly stalled by awarding it.) And finally, the onus was on all of the preceding to demonstrate that they could behave like an acceptable opponent. Indeed, it could well be argued that some of them demonstrated until the end of their careers that they could not.<sup>xvi</sup>

Consider, now, the internal sport ethic expressed in the Broad Internalism of Simon (2000) and Russell (1999). Here, sports are tests of the physical skills and virtues that the obstacles presented by a sport are designed to foster and promote, and behaviour that poses substantial threats to the opportunity to exercise those excellences or have competitions determined by those excellences should be highly morally suspect and be the subject of critical moral scrutiny.<sup>xvii</sup> Here, it might be necessary to separate drug-use from some of the other transgressions noted by Pickup. It is possible that doping poses less of a threat to athletic excellence and its instrumental status than, for instance, repeatedly dishonest golf ball placement. However, it is undeniable that the violent species of transgression instanced here poses a substantial threat to the opportunity to exercise athletic excellences and have competitions determined by them. Opponents (such as George McCluskey or Alf Haaland) might need to leave the field, and perhaps (like McCluskey) be unable to exercise their skill for some time. In less dramatic cases, the tactics of the 'chopper' or equivalent may, again, result in smaller-scale injuries which limit the

opponent's effectiveness for the remainder of a contest. Fraleigh (2003: 173), again, in his consideration of *Acts that intend injury to an opponent in order to reduce his or her effectiveness*, states that the second reason this category is unacceptable is that it 'contradicts the contesting of the central skills of the sport by attempting to deny legitimate opportunity for an opponent to perform the constitutive skills.' And denial of legitimate opportunity is surely an example of unfairness.<sup>xviii</sup> It can be added, again, that reckless or negligent injuries to opponents embody indifference or insufficient respect for opponent opportunity to perform the constitutive skills. The transgressor themselves may be dismissed from the contest or finally suspended through an accumulation of transgressions, entailing that any athletic excellences they have are temporarily useless. It is therefore far from obvious that the use of banned substances, or indeed the other species of 'cheating' on Pickup's list pose a greater threat to the exercise of athletic excellence and the opportunity to have results determined by them than does violent on-field transgression, whether, again, the latter is in fact rule-violating or advantage-seeking. The disparity in public opprobrium and extension of the c-concepts remains unconvincing.

## **Conclusion**

We have tried to show some discursive and material disparities in the responses to openly violent and other types of sport transgression and transgressor. The latter categories of transgressor - drug-users most conspicuously - are liable to demonization and severe punishment, whilst the former category gets off significantly lighter and is, moreover, apt for lionisation, dramatization and affection.

We have argued that the preceding disparities cannot be defended from the standpoint of morality in general or from that of a Broad Internalist sport ethic. It follows that they are incompatible with the widespread notion that elite sport performers ought to be role models.

The disparities merit explanatory investigation, perhaps as a stepping-stone towards a change in the values underpinning them. The explanation is liable to involve several elements, which might include the discursive power of WADA (World Anti-Doping Agency) and a gendered hierarchy of vice, which looks more favourably upon the vices associated with hegemonic masculinity.<sup>xix</sup> But these are questions for another occasion.

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## **REFERENCES**

Berman, M.N. 2011. On interpretivism and formalism in sports officiating: From general to particular jurisprudence. *Journal of the Philosophy of Sport* XXVIII (2): 177-196.

Burke, M. 1998. Is boxing violent? Let's ask some boxers. In *All part of the game: Violence and Australian sport*, edited by D. Hemphill. Sydney: Walla Walla Press, 111-132.

Dixon, N. 2007. Trash talking, respect for opponents and good competition. *Sport, Ethics and Philosophy* 1 (1): 96-106.

Dixon, N. 2016. Internalism and external moral evaluation of sport. *Journal of the Philosophy of Sport* 43 (1): 101-114.

Feezell, R. 1988. On the wrongness of cheating and why cheaters cannot play the game. *Journal of the Philosophy of Sport* 15: 57-68.

Fraleigh, W. 1984. *Right actions in sport: Ethics for contestants*. Champaign, IL: Human Kinetics.

Fraleigh, W. 2003. Intentional rule violations-one more time. *Journal of the Philosophy of Sport* XXX (2): 166-176.

Jones, C. 2003. The traditional fan: an ethical critique of a selective construction. *Journal of the Philosophy of Sport* XXX (1): 37-50.

Jones, C. 2008. Teaching virtue through physical education: some comments and reflections. *Sport, Education and Society* 13 (3): 337-349.

Kirkwood, K. 2014. What do you mean I wasn't cheating? Testing the concept of cheating through a failed case of doping. *Sport, Ethics and Philosophy* 8 (1): 57-64.

Leaman, O. 2007. Cheating and fair play in sport. In *Ethics in sport*. 2<sup>nd</sup> ed., edited by W.J. Morgan. Champaign, IL: Human Kinetics, 201-207.

Loland.S. & McNamee, M.J. 2000. Fair play and the ethos of sports: An eclectic philosophical framework. *Journal of the Philosophy of Sport* XXVII: 63-80.

Loland, S. 2010. The good coach as an enlightened generalist. In *The Ethics of Sports Coaching*, edited by C. Jones & A.R. Hardman. London: Routledge, 15-22.

Loland, S. 2015. Fair play. In *Routledge handbook of the philosophy of sport*, edited by M. McNamee & W.J. Morgan. London: Routledge, 333-350.

Messner, M. A. 1990. When bodies become weapons: Masculinity and violence in sport. *International Review for the Sociology of Sport* 25: 203-218.

Moller, V. 2008. *The doping devil*. Copenhagen: Books on Demand.

Molnar, G. and Kelly, J. 2013. *Sport, exercise and social theory*. Abingdon, Oxon: Routledge.

Morgan, W.J. 2012. Broad internalism, deep conventions, moral entrepreneurs and sport. *Journal of the Philosophy of Sport* 39 (1): 65-100.

Morgan, W.J. 2015. Conventionalism and sport. In *Routledge handbook of the philosophy of sport*, edited by M. McNamee & W.J. Morgan. London: Routledge, 35-52.

Parry, S. J. 1998. Violence and aggression in contemporary sport. In *Ethics and sport*, edited by M.J. McNamee & S.J. Parry. London: E & FN Spon, 205-224.

Parry, J. and Martinkova, I. 2015. On biting in sport-The case of Luis Suarez. *Sport, Ethics and Philosophy* 9 (2): 214-232.

Pickup, O. 2013. Sport's biggest cheats: 10 instances of notorious unsporting behaviour. The Telegraph [online] September 20, 2013.

[<http://www.telegraph.co.uk/men/the-filter/10320304/Sports-biggest-cheats-10-instances-of-notorious-unsporting-behaviour.html>]. Last accessed May 10, 2016.

Russell, J.S. 1999. Are rules all an umpire has to work with? *Journal of the Philosophy of Sport* XXVI: 27-49.

Russell, J.S. 2014. Is there a normatively distinct concept of cheating in sport (or anywhere else)? *Journal of the Philosophy of Sport* 41 (3): 303-324.

Ryall, E. 2016. *Philosophy of sport: Key questions*. London: Bloomsbury.

Sailors, P. 2015. Personal foul: an evaluation of the moral status of football. *Journal of the Philosophy of Sport* 42 (2): 269-286.

Simon, R.L. 1991. *Fair play*. Boulder, CO: Westview.

Simon, R.L. 2000. Internalism and internal values in sport. *Journal of the Philosophy of Sport* XXVII: 1-16.

Simon, R.L., C.R. Torres and P.F. Hager. 2015. *Fair play. The ethics of sport*. 4<sup>th</sup> ed. Boulder, CO: Westview Press.

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<sup>i</sup> Whether boxing should be considered violent is not uncontested. For a range of approaches see Parry (1998: 218-223), Burke (1998), Dixon (2016: 109-111) and Ryall (2016: 209-216).

<sup>ii</sup> For germane and powerful argument that American gridiron football is morally indefensible, see Sailors (2015)

<sup>iii</sup> See, for instance Fraleigh (1984, 2003) and Simon (1991: 48-49 and 2000: 12).

<sup>iv</sup> <https://www.youtube.com/watch?v=jzEGkmY-Vio>

<sup>v</sup> Kirkwood (2014: 60) disagrees with this in stating that 'Cheating, then, must be intentional.'

<sup>vi</sup> For excellent discussion, including exposure of the historical contingency of current attitudes, see Moller (2008)

<sup>vii</sup> It should be acknowledged that by 1986, being merely an Argentinian footballer carried significant symbolic baggage in English popular consciousness, as a result of (i) the powderkeg World Cup match between the countries in 1966 and (ii) the Falklands war of 1982.

<sup>viii</sup> Whether elite sport performers should be role models is contentious. Molnar and Kelly (2013: 105) assert that 'there are no inevitable or natural reasons for such a position that, rather, relies on being re-contextualised in such ways as to recreate these relationships.' And for more recent, brief discussion, see Ryall (2016: 191-193).

<sup>ix</sup> Dismissals from football matches were a good deal rarer then than now.

<sup>x</sup> <https://www.youtube.com/watch?v=ygVgxYa3mlo>

<sup>xi</sup> <http://www.bbc.co.uk/sport/rugby-union/38298026>

<sup>xii</sup> The fire and brimstone attitude towards drug use and users is best illustrated in the case of someone who did not test positive. In September 2003, Manchester United's Rio Ferdinand forgot to attend a drug test scheduled for United's Carrington training ground. He later remembered and returned, to be told it was too late. He underwent testing the following day and passed, and also offered to have a hair follicle test, which

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would provide results for the previous six months. But the FA turned down the offer, and the FA Disciplinary Committee imposed a £50,000 fine (the same as Roy Keane's initial fine for the Haaland incident) and an eight-month ban from January 2004 at club and international level, meaning he would miss the rest of the season and some of the next, along with all of Euro 2004 (a far stiffer ban than the total suffered by Keane). Indeed, both the FA and FIFA sought to have the ban increased to 12 months, but the original verdict was upheld.

<sup>xiii</sup>

<https://news.google.com/newspapers?nid=2507&dat=19860820&id=crZAAAAAIBAJ&sjid=sKUMAAAAIBAJ&pg=4213,4995500&hl=en>

<sup>xiv</sup> Loland (2015: 344) observes that 'brutality and violence are in clear contradiction of basic norms of mutual respect between competitors and a basic norm on avoiding unnecessary harm.'

<sup>xv</sup> Jones (2008: 146) argues persuasively that virtues other than fairness need to be foregrounded in the sport world.

<sup>xvi</sup> Dane Jan Bartram, who played for Rangers under Souness, gave an interview to a Danish newspaper whilst at Rangers, in which he purportedly alluded to Souness's volatility and reported that Souness instructed his players to kick opponents. Back in Glasgow, Bartram protested inaccurate reporting and he and Souness made a show of unity. But he left at the end of the season.

<sup>xvii</sup> For sympathetic but not wholly uncritical discussion of this principle, see Berman (2011). And the most systematic opposition to transcontextual, shared principles of sport is Morgan's (2012, 2015) Conventionalism, which proposes 'deep conventions', e.g. amateurism and professionalism, as the foundation of rational debate.

<sup>xviii</sup> In his treatment of fair play, Loland (2015) distinguishes formal and informal norms of fair play. The former deal with fairness and justice and the latter with motives and goals. Depending on context, violent transgression might instance breaches of both formal and informal fair play norms. And Loland and McNamee (2000: 74) suggest, following Pincoffs, that 'ameliorating virtues' such as decency, civility and tolerance, as well as 'aesthetic' virtues such as dignity, magnanimity and gracefulness are required to generate an ethos wherein fair play will flourish.

<sup>xix</sup> For very powerful treatment, see Messner (1990). While Messner's focus is the legitimate violence (as he articulates it) in sports such as American football and boxing, his insights can help theorise the occurrence and comparative acceptance of transgressive violence in sports such as football and rugby.