

Unfair Advantages: Performance Enhancing Drugs, Professional Athletes, and the Struggle to Maintain Fair Play at the Olympic Game

Major Research Project
For the Master in Public Ethics

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Presented to
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Saint Paul University, Ottawa
August 2017
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Abstract

The Olympic Games symbolize athletic excellence and the modern day Olympic Games have been guided by several philosophical principles, namely to ‘seek[s] to create a way of life based on the joy of effort, the educational value of good example, social responsibility and respect for universal fundamental ethical principles’ (2016 Olympic Charter 11). Using Kantian deontology and its obligatory promises to one’s self and others as guiding principles of ethics, this study examine two possible challenges to the Olympic games: the use of Performance Enhancing Drugs and the increasing presence of professional athletes. It argues the extent to which these two developments create unfair advantages for some of the athletes involved. Focusing on Pierre de Coubertin’s original vision for the Games, this study examines the concept of fairness and the athlete’s moral responsibility to the guiding ethos of the Olympic Games. It asks the question, in the world of highly competitive sports, where winners and losers are often determined by a hundredth of a second or by decimal points, can athletes be faulted for testing the limits of technological and pharmacological boundaries if no rules exist to prevent them from doing so? Where does innovation stop and cheating start? The study also explores the ongoing debate concerning ‘amateur’ status, given the increasing participation of professional athletes in some events. Using the ethical framework of deontology, the study argues that the rightfulness of our actions is solely governed by our sense of duty or obligation. What is *right* is what obligation we have to the norm. Furthermore, I will also base my arguments on consequentialism, as both ethical frameworks will ultimately serve to support my arguments.

Acknowledgements

I would like to express my sincere gratitude to my supervisor Dr. Julie Paquette for her support, feedback and her tireless dedication to academic excellence and the guidance she has given me throughout this process. Dr. Paquette was instrumental in the evolution of this paper, steered me in the right direction and provided me insight that allowed me to explore a broader base of knowledge to see this work to its finality. I would also like to thank Drs. Marc De Kesel and Monique Lanoix for their support and inspiration in helping a student who was in search of a subject matter. Finally like to thank my classmates for all their comments and support over the semester.

I would remiss if I did not express my profound gratitude to my family, specially my father who taught me that there was no better gift in life than the gift of knowledge and to my wife and children for their lasting support and inspiration throughout my years of study. This journey would have not been possible without their love and support. Thank you.

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Introduction

The Olympic Games symbolize athletic excellence. Every four years¹, competitors from all parts of the world congregate to compete in numerous athletic events. The modern day Games have been guided by several philosophical principles. They have emphasized that the objectives of the quadrennial event are to 'seek[s] to create a way of life based on the joy of effort, the educational value of good example, social responsibility and respect for universal fundamental ethical principles' (2016 Olympic Charter 11). The first question we would like to ask in this major research paper is: do athletes who violate the Olympic Games' anti-doping policies violate the guiding principles of fair play of the Games? This question can lead to another (and we will demonstrate how in the following): should the Games remain amateur competition?

Participation, rather than winning, has been put forward as the most important part of the Games. In adopting these philosophical principles, the Olympic organizers were setting the foundation of the guiding tenets of what the Olympic spirit was to be and, by extension, the expected conduct of its Olympians.

But the desire to win will drive some athletes to transgress the rules in order to gain whatever advantage they can in order to win. In 2002, John Milton Smith wrote that the Olympics Games were experiencing a backlash. He cited the adverse consequences of globalization as the probable cause for the social repercussions (Milton-Smith 35). In addition to globalization, could this wave of cynicism be rooted in issues that have long plagued the Games? Since its inception, the modern quadrennial event has sought to promote and celebrate athletic excellence by inviting international athletes to compete in various sporting events. While the Games have evolved and expanded in the modern era, the spirit on which they were founded has

¹ With the advent of the Winter Olympics in 1924 the Games have been presented every two years.

scarcely changed. The Games personify sporting excellence and are based on guiding principles set out by Pierre de Coubertin, which was to blend sports, culture and education. Arguably the most watched of all sporting events, they are founded on principles and values centered on creating positive spirit and promoting health through sports. The Games established the ideal of ‘noble emulation’ as part of the education of the youth (Papanikolaou,1). They were to provide a platform for competitors to excel, with a sense of fair play understood in the nobility of competition. To insure fair play, the Olympic fathers set out to establish ideals that would serve as guiding principles for the participating athletes and to be “the moral influence of physical culture” (Guttmann 9). However, the question arises: is fairness clearly definable in competition or is fairness a pliable and subjective concept?

This study will examine the concept of fairness and the athlete’s moral responsibility to the guiding ethos of the Olympic Games. Athletes have always sought to gain any edge over their rivals and, while advancements in training methods and specialized coaching have contributed to athletic superiority, it is also undeniable that some advancement has been the result of deception. We can ask if it is still cheating if it only violates the spirit rather than the letter of the rules?

At the opposite end of the conversation on fair play is the discussion on cheating. But what is cheating? Is it the conventional understanding of not complying with established rules? And what if no rules exist or if they are not clearly defined: can we still call it cheating? Is cheating a clearly established issue or rather, as Maartje Schermer claims, a concept that is conceptually vague (Schermer 85).

In the world of highly competitive sports, where winners and losers are often determined by a hundredth of a second or by decimal points, can athletes be faulted for testing the limits of technological and pharmacological boundaries? Athletes and coaches look at innovative ways to

close the ever-narrowing gap between winning and losing, and some might feel obligated to do so (Murray 14). Is technology for the advancement or the betterment of sport? Do coaches and athletes not have the right to look to innovative ways to narrow the competitive gap? Where does innovation stop and cheating start?

I will argue that technology has brought about positive changes within the world of sports. Several examples come immediately to mind, such as the aerodynamic development of helmets and disc wheels in the field of cycling, or spiked racing shoes in the discipline of 100 and 200-meter races. Technological advancement has also greatly improved the performance of the athletes. Trainers and coaches have explored and exploited every aspect of technology to better prepare their athletes. Amateur and professional athletes make use of videos and computer technology to analyze the mechanics of their every movement. Technology has designed better golf clubs and better helmets for football players, to minimize trauma to the brain. So where does technology cross the line of advancement into cheating?

One example of technological cheating is the recently discovered existence of a battery-packed motor within the wheels of a Dutch cyclist. The nearly silent motor added power to the bicycle and, over a distance, enabled the conservation of precious energy, allowing the cyclist to go a greater distance.

Another example is the case of Oscar Pistorius. This one is a little bit trickier. The South African double knee amputee sprinter competed in various Para-sporting sprinting events using artificial limbs and won several medals. However, Pistorius wanted to compete at the 2008 Beijing Summer Olympics. After reviewing his case, the International Association of Athletics Federations (IAAF) denied him the right to participate, citing that his artificial limbs gave him

“ an unfair advantage over competitors with natural ankles and feet” (BBC SPORT Olympics & Olympic Sport Athletics ‘Blade Runner’ Handed Olympic Ban.Html).

Pistorius’ case illustrates the delicate balance between the fair use of technological advancement and its potentially unfair advantages. Building a lighter bicycle to maximize the cyclists’ performances, or developing an aerodynamic helmet to reduce drag and wind resistance, would be a completely acceptable uses of technology; but technology would be unethical if used in the transformation of the sanctity of the human body and should fall within a natural spectrum of human activity.² This is where we draw the line between sports technology and the inviolability of the human body. Examples of technological cheating would be having an athlete fitted with an artificial heart that performs at peak performance without ever exhausting itself, or implanted with artificial muscles that never falter. The transformation of the human body is very different from the alteration of the equipment used by the athletes, as the natural evolution of training should provide any and all transformation to the integrity of the human body. To do otherwise is to violate the Kantian principle that man is not to be solely a means to an end. Perhaps the time will come when transhumanists athletes can compete as a special branch of the Games, much as the Paralympic athletes do.

Forms of cheating that have emerged in the latter part of the twentieth century include biotechnological enhancement such as blood doping, gene manipulation, technological or mechanical cheating. Lance Armstrong was one of the most famous athletes to resort to biotechnical enhancement cheating. The seven-times-disgraced Tour de France winner was discovered to have engaged in blood doping, which is the process of manipulating the blood through transfusions.

² The discussion over what is a “natural spectrum” I realize is a broad term and cannot fully be addressed within the scope of this paper.

Why, then, are these examples of technological cheating? In the case of the motorized cyclist, the issue is that the athlete should disclose the use of this device to the governing agency, so that it may rule on the acceptability of the device and either make it available to all or denied to all. It's not that the technology ought not be allowed; it is its deceptive use that makes the practice unethical. As for the case of the double amputee, the technological advantage is not hidden and is in plain sight. The disadvantage in this case is that, as reported, Pistorius used 25% less energy than able-bodied runners to run at the same speed ("BBC SPORT Olympics & Olympic Sport Athletics 'Blade Runner' Handed Olympic Ban.Html"). In this case, granting Pistorius permission to participate in the Olympic Games would give him an unfair advantage which raises the spectre of other athletes requiring amputation and the installation of artificial limbs in order to be competitive, which is clearly outside the governing precepts of the Games.

As previously mentioned, the case of Oscar Pistorius is unique insofar as he was missing limbs and the available technology restored his ability to walk. But whether or not athletes should be allowed to technologically modify their bodies to better perform raises an interesting ethical debate. I have already mentioned the case of an artificial heart. But what of body parts that, over time, are subject to wear and tear, such as knees and ankles, as is the case for runners and swimmers: could these athletes not opt to have ankle and foot amputation to be fitted with interchangeable swimming fins and foot prostheses? Would these athletes be disabled, then, by choice or by necessity? And this would matter; again because, it would violate the sanctity of the human body and would solely be a means to an end.

Transforming one's body to fit a specific need – in this case athletic performance – differs in impetus from the transformation of one's body by choice. The subject of 'disabled by choice' or Body Integrity Identity Disorder (BIID) is well documented but nonetheless controversial. The

contention of the disorder is that “[p]eople suffering from body integrity identity disorder report that a particular limb does not belong to them, and that they feel over complete and want to have the alien limb amputated” (Müller 36). This is, of course, different from those who would transform their bodies for the purpose of competition, but only in the intention or purpose of the voluntary transformation. Another way to transform a body could be by using Performance-Enhancing Drugs.

The discovery of Performance-Enhancing Drugs (PEDs) emerged in the 1970s, to help athletes increase their physical fitness. As mentioned, biotechnological enhancement is seen to be an emerging method of cheating, often by blood transfusions and genetic manipulation, but pharmacological cheating is still the most common method of athletic deceit (Dubin, Charles L. xvi) and, for this reason, this form of cheating will be at the heart of this study.

There is another point regarding the current transformation of the Olympic Games that I would like to underline before we move on: the Olympic Games have recently witnessed the addition of professional athletes. Their participation has profoundly impacted the Games by making it almost impossible for the amateur athletes, who must compete against professionals, to secure a place on the national teams; athletes who come from countries where no professional program exists must compete against athletes whose financial wealth can give them access to relatively inexhaustible resources when preparing for competition. So, can amateur athletes truly compete with millionaire professionals? This question is important if we want to study the fairness principle of these Games. Case in point: The 1992 version of the men’s American Basketball team, which was known as the ‘Dream Team’³ team, consisted almost entirely of players selected from the professional National Basketball Association (NBA) and, since then,

³ The term ‘Dream Team’ has subsequently entered the American lexicon to mean the uniting of several individuals for a specific purpose. It can be seen in almost every aspect of American society, from films, to music, and even the infamous nickname for the legal defense team in the O. J. Simpson murder case.

the American Basketball team has never fielded an amateur player⁴. A similar situation can be seen with the roster of the Canadian Ice Hockey team. Since their participation at the 1998 winter Olympics⁵ in Nagano, Japan, the team's roster has been filled exclusively by players who come from the National Hockey League's (NHL) vast pool of professional players and no amateur player has since been selected to don the Canadian jersey⁶. Other disciplines have followed suit and have allowed professional athletes to compete at the Games. Perhaps the Olympic organizers are also culpable for their ambiguity in defining what a professional athlete is. These issues are profoundly changing the philosophical ethics of fair play and good example.

This study will posit that two issues – professional athletes and PED– have caused an unfair imbalance in Olympic competition, which I will discuss in the second part of this paper. The argument will be divided into two sections: the first section will be dedicated to ethical discussions surrounding the Olympic Games, while the second will center on the use of PEDs, the advent of professional athletes as participants, and how the Games are being transformed. Using deontological and consequentialist principles I will argue that, in order to keep the Olympic Games fair, they must remain drug free and dedicated to amateurism, otherwise the

⁴Christian Laettner of Duke University was the only college player to be selected for the 1992 U.S. Basketball team and the last amateur player to be part of the American Basketball team.

⁵In 1986, the International Olympic Committee agreed to let players from the NHL participate in the Games beginning in 1988, but, because the Olympic tournament conflicted with the National League's regular season, the team owners complained that the Olympic Games would severely impact their revenues. It would be 10 years before an agreement could be reached between the IOC and the NHL that resulted in the alteration of the tournament schedule, minimizing the league's financial concerns and paving the way for professional players at the Olympic Games.

⁶ The NHL Commissioner Gary Bettman has announced that the Professional Hockey players who are under contract with teams from the NHL will not be participating that the 2018 Winter Olympics in PyeongChang. Bettman and the NHL team owners' opposition to sending the professional players goes beyond financial disagreements. They disagree that the images and material captured at the Games are the exclusive property of the IOC. The "golden goal" scored by Sidney Crosby during the 2010 Vancouver Winter Games cannot be used by the NHL without the expressed permission of the IOC. But Bettman and the owners of the NHL franchises want financial compensation because the winter Olympics coincides with the hockey season. In addition, what happens to their players should they get injured? This was the case for the Ottawa Senators when their star goaltender suffered a groin injury and their team did not go far in the NHL playoffs.

Games could become a free-for-all spectacle without any rules and solely for the benefit of consumers and corporations, as is the case for American Professional Wrestling. Beyond the usual arguments against sanctioning performance-enhancing drugs, continuing to ban pharmacological substances levels the playing field by providing a governing body to insure that clean athletes still have a place to compete. I will explore how winning is of utmost importance to some individuals and to some nations. Additionally, I will counter the position that drugs should be permitted to insure that athletes know what every other competitor is using, that the products used are safe, and that, if they were legal, it would eliminate the need to cheat. I will then examine the ethical debate concerning the introduction of professional athletes into the Olympic Games. I will again argue that, beyond the great sporting showmanship that professional athletes provide, they prove an unfair playing field against amateur athletes, as some sports allow pros to participate while other disciplines do not. I will also propose that, given their poor track record as role models, professionals contradict the philosophical principles of the Olympic spirit. I will conclude by proposing that, if no rules on doping existed and any professional athletes could participate regardless of past transgressions, the Olympic Games would become an event where sports competition would take a back seat to theatricality and extravaganza. Finally, my conclusion will synthesize my argument, reiterating that both professional athlete and PEDs are threats to the spirit of the Olympic Games.

Scope, Ethical Framework and Methodology

Scope

This study will focus solely on the Olympic Games. Other amateur and professional competitions are important and not to be dismissed; however, the Olympic Games are the biggest

sporting event, bar none, with the richest history, and with their own specific ethical code. It is important to examine the Games because of the image they project worldwide. The positive values of health, sportsmanship, fairness and community that are associated with sports and that sports, it is believed, intend to propagate, should be examined in the context of the Games, as to whether the Games do, indeed, fulfill these expectations.

Additionally, I will concentrate on Performance-Enhance Drugs (PEDs). Doping is generally understood to be the use of substances that are proscribed by various sports governing bodies. Anabolic steroids, for instance, aim to increase muscle mass and repair damaged muscles, thereby allowing the athletes to train longer and harder, with shorter rest periods between training sessions, but are known to have bad long term effects on the body.

As previously noted, although forms of cheating other than the use of PEDS have emerged in the latter part of the twentieth century, they are beyond the scope of this study and remain to be investigated.

Ethical Framework

There are many ethical lenses from which I could choose to evaluate the questions that I have raised with respect to the Olympic Games. In ethics, moral reasoning and evaluation are categorized into three branches: normative ethics, which is the search for, and justification of, moral standards; metaethics is the study of the meaning of basic moral belief; and, finally, applied ethics, the use of moral norms to resolve practical moral issues (Vaughn 4). I will also highlight the guiding principles of, and illustrate examples of, two other ethical theories: consequentialism, and non-consequentialism (Bonde and Firenze 2), beginning with consequentialism and following up with deontology. The complexity of the theory makes a full presentation of arguments and nuances beyond the scope of this paper; however, the general

arguments and counterarguments of each theory provide a basis for my rationale in making a moral judgment of the athletes and of the games themselves, supported on the deontological framework.

Methodology

In order to provide support for my arguments, I will be relying principally on academic articles and theses. Also, I will be using the various Olympic Charters that provide the framework of how the Games are organized and governed: what the rules of conduct are and how the eligibility of athletes is determined. This work will be divided into two sections: the first will be dedicated to the Olympic Games themselves. I will look at the International Olympic Committee (IOC): its makeup and its role. I will then explore the matter of amateurism, which was an issue that troubled the IOC for the better part of the twentieth century, and examine how ‘Olympism’ and ‘Olympic philosophy’ became the Games’ guiding principles. To close the first section, I will address the question of fair play in competition, cheating, and the difference between betterment and overachieving. The second part will be devoted to the athletes themselves: first, how the professional athletes poorly reflect the Olympic philosophy and ethos, and, finally, how the use of PEDs has created unfair advantages.

Consequentialism and Non-Consequentialism: What are they and how do they differ?

Consequentialism, as the name infers, is a branch of the normative ethics that the moral worth of any action -or inaction- is based on the resulting outcome. At the heart of this theory is that the moral rightness of the actions rests upon the inquiry of “ how much good is produced,

however *good* is defined”(Vaughn 35). There are, of course, several variations of consequentialism.

Consequentialism is rooted in Chinese philosophy, specifically Mohism, whose name comes from the teaching of Mo Di or Mozi.

They [Mohists] formulated China’s first explicit ethical and political theories and advanced the world’s earliest form of consequentialism, a remarkably sophisticated version based on a plurality of intrinsic goods taken as constitutive of human welfare (Fraser 2015).

Utilitarianism is a branch of consequentialism. For western philosophy, consequentialism took a different form when English philosopher and jurist Jeremy Bentham (1748-1832) began to devise a process by which actions could be determined to be good or bad depending on their outcome. Bentham theorized that man – in the genetic sense of the term – was “ subject to two great masters as he puts it. Nature has placed mankind under the governance of two sovereign masters, pain and pleasure” (Bentham, Burns, and Hart 1) . Bentham’s principles of good and bad were based on the senses. He believed that our actions were to maximize the good and minimize the bad.

This, of course, poses a number of problems, one of which concerns the greater good as proposed by Bentham. How can an agent be aware of all possible outcomes in order to be able to produce the “greater good,” or would he be expected to know all possible outcomes? The most frequently cited example in ethics to highlight an ethical dilemma is that of the trolley, first devised by English philosopher Philippa Foot. The crux of the problem is this;

There is a runaway train heading down a track. Ahead on the track are five people, unable to move. The train is headed straight for them. You are standing some distance off in the train yard, next to a lever. If you pull this lever, the train will switch its track. However, you notice that there is one person on the side-track. You have two options:

1. Do nothing, and the train will kill the five people on the main track.
2. Pull the lever, diverting the train onto the side-track where it will kill one person.
Which is the most ethical choice?

For utilitarianism, the decision is clear: Sacrifice the one for the benefit of the many. But can the agent truly make the best decision if he/she doesn't know all of the potential outcomes? Would the decision be the same if he knew that the one person sacrificed would be a doctor who would one day cure cancer? I doubt it would be. While utilitarianism is probably the best known of the consequentialist theory, is it not the only one.

The Common Good Approach

The 'common good' approach in consequentialism has its roots in Greek philosophy and is associated with Jean Jacques Rousseau's 'general will' principle and, more recently, John Rawls' theory of justice. Rousseau's perspective of common good looks to the betterment of society as a whole (Bonde and Firenze 10). The essence of Rousseau's theory of social contract is linked to authority and how those in positions of authority act for the public good (Delaney). For John Rawls, the issue of general good lies in his theory of social justice where justice lies in "certain general conditions that are...equally to everyone's advantage" (Velasquez et al.). These are but snapshots of the numerous consequentialist theories in ethics. At the opposite end of the spectrum to consequentialism are theories of non-consequentialism

Non-Consequentialism: The Duty-Based Approach

a) Deontology

Deontology, like consequentialism, is also within the branch of normative ethics. However, this is where the similarities end. Deontology, whose Greek origin means the study of duty, evaluates our actions solely based on our duties or obligations. The most common

approach to non-consequentialism is deontology, which is also the form that presents the greatest contrast to consequentialism. Deontology holds that the rightfulness of our actions is solely governed by our sense of duty or obligations. What is *right* is what obligation we have to the norm (Alexander and Moore).

German philosopher Immanuel Kant (1724-1804) is regarded as the predominant figure in deontological theories and is responsible for the deontological principal that is of interest for this study: the categorical imperative. Kant's well-known principle of categorical imperative proposes that we ought to act with the basic principal that our action could become universal law. Categorical imperative obliges us to do, or prevents us from doing, something, which are the duties as described in the agent-centered deontology or, in the case of patient-centered deontology, obliges us to respect others has having intrinsic value. Kantian principles do not mean that we should not aim for our actions to have good consequences, but, rather, that consequences are not affected by reason.

Of course, deontology is not void of criticism, which is often directed at its imperative observation of the rules. That the rules are to be categorically, rigidly, obeyed undermines the very intrinsic value advocated by Kant of mankind's ability to reason and have independent thought, and whereby people ought not be solely a means to an end.

Another perception of non-consequentialism is the "Rights Approach".

b) The Rights Approach

This approach stipulates that the best ethical action is that which protects the ethical rights of those who are affected by the action. It emphasizes the belief that all humans have a right to dignity (Bonde and Firenze 4). This theory is at the basis of most proponents of natural

law, where man has unalienable rights as a human being. John Locke was a philosopher who advocated, like Kant, that man had intrinsic value and was not merely a means to an end.

Finally, I have opted to base this work on a non-consequentialist approach to argue my hypothesis that PEDs and professional athletes are creating unfair advantages at the Olympic Games because I want to argue using a framework that focuses on the athletes' obligations, both to themselves and to the other participants, and that holds that mankind is not a means to an end. Thus, I will look at what directs the athletes to behave in specific ways and determine the eroding of the Olympic spirit by using an argument based on deductive rather than inductive reasoning.

Part 1

What and who is The International Olympic Committee (IOC)

The Olympic Games are not only a sporting event but also an organization that is governed by committees, associations and federations. The umbrella organization that oversees all aspect of the Games is the International Olympic Committee (IOC), which is an international, non-governmental, not-for-profit organization whose head office is located in Lausanne, Switzerland. The IOC is the umbrella that oversees and governs all aspects of the Olympic events. As the event grew, so did the need to be supported by various sports and organization committees, federations, national associations and clubs. The Committee is comprised of 106 members, and each member is elected for a period of eight years. A nomination committee, made up of at least one representative of the IOC Ethics Commission and one representative of the IOC Athletes' Commission, examines each candidature file and forwards the candidates in the form of a report to the IOC Executive Board, and is the only competent organ to propose a candidate to

the Session. The elected members of the IOC Executive Board are entrusted with promoting Olympism. It is also their role to fulfill the mission, role and responsibilities as assigned to the Board by the Olympic Charter. Some of those roles are:

1. To encourage and support the promotion of ethics and good governance in sport as well as in the education of youth through sport, and to dedicate its efforts to ensuring that, in sport, the spirit of fair play prevails;
2. To protect clean athletes and the integrity of sport, by leading the fight against doping, and by taking action against all forms of manipulation of competitions and related corruption;
3. To encourage and support measures relating to the medical care and health of athletes(2016 Olympic Charter 16).

The organization committee behind the Games was, from the outset, to be nonpartisan and its members were prohibited from personal gain. The fierce organizational independence of the Games was engrained in its very first Charter. De Coubertin believed so strongly in the Games' political independence that its members were also subject to political independence.

Le Comité International Olympique est permanent et se recrute lui-même à raison d'un membre au moins, de trois au plus pour chaque pays représenté. Le nombre des pays représentés n'est pas limité. Les membres doivent se considérer comme les délégués du Comité International Olympique auprès des fédérations et sociétés de sport et d'exercices physiques de leurs pays respectifs. Ils ne peuvent accepter de ces sociétés aucun mandat susceptible de les lier en tant que membres du Comité et d'entraver l'indépendance de leurs votes (1908 Charte Olympique Annuaire 8).

Amateurism, Olympism and the Olympic Philosophy

Amateurism

One characteristic of the Games that prevailed for a major part of the twentieth century was that the participants were to be amateur athletes. The conventional definition of amateur is traditionally associated with salaries and sponsorship. But not all sports adhered to this definition and European countries often applied their own meaning to it, while others avoided defining it altogether (Llewellyn and Gleaves 96,97). Further, at the time of the inception of the modern Games, few athletes could be considered professional athletes but the issue of amateurism or professionalism at the Games was nonetheless a topic of discussion (Papanikolaou2).

The roots of amateurism are anchored in British ideology. While its concept might appear simple in form, its definition has proven more challenging (Eassom 117). Authors Llewellyn and Gleaves discuss the various understandings of what it meant to be an amateur and the difficulty in cementing a concise definition.

Amateurism was a fluid and dynamic ideology open to numerous interpretations and broad applications, particularly amongst journalists, administrators, athletes, and coaches. Amateurism was ubiquitous but elusive—broadly conceived and easily sensed but not explicitly understood and defiant of firm categorization. There was never a clear-cut and homogenous definition or universal comprehension of an amateur; it meant different things to different people in various local, regional, national, and international contexts (Llewellyn and Gleaves 96).

Distinguished gentlemen played fair-minded sports while athletes who sought sports as an income were often lower class individuals seeking to escape harsh and labour intensive working conditions: “The founders of modern Olympism hoped in this way to protect sport from the potentially corrupting influence of mercantilism and to preserve the high ideals of the Olympic

movement: love of sport for its own sake, friendship among nations, and the pursuit of excellence” (Dubin, Charles L. 46).

Amateur sports were practiced by ‘gentlemen’ and if sport was to remain fair and friendly, and conducted in an honest and honourable way, it had to be played by gentlemen. So inextricably intertwined are the two concepts that they are almost synonymous. This recognition is vital to the understanding of the perpetuation of the amateur ideal into the later twentieth century (Schantz 122).

The British definition of amateurism seemed very appropriate and suited De Coubertin at the time of the revival of the games. The professional athlete was someone who earned any money at any sports, competed with other professional athletes, received financial compensation as a coach and finally competed in a sporting event where any and every type of athlete was invited to participate. The arguments over the terminology and eligibility had plagued the IOC. Additionally, prior to 1914 the verification of an athlete’s amateur status was the responsibility of the IOC but during their meeting in 1914 in Paris, the IOC shifted the responsibility of amateur status to National Olympic Organizations (NOC). If countries did not have a National Origination they were given until June of 2015 to create one (Coubertin and Müller 651)

When the IOC met in Prague in 1925, the issue of amateurism, athlete eligibility and certification would be at the heart of the discussion. In his memoir, De Coubertain recognises that this issue has been a “particular problem for nearly thirty years” (Coubertin and Müller 651).

The state sponsored athletes of Communist Eastern block countries further complicated the concept of amateurism. This placed the self-sponsored athlete at a disadvantage and the inability of the International Olympic Committee to consolidate the various understandings of the amateur would lead to inevitable conflicts (Llewellyn and Gleaves 97). The ongoing disputes over amateurism married with the diverse definitions and applications for amateur appear to have

frustrated De Coubertin. “Here we go again- the same old question! It was sixteen years now since we had rather naively thought that we had settled the whole matter, and here it was again, slipping and sliding out of our grasp like a cat, taunting you just out of reach” (Coubertin and Müller 651,652). Additionally, Olympic athletes were required to sign a declaration stating that they would honour the terms of Olympic philosophy. So, from a deontological perspective, the athletes were obligated to rules regulations and the spirit of the Olympic principles.

Olympism and the Olympic Philosophy

The guiding principles of Olympism were not, as Otto Schantz writes, a well-defined and fixed philosophical theory (Schantz 1). Instead, “le neo-olympisme coubertinien nous apparaît ainsi comme un synchronisme, qui se veut harmonie entre la philosophie grecque ancienne, le christianisme occidental, et le cosmopolitisme moderne”(Boulongne 337). The matter of amateurism was a well-debated issue amongst the revivalists but De Coubertin, in spite of the numerous debates over the matter, announced that the Games would be an amateur event. In its 1962 Olympic Committee report, De Coubertin’s desire to revive the games was retold.

It was on November 25, 1892 at a meeting arranged by the Union of French Athletic Sport Associations to commemorate the fifth anniversary of its foundation and to report the rapid progress achieved by the Union in so short a period, that Baron Pierre De Coubertin first stated that he proposed to devote himself to the revival of the Olympic Games. Subsequently he [De Coubertin] asked the Union to summon an international congress of all the important sport associations in the world to discuss rules and regulations, amateurism, and the revival of the Olympic Games.(1962 Olympic Charter 43)

The quadrennial event, at its origin, was established to promote physical activity, education, athleticism to a high state of perfection, and to infuse new elements of ambition in the lives of the rising generation: a love for concord and a respect for life. De Coubertin believed that

athleticism was in peril of degenerating (De Coubertin, NG, and Anninos 3). In 1924, the IOC finally added details to its charter concerning who could participate in the Olympic events. The onus of amateurism was placed with sporting federations, who oversaw the sport. Certificates needed to be filed with the IOC attesting to the participants' amateur status (1924 Olympic Charter 12). Again, the definition was left to interpretation and created conflicts.

In De Coubertin's understanding of the Games, the participants and the spirit were entrenched in the ancient Greek games.

Of all measures tending to this desired end, only one seemed to me at all practicable, namely the establishment of a periodical contest, to which sporting societies of all nationalities would be invited to send their representatives, and to place these meetings under the only patronage which could throw over them a hallow of greatness and glory: 'The patronage of Classical Antiquity'! To do that, was to re- establish the 'Olympic Games' (De Coubertin, NG, and Anninos 4).

In addition to the amateur make up, De Coubertin would also establish fundamental principles that would be known as the Olympic philosophy. What sets the Olympic Games apart from other sporting events is that the event is officially linked to an ideology (Loland 26).

- 1) The goal of Olympism is to place everywhere sport at the service of the harmonious development of man, with a view to encouraging the establishment of a peaceful society concerned with the preservation of human dignity.
- 2) The goal of Olympism is to place sport everywhere at the service of the harmonious development of man, with a view to encouraging human dignity. (1991 Olympic Charter 7).

These ideologies were De Coubertin's vision for the Games as a platform for international unity, an institution to be used to educate and promote youth, and undoubtedly serve a political purpose.

Why focus on the Olympic Games?

There are a number of other sporting events that could be the focus of ethical examination and many sport organizations have recently come under intense scrutiny (FIFA corruption charges, match fixing in professional tennis and the NFL ‘deflategate’). The importance of examining the Games lies in the fundamental ethos and principles that they wish to portray (Milton-Smith 133). The athletes who participate in the Games understand that their presence goes beyond participating in team or individual sporting competition. Because of the principles and rules set out in the Olympic Charter, athletes and those who participate in the Olympics play roles as moral agents. When they decide to participate at the Olympic Games, they also accept the governing responsibility of ‘Olympism’. These principles were well laid out in the 2016 Olympic Charter.

1. The goal of Olympism is to place sport at the service of the harmonious development of humankind, with a view to promoting a peaceful society concerned with the preservation of human dignity.
2. The practice of sport is a human right. Every individual must have the possibility of practicing sport, without discrimination of any kind and in the Olympic spirit, which requires mutual understanding with a spirit of friendship, solidarity and fair play(2016 Olympic Charter 11).

De Coubertin’s concept of the participants at the Games is well known. Participation, rather than winning, is central to his guiding ethos (De Coubertin, *qtd. in The International Olympic Committee and the Modern Olympic Games Charter* 38). This is not to say that competition was not important, but it was not the only means of measuring a participant’s

success at the Games. Winners who don't play within the rules or within the Olympic spirit of fair play are not victors. Fair play was one of the governing principles of the Olympic Games. ~~Indeed,~~ The Games warrant close examination because of the social impact and consequences they have on society.

In a 2015 article, Carleton University Professor Jacqueline Kennelly wrote of some of the consequences the Olympics have had on the marginalization of society's most vulnerable. She claims that host cities "are implicated in accelerating processes of neoliberal urbanism that contribute to a state of advanced marginality" (Kennelly 4; Wacquant 234). Additionally, in a post 9/11 world, human rights seemed to take a backseat to security and the host cities often targeted the homeless and most vulnerable in and around the Olympic facilities. In addressing the arbitrary and often abusive police authority, Kennelly writes;

The shifting priorities of policing in pre-Olympic Vancouver were felt by the youth both in the period before and during the Games; in both 2009 and 2010, youth reported being more frequently harassed for offenses that were previously disregarded, such as jaywalking, littering, and possession of drugs. In each of the instances, the youth remarked upon both the increasing pressures they were experiencing from the police and the degree to which it seemed disproportionate to the actual offense. Their overall impression was of being specifically harassed, particularly in the period leading up to the Games; the youth believed this to be an effort to 'clean the streets' in preparation for the arrival of the 'rich people' they associated with the Olympic Games(Kennelly 9) .

The aesthetics of a safe and clean city are important to a host city. By displacing its homeless population away from the worldwide spectators, the host city has the capability of projecting an image of itself as, in this case, a clean, safe city perhaps worthy of as a tourist destination. The Olympic Games have, on several occasions, been the center stage for political propaganda. This was the case with the 1936 Summer Games in Berlin.

Nazi Germany was amongst the first to employ the power of the Olympic Games as a propaganda tool. In 1936, at the Berlin Games, Adolf Hitler used the Games to promote his Aryan vision and, thanks to close circuit TV throughout the city, the Games were broadcast, for the first time reaching an audience beyond the competitive arena. German propaganda footage during the Games portrayed Berlin as a modern, technologically advanced and efficient city and, so as to display its engineering superiority, pictured a 325-acre Olympics sports complex and amphitheater capable of receiving 100,000 spectators. Through propaganda films distributed to a worldwide audience, the spectators were silently subjected to powerful images and the making of a 'super extravaganza' event (Zarnowski 21). Swastika pennants adorned the city's Roman architectural government buildings and lined up on streets, creating a festive atmosphere leading to the famous Brandenburg Gate.

The opening procession imaged German athletes all dressed in white, followed by the precision marching of the army saluting the German Chancellor. Finally - in spite of the athletic heroism of American Jesse Owens, debunking Hitler's Aryan superiority - and to Hitler's elation, Germany's final medal count placed them first, winning 89 medals, of which 33 were gold, at the cost of 30 million 1936 dollars (Holmes, *qtd. in* Zarnowski 22).

Hitler would have succeeded – at least athletically – in presenting his vision of white supremacy had it not been for the heroism of the African American track athlete Jesse Owens. This reluctant hero became the symbol of defiance at the 1936 Summer Games in Berlin.

The individual and relay track races are the pinnacles of the Summer Games. The winner of the 100-meter race had been dubbed “the fastest man alive”. The German athletes had dominated the Games and they had “pinned their hopes on their giant sprinter Eric Borchmeyer... who had won the silver medal during the 1932 Los Angeles” Games (Rippon

131). The conditions were oppressive for Jews and Blacks and Jesse Owens was unsure that he would even participate at the Berlin Games. “ In November of 1935, shortly after the Nuremburg laws were passed, persecuting all non-Aryans, Owens had spoken out publicly against going to the Berlin Games, but his coach, Larry Snyder, advised him against taking a position” (Rippon 132). What was truly amazing of Jesse Owens’ performance is, not only did he win four gold medals, but that he maintained a gruelling schedule to participate in the finals of each discipline in which he competed. “ On August 3rd he won the 100 m sprint with a time of 10.3 seconds” (Edmondson 29). Owens was scheduled to participate in both the long jump and the 200-meter race on August 4th and both events were scheduled at 10:30 (Rippon 153, 154). Owens won the gold medal in long jump on August 4th, the 200 meter on the 5th and completed the track event by winning the gold medal on August 9th in the 4x100 relay. Nobody had ever dominated the track events like Jesse Owens did and his records lasted until another American – Carl Lewis – eclipsed Owens during the 1984 Los Angeles Olympics.

In its totality, the 1936 Olympic Games were a disgraceful tragedy because of Hitler’s objectives, instead of the peaceful gathering of cultures first envisioned by De Coubertin. While De Coubertin would have denounced the politicization of the Games, his views on race were not so dissimilar to those of Hitler. In fact, the 1936 Games were considered a success by both the Germans and the IOC (Senn 4). At that time, professional sports were marred with racism. In the U.S, African Americans were prohibited from playing baseball in the American or the National Leagues, in spite of baseball being called the “National Pastime”. While no rule prevented owners from signing a black player, the team’s owners had entered into a “gentleman’s agreement” that no black player would play alongside white players. While Jackie Robinson was the first African American to play, his arrival was not a red carpet affair. Of the sixteen major

league team owners, only one voted for racial integration⁷. So while De Coubertin held a dim view of racial integration, his opinion was not unique in professional sports but racist nonetheless.

De Coubertin, the 1904 St Louis Olympics and “Anthropology Days”

De Coubertin’s racial views are a hotly debated topic but appear to surface – at least within the context of the Olympic Games – at the time of the 1904 St Louis Summer Games. The 1904 Games, known as the 3rd Olympiad, were held between August 29 and September 3. It was the first time the Games were held outside of Europe. In addition to the regular athletic events, the Games also held “ Anthropology Days”. The two-day event was held between August 12th and 13th, 1904, and showcased various ethnicities competing in several athletic competitions. De Coubertin did not take lightly to this variation of the Games and his absence from the Olympiad has been the subject of much interpretation. Otto Schantz suggests that De Coubertin’s absence could be a result of his disapproval of St Louis as the host city⁸, his displeasure of one of the organiser’s, James E. Sullivan, whom he had tried to replace, or, finally, a bad impression he was left with as a tourist, or was it, as he suggests, that De Coubertin’s absence was “ a protest against the so-called Anthropology Days” (Brownell 157,183). De Coubertin’s view on the matter was documented in an interview in his memoire.

So the St Louis Games were completely lacking in attraction. Personally, I had no wish to attend them. I harboured great resentment against the town [St Louis] for the disillusionment caused by my first sight of the junction of the Missouri and the Mississippi rivers. I had a sort of presentiment that the Olympiad would match the mediocrity of the

⁷ Until integration in 1947, African American Baseball players played in the Negro League. Branch Ricky, owner of the Brooklyn Dodgers, had lobbied the National and American League team owners to hold a vote as to whether African Americans could play alongside white players. The result was a resounding rejection for integration. The vote was 15-1, with Branch Ricky being the only owner in favour. Despite the negative vote, Branch Ricky unilaterally decided to sign Jackie Robinson to the Brooklyn Dodgers.

⁸ Chicago was originally selected to host the 1904 Olympic Games but De Coubertin reluctantly agreed to move the games to St Louis in order to coincide with the 1904 World Fair.

town. As far as originality was concerned, the only original feature offered by the program was particularly embarrassing one. I mean the ‘Anthropological Days’, whose events were reserved for the Negroes, Indians, Philipinos, and Asians with the Turks and Syrians thrown in for good measure! Now tell me that the world has not advanced since then and that no progress has been made in sporting spirit (Coubertin 43).

This clearly demonstrates De Coubertin’s disdain for the host city and his racial position on the Anthropological Games. Schantz discovered that De Coubertin, when speaking about the Anthropological Games, referred to the cultural participants as “Barbarians” (Brownell 160). Hitler’s viewed on Jews and blacks were not so dissimilar. Of course, De Coubertin did not want to exterminate entire races nor set up camps for that purpose, but his dim view of ethnic groups is undeniable.

Fair Play, Cheating, and Betterment

Fair play is one of those terms that on the surface appears easy to define. In fact, it is easier to see than to explain (Murray 13). Fairness – or unfairness – can take on many properties. Whether it be a physical inequality, as in a male power lifter competing against a female competitor, or a technical one, as in a team using unauthorized equipment; whether it is fairness of access to resources, where some have better coaches or training environments such as training in high altitudes, or practicing a sport indoor while other players or teams play outdoors–fairness is about competing on a level playing field: a social contract between athletes where athletes know the rules of competition. No one would think that it is unfair that Michael Phelps, in swimming, possesses unfair advantages because of his long arms, that permit him a greater reach, or that Usain Bolt – a track and field sprinter – has unfair advantage in his long stride because of his height. We don’t ask this of these athletes because, in the end, they are called upon to compete in the same regulation pools or all run the same distance. However, a boxer, in spite of

competing in the same size ring, would compete in an appropriate weight class; having a senior martial arts competitor against junior opponents would constitute unfair advantage. Athletes are not disqualified because of their genetic predisposition —~~the exception being genetic modification~~; however, competing against lower or inferior classifications of athletes would cause a cry of foul play. The other aspect of fair play is in what values sport and sporting competitions intend to teach us.

Sports have the benefit—or at least it may be unintended—of teaching positive values. Honesty, integrity, passion, respect and professionalism are some of the ideals that sports and sportsmanship are seen as instilling, both in the participants and in a captive audience who are also participants in sporting values by their instant reaction to an unfair play: collective and individual ethics. These values also serve to reinforce our understanding of what is just, and to reinforce our desire to achieve it by ensuring that the rules of play be respected to insure the integrity of the sport. In competition, where athletes continuously try to widen the ever-narrowing gap between first and last place, coaches and training staff look for innovative ways to give their athletes the ability to surpass their competitors. Where does the ethical responsibility rest with technical innovation? Sports history provides several examples where innovation has pushed the ethical boundaries of fairness.

Indeed, what if rules have not been written? Can we accuse athletes of cheating or can we argue that not all rules need to be written to be important? This is the conundrum posed by John Gleaves, Matthew P. Llewellyn and Tim Lehrbach in 2014. Can we accuse athletes of cheating if no rules exist to prohibit the activity, or, do athletes have a moral obligation based on the intrinsic duty of sportsmanship?

What duty do competitors have towards fair play and sportsmanship, and towards fellow competitors? Gleaves et al. cite the example of blood transfusions amongst the U.S. cycling team. Let me recap the issue. In 1984, the United States cycling team had agreed – although not unanimously – to receive blood transfusions to boost their performance. While they had broken no rules, they were maligned as cheats and dopers when the practice was discovered (Gleaves, Llewellyn, and Lehrbach 86). This is an ideal situation where Kantian ethics can and should be applied. While correct in stating that no written prohibition exists, Kantian ethics, however, could have proven a valuable guide for the athletes in examining their sense of duty and in accepting the principle that men are not merely a means to an end. Additionally, the universal imperative as advocated by Kant would have directed them to the Olympic Charter and the guiding principles of Olympism. In fact, the practice of blood doping presented a great ethical dilemma for several athletes who, according the authors, refused the procedure, highlighting, perhaps, the deceptiveness of the unorthodox practice. Finally, if the U.S. team had any sense of moral or ethical dilemmas, they could have turned to the U.S. Cycling Federation for guidance and expert opinion on the intended practice. Had the Federation’s response been positive, the procedure would have been sanctioned and it would remain, to this day, a privileged practice.

Are athletes trying to better themselves or overachieving, and what is the difference?

Betterment is usually understood as a process, an improvement from someone’s prior state, while overachieving supposes excess. It is the difference between harmony, health, and developing potentials versus the superhuman performance (Queval 103). Isabelle Queval suggests this is a duality that confronts the modern elite athlete. It is an imbalance that has its root cause in the Games and in our understanding of sports, and which led her to turn her attention to this matter.

Ce que nous appelons aujourd'hui "sport" combine de façon complexe l'héritage de deux époques, en même temps que de deux systèmes de valeurs et d'idéaux. Il mêle les projets de l'éducation physique (équilibre, bien-être, santé, éducation) et le développement du sport à proprement parler (au sens du sport de compétition, concept modern défini par la performance (Queval 104).

Sport is a term that can be best thought of as pleasurable activity. *Pratiquer du sport* or *faire du sport* are terms we use when the activity is done as a hobby and we only celebrate the sport as a social activity. Competitive sports, on the other hand, involve intense rivalry (Kyle 105). Both the Ancient and Modern Olympics have involved intense competition; the former was associated with religious celebration, humanity, and the human form. Whether or not the first Games were strictly about religious celebration, they were ultimately physical rivalry. As Donald Kyle argues, "[I]n Greek society sports were seen as an essential part of a good education, a way to establish individual pre-eminence and to define social status, an index of manliness, a therapeutic outlet for aggression, a preparation for warfare, and an appropriate way to honour gods and heroes in festivals"(Kyle 103). Sport is as an activity for which betterment is the intrinsic benefit (Queval 104) but betterment gives way to a different process for the competitive modern professional athlete. I use the term "professional" here in the sense of commitment to their sport rather than the commercial and salary-earning athlete. To stand out or apart from the competition, athletes will no longer be satisfied with betterment but rather reach for super-human performances.

In the first section, I demonstrated that the Olympic Games are like no other athletic competition, in part because of what the Games represent and the guiding principles they hope to achieve. The governing philosophies and guidelines of the Olympic Games were engraved in the Olympic Charters and both the IOC and the athletes have understood that they have a role to play

beyond athleticism. The IOC has striven to keep the games fair and played by amateurs, and the athletes were to conduct themselves according to the “Olympic philosophy”. While certain rules were clearly established, others have been open to interpretation, and the line between fairness, competitive edge and cheating is sometimes ambiguous. Nevertheless the Olympic Charters and the duties of sportsmanship that regulate the participants’ conduct ethically bind athletes. This is the Kantian principle of ethics, that what is right is where our responsibilities and duties lie. In all sporting, cheating is always a prohibited activity.

Part 2

Professional Athletes and Performance-Enhancing Drugs

a. Professional Athletes

Still a great event, even without professionals

The second section will be dedicated to the issue of professional athletes and Performance-Enhancing Drugs (PEDs). These two issues have plagued the Olympic Games for the better part of the twentieth century and beyond. The presence of professional athletes at the Olympic Games is linked to the definition of what an amateur athlete is, which was discussed previously. There has been much discussion over the participation of professional athletes. At the heart of the debate has been whether the professional athletes offer a better performance and spectacle than the amateurs. Also, those who favour the presence of professional athletes at the Olympic Games believe that the games are precisely for that purpose—a platform for the world’s best athletes to perform.

In fact, these arguments are not well connected and are fallacies. The Olympic Games *does* attract the top international athletes and *is* an exciting sporting event. No one can overlook

the incredible performances from American swimmer Michael Phelps, winning an extraordinary twenty-eight medals between 2004 and 2016, or those of Jamaican sprinter Usain Bolt, who won eight gold medals over the span of two Olympic Games. Athletic excellence is not limited to the recent Olympiads. Between 1956 and 1964, gymnast Larisa Latynina, from the former Soviet Union, won eighteen medals; American Mark Spitz won an unprecedented seven medals during the 1972 Olympic Games in Munich. The idea that the Games would not be exciting without the presence of professionals is clearly belied and debunked with these examples.

There are several reasons why professional athletes should be excluded from the Games. The first is that professional athletes make poor role models and do not necessarily reflect the guiding ethos. In addition, while the issue of amateur athletes has been a bone of contention, let us not compound the matter by allowing any-and-all professionals. Finally, if professionals are to compete in the Olympic Games, there will no longer be a competition reserved for the amateurs.

The participation of professional athletes is not a new or recent problem for the Olympic Committee; in part, this issue developed out of the inability to address the issue of state sponsored athletes who, according to the charter, were non-paid and therefore amateurs. But beyond the debate of their status, should professionals be permitted to participate in the Olympics?

One of the reasons that De Coubertin wanted to exclude professional athletes was that, while undoubtedly as passionate about their sports as amateurs, the professional athletes are also motivated by money— that is not to say that today's amateur athlete is not also motivated by money— but the principle difference is that many professional athletes are governed by collective agreements and unions. The IOC has been the sole governing body of the Olympic Games and the governance by the various professional unions appears to offer a conflict of loyalties for the

professional athlete. Are they to be loyal to the guiding principles of the Olympic Charter or to articles of their collective agreements? Before you answer that both can coexist, let me remind you that, as of July 2017, the Executive Branch of the National Hockey League (NHL) has decided not to participate in the 2018 Winter Olympics; the player's association has strongly denounced the NHL's decision but does not intend to defy their decision.

The players are extraordinarily disappointed and adamantly disagree with the NHL's shortsighted decision to not continue our participation in the Olympics. This is the NHL's decision, and its alone. It is very unfortunate for the game, the players and millions of loyal hockey fans (NHLPA Statement on NHL's 2018 Olympic Winter Games Decision).

While the player's association is stern in its criticism of the NHL decision, it does not defy its authority. This conflict is symbolic of the relationship between the IOC and professional athletes. Therefore, the athletes, while interested in participating in the Games, have loyalties to their collective agreements first and foremost. Professional athletes should also be excluded because there ought to be a place where amateurs can thrive and compete.

What place for the amateur

The issue of amateurism has been debated *ad nauseam*, but the one participant we often fail to consider is the amateur who is unpaid⁹ and who is not represented by a player's union or association. I alluded to this issue when I address the advent of professional athletes. I mentioned that, since the professional athletes have been participating at the Games, few to no amateur was ever able to participate, let alone win, at the Olympics when paid professionals competed in the same events. This goes for both team and individual sports, from golfers to

⁹ What is meant by unpaid is that the athlete receives no direct salary for his/her performance.

tennis players, cyclists, and, of course, hockey and basketball players. Once professional athletes from these disciplines have entered the Olympics, it appears it is nearly impossible for an amateur to compete against the professional, both as a competitor on the field and a competitor to vie for a spot on the team sports. Let me explain. If you are an amateur ice hockey player and are considered a top prospect, how can you reasonably expect to be able to crack the line-up when the coaches and managers select exclusively the top players from the professional league? The space dedicated to the amateurs seems to be vanishing, to the benefit of the professionals. Amateurs no longer even have the opportunity to compete for a spot in the Olympics and that, of course, creates an unfair advantage for the professionals. To further illustrate this inequality; how can athletes compete whose countries do not have a professional league? More and more professional athletes are asking the IOC for permission to participate in the Games: the latest to seek permission are professional boxers.

There was a time when would-be-professional boxers made their mark at the Olympic Games. Mohammed Ali—formally Cassius Clay— for example, was a gold medalist as a Light middleweight boxer at the 1960 Olympics in Rome, as was Leon Spinks, in 1976, and Evander Holyfield, in 1984. All of them spring boarded their careers to become professionals after their participation at the Olympics. I am not suggesting that amateur athletes cannot compete against professionals; I am suggesting that it would be an unfair advantage for an amateur to be obligated to compete against a professional. Of all the sporting events, wrestling and boxing seem to be the fairest of the Olympic disciplines because it classifies athletes by weight, creating a fair competition between athletes. However, that balance could be disturbed if professional athletes entered that realm. But, beyond the problematic of their professional allegiances or making it nearly impossible for amateurs to compete, the final reason why professional athletes should be

excluded from the Games has to with the athletes' almost Machiavellian desire to maximize the longevity of their careers: the rampant use of anabolic steroids.

b. The uses of Performance-Enhancing Drugs

East Germany, Dubin Inquiry and Major League Baseball

The issue of anabolic steroids always seems to loom over the result of competitions at the Olympic Games. In fact, beginning in the 1970's – and continuing in every decade that followed – the games have been plagued by numerous doping scandals. During the 1960's, the East German government began a State-sponsored doping program with the specific objectives of regaining international power and prestige; sports was the means and the Olympic Games the preferred stage. Its doping program would reach its apex during the 1970's and 80's, when the tiny country would dominate the summer Games. Between 1972 and the reunification of East and West Germany, East German athletes would win a total of 443 Olympic medals (1972 Olympics - Munich Summer Games Results & Highlights; Montreal 1976 Olympic Games; Moscow 1980 Summer Olympics - Results & Video Highlights; Los Angeles 1984 Summer Olympics - Results & Video Highlights; Seoul 1988 Summer Olympics - Results & Video Highlights). The most impressive Olympic performances were from the women's swimming events. The East German women athletes competed in 13 events, won gold medals in 11 of those events, and furthermore, set new world or Olympic records in all of the events for which they won gold medals.

The full scope of the State sponsored doping program would come to light in 1998, when former East German swimmer Karen Konig entered a Berlin courtroom to give evidence in what would prove to be one of the darkest periods of amateur sports in the quest for gold medals. She and fellow East German – primarily female – athletes would reveal that, beginning in the 1960's, East German athletes were systematically and - more importantly - unknowingly being

administered anabolic steroids to increase their athletic abilities. Doctors and trainers would testify that the former East German Republic began to implement a doping program with the specific goal of showing the superiority of the communist regime to its capitalist neighbour, West Germany. “East Germany viewed sport and competitive games as an opportunity to gain recognition on the international political stage, while offering its athletes a chance to bring glory to a nation in ‘turmoil’ (Ungerleider 17).

Of course, this violates Kantian ethics specifically in that mankind should not be a means to an end, and the ultimate end was to regain international prestige. Additionally, certain athletes were unaware that they were being administered steroids, undermining a person’s ability to make a rational decision. However, some athletes were willing and consented to being administered steroids.

In the Kantian ethics of agent- and patient-centered deontology, the spectators become defacto patient-centered participants who expect the competitors to respect the established rules. Finally, the fact that they agree to take steroids necessarily means that their body is no longer theirs; it becomes the instrument of another – in this case, the State.

Canada has not been immune from steroid scandals. The most infamous case involved Canadian sprinter Ben Johnson, who was stripped of the gold medal during the 1988 summer Olympics after traces of stanozolol were found in his urine. In spite of the creation of a doping oversight agency, the World Anti-Doping Agency (WADA), in 1999, Olympic athletes continued to use steroids during the 1990’s and into the new millennium, culminating with Russian’s “Institutionalized Doping Conspiracy and Cover Up” (McLaren 1). But before delving further into the issue of steroids and my arguments for the continued ban of their use, it is

important to understand how the issue of performance-enhancing drugs came to light, what they are, how they work and how they create an unfair advantage for the users.

There have been many Commissions of Inquiries that have examined the ongoing use of anabolic steroids at both the amateur and professional levels. The Cycling Independent Reform Commission conducted an investigation into doping amongst cyclists in 2015; in 2007, Major League Baseball conducted its investigation after persistent reports of steroid use amongst professional baseball players. Its investigation revealed a rampant use of steroids amongst Major League players.

In 2002, former Major League Baseball player Ken Caminiti estimated that “at least half” of major league players were using anabolic steroids. Dave McKay, a long time coach for the St. Louis Cardinals and the Oakland Athletics estimated that at one time 30% of players were using them. Within the past week, the former Cincinnati Reds pitcher Jack Armstrong estimated that between 20% and 30% of players in his era, 1988 to 1994, were using large doses of steroids while an even higher percentage of players were using lower, maintenance doses of steroids. There have been other estimates, a few higher, many lower, all impossible to verify (Mitchell SR-2)

Dubin Inquiry: Commission of Inquiry into the Use of Drugs and Banned Practices Intended to Increase Athletic Performance.

Arguably, the most comprehensive inquiry that has looked into amateur sports and the use of performance-enhancing drugs was the Canadian ‘Commission of Inquiry into the Use of Drugs and Banned Practices Intended to Increase Athletic Performance,’ headed by former Chief Justice of Ontario, the Honourable Charles Dubin; the Commission became known as the ‘Dubin Inquiry’. The Commission heard from 122 witnesses, including 48 admitted steroid users, and 70 lawyers making 103 legal representations. The final document contained 638 pages, at an

estimated cost of 3.7 million dollars (Moriarty, Fairall, and Galasso 26,27). The inquiry was commissioned following the 1988 'Ben Johnson Scandal' at the Summer Olympics in Seoul South Korea. The Dubin Inquiry revealed a widespread use of performance-enhancing drugs amongst track and field athletes, weightlifters, bobsledders and wrestlers (Dubin97; Moriarty, Fairall, and Galasso 27). The various Commissions all had the primary objective of exploring the extent of drug use in their respective sport; they all needed to define what drugs were used; all Commissions identified different types of drugs that were being used and their specific purposes.

Performance-Enhancing Drugs: What are they and what do they do?

Trying to define what doping is has proven to be a difficult task. In its investigation into drug use in amateur sports, the Dubin Inquiry struggled to find a clear definition of what is doping. They discovered that not all drugs are banned substances and not all banned substances are performance-enhancing drugs. Furthermore, some substances are only banned by specific sports and disciplines. Alcohol, for example, is not a banned substance in any Olympic competition other than archery. Caffeine and ephedrine, for example, are both known to stimulate the central nervous system and elevate the heart rate, but ephedrine is banned while caffeine, its close relative, is not. Excessive exercising can cause strain on joints and muscles, yet painkillers such as codeine are not prohibited, while anabolic steroids, which help the muscles repair himself or herself, or creatine monohydrate, which helps provide nutrition to the cells, are prohibited.

The Dubin Inquiry defined anabolic steroids as being chemical derivatives of the hormone testosterone. The word 'anabolic' signifies the tissue building effect of the substance. The word 'steroid' refers to a family of substances found in plants and animals, including cholesterol, bile acids, toad poisons, sex hormones, and plant toxins. Anabolic steroids are only a

small part of the family of substances called steroid” (Dubin 100). Athletes were using performance-enhancing drugs that were specifically designed for their discipline and each drug acted uniquely. We deduce the illegal use of steroids in sports and in Olympic competition from our understanding of the medically accepted use of them.

In its inquiry, the Dubin Commission identified the medically accepted use for anabolic steroids:

- 1) testosterone deficiency (resulting, for example, from testicular or pituitary disease or castration);
- 2) metastatic breast cancer (where the anabolic steroid may inhibit the growth of the cancer);
- 3) debilitating conditions (in chronic disease, burns or other injuries requiring restoration of protein levels) but the effectiveness of this treatment is uncertain;
- 4) a rare condition called hereditary angioedema (Dubin102).

It is also important to note that the Commission found “no current medically acceptable uses for anabolic steroids in sports medicine (Dubin 101). So, we can reasonably conclude that all steroids used in sports are used for deceitful purposes. So what do PEDs do?

In the world of amateur sports, two performance-enhancing drugs are the drugs of choice: anabolic steroids and Human Growth Hormones. Medical researchers first developed synthetic testosterone in the 1930s, primarily to treat men with low testosterone. Steroids are synthetic deviates of the male hormone. Anabolic steroids, as opposed to androgenic steroids, increase muscle mass, strength and accelerate the recovery time, allowing athletes to over-perform. The use of steroid is not only rampant in professional sport: it has permeated the world of amateur athleticism.

But, finally, why ban steroids? Wouldn't permitting all athletes to take PEDs level the field? I suggest that, even if athletes were allowed to take any type of PED, the various drugs will have different results on individual athletes. As unique as the athletes are, so are the effects of PEDs. To simplify, if two athletes weighed and measured precisely the same and took exactly the same amount of PEDs, the result would not be the same. Therefore, it would be nearly impossible to assure fairness, even if a governing body oversaw the use of PEDs, because of how they act on each individual. You will notice that I have avoided the health-related arguments on the use PEDs, for the simple reason that the opinions on the matter are extremely divided. I do not intend to completely ignore the debates, but rather present the opposing views, to demonstrate how difficult it is to come to a reasonable conclusion on the adverse effects of PEDs.

John Gleaves demonstrated the contrasting opinions in his 2014 article entitled, "Before the Rules Were Written." Many think that health is the principle reason why PEDs ought to be banned (Gleaves, Llewellyn, and Lehrbach 88). Michael Lavin, of the University of Tennessee, claims that three typical arguments are often used when advocating for the continued ban on PEDs. The first is health; the second is danger; and, finally, there is the argument based on coerciveness: Permitting its use would create a "coerciveness that would force clean athletes to the use of dangerous substances that they would otherwise not genuinely wish to use" (Lavin 37). He goes on to argue that the unfairness argument becomes vague when we are unable to explain precisely how, beside the fact that the substance is banned, the athlete benefits from the usage. I disagree with this argument. We ought not to allow its usage based on the fact that we cannot explain how an athlete benefits from PEDs; we ban its usage *precisely because* we cannot conclusively explain its benefits or its hazards. Imagine if this position were used to ban or allow

cigarettes: that, just because, at the time, we are unable to explain the adverse effect of nicotine, we should allow its use, when, in fact, the danger of the substance has become clear, in the fullness of time. In fact, sprinter Jesse Owens, to whom we have previously referred, passed away of lung cancer. It was believed, in the 1920s, that athletes should be given cigarettes as a training tool, as it elevated the blood pressure and heart rate. As for the health argument, this is one of the most debated when discussing PEDs. The health and danger issue is related to the harm an athlete would sustain while using steroids.

The danger of certain sports often outweighs the harm that steroids would do. Let us take the examples of boxers and football players. The, once largely ignored Chronic Traumatic Encephalopathy (CTE) has recently come to the forefront in recent years. Athletes who are subjected to repeated blows are likely to suffer from this illness. There is no denying the harm that some sports can cause athletes, but that still is not a justification for allowing the use of PED's.

The justification for permitting the use of PEDs can also be used to support its continued use. In fact, whether PEDs are unhealthy, harm the athletes, or, finally, whether the overall acceptance of PEDs would force athletes to use substances they not normally choose to use, our lack of knowledge on the adverse effects of PEDs is the reason we should continue its ban.

Conclusion

Since their re-inception, the Olympic Games have struggled with ensuring a fair level playing field for the competitors. They have grappled with defining who could participate in the events and the purpose for their participation. The first struggle was whether the participants were to be professionals, amateurs, or both. How the IOC envisioned the Games—the driving force behind the IOC was Pierre De Coubertin—was as a venue to promote international cultures through physical fitness. The Olympic event developed a philosophy where the values of fair play and participation were more important than winning. But the nature of man has made human competition a very antagonistic contest. To ensure that the athletes competed in a gentlemanly fashion, the Olympic forefathers opted to make the Olympic event the sporting competition dedicated to youth education, in which the participants would be strictly amateurs; rules were adopted and established to ensure fair play. While some rules were clearly established, others were subject to interpretation. Philosopher Emmanuel Kant has provided a framework with which to address the potential ethical ambiguities. He believed that what was right was based on our sense of duty rather than expected outcome. The application of the categorical imperative as theorized by Kant is useful in addressing the question of PEDs and that of the inclusion of professional athletes because, from its inception, the Games were regulated and, of course, the nature of sports competitions requires rules to insure fair play. The Games have undergone profound changes since their inception and the greatest change has come as a result of the advancement in sports technology. However, not all technology is permissible. Altering one's body using artificial chemicals would be ethically unacceptable. Allowing disabled athletes to participate in Para-Olympic Games is very different from allowing a normally-abled person to intentionally disable him/herself to be able to participate in the Olympic Games. Of course, such

intentionality differs from the issue of someone who suffers from Body Integrity Identity Disorder, which raises the question: Should we, or can we, allow a trans-humanism athlete to compete in the Games and, if so, to what extent can we permit athletes to transform their bodies for the purpose of athletic performance? We have seen the case of Oscar Pistorius and the challenges he encountered trying to participate in the Games. Pistorius was a double amputee, of course, but what if an athlete were a single amputee? Would we allow a single amputee to surgically remove a healthy leg for a chance to participate in the Olympics? Given the social programs and financial assistance extended to handicapped individuals, should society compensate those who opt to transform their bodies to the benefit of a possibly short lived athletic career? The future of the Games and trans humanism is an interesting ethical question, which should be the subject of future studies.

The Olympic Games have undergone tremendous transformations and are now at a crossroad of further changes. At the heart is whether to allow all professional athletes to participate in any and all sports or whether to limit their participation — to sports where only other professionals compete — or to only allow amateur athletes. The *status quo* would continue to disadvantage amateur athletes who are asked to compete against professional athletes, who often have unlimited resources due to their financial wealth, or amateurs who are trying to secure a spot on a team sport, which is highly unlikely. How should the issue of professional athletes be addressed at the Olympics? Should they completely be banned from participating? Perhaps the IOC could stage two types of Games: Games dedicated solely to amateur competition and those events where only professional athletes could participate. In fact, the Games could, in the foreseeable future, have many classifications of events and of types of athletes.

The Games already have Para events; however, they are only held after the “regular” Games have concluded. Why not celebrate the Para or even trans human athletes and hold both events simultaneously?

Finally, what about PEDs? Should we allow their use as some propose? Much has been written on the pros and cons of PEDs and, as expected, the opinions are divided, but the crux of those who are in favour of athletes using PED’s is the by-product of a better athlete and a better athletic performance. While the health issue is central to the arguments of both the advocates and opponents, few ever discuss the coerciveness that PED’s expose athletes who are unwilling to put themselves at risk to achieve athletic superiority. However, let us imagine a future where PED’s would be permissible in the Olympics—entirely or limited and regulated: what kind of sporting event would we be witnessing? While we might think it is difficult to imagine, the sporting world is filled with events where athletes have excessively used and abuse PED’s. The field of bodybuilding — while not an Olympic event — is an example of the proliferation of Performance-Enhancing Drugs. The sport of bodybuilding encourages the overdevelopment of the human body. Bodybuilders regularly use Human Growth Hormones (HGH) to achieve their desired physical condition. Bodybuilding as a sporting event is perhaps the result of what happens when the sporting industry has a free-for-all attitude. The sport is so defined by its rampant drug use that it has created a category of “Natural” participant — those who are drug free — in addition to the Classic categories, which do not place any restrictions on PED’s.

The other sport that illustrates the excess of Drug use is professional wrestling with the WWF (now WWE). At first glance, the athletes appear to be fighting with one another. Competitors appear to be punching, slapping, body slamming, and throwing their adversaries over a 12 foot ring. Any of these actions could cause serious harm, and some incidents and some

injuries have occurred, but given the extreme and violent fighting, it would be reasonable to assume that injuries would be a daily occurrence. However, when independent sporting federations began to take a closer at the sport of professional wrestling, the World Wrestling Federation, the company overseeing this professional wrestling, was forced to admit that their event was less of a sport and more an entertainment show; they changed their name from World Wrestling Federation to World Wrestling Entertainment (WWE). Therefore, if the Olympic Games allowed PEDs —as some propose —and allowed professional athletes to compete, there would be a real possibility that the Games would evolve into a spectacle similar to Bodybuilding or professional wrestling.

In sum, this work has shown how two issues have come to tarnish the gloried history of Olympic Games and have create unfair advantages: Professional athletes and the state of amateurism at the Games and the use of Performance-Enhancing drugs. Both issues have dogged the Games almost from the onset of the Games themselves. In the case of the professional athletes, their participation has sparked numerous debates that stems from the ambiguous understanding of what defined an amateur athlete. This of course was not an issue for Pierre De Coubertin who had envisioned the Games as an event to unify cultures, promote youth and sports. De Coubertin and the Fathers the Modern Games preferred amateurism for its values and the passion of sport over the professional athlete who was dedicated — perhaps erroneously — to a salary. The amateur the IOC believed that amateur athletes displayed nobility and a sense of fair play, which were aligned with the Olympic spirit. Nonetheless the paid athletes were excluded from the Games but those who were state-sponsored were not. I have shown that in the last decades of the 20th century professional athletes have entered several sporting events and immediately created an unfair disadvantage to those they competed against and against those

who tried to secure a place on national teams. I have shown that since the celebrated U.S. basketballs “Dream Team” in 1996, all, but one player, have been professional players from the National Basketball Association (NBA). The same observation was made with ice hockey players. I have argued against the false proposition that professional athletes offer a better sports performance. In fact some of the Olympic Games most prolific winners have come from sporting fields where no professional leagues existed. I have also argued that the Games have defined athletes rather than the Games being defined by marquee players. But whereas professional athletes have raised the question whether the Olympics should remain an amateur event no other issue has ever tarnished the Games as the ongoing use— and abuse — of performance-enhancing drugs. Again I have argued against the use of PED’s because again it gives the users an unfair advantage over their competitors. But why not allow PED’s? This proposal is often suggested as a method to legislate and control what athletes can use. I have shown that legislating the use of PED’s is not only impracticable but it would expose unwilling athletes to engage in doping practices for which they are unwilling. I have intentionally avoided the common position that steroids are harmful and for that reason alone they should be banned. I have presented a counter argument that some sports expose the athletes to more harm than the use of PED’s and, while the science behind the benefits— or harm — over the long-term use of PED’s is still studied, it is precisely because the researchers are still unsure that its prohibition ought to be maintained its continued ban ensuring that sporting performances are the result of athletic training and determination rather than genetic manipulation.

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