"Paternalism, Drugs, and the Nature of Sports"

Brown

Paternalism

• Paternalism is the view that it is permissible to limit another's freedom and autonomy to keep them from harming themselves or others
• Two Types of Paternalism (Dworkin)
  • Soft Paternalism
  • Hard Paternalism

Strategy

• To consider the question of whether performance-enhancing drugs should be prohibited
  • In particular, Brown considers the issue from paternalism

Soft Paternalism

• Soft paternalism: paternalism is justified in those cases where the person for whom one is acting paternalistically is not competent
  • The lack of competence concerns cases of not acting voluntarily, including cases of immaturity, ignorance, incapacity, or coercion
  • Cases of soft paternalism clearly apply to children and the mentally incompetent
Hard Paternalism

- Hard paternalism: paternalism is justified in those cases where the person for whom one is acting paternalistically is acting voluntarily
- The person being restricted is acting voluntarily, is informed about the consequences, and is emotionally prepared to deal with the consequences
- The consequences are such that they may lead to harm, disability, or loss of liberty
- Cases in which hard paternalism arises are selling oneself into slavery, helmets and motorcycle riding, etc.

Soft Paternalism and Children in Sports

- Children playing sports is clearly a case where soft paternalism applies
- Children are not fully competent agents
  - Children are immature, lack education and understanding, inexperienced, and prone to act in harmful ways
- Three Cases for Soft Paternalism
  1. Safety Cases
  2. Health Cases
  3. Educational Cases

1. Safety Cases

- Paternalism is justified in children's sports to ensure the safety of children when playing those sports
- Examples: Proper safety equipment, limiting size in contact sports, etc.
- Coaches, parents, and others are acting to protect the children from harming themselves
- The assumption is that the children would also see the justification for the restrictions, if they were mature and competent individuals

2. Health Cases

- Health and safety cases overlap
- Health cases are concerned with training; medical evaluations, treatment, and therapy; nutrition; and, rest
- Children do not have enough experience and knowledge to know what is in their best health interests
- In fact, children have a tendency to ignore such concerns of moderation and restraint
3. Educational Cases

- Coaches and parents play a role in educating children not only about the sport and skills but also about certain attitudes and values
- Example: cases where a coach benches a player for unsportsmanlike behavior, cheating, unfair or dishonest comments or actions
- Example: the coach limits certain training regimens because they are harmful but explains to the child athlete why they are harmful and why s/he should wait before using the technique

Two Types of Drug Use in Sport

A. Medicinal (Restorative) Use: when drugs are used for medicinal or restorative purposes and where those drugs are not significant performance enhancers
- Example: drugs to control mild epilepsy

B. Enhancement (Additive) Use: when drugs are used to enhance training, performance, and competition
- Example: steroids

Enhancement Use and Child Sports

- Enhancement use of drugs is associated with winning and winning at all costs (attitude linked with professional sports)
- In children's sports, the attitudes linked to enhancement use of drugs conflicts with the values that society hopes to instill in children through athletics and sports
- Limiting the use of drugs in children . . .
  - emphasizes freedom through self-determination;
  - "accords with ideals of a reasoned, autonomous, [and] well-balanced life";
  - facilitates the ranking of values; and,
  - emphasizes skill, training, and motivation as keys to success.

Enhancement Use and Adult Sports

- It is easy to see how restrictions on enhancement drug use by children can be justified
- But, can similar justification be made with adults?
- One soft paternalist response is to assert that adults who use enhancement drugs are not really rational, informed, or emotionally mature adults
- Treating adults in professional sports like children is not convincing
Adults in Sports

• Adults’ motivations and values are different from children and should not be confused

• For many adults, winning is more important than other values and adult motives may include fame, fortune, patriotism, ideology, etc.

• The benefits of using enhancement drugs may outweigh their risks
  "We may not accept such values or wish to encourage such motivations, but in a free society they are permissible; we may not deny them, to those who choose them, on grounds of paternalism. Where such values predominate, the risks of drugs may be outweighed by the benefits they may bring." (259)

Risk and Social Impact

• The soft paternalist might argue that the use of enhancement drugs and subsequent risks imposes a social cost

• Counter 1: society isn't burdened with the medical costs in sports

• Counter 2: society benefits from the risks in sports through psychic enjoyment

• Counter 3: why single out one class of risks from other risks in sports?

Risks in Sports

• Is risk taking in sports irrational?

  "There seems no reason to suppose that taking risk in sports, even great risk, is inevitably irrational, self-destructive, or immature…. Nor is it plausible to suggest that we forbid all of the sports which involve such risk, such as mountain climbing, sky-diving, or even boxing." (260)

• Since risk-taking cannot be seen as irrational and justify paternalistic restrictions, then one cannot argue that risks associated with enhancement drugs are irrational and justify paternalistic restrictions.

Enhancement Drugs Violate Sports' Values

• The paternalist might argue that the use of enhancement drugs is inconsistent with the values of sports, in particular fairness, balanced competition, and the good life

• Counter: There is no single conception of sports and the value of sports

  • While fairness is often stressed, it is permissible for athletes and coaches to keep their training regimens secret in order to gain an advantage over the competition

  • And if fairness were applied consistently, then all athletes who so desired should have equal access to enhancement drugs
Sports' Values and Technology

- Another paternalist argument might stress the importance of fortitude, determination, and hard work over the risk and the use of technology

- Counter: Lots of sports employ technology and technological advancements as part of the sport (e.g., luge, skiing, mountain climbing, tennis, etc.

- What would justify restricting drug enhancement technologies at the exclusion of other technologies used in sports?

- "It seems artificial indeed to draw the line at drugs when so much of today's training techniques, equipment, food, medical care, even the origin of the sports themselves, are the products of our technological culture." (260)

Paternalism's Paradox

- Paternalism in sports is often justified on the claim that sports reflect a certain set of values and these values are worth pursuing in order to achieve some general good

- If one paternalistically restricts athletes' use of enhancement drugs in sports, then one assumes to know better than the athlete what the goods of sports are and how to achieve these goods

- In paternalistically restricting athletes' use of enhancement drugs in sports, one denies those athletes the very qualities which one claims to value; namely, "self-reliance, personal achievement, and autonomy" (260)

- Paternalism in sport is paradoxical: one has to deny certain values in the process of promoting the same values