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A PHILOSOPHICAL ANALYSIS OF OLYMPIC ELIGIBILITY, VALUES, AND AUXILIARY RULES

Sarah Jane Teetzel

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A PHILOSOPHICAL ANALYSIS OF OLYMPIC ELIGIBILITY, VALUES, AND
AUXILIARY RULES

(Spine title: Olympic Eligibility, Values, and Auxiliary Rules)

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by

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A thesis submitted in partial fulfillment
of the requirements for the degree of
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ABSTRACT AND KEYWORDS

This dissertation examines whether or not the rules governing participation in the Olympic Games facilitate the attainment of the values and ideals associated with the Olympic Games. Compared to the constitutive and regulative rules of sport, little critical analysis has been done on sports' auxiliary rules concerning who can compete and under what conditions. While restrictions on entries are warranted to ensure the size of the Olympic Games does not grow to include an unmanageable number of competitors, some rules that limit eligibility appear to be more unfair and discriminatory than others. Utilizing a mixed ethical framework, which focuses on rule-consequentialism and the moral concepts of equality, justice, and moral desert, through a liberal feminist lens, this dissertation examines the moral acceptability of current Olympic eligibility rules.

Four components are common among many conceptions of Olympism. The four aspects include: 1) an emphasis on fairness and fair play, 2) expectations of equality and non-discrimination, 3) a focus on ethical behaviour, and 4) the belief that the Olympic Games offer educational prospects for youths worldwide. A thematic analysis of the *Olympic Charter* and a representative sample of rulebooks of the International Federations (IFs) rendered six themes of rules that restrict eligibility to compete at the Olympic Games: 1) sex and gender; 2) anti-doping; 3) citizenship; 4) behaviour and dispute resolution; 5) uniforms and competitive attire; and 6) age limits. Each theme was critically analyzed to determine if the rules restricting eligibility are morally acceptable or unacceptable and in need of revision.

Through a comparative analysis of the Olympic ideals and the eligibility rules of participation it was determined that auxiliary rules set by the IOC and IFs both hinder and

facilitate the pursuit of the Olympic ideals. Several imposed auxiliary rules pertaining to an athlete's eligibility to compete at the Olympic Games are in opposition to the goal of promoting equality, fairness, ethical behaviour and education through sport. The most pressing inequities stem from rules that restrict women from competing in a program of events equitable to the men's program and rules that violate athletes' rights to autonomy and privacy.

Keywords: Olympic Games, auxiliary rules, eligibility, Olympic ideals, Olympic values, rules, rule-consequentialism, sport ethics

DEDICATION

This dissertation is dedicated to my dad, Gord Teetzel, whose love and support made me believe I could accomplish anything. It is also dedicated to my mom, Candy Teetzel, and my sister, Heather Teetzel, who gave me the motivation I needed to finish my degree.

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LIST OF ABBREVIATIONS

AIBA	Association Internationale de Boxe
CAS	Court of Arbitration for Sport
FIFA	Fédération Internationale de Football Association
FIG	Fédération Internationale de Gymnastique
FIL	Fédération Internationale de Luge de Course
FIVB	Fédération Internationale de Volleyball
FSFI	Fédération Sportive Féminine Internationale
IAAF	International Association of Athletics Federations
IBU	International Biathlon Union
IF	International Sports Federation
IIHF	International Ice Hockey Federation
IOC	International Olympic Committee
ISF	International Ski Federation
ISU	International Skating Union
NF	National Sport Federation
NOC	National Olympic Committee
OCOG	Organizing Committee of the Olympic Games
UCI	Union Cycliste Internationale
UIPM	International Modern Pentathlon Union
VANOC	Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games
WADA	World Anti-Doping Agency
WADC	World Anti-Doping Code

CHAPTER I

Introduction

The Olympic Games¹ are rule-governed festivals that represent more than elite-level, multi-sport competitions according to the organizers, the International Olympic Committee (IOC). Rules and definitions abound in the Olympic Games' operating manual, known as the *Olympic Charter*, which stipulates when, how, and why the Olympic Games take place. To examine the rules involved in the Olympic Games, one must first understand the function of rules in games and sport. Bernard Suits' widely-accepted definition of games includes four elements stipulating the necessary and sufficient conditions of games.² According to Suits:

to play a game is to engage in activity directed toward bringing about a specific states of affairs, using only means permitted by specific rules, where the means permitted by rules are more limited in scope than they would be in the absence of rules, and where the sole reason for accepting such limitation is to make possible such activity.³

From this passage, one can identify clearly the four elements of games: 1) the goal of the game, 2) the means one can use to achieve the goal, 3) the rules of the game, and 4) the attitude players must adopt, which is known as a lusory attitude.⁴ Using this definition of games, a workable definition of sport follows:

all sports possess the same four essential characteristics of games previously delineated and, in addition, one significant, distinguishing feature, namely, sport requires the demonstration of physical skill and, as a consequence, the outcome is dependent, to a certain degree at least, upon the physical prowess exhibited by the participants.⁵

Suits' definitions of games and sport constitute the dominant view in sport philosophy.⁶

Peter Arnold applies these definitions, noting:

What marks out sport, apart from its goal-directed and rule-bound features, is that additionally it is concerned with physical skill and prowess. It should be noted that although play can enter into both games and sport, sport is distinctive in that it places a premium on bodily skill and frequently upon strength, speed and stamina as, for example, in track and field events or in the playing of football or rugby.⁷

Similarly, sport philosopher Warren Fraleigh argues:

Rules specify the goal-within-the contest which all participants must necessarily pursue, the means all participants must use and are allowed to use in pursuing that goal, and the means all participants may not legally use to pursue the goal.⁸

While critics contend that definitions of sport based on Suits' criteria may be too narrow or too broad, too vague or too ambiguous, and may lack internal consistency,⁹ the majority of philosophers of sport accept Suits' definitions of sports and games, which I will use to define games and sport throughout this dissertation.

In all of the above definitions the concept of rules is prominent. The importance of rules in the definitions of games is evident in Suits' conception, where three of his four characteristics of games invoke the concept of rules. All games and sports require participants to perform actions and strategies that are permitted by rules. The rules of sports not only stipulate what actions athletes can and cannot perform, but also identify the goal of the sport and classify particular acts as permissible or prohibited in the pursuit of that goal. Rules in sport are divided into three classes in the philosophy of sport literature – constitutive rules, regulative rules, and auxiliary rules.¹⁰ The literature review will discuss each type of rule in more detail below, but an initial examination and clarification is helpful here. Constitutive rules define a game and specify the acceptable and unacceptable actions and behaviours that participants can and cannot perform during a game. One could read a list of constitutive rules and understand the objective of the game and come away knowing how to achieve the goal of the game. In contrast to

constitutive rules, regulative rules function to 'regulate' or police a game by specifying the consequences that will result if participants intentionally or inadvertently break a constitutive rule. The third type of rule, known as the auxiliary rules, pertains to eligibility, training practices, and pre- and post-event requirements. Auxiliary rules serve the purpose of specifying the conditions participants must meet in order to be deemed eligible to participate in a game or sport.¹¹

For sports festivals such as the Olympic Games, all three types of rules are set by international sport governing bodies. Each sport that is recognized by the IOC has its own International Sports Federation (IF) that sets and regulates the rules for its sport. As defined in the *Olympic Charter*, IFs are "non-governmental organisations administering one or several sports at world level and encompassing organisations administering sports at national level."¹² Each IF administers its sport autonomously; however, the IOC mandates additional rules for athletes, countries, and IFs that must be followed in order to participate in the Olympic Games, which are included in the *Olympic Charter*.¹³ Included among the protocol and organizational specifications in the *Olympic Charter* are rules specifying who is eligible to compete at the Olympic Games and what conditions potential participants must meet in order to qualify. As I will show in this dissertation, the IOC promotes the Olympic Games as more than a multi-sport, elite-level competition by connecting the Games with ethics and values.¹⁴ Consequently, a tension exists between the image of the modern Olympic Games as a source of values and ethics that the IOC aims to promote and the auxiliary rules governing Olympic eligibility that are delineated in the *Olympic Charter* and the rulebooks of the IFs. I will examine this tension, and specific rules contributing to the tension, in subsequent chapters.

Statement of Ethical Issue and Purpose

In this dissertation, I argue that several auxiliary rules regarding eligibility to compete at the Olympic Games hinder the pursuit of the Olympic values and ideals. Through a comparative analysis of the Olympic values and ideals and the eligibility rules of participation, I will investigate whether auxiliary rules of Olympic sports prohibited individuals and groups of people from competing in the past, and whether rules unrelated to the goal or objective of sports continue to work against the notion of equity in sport today. While recognizing that methods of limiting the number of athletes that compete in the Olympics are warranted to ensure the size of the Games does not grow out of control,¹⁵ I question whether some of the rules stipulated by the IOC and IFs are fair and able to withstand moral scrutiny. In performing a critical analysis of who can participate in the Olympic Games and under what conditions, I argue that there are auxiliary rules for competing in Olympic sports that obstruct the IOC's goals of using sport to promote the pursuit of values and ideals, and that rules contradicting the IOC's written goals need to be reviewed and revised.

Justification

The Olympic Games are more than a sports competition. Pierre de Coubertin, who is credited with reviving the ancient festival by creating the contemporary Olympic Games, understood that in addition to sport the Olympic Games are "about politics, broadly understood, and ethics."¹⁶ Sport philosopher Cesar Torres' research shows that for Coubertin and the original IOC members, "the worth of the games did not lie in the athletic events but in their *raison d'être*."¹⁷ Coubertin's writings espouse the view of the modern Olympics Games as a site for peace, equality, and goodwill where humanity is

celebrated.¹⁸ The IOC has certainly not discouraged this image and has consequently attempted to promote the values and ideals first described by Coubertin in his writings on the modern Olympic movement. This study examines whether barriers, in the form of eligibility rules, prevent the Olympic Games from achieving its stated potential. I will identify rules that do not withstand philosophical scrutiny, and I will suggest positive changes to reduce inequitable and discriminatory practices that remain in the Olympic Games. Accepting and maintaining the status quo without critical reflection allows questionable practices to flourish and continue unchallenged. Before positive action can take place, one must identify problems and areas of concern. Once identified and analyzed, suggestions and recommendations, which may be of interest to organizations associated with the Olympic movement and national organizations, can be devised.

The literature on auxiliary rules is sparse. Compared to the constitutive and regulatory rules of sport, very little critical analysis has been performed on sports' auxiliary rules, particularly in regard to the Olympic movement from a philosophical perspective. This area of study has tremendous practical relevance that has been largely neglected by scholars since Meier's influential article, "Restless Sport," defined the topic in the mid 1980s.¹⁹ The two notable works focusing on rules in sport published since Meier's article, Sigmund Loland's *Fair Play in Sport: A System of Moral Norms* and Graham McFee's *Sport, Rules, and Values: Philosophical Investigations into the Nature of Sport*, fully address the application of constitutive and regulative rules, in addition to the value of rules in sport. However, both books do so without direct discussion of the auxiliary rules of sport.²⁰ In most analyses of rules in the sport literature, auxiliary rules

are ignored in favour of examining particular applications of constitutive and regulative rules in specific sports.²¹

It is not uncommon for scholars, reporters, fans, and athletes to question the modern Olympic ideals and the relevance of these ideals to sport today, but they typically result in a call to make sport more fair and equitable, which often fails to move past the theoretical level and produce positive change. A dilemma arises in the Olympic movement when official policies, rules, and regulations fail to maximize the alleged benefits sport can offer. In order to help make the sporting environment more suited for human flourishing, it is necessary to continually reflect upon current practices and to contrast what *is* being done with what *ought* to be done. This type of reflection involves the application and analysis of moral theories. As sport philosopher Scott Kretchmar has argued, "No one has agreed upon a single set of procedures for doing philosophy. The road map... is but one formulation of a multitude of possible approaches."²²

Kretchmar's influential observation on the nature and applicability of moral theories informs the need to specify a clear research perspective and methodology to evaluate the moral acceptability of applied issues in sport.

Methodology

This section describes the mixed ethical theory I employ to examine and analyze the tension between rules and values in the Olympic movement. This approach includes a critical analysis that relies on multiple theories and perspectives, specifically a rule-consequentialist, liberal feminist, non-formalistic approach, to examine the moral acceptability of Olympic eligibility rules that are in opposition to the ideals that the

Olympic movement endorses. Each component of the framework contributes elements that, together, provide a more nuanced understanding of Olympic rules.

A clear understanding of what ethics involves will help illuminate how philosophers of sport approach and study applied ethical issues. Ethics is the philosophical study of morality, and can be considered the "local, particular, thick, stuff of personal attachments, projects and relation."²³ Kretchmar accepts using the terms *ethical* and *moral* interchangeably when discussing philosophical aspects of sport, with the rationale that an "ethical issue is a moral issue."²⁴ Moral norms are justifiable and universal, and as such can be thought of as "very general norms which would be morally optimum in all societies."²⁵ Studying ethics involves moving beyond simply describing empirical norms and the values of a group to also perform a systematic critical reflection.²⁶ Unlike scientific theories where the value of a theory is determined based on its ability to be falsified, ethics and moral norms rely on logic and critical thinking in addition to empirical observations. The study of ethics seeks to address fundamental values "regardless of people's widely different national, ethnic, cultural, socio-economic, and religious background."²⁷ The methodological approach to studying ethical issues in sport can vary depending on the theoretical framework established and the topic that one seeks to analyze.

To analyze the moral acceptability of Olympic eligibility rules, one must address the claimed universality of Olympic values and ideals. Philosopher J. L. Mackie argues the cultural relativist position that "there are no objective values,"²⁸ and philosopher Paul Taylor argues that every "society has its own view of what is morally right and wrong

and these views vary from society to society because of the differences in their moral codes.”²⁹ To elaborate further, Taylor explains:

Since every culture varies with respect to its moral rules and standards, and since each individual's moral beliefs – including his inner conviction of their absolute truth – have been learned within the framework of his own culture's moral code, it follows that there are no universal moral norms. If a person believes there are such norms, this is to be explained by his ethnocentrism, which leads him to project his own culture's norms upon everyone else and to consider those who disagree with him either as innocent but “morally blind” people or as sinners who do not want to face the truth about their own evil ways.³⁰

Relativists argue that a person “who uses the norms of one society as the basis for judging the character or conduct of persons in another society is consequently in error,”³¹ because no society's framework is superior to another's. In rejecting this position, I take the position that societies do not vary so significantly in their interpretations of right and wrong actions to preclude discussion of universal moral values.³²

In response to claims that morality is socially constructed, counterarguments maintain that cultural relativism is self-defeating and illogical because if one accepts that relativism is true then the statement that relativism is false must also be true. In this vein, philosopher Jim Parry argues:

[relativism] is a theory that claims that there are no cross-cultural truths. But we can ask, does relativism apply to itself? If so, relativism is not true (because it says that there are no cross-cultural truths, so relativism is just a cultural practice of Western anthropologists, with no claim to truth and therefore nothing to say to outsiders). So even if relativism could be true, it would make itself false (or, at least, merely relative). But relativism cannot be true, since it claims that there is no such thing as truth.³³

Furthermore, as philosopher James Rachels discusses, “relativism would not only forbid us from criticizing the codes of *other* societies; it would stop us from criticizing our *own*,”³⁴ which would render all critical reflection futile. Often, disagreement rests at the level of beliefs, not values, and further specification of a belief enables interlocutors to

find common ground. Philosopher Peter Singer's explanation that from a moral relativist view there is "no way of moving outside the morality of one's own society and expressing a transcultural or objective moral judgment about anything, including respect for the cultures of different peoples"³⁵ reinforces Rachels' remarks on relativism and helps show the concept behind the idea is self-defeating.

Relativists reject the realist idea that principles can be justifiable and universal. A similar concept, philosophical scepticism, goes one step further and "denies that we can know whether ethical beliefs or claims are justified or whether some are more reasonable and more defensible than others."³⁶ This view goes beyond ordinary scepticism, which involves being wary of accepting unsupported premises and conclusions. From a relativist point of view it is impossible to evaluate any act as right or wrong:

when a normative ethical relativist says that moral norms vary from society to society, he does not intend merely to assert the fact that different societies have adopted different norms. He is going beyond descriptive relativism and is making a normative claim. He is denying any universal validity to moral norms. He is saying that a moral standard or rule is applicable only to those who are members of the particular society which has adopted the standard or rule as part of its moral code. He therefore thinks it is illegitimate to judge the character or conduct of those outside the society by such a standard or rule.³⁷

This perspective is in contrast to Rachels' argument that all societies will have some moral rules in common.³⁸ The Olympic Games serve as an example to illustrate Rachels' argument. One could argue that in international sports the similarities among cultures far outweigh the differences. Sport is an area with considerable overlap between cultures due to the acceptance of systems of codified rules by all participants in order for a game, or any sport on the Olympic program, to take place. In the next chapter, I will examine universal moral values associated with the Olympic movement.

Philosophers who support the idea of universal ethical theories "engage in ethical inquiry and argument to see whether the best reasons support their view rather than to accept it merely because it is the view of the group to which we belong."³⁹ In doing so, one can reach his or her own decision, independent of the beliefs one learned as a child, by reflection to decide "whether to act in accordance with them, or to go against them."⁴⁰ Furthermore, philosopher W. D. Ross suggests critical reflection and thought serve to help people determine what the good and the right involve. He equates critical thought to scientific data with the argument that "the moral convictions of thoughtful and well-educated people are the data of ethics just as sense-perceptions are the data of a natural science."⁴¹ Moreover, Singer suggests that when we engage in critical reflection we are "thinking about what principles we should follow at the everyday level."⁴² Critical reflection is necessary in order to perform a critical analysis of an ethical issue in sport.

In following the tradition of philosophical writing, throughout this dissertation I will look at eligibility rules in the Olympic movement using a critical analysis. William Graham Sumner warned of the dangers of uncritical thought over one hundred years ago, and in doing so motivated logicians, philosophers, and scientists among others to adopt a critical outlook in their research. His warning that critical analysis is needed to "guarantee against delusion, deception, superstition, and misapprehension of ourselves and our early circumstances"⁴³ is still applicable today. A critical analysis involves scrutinizing an issue or a source of information to determine if the argument(s) put forth by the author(s) in support of a conclusion are both logically sound and valid in addition to being descriptively accurate and comprehensive of the issue. Determining an argument's validity and soundness requires knowledge of formal and informal logic.⁴⁴

Logicians describe premises as either true or false. However, the binary and mutually exclusive categories 'true' and 'false' do not accurately account for the grey areas or partial truths that commonly occur.⁴⁵ Hence, the terminology 'acceptable' and 'unacceptable' is often used rather than the stricter notation of true and false. Sometimes it is only possible to accept a premise provisionally; in these cases, the conclusion can only be accepted provisionally as well.

Performing a critical analysis of a topic enables a researcher to evaluate arguments from people with different points of views and perspectives in a more objective manner. Philosophers seek to gain understanding by considering all possible valid and sound arguments with an open mind, and accepting that alternative positions that deviate from one's intuition can be superior. A comprehensive understanding of the issue as a whole, not simply its scientific or economic aspects, for example, is needed to offer morally acceptable recommendations and determine the position that an individual or organization ought to hold in order to come closer to uncovering and understanding how something ought to be.

Comprehensive understanding of an issue comes from discerning and appreciating the concepts and notions that inform a topic under investigation. Kretchmar argues that ethics is always in debt to metaphysics, noting "metaphysical understanding must precede ethical prescriptions."⁴⁶ According to Kretchmar, prior to examining any ethical issue in sport, one must first acknowledge and address the metaphysical foundations in sport that underpin the issue. For example, one must understand what rule breaking involves before one can argue why rule breaking is wrong and how rules ought to be revised.⁴⁷ Philosopher Angela Schneider applies Kretchmar's work in arguing that

“understanding the notion of fair play in sport, requires at the outset an understanding of the nature of sport and its relations to games and play.”⁴⁸ Further corroboration of this view comes from Loland’s observation that a “focused normative analysis requires some conceptual groundwork,”⁴⁹ and Meier’s remark that “it is reasonable to contend that applied concerns in various disciplines can only be addressed after substantive philosophical foundational work has been completed.”⁵⁰

The resulting implication for this dissertation is that sound knowledge of the function and goals of the IOC and the rules contained within the *Olympic Charter* is required before beginning any type of moral evaluation of the acceptability of the rules governing Olympic eligibility.⁵¹ The same rationale has been put into practice by the Fédération Internationale de Volleyball (FIVB), which explains in its *Rules of the Game Casebook* that referees require extensive knowledge of the rules and how to apply them before refereeing a game because successful refereeing requires “full acquisition of the fundamental principles of formulation and application of the rules.”⁵² However, the focus of this thesis is not on the physical and metaphysical foundations of sport. Although I acknowledge the importance of the issue, as described by Kretchmar, Schneider, Loland, and Meier, I defer to the work on the metaphysical foundations of sport expounded in the *Journal of the Philosophy of Sport*. I will not attempt to address the foundational issues of epistemology and metaphysics in this dissertation. Nonetheless, a deep respect for the importance of this issue underpins my analysis.

A further consideration that requires discussion here is the problem of bias and fallacies in arguments. Recognizing biased and fallacious reasoning is an important part of any philosophical examination; thus, “while no litmus test has yet been devised that

would detect all biased or otherwise narrow thinking, we must be forever vigilant in looking for parochial recommendations and then rejecting them.”⁵³ Understanding of the naturalistic fallacy, in particular, is pertinent for this dissertation. Identified by philosopher G. E. Moore in his famous 1903 book, *Principia Ethica*, in which he discussed the “is-ought” problem, the naturalistic fallacy states that evaluative conclusions cannot be drawn from factual premises.⁵⁴ In the context of evaluating the acceptability of auxiliary rules in sport, Morgan’s warning regarding this type of fallacy must be taken into consideration:

any judgment that moves from what the basic nature and point of sport is to a judgment about how sport should be treated is to be roundly rejected on logical grounds, because one cannot deduce a moral “should” from premises that contain nary a single “should.”⁵⁵

Throughout this dissertation, this concept will be taken into consideration and applied in evaluating arguments and applying moral theories.

Using a mixed ethical framework, applicable concepts, perspectives, and insights stemming from a number of traditional, distinct theories can be combined in a pragmatic way to evaluate specific ethical issues in sport. In advocating for a mixed ethical theoretical approach, philosopher William Frankena noted the strengths and weaknesses of several common moral theories. He argued that deontological theories, which focus on intentions, respect people in an admirable way but fail to give similar levels of importance to promoting the good. On the other hand, egoistic theories focused on promoting the good at the expense of respecting other human beings led him to conclude that neither egoistic nor deontological theories alone can provide the framework necessary to analyze applied ethical issues in sport.⁵⁶ Combining aspects of both with other approaches can be more productive.

Frankena's ideas are prevalent in Loland's work and both philosophers maintain that consequentialist considerations are very important in analyzing ethical issues in sport, but are not the only central concerns. Loland supports the use of non-consequentialist constraints in a mixed ethical theory to unite consequentialist considerations with respect for persons and justice.⁵⁷ Similar to the approach Loland used to evaluate fair play, in this dissertation I will use a combination of theories to evaluate eligibility rules in Olympic sports.⁵⁸ While Loland combined "a consequentialist norm inspired by utilitarianism and a non-consequentialist norm for justice"⁵⁹ in his methodological framework, the framework I will use includes Loland's two components plus the addition of a liberal feminist perspective that recognizes the importance of equity, desert,⁶⁰ and intentions.

Governing bodies in sport often investigate issues surrounding fair play, doping, and cheating using frameworks based on consequentialist moral theories. For example, the World Anti-Doping Agency (WADA) and the Court of Arbitration for Sport (CAS) both function under the auspices of consequentialism by basing decisions and evaluations on direct evidence and proof of misconduct rather than on an athlete's character or intention. Sport governing bodies such as the CAS and WADA make rulings based on the evidence with which they are presented. Evaluating actions based on an individual's intentions is notoriously difficult in the sporting context because one can only speculate on the intentions of athletes and officials, and one cannot know if an athlete speaks honestly about his or her intentions or is being deceptive. In addition, good intentions are not an explicit requirement for participation in sport. Making the athlete accountable for any banned substance or method detected in his or her body draws on consequentialist

considerations, as a positive test result is a tangible consequence of an athlete's consumption, either by choice or by inadvertent use, of prohibited practices and methods. Basing anti-doping policies on deontological theories or virtue ethics alone seems inappropriate due to the inherent difficulties involved in judging an accused athlete's intentions or character in a fair and informed manner.⁶¹ As officials associated with the CAS act as judges in sport and render the final decision on athletes' continued eligibility to compete, a method of ensuring that the rules and policies implemented are morally acceptable is required. Before discussing why the study of sport aligns itself well with a framework that includes the consequences of actions and rules, some background information on the theory of consequentialism is required.

Consequentialist moral theories evaluate the moral acceptability of actions or rules based on the resulting consequences. Philosopher Thomas Hurka defines consequentialism as theories that "identify some states of affairs as intrinsically good, and characterize the right action in terms of the quantity of good it produces."⁶² Several contemporary philosophers, including Peter Singer, William Shaw, Michael Slote, Richard Brandt, and Shelly Kagan, have attempted to refine consequentialism to make it more applicable to life today than the traditional accounts provided by Jeremy Bentham, John Stuart Mill, and Henry Sidgwick.⁶³ Although consequentialist moral theories do not automatically emphasize the intentions of athletes, the nature of sport, considerations of justice, or an athlete's right to privacy and autonomy, they are useful tools in evaluating ethical issues in sport and can be used as part of a mixed ethical framework when performing a critical analysis of an applied ethical issue in sport.

The most well known consequentialist moral theory is utilitarianism, which defines the good in terms of happiness or utility, as opposed to justice or any other mode of measuring the consequences of actions. Utilitarian theories invoke a "fluid, flexible, and situational approach to behaviour as long as the end result is worthy of the claim that the greatest good was achieved."⁶⁴ Classical utilitarians Bentham, Mill, and Sidgwick considered the good to be the overall happiness or utility produced by an action; they thought actions were either right or wrong depending on the outcome, namely, if the consequences produced contributed to maximizing the good. According to Sidgwick, utilitarianism can be described as the "ethical theory, that the conduct which, under any given circumstances, is objectively right, is that which will produce the greatest amount of happiness on the whole."⁶⁵ Drawing on Sidgwick's theory, William Shaw proposed a simpler description: "an action is right if and only if it brings about at least as much net happiness as any other action the agent could have performed; otherwise it is wrong."⁶⁶ Many consequentialist moral theories, including Shaw's, incorporate considerations of welfarism and well-being in addition to consequences, which leads to the classification of this type of theory as utilitarian. However, one could describe many different types of consequentialist moral theory by replacing 'happiness' in Shaw's definition above with welfare, justice, or equality and substituting 'actions' with desert, rules, or laws.

Consequentialist moral theories come in many forms and variations. Recent attempts to fine-tune the theory of consequentialism have produced theories that are subjective or objective, direct or indirect, maximizing or satisficing,⁶⁷ and based on acts or rules. However, these theories have in common the stipulation that the moral worth of an action depends on whether the consequences of that action bring about more good than

the consequences of alternate actions. While consequentialist moral theories vary depending on the conception of the good utilized, adopting the common utilitarian motto that an action is good if it produces "the greatest good for the greatest number" enables one to determine the moral acceptability of an act, action, or rule by calculating the net aggregate of 'good' that each possible alternative produces. One should then perform the action that produces the greatest good for the greatest number.⁶⁸

Singer's support of utilitarianism as a moral theory stems from his interpretation that the theory serves as a practical way of evaluating human actions.⁶⁹ Frankena is sympathetic to utilitarian theories for similar reasons. In Frankena's view, utilitarianism balances respect for other people with promoting the good:

What could be more plausible than that the right is to promote the general good – that our actions and our rules, if we must have rules, are to be decided upon by determining which of them produces or may be expected to produce the greatest balance of good over evil?⁷⁰

Frankena's conception of rule-utilitarianism, specifically, involves reflecting on "which rules will promote the greatest general good for everyone."⁷¹ Rule-consequentialists consider the good in terms of the consequences that result from following a rule.

Accordingly, a rule is right if it brings about at least as much net good as any other rule the agent could have followed; otherwise it is wrong and a different rule ought to have been implemented and followed. Evaluating the consequences of rules in sport using the theory of rule-consequentialism seems appropriate since sport is based on a system of rules that define the game and specify the actions participants must follow. I will address the fact that not all rules in sport are moral rules in the literature review below.

Any theory of the right or good that focuses on rules and rule-following is subject to claims of the difficulties and inappropriateness of determining the moral worth of an act based on a system of rules. Frankena addresses this concern, pointing out:

prevailing rules are generally literal, negative, and conservative, not affirmative, constructive, creative, or adaptable to new situations. The most serious objection, perhaps, is the fact that the rules of a society, even its so-called moral rules, may be bad, immoral, or wrong, being unjust or unnecessarily impoverishing of human life.⁷²

Philosopher Thomas Scanlon's work addresses this issue, as he suggests that considerations of fairness and equality can be built into a consequentialist theory by requiring that "in evaluating states of affairs to be promoted, we give equal consideration to the interests of every person."⁷³ Furthermore, philosopher Philippa Foot, who is known for her work on virtue ethics, considers consequentialist theories' focus on consequences to be both the appeal and downfall of the theories.⁷⁴ Foot argues that rule-utilitarian theories are flawed because "surely it will be irrational, we feel, to obey even the most useful rule if in a particular instance we clearly see that such obedience will not *have the best results*."⁷⁵ Rule following hardly seems morally acceptable if the rules one follow are immoral, or if one's preferences are evil, anti-social, dangerous, or coerced. A further criticism of consequentialist theories, and utilitarianism specifically, is John Rawls' opposition based on utilitarianism's failure "to take seriously the separateness of persons,"⁷⁶ and its placement of the good as more important than the right.⁷⁷ The lack of emphasis placed on justice is another notable criticism of consequentialist moral theories. Philosopher Fred Feldman makes a case for including considerations of justice within a consequentialist framework because "sometimes, because of its injustice, the best outcome is not the one we ought to produce ... the greater value might arise, on [a] new

axiology, from the amount of justice in the consequence.”⁷⁸ In the context of sport, Feldman’s idea receives support from the distinction between a good win and a bad win. For example, the amount of good produced from a just and deserving win, known as a good win, seems intuitively greater than the good produced by an unjust or bad win, which occurs when the winning team wins because of poor refereeing, cheating, or despite its inferior skills.⁷⁹

It is not my intention to show in this dissertation that rule-consequentialism, or any other particular conception of consequentialism, is the superior ethical theory, when countless philosophers continue to debate ethical theory at the meta-ethical level. Despite the criticism consequentialist moral theories face, I consider rule-consequentialism an appropriate theory to use in framing and evaluating the auxiliary rules of sport as a component of a mixed ethical framework. As Foot has convincingly proclaimed, “utilitarianism tends to haunt even those of us who will not believe in it. It is as if we forever feel that it must be right, although we insist that it is wrong.”⁸⁰ In the same vein, Judith Jarvis Thompson’s avowal that utilitarianism “keeps on reappearing, every spring, like a weed with a long root,”⁸¹ demonstrates the widespread grasp and persistence of consequentialist thinking despite the remaining problems associated with these theories. Together these statements demonstrate consequentialist theories’ intuitive appeal and worth as a component of a mixed ethical framework for studying applied ethical issues in sport.

To assess the consequences of rules governing Olympic sport, one must take into account not only how a rule will affect the athlete following the rule, but also how each rule will affect the other athletes and competitors, the officials and judges, the athlete’s

family and friends, the fans and sponsors of the sport, and anyone else involved in sport. Clearly, calculating all of the consequences will be challenging. Examining the consequences produced if Olympic eligibility rules that are deemed problematic were modified, compared to their remaining the same, will enable me to evaluate Olympic eligibility rules from a rule-consequentialist perspective infused with relevant discussions from the literature on rights, justice, and equality.

A central criticism of moral theories is that mainstream philosophy, in the past, was neither neutral nor applicable to people who were considered 'irrational' in many theories; in other words, people who were not affluent, white males with power. Many theories require a reader to think of people as independent agents instead of as human beings who place great importance on their relationships with family and friends. In reality, human beings do not function as autonomous agents in the way deontological theories presuppose; instead, humans form relationships with others and take selected other people's best interests into consideration when determining their own.⁸² Feminist frameworks recognize these oversights and flaws in traditional moral theories and challenge the conventional conceptions of autonomy and objectivity in research.⁸³

Feminist philosopher Barbara Humberstone questions the traditional understandings of objectivity in research, noting that knowledge resulting from research "becomes acceptable/unacceptable, valid/invalid depending upon whether it 'fits' with the values, assumptions and ideologies of those in a position to legitimate its credibility."⁸⁴ Humberstone asks what counts as knowledge, how we determine that knowledge is valid, and which groups of people benefit from any knowledge produced.⁸⁵ As the elite sport world remains, arguably, one of the last bastions of patriarchal

governance, and one of the last widely accepted, gender-segregated social activities, it is important to ask questions of this nature in any study of sport, particularly studies examining equality in the Olympic movement.

Feminist perspectives do not impose particular prescriptive values,⁸⁶ but feminist perspectives applied to sport generally follow two broad forms.⁸⁷ Liberal feminist and radical feminist perspectives are the most prevalent in sport studies, with Marxist feminist frameworks used sparingly as well.⁸⁸ The liberal feminist approach involves reworking existing moral concepts to include women's and community experiences, whereas the radical feminist approach urges women to reject the predominantly male model of sport and create a new standard. Radical feminist outlooks are encompassed in Audre Lorde's famous observation that "the master's tools will never dismantle the master's house."⁸⁹ The mixed ethical framework used in this dissertation acknowledges the concerns with conventional theories associated with the liberal feminist perspective throughout each chapter. Doing so allows for a more comprehensive and realistic examination of eligibility requirements in the Olympic movement.

When the first modern Olympics took place in 1896, many medical professionals held the belief that intensive exercise was harmful to women. The rationale was that "women who diverted scarce physical resources from reproductive to productive pursuits risked permanent sterility."⁹⁰ Myths of this nature have long since been falsified and rejected, yet this achievement was not reached without struggle. Liberal feminist approaches sought, and continue to seek, gender equality with the acknowledgement that men and women are worthy of the same rights, respect, and treatment. Early proponents sought assimilation of women into a hegemonic male society in order to work and live

alongside men as equals.⁹¹ Liberal feminists noted that women need female role models and encouragement to challenge the status quo because hundreds of years of subordination cannot be reversed overnight. However, feminist perspectives and approaches are not just about women's rights and freedom but also about the distribution of power within societies.⁹² Approaches that acknowledge unequal power are relevant to studies of Olympic-level sport because men remain the predominant governors and gatekeepers of the Olympic Games.

Liberal feminists seek change through legislation and policy initiatives to ensure that women receive the same rights and benefits as men,⁹³ and that power is distributed evenly. Philosopher Michele Moody-Adams' work argues that feminist frameworks espouse the ideas that men and women are both vulnerable to misfortune, both deserve respect and concern, and that societies require a commitment to equality based on respect and concern not only directed at individuals but implemented systematically by social and political institutions.⁹⁴ In a similar vein, Gisela Bock and Susan James note that feminist discourse has focused on the meaning of the terms 'equality' and 'difference' since the 1980s, and they argue that the two terms continue to influence present and future interpretations of gender relations.⁹⁵ Bock and James contend that societies often treat ideas surrounding equality differently in the public sphere and the private sphere, which is problematic.⁹⁶

In addition to equality, the mixed ethical framework I utilize in this dissertation acknowledges the role of formalist theories in discussions of rules in sport. The legal theory of formalism has had considerable impact on how philosophers view rules, not only in sport but also in its original application in the field of law.⁹⁷ In the philosophical

and legal literature, the term 'formalism' refers to making decisions based on following rules. Formalism is thus the view that rules restrict the choices available to a decisionmaker. Opposition to formalistic approaches to law and ethics "stems from denial that the language of rules either can or should constrict choice in this way."⁹⁸ As a result, legal philosopher Frederick Schauer argues, "insofar as formalism is frequently condemned as excessive reliance on the language of a rule, it is the very idea of decisionmaking by rule that is being condemned."⁹⁹ Schauer compares the concept of formalism to the concepts of liberty and equality, and describes all three as "pervasively indeterminate," because for all three concepts, "every application, every concretization, every instantiation requires the addition of supplementary premises to apply the general term to specific cases."¹⁰⁰ Formalism is critiqued not only for limiting or denying choice, but for focusing on the letter of the rule at the expense of the spirit of the rule. In legal language, this criticism corresponds to the idea that "the literal language of a rule does not serve that rule's original intent."¹⁰¹ Accordingly, formalism involves the strict adherence to rules and the denial of choices not mentioned. Moreover, Schauer notes, acting formalistically "is to be enslaved by mere marks on a printed page."¹⁰²

Proponents of formalism reject the idea that linguistic restraints can limit the options open to decisionmakers. Contextual cues people use in conversations, such as gestures, body language, and the inflection and pitch of voices, provide information that aid in understanding the message one tries to convey. Furthermore, Schauer points out, "[w]e frequently laud not history's rule followers, but those whose abilities at particularized decisionmaking transcend the inherent limitations of rules."¹⁰³ With respect to rules in sport, the resulting implication is that people who push the boundaries

of rules may not be cheating but instead may be interpreting existing rules in novel, and acceptable, ways.

Arguing against formalism in both law and sport, philosopher J. S. Russell contends that people assume "the rules that are laid down settle authoritatively the terms for cooperation and competition,"¹⁰⁴ and rules clarify what counts as permissible and impermissible conduct. Russell entertains the following claims:

rules must have some core of agreed meaning if they are to have any use as guides to action. But because language is an imprecise instrument, the core of agreed meaning may break down.... So a rule like "Dogs must be kept on a leash in public spaces" may be vague in meaning and purpose. What is a "leash" or a "public space"? Is a 100-foot long bungee cord attached to a dog a leash? Is a shopping mall a public place? Does the rule mean that dogs may run free if they are simply attached to a leash that is not held by the owner? In answering these questions, uncertainties about meaning force us to consider the purpose or intent of a rule, which may, in turn, be vague.¹⁰⁵

As Russell points out, accepting that rules effectively determine right actions and conduct from wrong is misleading and "obscures the untidiness of rules and institutions."¹⁰⁶

When applied to sport, the theory of formalism holds that sports "can be defined primarily by reference to constitutive rules [and that the] goals or obstacles of the sport are defined by the rules and are unintelligible outside the context of rules."¹⁰⁷ Rather than rely on the formal rules of the game exclusively, Russell suggests using principles to help interpret rules and adjudicate sports.¹⁰⁸ Drawing on the philosophy of law literature, Russell proposes four principles:

1. Rules should be interpreted in such a manner that the excellences embodied in achieving a lusory goal of the game are not undermined but are maintained and fostered.
2. Rules should be interpreted to achieve an appropriate competitive balance.
3. Rules should be interpreted according to principles of fair play and sportsmanship.
4. Rules should be interpreted to preserve the good conduct of games.¹⁰⁹

Russell's work is important for this dissertation because it contextualizes the scope that rules can cover and because it cautions against expecting the adherence to rules to solve all of the problems associated with an issue. In the upcoming analysis of Olympic eligibility rules in subsequent chapters, I will draw on Russell's four principles of adjudication rather than a formalistic reverence to the rules. I maintain that the rules in sport, specifically the rules found in the *Olympic Charter* and rulebooks of the IFs, are open to interpretation and that decisionmakers ought to focus on the spirit, not the letter, of the rules.

In summary, the methodology I will use to explore the moral acceptability of auxiliary rules in the Olympic movement includes a non-formalistic, liberal feminist perspective as part of a mixed ethical framework that relies heavily on rule-consequentialism while considering justice, rights, and moral desert in sport. This position acknowledges the plausibility of identifying universal, fundamental ethical values. Doing so will allow me to examine the eligibility rules that support and hinder the attainment of the Olympic ideals included in the *Olympic Charter*. The next section discusses the methods I will use to complete this research project.

Method

In several primary sources, the IOC and IFs impose auxiliary rules concerning Olympic eligibility that specify the pre-event conduct required of participants. The core of the research involved in this study is located in primary source documents published by these organizations, which contain the rules athletes seeking to compete in the Olympic Games must follow to compete. With the theoretical framework and plan of

action demarcated above, the next step involves identifying the Olympic values, ideals, and themes of auxiliary rules found in the *Olympic Charter* and rulebooks of the IFs.

The IF rulebooks explain how athletes can qualify for the Olympic Games and provide additional qualification standards and requirements above and beyond those set out in the *Olympic Charter*, which apply to all athletes and IFs regardless of the sport in which an athlete competes. The most recent update of the *Olympic Charter*, which has been in effect since July 2007, can be downloaded from the IOC's official Website of the Olympic Games. Relevant policy statements and discussions of rule changes by the IOC will also be analyzed. Examples include the minutes reported in Olympic historian Wolf Lyberg's edited volumes, *The IOC Sessions*, which summarize the meetings of the IOC and various IOC subcommittees;¹¹⁰ the *World Anti-Doping Code*; and documents found in the *Avery Brundage Collection* and the *James Worrall Collection*, which are housed in the International Centre for Olympic Studies at the University of Western Ontario.

Research for this dissertation includes clarification and analysis of the Olympic ideals using primary sources from the IOC and secondary sources from scholars studying the Olympic Games. Particular instances of auxiliary rules found within the *Olympic Charter* and the rulebooks of the IFs are identified and organized by theme. As a pre-existing system of classifying auxiliary rules does not exist in the literature, it was necessary to perform a content analysis of the primary source documents to identify and describe themes of auxiliary rules.¹¹¹ The most relevant study on analyzing rules in sport involved a content analysis of the rulebooks of the basketball, ice hockey, and soccer IFs to determine if rules pertaining to injury prevention were mandated in the rulebooks and whether the documents specified officials' duties to keep sports safe.¹¹² In that study,

Lori Livingston and Susan Forbes tabulated the absolute number of rules related to player safety in the rulebooks of three IFs and then grouped the identified rules into categories using a framework attributed to Debra Shogan, known as rules taxonomy, which divided the rules into regulative and constitutive components.¹¹³ I performed a similar content analysis in this study, but the focus here is not on counting the absolute number of auxiliary rules but rather on categorizing auxiliary rules present in the codes and rulebooks for critical analysis. As a result, in this dissertation I categorized the auxiliary rules found in the rulebooks of the IFs and in the *Olympic Charter* into themes to organize the rules into categories for further analysis.¹¹⁴ To draw conclusions and make recommendations for improvement, I will analyze the moral acceptability of the rules falling under each theme identified in the analysis using the mixed ethical framework described in the previous section.

Secondary sources on rules, Olympism, equality, justice, and the nature and history of rules in sport complement the official policies and documents. Most of the secondary sources are philosophical in nature and can be found in philosophy journals, such as the *Journal of the Philosophy of Sport*. However, I also consulted sport-related literature from the fields of sociology, history, gender studies, and cultural studies. I evaluated arguments contained within these sources using the critical thinking techniques described above. The purpose of this evaluation was to determine if auxiliary rules in the Olympic movement contradict Olympic values and can withstand rigorous scrutiny in terms of moral acceptability. Doing so enabled me to analyze the philosophical arguments surrounding Olympic eligibility and make recommendations for improvement

where inconsistencies or inequalities were detected. The next section contains a discussion of the relevant literature that informed the research.

Review of Literature

Research on auxiliary rules in sport from a philosophical perspective is very sparse. With the exception of Meier's (1985) examination of auxiliary rules and, to a lesser extent, sport historian Wray Vamplew's discussion of the history of rules in sport,¹¹⁵ few other authors have spent more than a few paragraphs addressing the auxiliary rules of sport from a critical perspective. An examination of the research literature on the rules of sports and games shows a well-developed body of work on the constitutive and regulative rules, and a hefty collection of philosophical essays and books on rule-following and the function of rules in societies. These sources are helpful in explaining how rules function and the authority that rules hold in different contexts, and information of this nature can inform a study on eligibility rules in the Olympic movement despite not addressing Olympic sports specifically. The purpose of this section is to present the key arguments and contributions from the sport and philosophy literature.

The rules of sport have several functions. As Schneider explains, the most basic function of rules in sport is "to indicate when and how testing starts as well as when and how it comes to an end."¹¹⁶ Sports without rules cannot exist,¹¹⁷ and rules are necessary for sports to develop. As Parry has noted, "the first task of an international federation, for example, is to clarify rules and harmonize understandings so as to facilitate the universal practices of its sport."¹¹⁸ Emphasis is placed on clarifying rules because rules "define particular sporting activities, and collectively contribute much to saying what

sport in general is.”¹¹⁹ To introduce a sport to a population, the new players must understand the rules of the sport to partake in and enjoy the activity.

Several sport historians have attempted to trace the history of codified systems of rules for different sports. Historian Allen Guttman argues that sport rules emerged in eighteenth century England when the standardization of rules transformed spontaneous play into games,¹²⁰ following which the growth of competition encouraged the formation of standardized rules. Simple athletic events and blood sports, such as cockfighting, required rules to govern the competition after the popularity of events grew to the point where the social conventions that had previously governed the activity required clarification and specification. According to Vamplew:

Claims that ‘my horse or messenger is faster than yours’, ‘my bodyguard is tougher than yours’ or simply ‘I’m better at this game than you’ inevitably led to stake-money challenges. Once this occurred, then rules had to be formalized to determine how the contest would be organized and decided.¹²¹

Thus, according to Vamplew’s historical research, gambling had a considerable impact on the development of standardized sport rules and created a demand for rules of conduct for participants to follow.

The higher the stakes involved, the greater the demand grew to establish standardized rules for events. Motivating this need was the desire by both the people placing the bets and those organizing the bets to address loopholes and ambiguous regulations in the rules in order to prevent people from cheating.¹²² While gambling had considerable influence on the development of systems of rules, other social, economic, and political factors also contributed to rule development in sport. Contributing factors included participants’ and organizers’ expectations of fair play and their desire to ensure their opponents followed the rules. The development of technology also helped extend

systems of rules because competitors needed to know whether new innovations were permissible or banned. In addition, legal disputes related to betting and cheating led to the demand for formal rulebooks.¹²³

As early as 1743, a book outlining the rules for cockfighting was published in Britain, and by the 1820s governing bodies for modern sports had formed.¹²⁴ Most of the IFs that participate in the Olympic Games today were established in the late 1800s and early 1900s. As the rules of sport spread from local communities to surrounding regions, then eventually to neighbouring countries and empires, the popularity of particular sports flourished. The distribution of rulebooks to an increasingly larger number of geographical areas allowed the same version of sports to be played in national and international competitions.

The structural goal of sport, as argued by Loland, is to “measure, compare and rank competitors according to their performances,” and rules are set to enable and facilitate the accomplishment of this goal in a fair and just way.¹²⁵ No matter how fair and equitable sport rules are, the desire for each contest to produce winners and losers exists; otherwise, all participants would finish in a massive tie, or luck and environmental influences would decide victories. Paradoxically, sports require athletes to perform actions in a fair and equitable manner with the hope of gaining an advantage over an opponent. The way in which the advantage is gained is important.¹²⁶ As Kretchmar has shown, “[w]e can’t have everyone win and still retain the tension of contesting. There have to be losers, and losing has to matter if the drama is to engage us.”¹²⁷ As a result, games in which competitors do not face a consistent challenge are flawed.¹²⁸ A major

function of rules, then, is to provide fair guidelines for determining a winner among the participants.

Few people would challenge Angela Schneider and Robert Butcher's argument that athletes "must accept the strange and sometimes arbitrary world the game creates," because "to play the game, the player must abandon the goals and concerns of the everyday world and take on the goals and rules of the game."¹²⁹ The rules of sport to which Schneider and Butcher refer are, for the most part, different than the moral rules that govern our daily actions and interactions. Participants in sport are free to opt out of a game at any time, whereas the same is not true of the laws of the land. Rules in sport "create a separation of the inside, i.e. the world of the game, and the outside, i.e. the world of unrestricted possibilities of actions."¹³⁰ However, similarities exist between rules in general and rules specific to sport. A common feature in discussions of rules is the idea that acceptable rules must apply to everyone equally and impartially. According to Arnold, rules in sport must "apply to all who can understand them and be responsible for their actions,"¹³¹ and what applies to one athlete must apply to his or her competitors as well. Universality and impartiality are thus important components of rules in sport. The codification of a game's constitutive and regulative rules contributes to creating universality and impartiality. Moreover, understanding the "compulsion to adhere to the rules of a game" can "illuminate the nature of morality and moral discourse."¹³²

Constitutive rules, which define a game and distinguish a particular game from other games, "provide the very possibility of a game or sport occurrence,"¹³³ and "define what it means to win."¹³⁴ Furthermore, these rules "invent or create a unique conceptual framework that makes up or defines the fundamental aspects of, and determines exactly

what it entails to engage in, a particular sport or game.”¹³⁵ Constitutive rules are both prescriptive and proscriptive, and serve to specify the acceptable and unacceptable means a participant can use to achieve the goal of the game.¹³⁶ In this vein, Fraleigh points out, “constitutive rules specify in advance the special area of the sports contest, its duration, the specific state of affairs to be achieved by contestants or the preliminary goal, and the means used to achieve that goal, or lusory means.”¹³⁷ Examples of constitutive rules include the size of field, the acceptable equipment participants can use, and what actions will lead to penalties.¹³⁸

One must not confuse constitutive rules with strategic rules or guidelines that participants follow in order to maximize their performances. Simon explains the difference between constitutive rules and rules of strategy, noting that strategic rules only refer to “how to play the game well,” whereas constitutive rules “determine what counts as a permissible move within the game itself.”¹³⁹ Rules of strategy are similar to what Suits described as “rules of skill,” which function “*within* the area circumscribed by constitutive rules.”¹⁴⁰ Rules of skill include rules that act as directives in order for an individual to obtain an end or goal, such as keeping one’s eye on the ball while batting in baseball, whereas rules of strategy involve using tactics appropriately. While breaking constitutive rules prevents one from playing the game in Suits’ view, breaking a rule of skill usually only causes the athlete to perform poorly.¹⁴¹ Thus, as Meier argues, rules of strategy and skill are morally irrelevant, because these rules “are nonbinding in any formal or legalistic sense.”¹⁴² Rules of skill and strategy are thus more appropriately conceptualized as guidelines for playing effectively because these types of rules, which

are “adopted or followed as a means to an end, in order to ‘accomplish a purpose’ or ‘get a job done’”¹⁴³ are suggestions for maximizing performance.

The rules that specify the penalties that participants face as a consequence of violating a constitutive rule are known as the regulative rules. Regulative rules apply when an athlete is engaged in a sport, and “what is typically regulated is any advantage [athletes] seek to gain by contravening the rules.”¹⁴⁴ Rules of this type “regulate pre-existing activities that exist logically independently of the rules,”¹⁴⁵ and “place constraints, restraints, and conditions upon activities that are logically independent of the process of competing.”¹⁴⁶ Regulative rules also “facilitate the realization in practice of the constitutive rules,”¹⁴⁷ and “speak to the unfolding lusory project, particularly when something goes awry.”¹⁴⁸

Meier explains that the distinction between constitutive and regulative rules in sport stems from Kant’s discussions of constitutive and regulative principles and Searle’s work on Speech Acts.¹⁴⁹ An absolute distinction between constitutive and regulative rules is not possible. Searle pointed out that breaking some constitutive rules does not lead to the imposition of a penalty because doing so produces a non-genuine instantiation of the rule-bound activity:

Not all constitutive rules have penalties; after all, what penalty is there for violating the rule that baseball is played with nine men on a side? Indeed, it is not easy to see how one could even violate the rule as to what constitutes checkmate in chess, or touchdown in football.¹⁵⁰

In response to Searle’s discussion of constitutive and regulative rules, sport philosopher Gordon Reddiford adds, “certain commitments, for example to win, and certain values and satisfaction—all very intimately related to games play—are not, and could not be,

constitutive rules of a game."¹⁵¹ Differences exist between playing a particular game and the institution of that game.¹⁵²

Constitutive and regulative rules are often presented as bifurcated classes of rules without any overlap. As McFee explains, clearly separating the constitutive and regulative rules does not account for the similarities between the two sets of rules sufficiently.¹⁵³ Prior to McFee's discussion, Meier had argued:

it is by no means clear that an absolute dichotomization may be supported. The behavior that violated one rule simply falls under another rule delineating a fixed penalty which was itself previously formulated specifically to handle such expected occurrences; thus, these rules are perhaps best viewed as extensions, or as a subset, of constitutive rules rather than as indicators of the termination.¹⁵⁴

Loland adds to Meier's argument the idea that it is more accurate to view regulative rules as extensions of constitutive rules because regulative rules "presuppose a practice to regulate."¹⁵⁵ Loland thus conceptualizes the distinction between constitutive and regulative rules as a *prima facie* distinction that players need not think about when participating in a sport.¹⁵⁶ Indeed, even Searle, whose work motivated the use of the terms regulative and constitutive in sport, acknowledged the difficulty in distinguishing the two types of rules:

I am fairly confident about the distinction, but do not find it easy to clarify. As a start, we might say that regulative rules regulate antecedently or independently existing forms of behavior; for example, many rules of etiquette regulate interpersonal relationships which exist independently of the rules. But constitutive rules do not merely regulate, they create or define new forms of behavior. The rules of football or chess, for example, do not merely regulate playing football or chess, but as it were they create the very possibility of playing such games. The activities of playing football or chess are constituted by acting in accordance with (at least a large subset of) the appropriate rules. Regulative rules regulate a pre-existing activity, an activity whose existence is logically independent of the rules. Constitutive rules constitute (and also regulate) an activity the existence of which is logically dependent on the rules.¹⁵⁷

Overlap is thus present between constitutive and regulative rules.

As Meier explains in "Restless Sport," a third category of rules, which he calls 'auxiliary,' exists in addition to the constitutive and regulative rules. The auxiliary rules of sport serve several functions and often address matters arising outside of the actual competition. Because auxiliary rules pertain to eligibility, training practices, and behaviours that are carried out prior to, during, or after a competition, these rules are "of a different color or nature entirely than constitutive rules and, as such, [have] *nothing whatsoever to do with the essence of sport*."¹⁵⁸ Thus, unlike the constitutive and regulative rules that apply during competition, auxiliary rules "place constraints beyond those specified for 'on the field' action."¹⁵⁹

Auxiliary rules function as appendices to the constitutive and regulative rules of sport, because both constitutive and regulative rules "are silent on actions that occur 'off the field' as these rules do not specify permissible and prohibited means that may arise before, or after, a sport occurrence."¹⁶⁰ These rules "specify a number of extra lusory requirements that reveal certain aspects of the institution governing the game or the milieu in which the game takes place."¹⁶¹ Examples of auxiliary rules that Meier identifies include rules related to: safety concerns; exposure to physical stress; empirical classifications such as age, sex, and weight; arbitrary restrictions implemented for social and political reasons; deliberate exclusions of groups or nations; limits on numbers of participants; uniform regulations; professional or amateur status; training hours or techniques; and, banned substances and methods.¹⁶² Lumer considers rules of this nature "the law of the sports associations,"¹⁶³ because the governing body of the sport sets the rules to match its values and preferences. As a result, organizers can implement

discriminatory auxiliary rules to restrict a competition to certain groups and individuals and exclude others from participating.

Vamplew describes some attributes of auxiliary rules throughout the history of sport and demonstrates how auxiliary rules were used as a form of discrimination:

There is nothing in the nature of sport itself that determines who can and cannot play. In the purest form of sport only self-exclusion should apply... Exclusion is a cultural creation specific to sports in a certain domain at a particular time. Consider women's football. Women can play soccer in Britain at both amateur and semi-professional level, but in many Muslim countries they cannot play at all. However, even in Britain, between the 1920s and 1970s they could not kick a ball on any ground registered with the FA, as its executive committee had decided to take a firm stance against female participation.¹⁶⁴

Vamplew notes it is important to remember that when sports were developing, and codified systems of rules were being put in place, most rule-makers and participants were white, male members of the aristocracy who practiced sports in private, members-only clubs. Consequently, the majority of sport-governing organizations that emerged were far from inclusive and democratic, and membership was often contingent upon being a member of the 'appropriate' gender, race, and social class.¹⁶⁵ Given this context, the purpose of many auxiliary rules in the late 1800s, when the first IFs were forming, was to exclude all but amateur gentlemen from participating in the newly formed leagues and organized sports.¹⁶⁶ This function of auxiliary rules differs from current sports rules where the purpose of eligibility rules is not as clearly designed to effect exclusion or discriminatory policies as it was in the past. However, specific auxiliary rules require critical analysis to determine their acceptability in the Olympic movement.

Not all philosophers would agree with a call for examining discrimination in sport through the perspective of rules. McFee dismisses the study of auxiliary rules with the objection that one must adopt a formalist position to see the value in classifying rules in

sport.¹⁶⁷ In contrast, I believe there is ample practical value in examining the auxiliary rules of sport and regard McFee's disregard of auxiliary rules as a major flaw of his book. Rules that affect eligibility and inclusion are important from not only a philosophical perspective in understanding the structure of sport, but also from a social justice position that seeks to eradicate discrimination and exclusion in sport. Lumpkin, Stoll, and Beller argue, "every athlete desires to compete against opponents who have met the same criteria for playing"¹⁶⁸ and, as a result, participants must follow agreed-upon rules. Lumpkin *et al* propose an additional type of rule, which they term 'sportsmanship rules.'¹⁶⁹ These rules "preclude behaviors that place winning above everything else, including opponents' welfare and competition between equitable opponents,"¹⁷⁰ in order to decrease violence acts in sport. Sportsmanship rules focus on virtuous behaviour and promote the spirit of the game but do not appear in a sport's rulebook; they are therefore not rules but optional guidelines for participating in sport.

The legal and philosophical literature is ripe with discussion of rules and rule-following behaviours. Genuine rules differ from rules of thumb with the distinction that genuine rules "provide in themselves reasons for acting," whereas rules of thumb:

remind us of factors that are often normatively (legally, morally, prudentially) relevant. These factors must be weighed against others that may oppose them in given contexts, and the reasoning that takes place in those situations will consist not in simply applying the rules, but in whatever that weighting consists in.¹⁷¹

Genuine rules that make up the laws of society may, at times, seem arbitrary. In sport, arbitrary rules are accepted to enable participants to play a game. Many philosophers have argued that athletes are morally bound to the rules in sport because in agreeing to participate they tacitly consent to abide by the rules.¹⁷² John Rawls' work can be used to

demonstrate the obligation athletes have to follow the rules of sport when they know their competitors have agreed to follow the rules:

when a number of persons engage in a mutually advantageous cooperative venture according to certain rules and thus voluntarily restrict their liberty, those who have submitted to these restrictions have a right to a similar acquiescence on the part of those who have benefited from their submission.¹⁷³

People who view sports rules as moral requirements believe that when rules are implemented by governing organizations, such as the IOC, "participants are both 'legally' and morally bound by them" because "[n]ot to do so is to break with the condition to which all participants are tied."¹⁷⁴ Morgan explains this idea well:

when participants in sport agree beforehand to abide fairly by the rules and relevant conventions of sport and not to tailor them to their own idiosyncratic interests and concerns, in other words, to apply those rules and conventions impartially to themselves as well as to their fellow competitors, they are acknowledging that the interpersonal relationships that bind them to one another in competitive sport are indeed moral ones they are mutually obliged to observe.¹⁷⁵

Simon adds that cheaters fail to respect their opponents as persons when they choose to break or ignore rules their opponents expect them to follow.¹⁷⁶ Based on these arguments, one might consider some of the rules of sports to be moral rules for competitors because of the agreement one has either verbally agreed to or tacitly assumed to have taken by participating, which is comparable to the agreement one undertakes when making a promise.¹⁷⁷ Yet as Loland and McNamee argue, "the fact that adherence to a set of formal playing rules is logically necessary to realize a game, however, does not necessarily issue in moral reasons for abstaining from rule violations."¹⁷⁸ The constitutive rules of games are almost always morally neutral, but breaking a neutral rule can be morally problematic if the deliberate breaking of a rule harms someone who expects you to respect the rule.¹⁷⁹

Sports are rule-governed practices, and participants expect to follow rules when playing a sport.¹⁸⁰ Athletes show respect for their sports by respecting the sports' rules,¹⁸¹ but it is important to remember that not all rules in sport are good, just, or fair. As Lumpkin *et al* explain, "[t]he existence of a rule does not necessarily make it honest. Civil disobedience calls for violating a rule if it is unjust."¹⁸² Rules in sport ought to be open for discussion and alteration pending critical analysis and reflection. Sports rules can be suspended, ignored, or discounted when harmful or dangerous situations arise, and players are always free to stop participating or boycott.¹⁸³ For example, an athlete can stop mid-race and drop out of the competition if he or she pulls a muscle and fears further injury from continuing; no one will force the athlete to continue even though walking off the track breaks a rule and disqualification results.

As discussed in the methodology section, a formalist account of sports centres on the claim that a sport is a set of rules that an athlete must follow in order to play the game. As philosopher Stephen G. Utz argues, rules in sport bear a resemblance to rules in law because they "require, forbid, and permit players of the game to behave in various ways as rules of law require, forbid, and permit people in society to behave in various ways."¹⁸⁴ Utz questions whether legislating an act as wrong makes it wrong if the act in question was accepted and considered morally permissible prior to the introduction of the legislation.¹⁸⁵ Kretchmar contributes to the discussion on the problems that can arise from relying on rules, and identifies several problematic aspects of rule-following. Uncertainty about when rules apply can occur, and conflict between two or more rules may result despite attempts to specify rules to avoid ambiguity. It might not be clear which rule trumps the others in cases of conflict. Moreover, rulebooks would have to

become increasingly detailed, bulky, and cumbersome to address every possible scenario.¹⁸⁶ McFee corroborates Kretchmar's position, arguing "whatever rules were set up (and however carefully), a situation could always be envisaged where either those rules were silent or where they produced an answer intuitively contrary to the *spirit* of the game."¹⁸⁷ Consequently, McFee rejects formalistic applications of rules in sport.

In sport, the application of formalistic thinking leads to the view that "a game is only a game if it is played in accordance with the formal rules of that particular game."¹⁸⁸ If one does not adhere to the rules of the game, then one is not participating in a valid game and therefore cannot win the game. Sport literature discussing formalism dates back to the mid-1970s and proponents of formalistic interpretations of sport include philosophers Edwin Delattre, Bernard Suits, and Kathleen Pearson.¹⁸⁹ The view that the rules of the game are inseparable from the goal is known as the logical incompatibility thesis among philosophers of sport, and according to this thesis, it is impossible to break a rule and play the game simultaneously.¹⁹⁰ If an athlete cheats and breaks a rule, he or she stopped playing the game at the moment he or she broke the rule because "if one cannot really win a game unless one plays it, and if one cannot really play a game unless one obeys its rules, then it follows that winning and cheating are logically incompatible."¹⁹¹ Suits argued that it "is impossible to win a game and at the same time to break one of its rules"¹⁹² because "to break a rule is to render impossible the attainment of an end."¹⁹³ It is logically impossible to win a game and cheat because the player who cheats fails to play the game at all in this view.¹⁹⁴ However, as philosopher Danny Rosenberg points out, an athlete who breaks an auxiliary rule, and is ineligible to

play according to the rules, can still play the game and fulfill the constitutive and regulative rules of the sport.¹⁹⁵

Considerable disagreement surrounds the application of the logical incompatibility thesis in the philosophy of sport literature. Feezell has raised the objection that, "we can violate a variety of rules, strategically or otherwise, and still play the game."¹⁹⁶ Intentional fouls, also known as professional fouls, create controversy about whether a player who purposefully breaks a rule to help his or her team, expecting to be charged with the corresponding penalty, not only plays unfairly but also fails to play the game at all. Fraleigh argues that games allowing intentional fouls as part of the strategy to win are flawed.¹⁹⁷ Uncertainty surrounding how closely players must follow the rules contained with a rulebook in order to 'play the game' and avoid cheating stems from these concerns.¹⁹⁸

Several philosophers reject both game formalism and the logical incompatibility thesis. Critics of game formalism contend that formalism is too abstract to apply to sport and that the theory ignores the social context of sports. Other disagreements stem from the belief that rules are written too ambiguously to apply correctly, that perfect adherence to the rules is required but impossible, and that the theory does not allow for the possibility of interpreting rules contextually.¹⁹⁹ To address these problems, several philosophers, including William Morgan, Sigmund Loland, and Fred D'Agostino, supplement formalistic theories of sport by adding considerations of the social context and ethos in which the sport takes place.²⁰⁰ Loland argues that a fair game can occur in the presence of non-decisive rule violations, but if a rule violation influences the outcome of the game, then the game is not fair.²⁰¹ In rejecting the formalist position, opponents

argue that to understand a sport one needs to first understand the cultural and social context.²⁰²

An ethos-based approach to sport acknowledges the conventions and norms associated with the playing of a game in a specific area. Fred D'Agostino introduced the term 'ethos' of a game or sport to the philosophy of sport literature, and he used the term to refer to the rules and conventions that dictate how the formal rules are applied and interpreted in specific contexts.²⁰³ A danger of an ethos-based approach to sport is the possibility of a society condoning an ethos that permits racism, homophobia, violence, or cheating, for example. Not all ethos of sport are morally acceptable. Loland questions whether any rule can be acceptable if the participants accept it, and states: "if the ethos of a sport tolerates a high number of rule violations, its rule system may lose clear meaning and no longer serve as a conceptual framework for a practice at all."²⁰⁴ As a result, two teams that interpret a game differently may have difficulty competing against each other unless they establish shared norms, common ground, and a mutually accepted interpretation of the rules before the competition begins.

Reid has presented a convincing argument in favour of modifying the rules of sport to meet the needs of the participants, which includes the idea that "[b]eing a sanctimonious stickler for the rules may show respect for a kind of sporting law, but it is disrespectful to the people who make up the living culture of the game."²⁰⁵ Reid's argument that rule-breaking is often tolerated to improve the game is supported by premises that are in line with D'Agostino's unofficial system of conventions for determining how the official rules of a sport apply, which provides an alternative to the formalist account of sports. Recognizing the ethos of a game or sport takes into

consideration the cultural and geographical nuances that exist among sports played around the world. D'Agostino's account does not require the Platonic requirement of an ideal game and allows for strategic fouling and rule violations that vary by geographical location. Most ethical issues arising in sport fall outside the range of the formal rules and can be understood more clearly using an ethos-based approach.²⁰⁶

How one should think about rules and what it means to follow a rule is a contested topic in the mainstream philosophy literature. Philosopher Karsten Stueber acknowledges that social theorists and social philosophers, such as Bourdieu, Dreyfus, and Searle, agree that rules do not explain individual's actions "because we cannot make sense of the idea of how rules can guide an individual's behaviour."²⁰⁷ However, Stueber disagrees with this view and considers rule following "a second-order disposition to monitor one's behavior for its normative appropriateness."²⁰⁸ Stueber's view helps clarify why it is wise to avoid dismissing rules and rule-following as sources of information on moral behaviours. Problems arise when the rules people follow are corrupt, not good rules, or involve fallacies. Adding to this idea, philosopher Paul Boghossian explains rules can be bad and cause irrational behaviours that might be "entirely correct relative to the rule that one is following."²⁰⁹ Boghossian emphasizes the importance of ensuring that the rules people accept and follow are morally correct and defensible. This notion plays an important role in my subsequent analysis of the themes of auxiliary rules in force in the Olympic movement, particularly in determining if the rules are morally acceptable or if they ought to be revised to match the values and ideals that the IOC profess.

The distinction between the spirit and the letter of rules requires clarification.

Fraleigh argues that the spirit of the rules cannot be conveyed in a standard rulebook.

While the letter of the rule expresses in an explicit manner the substance of the rule, the spirit of the rule, as described by Fraleigh, "is the reason why the rule makers made that particular rule a constitutive rule."²¹⁰ The spirit of a rule incorporates the principles that motivate the rule.²¹¹ In the context of fair play, the letter of the rule corresponds to the decision to obey the official rules whereas the spirit of the rule appeals to "the chivalrous respectfulness Coubertin had in mind."²¹² Reducing sport to the uncritical adherence to the text contained within the rulebook ignores the spirit and ethos of a sport; moreover, it leaves little room for introducing innovative techniques. As Loland and Sandberg argue, "creative athletes introduce new movement patterns or techniques which lead to significant changes in the rules and practices of an activity."²¹³ Accepting rules or modifications of rules without critical reflection allows unacceptable rules to continue unchallenged.

Arnold cautions that if the rules of sport are based too heavily on contracts and the law, fair play then becomes synonymous with merely following the rules.²¹⁴

Supererogatory acts, where athletes go above and beyond what the rules requires them to do, such as yelling ahead to a competitor to inform him or her that he or she is about to go the wrong way in a running or skiing race, are not required if an athlete only follows the formal rules of the sport. Emphasis on the formal rules of the sport can lead to competitors doing merely as much as the rules require them to and nothing more. As a result, "compliance with the letter of the law may replace genuine care and concern."²¹⁵

Furthermore, Kretchmar cautions that the increasing reliance on creating and enforcing

codes is worrisome because it alludes to "a deeper problem with ethics in a society or culture."²¹⁶

The literature on rules in sport demonstrates that rules not only contribute to defining sports and evaluating actions, but can also address

the sporting and possibly social visions of the rule-makers ... [and] their attitudes towards violence, equality, gambling, winning and losing and even race and gender. [Rules] matter because they can change when contemporary circumstances alter the context within which the sport is played.²¹⁷

The rules governing the Olympic movement are very important in positioning the Olympic Games to live up to its reputed values and ideals. Chapter II addresses the values associated with the Olympic movement that the rules in the *Olympic Charter* and the rulebooks of the IFs are intended to maximize.

Delimitations

This study was deliberately narrowed to focus on the auxiliary rules in specific sports contested at the Olympic Games. Only the sports that are part of the Olympic summer or winter program were considered for analysis. Sports that have IFs recognized by the IOC but are not part of the Olympic program were excluded to reduce the number of sports and because scholarly work on several of the sports in this category is sparse. These restrictions left 53 disciplines containing more than 400 events, requiring a further delimitation to select a sample that included a manageable number of rulebooks and policy statements for analysis. I selected a representative sample of eight IFs that includes team and individual sports, winter and summer sports, and traditionally female and traditionally male sports, as well as sports not associated with a specific gender. To meet these criteria, I opted to analyze the auxiliary rules found within the rulebooks of the following eight IFs: 1) athletics; 2) volleyball; 3) boxing; 4) gymnastics; 5) ice

hockey; 6) biathlon; 7) luge; and 8) figure skating. The sports governed by these eight IFs serve as a representative sample of sports and have global appeal or, in the case of winter sports, appeal in the nations that compete.

In terms of the literature I consulted, only discourses related to rules, fairness, fair play, equality, universal values, and the Olympic Games found in the philosophy, history, and sociology of sport literature, as well as in gender and cultural studies resources, are included in my analysis. Sources consulted in this dissertation were restricted to scholarly journals, books, policy documents, and position papers from IFs and sports organizations, such as the World Anti-Doping Agency (WADA), the Canadian Centre for Ethics in Sport (CCES), the Canadian Association for the Advancement of Women in Sport (CAAWS), and so on. I did not consult archived newspapers because this project does not entail a historical analysis of rules in sport, but it instead focuses on the contemporary, philosophical literature and arguments about rules, fairness, and equality in the modern Olympic movement.

Limitations

Limitations associated with this project include the availability of resources and the lack of analysis of the practical application of auxiliary rules in terms of ethics in sport. The conclusions of this study are limited to the sports governed by the eight IFs selected for analysis because the findings might not be generalizable to the Olympic disciplines not analyzed in this dissertation. While I have access to many primary documents on Olympic rules through the IOC's official Olympic website (www.olympic.org), the Wolf Lyberg summaries, and the Avery Brundage and James Worrall collections available at the International Centre for Olympic Studies, I do not

have complete access to the records of decisions made by the IOC, the IOC executive committee, and the IOC subcommittees. This project is thus limited to rules and policies that have been made public or are available in the International Centre for Olympic Studies. In addition, this project is limited to sources written or translated into English and French. Documents appearing in languages other than English and French are thus categorically excluded from my analysis; however, as English is an official language of the IOC, all official documents are either published in or have since been translated into English. Secondary sources are limited to articles that appear in journals with wide distributions that appear in the databases Sports Discus, Pub Med, Philosopher's Index, and JSTOR.

Another limiting factor is that the literature on the Olympic ideals, goals of the Olympic movement, and the definition of Olympism are neither clear nor universally accepted. Throughout this project, I make clear my own understanding of these concepts but note that each one is contested and requires specification. In the same vein, the lack of a universally accepted, superior moral theory limits me to including the theories that I consider the most appropriate for the content in my theoretical framework without going deeper into the field of meta-ethics. Scientists and social scientists might contend that this project is limited by a lack of empirical data, interviews, or consultation with those who the auxiliary rules in the Olympic movement affect most: the athletes, coaches, and supporting personnel who are either selected to take part in the Olympic Games or barred from participation. However, it must be stressed that this topic is approached from a philosophical perspective and focuses on argument and policy evaluation through the

application of philosophical theories, notions and concepts, rather than other forms of qualitative or quantitative research.

Chapter Overview

In the remaining chapters of this thesis, I will demonstrate that several imposed auxiliary rules pertaining to an athlete's eligibility to compete at the Olympic Games are in opposition to the goal of promoting equality and fair play in sport, and I will suggest ways of eliminating unnecessary sources of inequality if any emerge in the analysis. Chapter II entails an examination of the Olympic movement, Olympic values, Olympic ideals, and Olympism. I will identify the Olympic values and ideals that will later be contrasted with the eligibility practices associated with the Olympic Games in this chapter. The third chapter involves the identification and analysis of categories of auxiliary rules through performing a thematic analysis of the *Olympic Charter*, rulebooks, and supporting documents. In Chapter III, I identify and group auxiliary rules into themes to determine the rules employed to restrict the number of athletes competing at the Olympic Games and to identify rules that require moral scrutiny and justification.

Chapter IV compares the Olympic ideals determined in Chapter II with the themes of auxiliary rules identified in Chapter III. In this chapter, I also examine the tensions involved in treating athletes as equals and adhering to official rules and policies. Chapter IV addresses the moral acceptability of themes of auxiliary rules concerning sex and gender categories; doping; citizenship; behaviour and dispute resolution; clothing and equipment; and minimum and maximum age requirements. The fifth and final chapter concludes my critical analysis of the auxiliary rules in the Olympic movement and draws conclusions from the analysis in the previous three chapters. In Chapter V, I analyze and

challenge auxiliary rules not supported by valid and sound arguments. Furthermore, I discuss strategies to modify or eliminate auxiliary rules that foster inequality and I address the difference between the letter and the spirit of Olympic eligibility rules.

Suggestions for implementing positive changes and recommendations for future areas of study bring this dissertation to a close.

Endnotes

¹ Unless otherwise specified, in this dissertation the term 'Olympic Games' refers to both the Games of the Olympiad, also known as the Olympic Summer Games, as well as to the Olympic Winter Games.

² Bernard Suits, *The Grasshopper: Games, Life and Utopia* (Toronto: University of Toronto Press, 1978), 41.

³ Bernard Suits, "What is a Game?" *Philosophy of Science* 34 (1967): 156.

⁴ Suits, 1978: 36.

⁵ Klaus V. Meier, "Triad Trickery: Playing with Sport and Games," *Journal of the Philosophy of Sport* 15 (1988): 13.

⁶ Suits and Meier's contributions to these definitions appear in the *Journal of the Philosophy of Sport*. Suits proposed that sports involve the four elements of games plus the addition of four additional characteristics: 1) the involvement of skills; 2) the skills must be physical; 3) a wide following of the game must exist around the world; and 4) the following is persistent and stable rather than a fad. Suits later revised his position in 1988 and declared not all sports are games. Meier's convincing retort accepted Suits' conception of games, but rejected Suits' revision, to argue that all sports are games that involve physical skill but a wide and stable following is not necessary for a game to be a sport. See Bernard Suits, "The Elements of Sport." In *The Philosophy of Sport: A Collection of Essays*, ed. Robert Osterhout (Springfield, IL: Charles Thomas Publisher, 1973), 52-60; Bernard Suits, "Tricky Triad: Games, Play, and Sport," *Journal of the Philosophy of Sport* 15 (1988): 1-9; and Meier, 1988.

⁷ Peter J. Arnold, "Sport as a Valued Human Practice: A Basis for the Consideration of some Moral Issues in Sport," *Journal of Philosophy of Education* 26, no. 2 (1992): 238. Similarly, Sport Canada's definition of sport emphasizes the role of rules, noting sports involve tactics and strategies between at least two people that require formal rules, specialized skills, and large amounts of difficulty and effort. See, Fidelis Ifedi, *Sport Participation in Canada, 2005* (Ottawa: Minister of Industry, 2008), 15. The requirement of "difficulty and effort" is similar to Suits' requirement of physical prowess, but neither is universally accepted by philosophers of sport. See Klaus V. Meier, "On the Inadequacies of Sociological Definitions of Sport," *International Review of Sport Sociology* 12, no. 2 (1981): 84.

⁸ Warren Fraleigh, "Why the Good Foul is Not Good." In *Philosophy Inquiry in Sport*, ed. William J. Morgan and Klaus V. Meier (Champaign, IL: Human Kinetics, 1988), 268. These rules are also known as the prelusory goal, lusory goal, and goal of the game in the philosophy of sport literature.

⁹ Frank McBride, "A Critique of Mr. Suits' Definition of Game Playing," *Journal of the Philosophy of Sport* 6 (1979): 49-52.

¹⁰ Klaus V. Meier, "Restless Sport," *Journal of the Philosophy of Sport* 12 (1985): 64-77. However, some rules fit into more than one category.

¹¹ Meier, 1985.

¹² Rule 26 of the *Olympic Charter* stipulates the duties and responsibilities of an IF. Included in this rule are the statements, "statutes, practice and activities of the IFs within the Olympic Movement must be in conformity with the Olympic Charter, including the adoption and implementation of the World-Anti Doping Code. Subject to the foregoing, each IF maintains its independence and autonomy in the administration of its sport." Hence, the IOC gives itself the right to overrule IF decisions at the Olympic Games if an IF fails to follow the rules and regulations mandated in the *Olympic Charter*. See, International Olympic Committee (hereafter cited as IOC), *Olympic Charter* (Lausanne: IOC, 2007), 57.

¹³ The *Olympic Charter* is published by the IOC and governs the Olympic movement. The latest version came into effect on July 7, 2007, and supersedes all previous editions.

¹⁴ One could argue that the IOC does not embrace the principle of inclusion using its past record of deliberately excluding certain countries as evidence. Examples include the IOC's decisions to ban specific countries from participating in the Olympic Games, such as Germany after World War II, South Africa while the country supported apartheid, and Iraq in 2003 and 2008. I contend that while the IOC has used exclusionary practices many times throughout its history, the public image it promotes is one of ethics and values, even if this does not always match the reality of its actions.

¹⁵ Olympic Games now involve upwards of 10 000 athletes competing for over 300 gold medals whereas the Ancient Games held at Olympia consisted of 14 events and attracted approximately 300 competitors. See, David Young, "From Olympia 776 BC to Athens 2004: The Origin and Authenticity of the Modern Olympic Games." In *Global Olympics: Historical and Sociological Studies of the Modern Games*, ed. Kevin Young and Kevin B. Wamsley (New York: Elsevier, 2005), 3-4.

¹⁶ Cesar R. Torres, "Ethics and Olympic Games." In *International Olympic Academy Proceedings of the Forty-fourth [sic] Session 23 May - 6 June 2004* (Ancient Olympia: International Olympic Academy, 2004), 132.

¹⁷ Torres, 2004: 132.

¹⁸ Several scholars would fervently disagree and hold other views. See, for example, Kevin B. Wamsley, "Laying Olympism to Rest." In *Post-Olympism? Questioning Sport in the Twenty-first Century*, ed. John Bale and Mette Krogh (New York: Berg, 2004), 231-250. See also Dwight H Zakus, "The International Olympic Committee: Tragedy, Farce, and Hypocrisy," *Sociology of Sport Journal* 9 (1992): 340-353.

¹⁹ Meier, 1985.

²⁰ See, Sigmund Loland, *Fair Play in Sport: A Moral Norm System* (New York: Routledge, 2002) and Graham McFee, *Sport, Rules and Values: Philosophical Investigations into the Nature of Sport* (London: Routledge, 2004).

²¹ See, Lori Livingston and Susan Forbes, "Rule Modification and Strict Rule Enforcement as a Means of Reducing Injury in Invasion Games?," *Avante* 8, no. 3 (2003): 12-20. For an exception, see Danny Rosenberg, "The Concept of Cheating in Sport," *International Journal of Physical Education* 32, no. 2 (1995): 4-14.

²² R. Scott Kretchmar, *Practical Philosophy of Sport and Physical Activity* (Champaign, IL: Human Kinetics, 2005b), 25.

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- ²³ Mike McNamee, Steve Olivier, and Paul Wainwright, *Research Ethics in Exercise, Health and Sports Sciences* (New York: Routledge, 2007), 30.
- ²⁴ R. Scott Kretchmar, "Philosophy of Ethics," *Quest* 45 (1993): 3.
- ²⁵ Christoph Lumer, "Rules and Moral Norms in Sports," *International Review for Sociology of Sport* 30, no. 3-4 (1995): 266.
- ²⁶ Loland, 2002: 18.
- ²⁷ Torres, 2004: 132.
- ²⁸ J.L. Mackie, *Ethics: Inventing Right and Wrong* (London: Penguin, 1997), 259.
- ²⁹ Paul Taylor, "Ethical Relativism," in *Moral Philosophy: Selected Readings*, ed. George Sher (Fort Worth: Harcourt Brace College Publishers, 1996): 37.
- ³⁰ Taylor: 39.
- ³¹ Taylor: 42.
- ³² I do not mean to imply that societies all view 'right' and 'wrong' in the same way. I contend that while societies can differ substantially in describing acts or actions that are right and wrong, they can, at the same time, still share the same fundamental values. Many influential philosophers have discussed the idea of universal and natural rights held by all human beings. For example, H. L. A. Hart argues that people have a natural right "to be free." In contrast, William K. Frankena argues that we have a right to "institutions providing 'general protection' of our high order goods" because "we have prima facie rights to these goods, and we have prima facie rights to these goods because we are beings capable of enjoying them." See William K. Frankena, "Natural and Inalienable Rights," *The Philosophical Review* 64, no. 2 (1955): 231; and H. L. A. Hart, "Are There Any Natural Rights?" *The Philosophical Review* 64, no. 2 (1955): 175.
- ³³ Jim Parry, "Sport and Olympism: Universals and Multiculturalism," *Journal of the Philosophy of Sport* 33, no. 2 (2006): 197.
- ³⁴ James Rachels, *The Elements of Moral Philosophy* (Philadelphia: Temple University Press, 1986), 18.
- ³⁵ Peter Singer, *One World: The Ethics of Globalization* (New Haven, CT: Yale University Press, 2002), 139-140.
- ³⁶ Robert L. Simon, *Fair Play: The Ethics of Sport* (Boulder, CO: Westview Press, 2004), 8.
- ³⁷ Taylor: 42.
- ³⁸ Rachels: 22.
- ³⁹ Simon, 2004: 11.
- ⁴⁰ Peter Singer, *Practical Ethics* (New York: Cambridge University Press, 1993), 5-6.
- ⁴¹ W.D. Ross, *The Right and the Good* (Oxford: The Clarendon Press, 1930), 96.
- ⁴² Singer, 2002: 160.
- ⁴³ William Graham Sumner, *Folkways*, 1906. <http://www.criticalthinking.org> (accessed February 17, 2008).

⁴⁴ Using formal and informal logic, philosophers can evaluate the strength and validity of arguments. See Irving M. Copi and Carl Cohen, *Introduction to Logic, 12th Edition* (Upper Saddle River, NJ: Prentice Hall, 2005), 3.

⁴⁵ This objection is common in feminist philosophers' evaluation of traditional ethical theories and logic.

⁴⁶ R. Scott Kretchmar, "Ethics and Sport: An Overview," *Journal of the Philosophy of Sport* 10 (1983): 23. The view that understand must precede ethics is in direct conflict with Immanuel Levinas' principle that ethics precedes existence.

⁴⁷ Kretchmar, 1983: 21-32.

⁴⁸ Angela J. Schneider, "Fruits, Apples, and Category Mistakes: On Sport, Games, and Play," *Journal of the Philosophy of Sport* 28, no. 2 (2001): 151.

⁴⁹ Loland, 2002: 1.

⁵⁰ Klaus V. Meier, "Philosophical Anorexia," *Quest* 43 (1991): 58. For additional insight on the importance of the philosophy of language, see any number of works by Richard Rorty and Ludwig Wittgenstein.

⁵¹ In a later article, Kretchmar revised his position to note that both metaphysics *and* physics must precede ethics. As a result, one must understand "the nature of research, the nature of professional friendship, the structure of a profession or a discipline, and a whole host of empirical facts," and so on, before applying ethical theory. Kretchmar cautions researchers not to create and analyze codes and principles at the expense of investigating the known "facts about the world that our good behavior is intended to help." See, Kretchmar, 1993: 10.

⁵² Fédération Internationale de Volleyball, *Rules of the Game Casebook* (Lausanne: Fédération Internationale de Volleyball, 2007b), 4.

⁵³ Kretchmar, 1993: 9.

⁵⁴ For an alternative view, see the works of Immanuel Levinas.

⁵⁵ William J. Morgan, "Ethics, Ethical Inquiry, and Sport: An Introduction," in *Ethics in Sport, 2nd edition*, ed. William J. Morgan (Champaign, IL: Human Kinetics, 2007), 3.

⁵⁶ William K. Frankena, *Ethics* (Englewood Cliffs, NJ: Prentice-Hall, 1963).

⁵⁷ Loland, 2002: 29.

⁵⁸ While I will provide a justification of the chosen theories, which stresses what each component contributes to the evaluation, it is not possible to determine how much each component contributes to the analysis or assign relative weights.

⁵⁹ Loland, 2002: xiv.

⁶⁰ Philosophers use the term 'desert' to describe the condition of being deserving and discuss what one person deserves compared to another. Stemming from the French word *deserte*, desert in moral philosophy is a concept related to equality, justice, and merit.

⁶¹ The emphasis on universality with respect to rules, found in deontological theories, applies directly to sport; hence, deontological theories are not rejected *in toto*. Similarly, elements of virtue-based theories, when applicable to this study, are not discounted.

⁶² Thomas Hurka, "Two Kinds of Satisficing," *Philosophical Studies* 59 (1990): 111.

⁶³ See, for example, William Shaw, *Contemporary Ethics: Taking Account of Utilitarianism* (Malden, MA: Blackwell Publishers, 1999), 133-170, and Shelly Kagan, "Evaluative Focal Points," in *Morality, Rules, and Consequences*, ed. Brad Hooker, Elinor Mason, and Dale Miller (Edinburgh: Edinburgh University Press, 2000), 134-155.

⁶⁴ D.C. Malloy and Dwight H. Zakus, "Ethics of Drug Testing in Sport – An Invasion of Privacy Justified?" *Sport, Education and Society* 7, no. 2, 2002: 207.

⁶⁵ Henry Sidgwick, *The Methods of Ethics* (Cambridge: Hackett Publishing Company, 1981), 422.

⁶⁶ Shaw: 10.

⁶⁷ While most consequentialist moral theories seek to maximize the good, satisficing theories promote identifying a threshold of goodness that need not be surpassed once it is reached. Implementing a level of satisfaction allows considerations of distributed justice to enter into consequentialist theories. Theories of this nature were influenced by the work of Michael Slote. See Hurka: 111.

⁶⁸ See J. S. Mill, *Utilitarianism* (London: Parker and Bourn, 1863).

⁶⁹ Singer, 1993: 3.

⁷⁰ Frankena: 29.

⁷¹ Frankena: 30.

⁷² Frankena: 12.

⁷³ T. M. Scanlon, "Rights, Goals and Fairness," in *Public and Private Morality*, ed. Stuart Hampshire (Cambridge: Cambridge University Press, 1978): 94, 98.

⁷⁴ Philippa Foot, "Utilitarianism and the Virtues," *Mind* 94, no. 374 (April 1985): 196.

⁷⁵ Foot: 198. Emphasis in original. An example, which will be examined in more detail in the fourth chapter, is the women's ski jumping controversy surrounding the 2010 Winter Olympics program.

⁷⁶ Paul Graham, *Rawls* (Oxford: Oneworld Publications, 2007), 6.

⁷⁷ Graham: 36.

⁷⁸ Fred Feldman, *Utilitarianism, Hedonism and Desert: Essays in Moral Philosophy* (Cambridge: Cambridge University Press, 1997), 160.

⁷⁹ See, Nicholas Dixon, "On Winning and Athletic Superiority," *Journal of the Philosophy of Sport* 26, no. 1: (1999): 10-26. Other objections to rule-consequentialist theories include the idea that rule-consequentialism places too much emphasis on the consequences of actions at the expense of people's intentions and character in evaluating the moral worth of their actions. Additional common objections include the arguments that consequences are not all that matter, that the good is not correctly defined, that theories are too impersonal and do not allow for personal relationships or personal projects, that rights and justice are ignored, and that a backwards-looking theory is not the best way to evaluate the moral acceptability of actions. However, many of these objections can be addressed by further specification of the theories. See, for example, Frank Jackson, "Decision-theoretic Consequentialism and the Nearest and Dearest Objection," *Ethics* 101 (1991): 461-482.

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- ⁸⁰ As quoted in Robert Shaver, "The Appeal of Utilitarianism," *Utilitas* 16, no. 3 (2004): 235.
- ⁸¹ As quoted in Shaver: 235.
- ⁸² John Hardwig, "Should Women Think in Terms of Rights?" *Ethics* 94, no. 3 (April 1984): 441-455.
- ⁸³ Barbara Humberstone, "Challenging Dominant Ideologies in the Research Process," in *Researching Women and Sport*, ed. Gill Clarke and Barbara Humberstone (London: Macmillan Press, 1997): 199.
- ⁸⁴ Humberstone: 201.
- ⁸⁵ Humberstone: 202.
- ⁸⁶ M. Ann Hall, *Sport and Gender: A Feminist Perspective on the Sociology of Sport* (Calgary: University of Calgary, 1978), 6.
- ⁸⁷ There are many other feminist perspectives that are not prevalent in feminist analyses of sport. For example, third-wave feminist theories and post-modern analyses are quite popular in women's studies and feminist research yet are not represented in the philosophy of sport literature.
- ⁸⁸ See Jay Coakley, *Sport in Society: Issues and Controversies* (Boston: McGraw-Hill, 2004). Many well-respected and influential scholars who have addressed women's experiences in sport from a feminist perspective – including Celia Brackenridge, Jane English, Jan M. Boxill, Ann M. Hall, Jennifer Hargreaves, Helen Lenskyj, Mariah Burton Nelson, and Angela Schneider among others – often make implicit reference to feminist approaches in their works using the language of 'equality in sport' and 'equity in sport', which corresponds roughly to the liberal and radical feminist perspectives, respectively. The ample liberal feminist literature on equality constitutes a valuable source of information for examining equality in the Olympic movement in this dissertation.
- ⁸⁹ Audre Lorde, *Sister Outsider: Essays & Speeches* (Trumansburg: The Crossing Press, 1984), 112.
- ⁹⁰ Deborah L. Rhode, "The Politics of Paradigms: Gender Difference and Gender Advantage," in *Beyond Equality and Difference: Citizenship, feminist politics and female subjectivity*, ed. Gisela Bok and Susan James (New York: Routledge, 1992), 150.
- ⁹¹ Influential early liberal feminist thinkers, including Mary Wollstonecraft and John Stuart Mill, fought and advocated for women's rights to vote, to be seen as complete human beings, to receive payment for their labour, and to be treated with respect and autonomy.
- ⁹² Gillian Youngs, "Gender, Equality and Globalization," in *Globalisation and Equality*, ed. Keith Horton and Haif Patapan (New York: Routledge, 2004), 114.
- ⁹³ See Jennifer Hargreaves, "Theories of Sport: The Neglect of Gender," in *The Sport Studies Reader*, ed. Alan Tomlinson (London: Routledge, 2007), 47-52.
- ⁹⁴ Michele Moody-Adams, "Reclaiming the Ideal of Equality," in *Feminist Interventions in Ethics and Politics: Feminist Ethics and Social Theory*, ed. Barbara S. Andrew, Jean Keller, and Lisa H. Schwartzman (Toronto: Rowman & Littlefield Publishers, 2005), 167. However, Moody-Adams questions the value of seeking equality and cautions that doing so has the potential to influence women to consider themselves victims and to vilify men as instigators of gender conflict.
- ⁹⁵ Gisela Bock and Susan James, *Beyond Equality and Difference: Citizenship, Feminist Politics and Female Subjectivity* (New York: Routledge, 1992), 1.

⁹⁶ Bock and James: 8. Chapter II addresses the issue of equality in sport and the Olympic Games in more detail.

⁹⁷ See Frederick Schauer, "Formalism," *The Yale Law Journal* 97, no. 4 (March 1988): 509-548.

⁹⁸ Schauer: 509.

⁹⁹ Schauer: 510.

¹⁰⁰ Schauer: 514.

¹⁰¹ Schauer: 517.

¹⁰² Schauer: 521.

¹⁰³ Schauer: 539.

¹⁰⁴ J.S. Russell, "Are Rules All an Umpire Has to Work With?" *Journal of the Philosophy of Sport* 26, no. 1 (1999): 27.

¹⁰⁵ Russell: 32.

¹⁰⁶ Russell: 27. See also, Patrick Lenta and Simon Beck, "A Sporting Dilemma and Its Jurisprudence," *Journal of the Philosophy of Sport* 33, no. 2 (2006): 125-139.

¹⁰⁷ Simon, 2004: 46.

¹⁰⁸ Russell: 35.

¹⁰⁹ Russell: 35-36. Russell's work raises interesting questions regarding who is entitled to interpret rules.

¹¹⁰ See, for example, *The IOC Sessions 1956-1988 Volume II*, ed. Wolf Lyberg (Lausanne: IOC, 1994).

¹¹¹ Content analysis involves gathering and analyzing the content found in texts and is often used to identify themes and trends in many forms of communication. See W. Lawrence Neuman, *Social Research Methods: Qualitative and Quantitative Approaches* (Toronto: Pearson Education, 2003), 36-37, 310-318. For an in depth examination of the methodology of content analysis, see Klaus Krippendorff, *Content Analysis: An Introduction to its Methodology*, 2nd edition (Thousand Oaks, CA: Sage Publications, 2004). See also Kimberly A. Neuendorf, *The Content Analysis Guidebook* (London: Sage Publications, 2001).

¹¹² Livingston and Forbes: 12.

¹¹³ Although Livingston and Forbes attribute this distinction to Debra Shogan, discussions of constitutive and regulative rules in sport can be found in philosophy of sport texts dating back to the 1960s and 1970s. See, for example, Suits, 1973: 48-64. Categories of rules identified in Livingston and Forbes' study include rules pertaining to protective equipment, emerging behaviours and strategies, and penalties for aggressive behaviour. See, Livingston and Forbes: 13.

¹¹⁴ The emerging themes will be discussed at length in chapters three and four.

¹¹⁵ See Meier, 1985 and Wray Vamplew, "Playing with the Rules: Influences on the Development of Regulation in Sport," *International Journal of the History of Sport* 24, no. 7 (2007): 843-871.

¹¹⁶ Schneider, 2001: 161.

¹¹⁷ For a discussion of the plausibility of a sport without rules, see chapter twelve on 'Open Games' in Suits, 1978.

¹¹⁸ Parry, 2006: 200.

¹¹⁹ Robert G. Osterhount, "The Term Sport – Some Thoughts on a Proper Name," *International Journal of Physical Education* 14 (Summer 1977): 13.

¹²⁰ Allen Guttmann, "Rules of the Game," in *The Sport Studies Reader*, ed. Alan Tomlinson (London: Routledge, 2007), 24.

¹²¹ Vamplew: 856.

¹²² Vamplew: 846 and 857.

¹²³ Vamplew: 860-863.

¹²⁴ For example, Vamplew's research shows records of rules for cricket that date back to 1727, and a published rulebook from 1744 exists. The first known rulebook for golf is also from 1744. Sports that had developed a "recognized central organization" by the 1820s included sailing, archery, and prizefighting. See, Vamplew: 845, 848.

¹²⁵ Sigmund Loland, "Justice in Sport: An Ideal and its Interpretations," *Sport, Ethics and Philosophy* 1, no. 1 (2007): 78.

¹²⁶ Karin A. E. Volkwein, "Ethics and Top-Level Sport – A Paradox?" *International Review for Sociology of Sport* 30, no. 3-4 (1995): 316.

¹²⁷ Kretchmar, 2005b: 173.

¹²⁸ R. Scott Kretchmar, "Game Flaws," *Journal of the Philosophy of Sport* 32, no. 1 (2005a): 37.

¹²⁹ Angela J. Schneider and Robert B. Butcher, "For the Love of the Game: A Philosophical Defense of Amateurism," *Quest* 45 (1993): 466.

¹³⁰ Lumer: 268.

¹³¹ Arnold, 1992: 250.

¹³² Anthony Ralls, "The Game of Life," in *Sport and the Body: A Philosophical Symposium*, ed. Ellen W. Gerber (Philadelphia: Lea & Febiger, 1972), 286.

¹³³ Meier, 1985: 70.

¹³⁴ Loland, 2002: 15.

¹³⁵ Meier, 1985: 69.

¹³⁶ Randolph Feezell, "On the Wrongness of Cheating and Why Cheaters Can't Play the Game," *Journal of the Philosophy of Sport* 15 (1988): 59. In addition, Debra Shogan adds a third class of constitutive rules, which she labels descriptive, which describe, for example, the dimensions of playing surface and the type of equipment used. See Debra Shogan, "Rules, Penalties, and Officials: Sports and the Legality-Morality Distinction," *Canadian Association for Health, Physical Education, Recreation and Dance Journal* 54, no. 6 (1988): 6-11.

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- ¹³⁷ Warren Fraleigh, *Right Actions in Sport: Ethics for Contestants* (Champaign, IL: Human Kinetics Publishers, 1984), 68.
- ¹³⁸ Meier, 1985: 69.
- ¹³⁹ Simon, 2004: 19.
- ¹⁴⁰ Suits, 1978: 37-38.
- ¹⁴¹ Suits, 1978: 37-38.
- ¹⁴² Meier, 1985: 70.
- ¹⁴³ B. J. Diggs, "Rules and Utilitarianism," in *Sport and the Body: A Philosophical Symposium*, ed. Ellen W. Gerber (Philadelphia: Lea & Febiger, 1972), 289.
- ¹⁴⁴ McFee, 2004: 43.
- ¹⁴⁵ Loland, 2002: 2.
- ¹⁴⁶ Loland, 2002: 3.
- ¹⁴⁷ Loland, 2002: 3-4.
- ¹⁴⁸ Cesar R. Torres, "What Counts As Part of a Game? A Look at Skills," *Journal of the Philosophy of Sport* 27, no. 1 (2000): 82.
- ¹⁴⁹ Meier, 1985: 68-69.
- ¹⁵⁰ John R. Searle, *Speech Acts: An Essay in the Philosophy of Language* (Cambridge: Cambridge University Press, 1969), 41.
- ¹⁵¹ Gordon Reddiford, "Constitutions, Institutions and Games," *Journal of the Philosophy of Sport* 12, (1985): 41.
- ¹⁵² Reddiford: 41.
- ¹⁵³ McFee, 2004: 43.
- ¹⁵⁴ Meier, 1985: 69.
- ¹⁵⁵ Loland, 2002: 3.
- ¹⁵⁶ Loland, 2002: 8. The term 'prima facie' refers to the plurality of basic moral rules. When values and obligations conflict, one prima facie rule might usurp another prima facie rule. For example, depending on the context, a duty to keep promises might be trumped by a duty to avoid injuring others. Both duties are referred to as prima facie because one ordinarily has an obligation to respect both but neither applies absolutely nor serves as an underlying moral principle.
- ¹⁵⁷ Searle: 33-34.
- ¹⁵⁸ Meier, 1985: 70-71. Emphasis in original.
- ¹⁵⁹ Deborah P. McDonald, "Toward the Essential Meaning of Fair Play as an Aspiration of Olympism," in *Olympic Perspectives: Third International Symposium for Olympic Research*, ed. Robert K. Barney, Scott

G. Martyn, Doug A. Brown, and Gordon H. MacDonald (London, ON: The International Centre for Olympic Studies, 1996): 147-148.

¹⁶⁰ McDonald: 148.

¹⁶¹ Torres, 2000: 84.

¹⁶² Meier, 1985: 71, and Meier, 1988: 18.

¹⁶³ Lumer: 268.

¹⁶⁴ Vamplew: 851-852.

¹⁶⁵ Vamplew: 855.

¹⁶⁶ Vamplew: 853.

¹⁶⁷ McFee, 2004: 54.

¹⁶⁸ Angela Lumpkin, Sharon Kay Stoll, and Jennifer M. Beller, *Sport Ethics: Applications for Fair Play* (Boston: McGraw-Hill, 2003), 96.

¹⁶⁹ Lumpkin, Stoll, and Beller address the auxiliary rules of Olympic eligibility, but they do not refer to these rules as auxiliary, nor do they offer any suggestions for positive change.

¹⁷⁰ Lumpkin, Stoll, and Beller: 69.

¹⁷¹ Alan H. Golman, "Rules in the Law," *Law and Philosophy* 16 (1997): 581.

¹⁷² See, for example, Suits, 1978.

¹⁷³ John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), 343. Also cited in Loland, 2002.

¹⁷⁴ Arnold, 1992: 247.

¹⁷⁵ William J. Morgan, "Fair is Fair, Or Is It? A Moral Consideration of the Doping Wars in American Sport," *Sport in Society* 9, no. 2 (April 2006): 181.

¹⁷⁶ Simon, 2004: 55.

¹⁷⁷ At the Olympic Games, the Olympic oath that athletes and officials swear functions similarly and can, arguably, render it morally unacceptable for an athlete to break the rules outlined in the *Olympic Charter* once he or she has pledged to respect and follow these rules.

¹⁷⁸ Sigmund Loland and Mike McNamee, "Fair Play and the Ethos of Sports: An Eclectic Philosophical Framework," *Journal of the Philosophy of Sport* 27, no. 1 (2000): 65.

¹⁷⁹ Shogan: 7.

¹⁸⁰ See, for example, Searle: 33-34. Also see the first chapter of Loland, 2002.

¹⁸¹ Heather L. Reid, *The Philosophical Athlete* (Durham: Carolina Academic Press, 2002), 188.

¹⁸² Lumpkin, Stoll, and Beller: 98.

¹⁸³ Suits, 1967: 152.

¹⁸⁴ Stephen G. Utz, "The Authority of the Rules of Baseball," *Journal of the Philosophy of Sport* 16 (1989): 89.

¹⁸⁵ Utz: 91.

¹⁸⁶ Kretchmar, 1993: 7-8.

¹⁸⁷ McFee, 2004: 47. Emphasis in original. Further, McFee contends that "occasion-sensitivity" is needed in the application of rules to determine when rules apply and how much ground rules can cover in any given situation.

¹⁸⁸ Heather Sheridan, "Conceptualizing 'Fair Play': A Review of the Literature," *European Physical Education Review* 9, no. 2 (2003): 165.

¹⁸⁹ See, for example, Kathleen Pearson, "Some Comments on Philosophic Inquiry into Sport as a Meaningful Human Experience," *Journal of the Philosophy of Sport* 1 (1974): 132-136; Edwin Delattre, "Some Reflections on Success and Failure in Competitive Athletics," *Journal of the Philosophy of Sport* 2 (1975): 133-139; Suits, 1978; and Reddiford, 1985, as cited in Sheridan.

¹⁹⁰ William J. Morgan, "The Logical Incompatibility Thesis and Rules: A Reconsideration of Formalism as an Account of Games," *Journal of the Philosophy of Sport* 14 (1987): 1-20. Bernard Suits coined the term 'logical incompatibility thesis' in *The Grasshopper*, but Morgan's application and definition is more effective.

¹⁹¹ Morgan, 1987: 1.

¹⁹² Suits, 1978: 20-21.

¹⁹³ Suits, 1967: 149.

¹⁹⁴ Suits, 1967: 50.

¹⁹⁵ Rosenberg, 1995.

¹⁹⁶ Feezell: 66.

¹⁹⁷ See chapter five of Fraleigh, 1984.

¹⁹⁸ Philosopher Michael Sean Quinn provides an effective definition of cheating. According to Quinn, a "cheater is someone who knows the rules of the game, purports to follow them, but covertly and deliberately breaks them (usually for his own advantage), except when such deliberate rule breakage is condoned by the accepted strategic rules of that particular game." Michael Sean Quinn, "Practice-Defining Rules," *Ethics* 86, no. 1 (1975): 78. Similarly, in noting the difficulty in distinguishing acts of cheating from exploitation, coercion, promise-breaking, deception, disloyalty and other morally unacceptable acts, philosopher Stuart P. Green, argues that cheating involves breaking a rule intentionally to obtain an unfair advantage. See Stuart P. Green, "Cheating," *Law and Philosophy* 23, no. 2 (2004): 137-185. See also Rosenberg, 1995.

¹⁹⁹ See Morgan, 1987.

²⁰⁰ See Morgan, 1987; Fred D'Agostino, "The Ethos of Games," *Journal of the Philosophy of Sport* 8 (1981): 7-18; and Sigmund Loland, "The Varieties of Cheating – Comments on Ethical Analyses in Sport," *Sport in Society* 8, no. 1 (March 2005): 11-26.

²⁰¹ Loland, 2002: 6.

²⁰² Loland: 2002: 6.

²⁰³ D'Agostino: 7.

²⁰⁴ Loland, 2002: 9.

²⁰⁵ Reid: 196. The recent controversy of whether women's ski jumping should be added to the program of the 2010 Winter Olympic Games is an example of the kind of rule that Reid might suggest could be broken with justification. Proponents of adding women's ski jumping events argue that the rule stipulating that the International Ski Federation had to have petitioned the IOC to add women's ski jumping several years earlier to follow the rules for the introduction of new events, would claim that the existing rule should be broken or lifted in this case to promote the greater good of gender equality.

²⁰⁶ William J. Morgan, "Moral Antirealism, Internalism, and Sport," *Journal of the Philosophy of Sport* 31, no. 2 (2004): 161-183.

²⁰⁷ Karsten R. Stueber, "How to Think About Rules and Rule Following," *Philosophy of the Social Sciences* 35 (2005): 308.

²⁰⁸ Stueber: 308.

²⁰⁹ Paul A. Boghossian, "Rules, Meaning and Intention – Discussion," *Philosophical Studies* 124 (2005): 187. Emphasis in original.

²¹⁰ Fraleigh, 1984: 70.

²¹¹ Graham McFee, "Spoiling: An Indirect Reflection of Sport's Moral Imperative." In *Values in Sport: Elitism, Nationalism, Gender Equality and the Scientific Manufacture of Winners*, ed. Torbjörn Tännsjö and Claudio Tamburrini (London: E&FN Spon, 2000).

²¹² Hans Lenk, "Toward a Social Philosophy of the Olympics: Values, Aims, Reality of the Modern Olympic Movement," in *The Modern Olympics*, ed. Peter J. Graham and Horst Ueberhorst (Cornwall, NY: Leisure Press, 1976), 136.

²¹³ Sigmund Loland and Per Sandberg, "Realizing Ludic Rationality in Sport Competitions," *International Review for the Sociology of Sport* 30, no. 2 (1995): 225.

²¹⁴ Arnold, 1992: 244.

²¹⁵ Kretchmar, 1993: 8.

²¹⁶ Kretchmar, 1993: 8.

²¹⁷ Vamplew: 844.

CHAPTER II

Olympic Values and Ideals

In this chapter, I review the philosophical literature on the Olympic Games and Olympism in order to identify the values associated with the Olympic movement. Before I analyze the extent to which the auxiliary rules of Olympic qualification and competition match with the ideals of the Olympic Games, I examine and clarify what the gatekeepers of the Olympic Games, the IOC, seek the Games to symbolize, represent, and embody. As I demonstrated in the first chapter, drawing on Kretchmar's work, a thorough understanding of the issue and relevant factors must precede any type of ethical analysis. Only after this groundwork has been addressed sufficiently can one attempt to capture what Olympism *should* entail from a moral point of view rather than how most people, including Coubertin, conceived of the concept in the past.¹

After determining in this chapter the values and ideals attached to the Olympic Games, I can then compare the resulting ideals with the eligibility rules athletes must adhere to, and respect, in order to compete (Chapter III), to determine if these rules are acceptable using the mixed ethical framework described previously (Chapter IV). This chapter consists of: 1) a description of Olympic terminology; 2) an examination of the origins of Olympism; 3) a review of contemporary interpretations of Olympism; and, 4) a critical analysis of the modern Olympic ideals. To begin, some definitional work is required to clarify and stipulate the usage of the terms 'Olympic movement,' 'Olympic values,' 'Olympic ideals,' and 'Olympism.'

Olympic Terminology

As stipulated in Rule 1 of the *Olympic Charter*, the Olympic movement includes the individuals and organizations that respect and adhere to the IOC's rules and

regulations set forth in the *Olympic Charter* for the governance of sport. The Olympic movement consists of the athletes, members of the International Olympic Committee (IOC), members of the International Federations (IFs), members of the National Federations (NFs), members of the National Olympic Committees (NOCs), fans, organizations, and any other people or entities that align with and supports the IOC's stated goals of using sport as a tool to teach values and promote peace.² People often use the words 'values' and 'ideals' interchangeably; however, in the philosophical literature, values and ideals are not synonymous, coextensive, or tantamount to one another. It is necessary to distinguish values from ideals, generally, and Olympic values from Olympic ideals, specifically, before examine Olympism further.

As discussed in the preceding chapter, ethics is the study of what we ought to do. Values are an important component of ethics because values help explain why people do what they ought to do. Philosopher David Malloy defines values as "concepts of the desirable with a motivating force."³ He argues that a person's core values directly affect his or her behaviour and "lead to action regardless of the circumstance."⁴ For example, an athlete who holds the value of fair play will act only in ways that avoid instances of cheating and will not bend the rules even if he or she thinks it is possible to do so without getting caught. If another athlete opts to cheat, then he or she lacks the motivating force to possess the desired concept, and he or she cannot be said to hold the value of fair play.⁵ It is logically impossible to fail to act upon a core value that one holds;⁶ consequently, demonstrating that the IOC does not act upon its stated values, or acts in ways which contradict its stated values, would show that it does not, in fact, hold those values at all.

Values differ from ideals. The English language uses the word 'ideal' in several ways in general language, mathematics, and philosophy. In philosophy, specifically, ideals are paradigms of excellence or standards of perfection that, by definition, are unattainable.⁷ The ideal athlete or the ideal game exists only in the abstract and serves as a model or exemplar that one can pursue and strive to attain.⁸ In this dissertation, the word 'ideal' will represent the ultimate example of a virtue, value, principle, or concept of which one can conceive of or imagine. Using this definition, values become the practical application of ideals by humans. Angela Schneider distinguishes ideals worth pursuing from rules obeyed for the sake of avoiding penalties or disqualification.⁹ According to Schneider, the attainment of an ideal is a life-long goal and involves much more than following the rules. Correspondingly, failure to live up to an ideal does not indicate the ideal is intrinsically weak or wrong,¹⁰ because ideals represent what humans must strive to achieve, not what humans can achieve in practice.

The Olympic ideals, which I describe later in this chapter, can be a morally justifiable pursuit for members of the Olympic movement to attempt to achieve. Similar to the pursuit of any ideal, failing to embody the Olympic ideals does not mean that all attempts to do so are futile and subsequent attempts should be aborted. As Schneider has argued, "[h]ow well the guardians of the Olympic movement discharge their responsibility to the public they serve will be measured by how well they live up to Olympic ideals."¹¹ I examine this possibility throughout the remainder of this dissertation but will proceed to address the notions of Olympism and Olympic ideals next.

The Origins of Olympism

Scholars use the term 'Olympism' to represent the non-athletic dimensions and goals of the Olympic movement. Olympism is typically defined as a social philosophy or ideology that emphasizes the Olympic Games' contribution to peace, tolerance, and moral education through sport. Examples such as the safe passage through Greece granted to athletes travelling to Olympia to compete at the Ancient Games, and the use of the Olympic Games to promote free speech and open access to external news media in Beijing in 2008, serve to demonstrate the type of harmony and social justice issues associated with Olympism. Understanding what scholars mean by Olympism requires an examination of Pierre de Coubertin's introduction of the word and his intended applications of the concept.

Scholars attribute the organization of the first modern Olympic Games and the concept of Olympism almost exclusively to the Baron Pierre de Coubertin of France. The organization of Olympic Games in 1896 represents an unprecedented attempt to use a large, international sports festival to connect and bridge communication channels between cultures. The last known Olympic festival, which took place in 373 BCE, marks the end of the Ancient Olympic festivals. Among many Western Europeans intellectuals, including Coubertin, the excavation of Olympia by German archaeologists over 1400 years later sparked an interest in matters related to Ancient Greece.¹² Coubertin believed international gatherings of athletes could promote "international understanding, peaceful coexistence, and social and moral education,"¹³ and he published several articles and newsletters describing his thoughts on the spirit of the Olympic Games and a concept he called 'Olympism.' Yet despite his role in organizing the Olympic Games in Athens,

Coubertin did not act alone, and his personal views and agenda did not automatically influence or sway the views of members of the IOC who held voting power. Philosopher Lamartine DaCosta shows that the official records of the IOC meetings depict Coubertin as a secluded guardian of the Olympic Games and "Olympism was often considered Coubertin's personal affair."¹⁴

Canadian Olympian and scholar Bruce Kidd argues that evidence Coubertin found doing field research during the political and social crises in late nineteenth-century France was a motivating factor in Coubertin's desire to organize Olympic Games. Specifically, Kidd shows that Coubertin was concerned with "the immiseration and exploitation which accompanied rapid industrialization and urbanization, and the rising class conflict, poverty, disease and despair."¹⁵ In conjunction with the norm that privileged the middle and upper classes while excluding members of the lower class from participating in most sports at this time, Coubertin's vision of a festival that would modernize and exemplify the ancient Greek values and traditions emerged.¹⁶ The image of the Olympic Games attributed to Coubertin "was deeply rooted in the muscular Christianity and educational philosophies of England's Canon Kingsley and the Reverend Thomas Arnold, on the one hand, and the ceremony and religious spiritualism of the ancient Olympic Games."¹⁷ Nonetheless, ample evidence supports the conclusion that Coubertin's desire was for the Olympic Games to bring together affluent, white, male athletes to compete in individual events, and that Coubertin did not embrace the idea of including women or team sports on the Olympic programme.¹⁸ Coubertin's views and attitudes toward women, non-white, and non-affluent members of society were neither unique to him nor uncommon among the French aristocracy of which he was a member.

The Olympic values and ideals that Coubertin emphasized when defining, revising, and attempting to implement his theory of Olympism are thus not necessarily representative of Coubertin or the personal views or beliefs of members of the IOC. While scholars often depict Coubertin's personal views negatively, the principle of charity requires one to situate his views within the social norms and practices of the society in which he lived and to acknowledge his nobler and more respected character traits, including his dedication to educating the youth and improving their physical fitness for purposes of warfare. Coubertin's motivations in reviving the Games were widespread and complicated,¹⁹ but as Kidd explains, "dressing his games in the image of antiquity proved to be a masterstroke of public relations" and "linking to antiquity gave universal character to the games."²⁰ Coubertin's most noble intention was to use the Olympic Games to educate the world on peace, goodwill, and fair play by bringing the nations of the world together to participate in friendly competitions.²¹ Coubertin's vision of the Olympic Games included a "broad educational movement that, through the activity of sport and culture, would enhance human development and generally make the world a better place."²² He saw tremendous benefit in teaching youths the importance of developing their minds and bodies in balance in order to live fulfilling lives. Coubertin thus campaigned "to create a cultural centre for the preservation and dissemination of the Olympic Idea... and to initiate the young into the ideal of *kalokagathia*."²³

Changes in people's fundamental values and beliefs over the last two millennia have made it impossible for the modern revivification of the Olympic Games to mimic the exact purpose and ideals associated with the festivals held in Ancient Olympia, Greece. In the nineteenth century, when serious talk of resurrecting the ancient Olympics

first began by not only Coubertin, but earlier by Evangelos Zappas, Dr. William Penny Brookes, and Panagiotis Soutsos among others, the average person had very little knowledge about Ancient Greece and what people valued hundreds of years ago. As a result, discussion of the ancient ideals of *kalokagathia* and *arête* or *areté* (excellence) was rare. Modern Olympic scholar M. H. Eyler describes the ancient Olympic ideals as including "distinction, duty (primarily to oneself), excellence, fame, glorious deeds, goodness, greatness, heroism... valor and virtue."²⁴ Today, many people associate the Olympic Games with the ideals and values from the Ancient Games, whether this association is accurate and deserved or not.

One of Coubertin's most widely quoted slogans was "the important thing in life is not victory but the fight; the main thing is not to have won, but to have fought well,"²⁵ which emphasizes some of the ideals he sought to infuse into the Olympic Games. However, Coubertin spoke and wrote of the ancient virtues he sought to venerate through reviving the Olympic Games in vague and sometimes contradictory terms, often referring to the resulting meld of concepts as a philosophy called Olympism. As a result, Torres notes, "Coubertin's radical eclecticism and disorganized writing make the understanding of Olympism a challenging project."²⁶ In agreement, DaCosta observes that Coubertin's writings can appear unsystematic, superficial, divisive, and contradictory to scholars today.²⁷ The concept of Olympism is open to interpretation and lacks a straightforward definition. However, DaCosta cautions that dismissing Olympism because of its lack of clarity and consistency is hasty and unwarranted. Instead, DaCosta argues, analysis of Coubertin's writings and theories requires researchers to consider the time and atmosphere in which Coubertin lived. Moreover, he explains:

Coubertin's intellectual works may be inaccessible to many present-day interpreters, except if they are familiar to the French tradition established in the last century by a combination of evolutionary epistemology, positivism, eclecticism and utilitarian humanism, blended with the idea of progress already reshaped by the enlightenment.²⁸

Despite his personal biases and arguably discriminatory views, it appears that Coubertin intended Olympism to be a universal philosophy that applied to all people regardless of their social identities; hence, he sought to create a universal culture with its own traditions and history with which people from around the world could identify and celebrate.

DaCosta's view of the complexity of Coubertin's work is shared by Parry, who attributes Coubertin's teachings to the fact that Coubertin's principles were "created by a set of 19th century ideas that sought to impose a modern ideology on ancient values so as to affect contemporary social practice for the better."²⁹ As a result, Parry contends, Coubertin's values correspond to the principles of liberal humanism associated with the end of the 19th century. In line with Parry's assertion, Torres suggests that Coubertin's continuous revisions and additions to his earlier ideas were influenced not only by liberalism, but also reflect elements of classic Hellenism, English muscular Christianity, and French social reformism.³⁰

DaCosta argues that Coubertin coined the word 'Olympism' to represent a philosophy of life and helped spread its meaning by including it in the *Olympic Charter* in 1914, before discussions of reviving the ancient Olympic Games had begun.³¹ In 1894, when Coubertin's ideas surrounding the reestablishment of the Olympic Games were taking form, Coubertin's idea of Olympism "denoted either a movement of actions toward the development of the Games or an idea to give meaning to this movement

inspired by ancient Greek athletics.”³² By including Olympism in the first *Olympic Charter*, Coubertin gave legitimacy to the term and ushered the second conception of the term into the vocabulary of all those associated with the Olympic Games. Accordingly, Olympism became the governing principle of the Olympic movement. Due to a lack of critical thought or discussion resulting from the inclusion of Olympism to describe the philosophy of the Olympic Games in the *Olympic Charter*, Coubertin installed the ideal of Olympism without challenge.³³

The growth of the Olympic Games has superseded the public’s understanding of Olympism and the Olympic ideals.³⁴ It is important to understand the development and progression of Olympism in order to evaluate how current interpretations of Olympism have influenced the values and rules contained in the *Olympic Charter*. In the next section, I will identify and discuss the values that are included as part of Olympism and determine which of these values can be considered the ideals that the IOC seeks to propagate as the principal stakeholder of the Olympic Games.

A Review of Contemporary Interpretations of Olympism

From the preamble of the *Olympic Charter* one can begin to assess the position held by the IOC with respect to the values the organization seeks to propagate through the organization and staging of the Olympic Games. The preamble of the IOC’s current *Olympic Charter* continues to use the term Olympism to depict the philosophy of the Olympic Games. The following six statements constitute the “Fundamental Principles of Olympism” in the 2007 edition of the *Olympic Charter*:

1. Olympism is a philosophy of life, exalting and combining in a balanced whole the qualities of body, will and mind. Blending sport with culture and education, Olympism seeks to create a way of life based on the joy of effort, the educational value of good example and respect for universal fundamental ethical principles.

2. The goal of Olympism is to place sport at the service of the harmonious development of man, with a view to promoting a peaceful society concerned with the preservation of dignity.
3. The Olympic Movement is the concerted, organised, universal, and permanent action, carried out under the supreme authority of the IOC or all individuals and entities who are inspired by the values of Olympism. It covers the five continents. It reaches its peak with the bringing together of the world's athletes at the great sports festival, the Olympic Games. Its symbol is five interlaced rings.
4. 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. The organisation, administration and management of sport must be controlled by independent sports organisations.
5. Any form of discrimination with regard to a country or a person on grounds of race, religion, politics, gender or otherwise is incompatible with belonging to the Olympic Movement.
6. Belonging to the Olympic Movement requires compliance with the Olympic Charter and recognition by the IOC.³⁵

These six statements echo the sentiments many people around the world hold toward the Olympic Games and espouse several values associated with the Olympic movement by sponsors, athletes, IOC members, and fans. However, the IOC includes the phrases "universal fundamental ethical principle," "preservation of dignity," "values of Olympism," and idea of sport as a "human right" nebulously, which has led scholars to describe the fundamental principles as "vague, ambiguous and open for interpretation."³⁶ Indication of how the IOC intends or foresees implementation and actualization occurring is lacking. Furthermore, dialogue indicating how the IOC intends readers to interpret these phrases particularly, and the concept of Olympism more generally, is absent.

Each component of the IOC's principles of Olympism mentioned above raises several questions. Human rights and fundamental ethical principles are emphasized in

the introduction of the *Olympic Charter*, but little advice follows on how one might implement these principles or why fair play and equality ought to be associated with the Olympic Games.³⁷ It is important to note that the relevance of any definition of Olympism will be challenged by critics of the Olympic Games and by pundits who posit that Olympic Games are nothing more than multi-sport festivals. Counterpositions deny the existence of Olympism or present it as an outdated and implausible goal. Many critics who hold positions of this nature consider the Olympic Games to be an outlet for exploiting athletes in order to provide a 16-day television mini-series and boost sales for the companies that have signed contracts with the IOC to become exclusive sponsors of the Olympic Games.³⁸ Others suggest the values associated with Olympism are too Utopian to be implemented today.³⁹ As these positions show, confusion surrounds what Olympism and the Olympic ideals include and to what extent athletes competing in the Olympic Games can, and should, embody the facets of Olympism. Sport historian Kevin Wamsley has argued that the modern Olympic Games "are the antithesis of the very Olympic ideals they ostensibly cherish,"⁴⁰ pointing out that an elite athletic festival is not needed to implement the ideals associated with Olympism. He speculates that the IOC deliberately encourages Olympism not only to promote the positive values associated with sport, but also because doing so is an effective marketing strategy.⁴¹

One can attempt to understand what Olympism has come to represent today by examining myriad conceptions of Olympism and the values that constitute the Olympic ideals found in the literature. Kidd's description of the Modern Olympic Movement highlights the values associated with the Olympic Games and speaks to the appeal the Games hold for many people:

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No other project in human history has enjoyed such universal visibility. I am convinced that a major reason for this is the Movement's explicit pursuit of social values – in its official statements, its inspiring ceremonies, its debates over eligibility and fair play, its cultural and technical aid programs, and its briefs to government. No other major sports event was designed primarily as a vehicle for social improvement. Both scholars and pollsters tell us that it is the pursuit of ethical values, as much as the dazzling performances it encourages, which has won the Olympic Movement such a popular following.⁴²

Kidd's observations demonstrate the power the Olympic Games have in distinguishing and popularizing the two-week festival compared to other sports events, and he notes the importance of stressing the universality of the Olympic values and ideals.

Noting that Coubertin intended that the world embrace Olympism at the universal level, McNamee argues that we must first step back and determine if universal principles exist before specifying any potential universal principles that Olympism might encompass and celebrate. Only after this step has been taken can one proceed to analyze critically whether the specified values are universal and transcultural, rather than Eurocentric and elitist.⁴³ This step is often missing from general scholarship on the Olympic movement and specific analyses of Olympism.⁴⁴ The intended universal nature of the Olympic Games is obvious in Coubertin's article, "Why I Revived the Olympic Games," which he published in a 1908 edition of the *Fortnightly Review*. In this article, Coubertin explained:

the athletic life of modern youth demands the revival of the Olympic Games; and in that conviction I called for their revival, thinking not merely of France or England, Greece or Italy, but of humanity in general.⁴⁵

Coubertin's intention was not to organize a profitable, attention-gathering sports event or benefit French athletes exclusively; rather, his aspiration was to benefit humanity as a whole. Regardless of Coubertin's intentions, the universality of Olympism is contested.

Several scholars find troubling the frequency with which the public assumes and accepts uncritically the universal nature of the Olympic Games. Some critics view the European roots of the Olympic Games as creating “a form of cultural imperialism by imposing a Eurocentric version of sport upon the whole World.”⁴⁶ The Olympic Games include 205 nations from across the globe but manifest the values and ideals of a much smaller geographic area; the fear is that the values celebrated in the Olympic Games are imposed upon athletes from areas of the world that, if given the choice, would celebrate alternative values. In a thesis on Olympic internationalism, Angela Pearson concluded that “definitions of Olympism seem to presuppose that Olympism has a core structure or essence which is universal.”⁴⁷ According to Pearson, “there seems to be a conflict between the universalistic ideals of Olympism and the cultural imperialism ingrained within Olympism.”⁴⁸ Critics who consider Olympism a cultural construct cite perceptions of the superiority of Western values in the Olympic movement as evidence of a lack of universality.⁴⁹ In contrast, the opposite view holds that the values associated with Olympism contributed to the identities and competencies among athletes in colonised countries, despite stemming from Western liberal ideas.⁵⁰

For principles to be universal they must be relevant to people of all genders, races, nations, religions, social classes, and ideologies, and they must remain constant over time.⁵¹ Applying William Frankena’s work on universal moral values, philosopher Thomas W. Pogge argues that for a value to be universal it must meet three criteria: 1) the principles are the same for all people; 2) the principles involved provide the same “fundamental moral benefits (e.g. claims, liberties, powers, and immunities) to all” people; and 3) the principles do not privilege groups and individuals for arbitrary

reasons.⁵² As Søren Damkjær points out, “[d]uring the twentieth century, certain elements have been retained, others have been modified, some have disappeared and some have been realized.”⁵³ The rules contained within the *Olympic Charter* appear to mandate equal treatment for all participants and prevent privileging of some athletes over others, yet the requirements of universality work in opposition to the evolving nature of rules observable throughout the history of the Olympic Games.⁵⁴ Distinguishing between concepts and conceptions can help clarify the universal nature of Olympism.

Concepts are general statements that people in diverse time periods and geographic locations can interpret differently. Each interpretation by groups of people in different time periods and locations constitutes a conception of a concept. Philosopher W. B. Gallie has demonstrated that although it is difficult, if not impossible, to conclusively define concepts such as ‘social justice’ and ‘moral goodness’ one can discuss his or her justification for supporting one conception or interpretation rather than another one. In determining which conception to adopt, one needs to consider how different people and groups in the past have used the concept.⁵⁵ In this vein, Parry argues, scholars will come up with different conceptions of Olympism to make it contextually relevant to the time and location from which they write. A concept of Olympism, then, must include the values

each nation can sincerely commit itself while at the same time finding for the general idea a form of expression that is unique to itself, generated by its own culture, location, history, tradition, and projected future.⁵⁶

Parry notes that the values he posits for universal acceptance as part of a concept of Olympism are similar to John Rawls’ core principles of rights-based liberalism, and

include: multiculturalism, peace, tolerance, mutual respect, solidarity, antidiscrimination, equity, respect for diversity, and freedom, among others.⁵⁷

Parry also associates “equality, fairness, justice, respect for persons, rationality and understanding, autonomy, and excellence”⁵⁸ with Olympism. These values form the backbone of Olympism, according to Parry, which acts as a general concept to be interpreted and implemented in particular terms by different societies and cultures, now, in the past, and in the future.⁵⁹ Accepting Parry’s view, one must acknowledge that the values associated with Olympism have the potential to be universal in nature.⁶⁰ However, criticism has been directed at Parry’s ideas surrounding Olympism for being overly formalistic and dependent on essential definitions.⁶¹ I do not consider this criticism to be a serious objection to Parry’s definition because in searching for a practical, working definition of Olympism, one needs to identify the necessary and sufficient components to understand any conception.⁶²

Parry’s interpretation of Olympism is strong and convincing, but it is only one of many conceptions of Olympism found in the literature. Peter J. Arnold offers additional insight into the public’s perception of sport’s ideals and values. He argues that while little evidence exists to support claims that sport builds character, the lack of evidence does not mean that the claim is false.⁶³ Critics who dismiss the character-building potential of Olympic sports based on a lack of tangible evidence fall prey to the non sequitur fallacy. It does not follow that a lack of causal evidence linking character building and sport supports the conclusion that sport has no role in building character. Imbedded within Arnold’s research on the Olympic Games is the view that the “Olympic ideal, among other things, aims to promote and strengthen friendship between sportsmen

and sportswomen of all countries.”⁶⁴ He also contends that the Olympic movement encourages justice, honesty, and courage.⁶⁵ However, Arnold’s pro-Olympic view fails to address the exact nature of the fundamental principles of Olympism or suggest how Olympism promotes these values.

DaCosta’s conception of Olympism, on the other hand, involves a ‘process philosophy,’ which he describes as a “speculative construction of philosophical positions or directions without internal coherence that asserts that reality is constantly in a process of change.”⁶⁶ DaCosta suggests that what is missing between Coubertin’s goals and today’s reality is a pluralistic approach to studying the Olympic Games that combines scientific knowledge with philosophical and historical interpretations.⁶⁷ He purports that the majority of approaches scholars take in examining the Olympic movement are “methodologically naive” and focus on description at the expense of context, which leads to studies that disregard cultures that differ from the researcher’s own and highlight certain factors while remaining ambivalent toward others.⁶⁸ As a result, DaCosta suggests that Olympism lacks the internal coherence to be considered a philosophy despite containing ancient Greek sport and cultural values.⁶⁹

The past director of the International Olympic Academy and long-time IOC member, Nikos Filaretos, also viewed the Olympic movement’s role as a two-fold process involving sport and education, and believed the two could be united by “human thinking.”⁷⁰ Accordingly, his conception of Olympism revolved around the idea that Olympism is “expressed through the triptych: philosophy, art and gymnastics and represents a harmonious and indivisible whole consisting of dialectic, measure and harmony.”⁷¹ The values he deemed of greatest importance included fair play, anti-

discrimination, and cooperation, and above all he believed the Olympic Games represented “mutual respect for fair play and the observance of common rules, which govern sport competitions.”⁷² His reflective summary of Olympism includes the following:

In plain words, Olympism is a way of life, an inner faith of the human being in itself, a constant pursuit of the idea, which the Ancient Greeks defined with the words “kalos kagathos”. This means the constant effort to develop bodily strength and skill in parallel to the uplifting of the mind.⁷³

Along similar lines, Uruguay’s NOC president and IOC member, Julio César Maglione, notes the Olympic movement “performs a titanic task, which includes a relentless fight to promote the educational value of sport, to promote peace and the mutual understanding among the nations.”⁷⁴ Likewise, historian John Lucas further emphasizes the important role education plays in Olympism with his observation that “the Olympic Ideal was and is a grand attempt to fuse academic training with moral and physical education.”⁷⁵

Education appears a common theme in descriptions of Olympism.

Ideas surrounding how Olympism ought to be implemented are abundant in the literature. After reviewing the articles on Olympism published in the IOC’s magazine, *Olympic Review*, Pearson concluded that her conception of Olympism involves six components: globalization, achievement, religion, aesthetics, ethics, and education.⁷⁶ According to Pearson, these six components create a “complex working definition” that is intentionally vague.⁷⁷ Jeffrey O. Segrave’s list of seven components of Olympism is similar to Pearson’s and includes: cultural expression, education, equal opportunity, excellence, fair play, independence of sport, and peace and international understanding.⁷⁸ In contrast, Otavio Tavares’ conception of Olympism includes ten values that he argues reconcile Coubertin’s romantic idea of Olympism (which included “the notions of honor,

duty, self-surpassing, fair play, moral excellence and a feeling of belonging”) with what he refers to as “illuministic values (individualism, universalism, belief in the transforming power of education and the value of competition).”⁷⁹

Sport philosopher Leo Hsu provides a straightforward classification of Olympism by dividing the notion into individual growth and international development. For Hsu, the former involves one method of achieving “all good human values towards an ideal human being,” and the latter involves “mutual understanding, and a peaceful and ideal world.”⁸⁰ Hsu does not claim Olympism has a monopoly on achieving such a life. His ideas surrounding one form of individual growth are echoed in Torres’ writing on Olympism, which suggest “Olympism does not simply propose a program that is conducive to a good, fulfilling, and happy life ... but also, and more importantly, that its embodiment *is* the achievement of such a life.”⁸¹

Due to the numerous and versatile ways in which Coubertin used the term ‘Olympism,’ attempts by sport scholars to interpret and demarcate the nature of Olympism and why it is important have created a multitude of definitions and conceptions. Yet the views of Olympism described above share several similarities. My analysis includes the common characteristics found within the literature as the ideals of Olympism and each one is expanded in the next section. The majority of authors surveyed include in their descriptions and conceptions of Olympism: 1) a notion of fairness, which includes fair play, justice, and respect for the rules, traditions, opponents, and one’s self; 2) a call for equality, non-discrimination, or understanding that respects human rights, athletes’ rights and autonomy; 3) a focus on ethical behaviour, including the embodiment of virtues such as honesty, courage, excellence, and honour; and, 4) the

idea that peace and understanding can be promoted through education and sport. These four aspects of Olympism, which I condense to fairness, equality, ethical behaviour, and education, represent the Olympic ideals that members of the Olympic movement strive to attain and seek to embody. Table 1 contains a summary of the conceptions of Olympism.

IOC⁸²	M.H. Eyer⁸³
Joy of effort Harmonious development Dignity Mutual understanding Human rights Non-discrimination	Distinction Duty (primarily to oneself) Excellence Fame Glorious deeds and heroism Goodness and greatness Valour and virtue
Jim Parry⁸⁴	Peter Arnold⁸⁵
Equality Fairness Justice Respect for persons Rationality and understanding Autonomy Excellence	Fairness Equality Non-discrimination Friendship Justice Honesty Courage
Angela Pearson⁸⁶	Lamartine DaCosta⁸⁷
Globalization Achievement Religion Aesthetics Ethics and Education	Pluralism Ancient Greek ideals Athleticism
Nikos Filaretos⁸⁸	Jeffrey O. Segrave⁸⁹
Education Human thinking Fair play Anti-discrimination Mutual respect Cooperation	Cultural expression Education Equal opportunity Excellence Fair play Independence of sport Peace and international understanding
Leo Hsu⁹⁰	Otavio Tavares⁹¹
Individual development Human values International development Mutual understanding Peace	Honour and duty Self-surpassing and education Fair play and moral excellence A feeling of belonging Individualism and competition Universalism

Table 1: Conceptions of Olympism from the literature

From this table, considerable overlap among authors' conceptions of Olympism becomes apparent despite the many different approaches scholars use in their conceptions.

A Critical Analysis of the Modern Olympic Ideals

Fairness, equality, ethical behaviour, and education constitute the four ideals that the IOC and other members of the Olympic movement imply when speaking and writing of Olympism. In this section, I will examine these four ideals in more detail, particularly fairness and equality, to determine how one could adopt these ideals as values. I will begin with an examination of fairness, proceed to examine equality, and end with a brief examination of ethical behaviour and education.

Fairness and Fair Play

Common among many of the conceptions of Olympism discussed above is the idea that fairness is an integral part of competing at the Olympic Games, and serves as a “moral norm for sports.”⁹² Several scholars, particularly in articles published before 1990 when gender-exclusive language was still common in academic writing, discuss aspects of fairness and fair play using the term ‘sportsmanship.’ Two examples of ‘sportsmanship’ at the Olympic Games involving Canadian athletes illustrate what people refer to when using the term. The first involves Lawrence Lemieux, the Canadian sailor who competed in the 1988 Olympic Summer Games. Lemieux is commonly regarded as an archetype Olympian because of the act of bravery and sportsmanship he committed during his sailing race in Seoul. Amidst increasingly rough and dangerous weather and water conditions, Lemieux was in second place in his race when he noticed that two sailors competing in a concurrent race nearby had capsized and were struggling in the water. Lemieux immediately abandoned his course to rescue Singaporean sailors Joseph Chan and Shaw Her Siew. After successfully rescuing Chan and Siew and waiting for a patrol boat to arrive to take the two sailors to safety, Lemieux returned to his race course

and finished in 22nd position. Lemieux understood that the lives of two fellow sailors were more important than challenging for an Olympic medal; although the formal rules of sailing do not require sailors to help capsized sailors, it was the right thing to do.⁹³

A second example of sportsmanship at the Olympic Games took place at the 2006 Olympic Games in Torino, Italy. During the finals of the Nordic ski team relay event, Canadian skier Sarah Renner's ski pole snapped, leaving her with only one functional pole a far distance from her coach and team's replacement poles. Renner was spared the challenge of having to complete her portion of the race with a single pole when Norway's coach, Bjorn Haakensmoen, swiftly passed her a new pole, which allowed her to continue and the Canadian team to ski to second place, edging out the Norwegian team for the silver medal. Haakensmoen was overwhelmed with positive responses and gratitude from Canadians but maintained that he did what he considered to be the right thing to do. For Haakensmoen, failing to provide the extra pole would have gone against the ethos of Nordic skiing and exemplified unacceptable behaviour.⁹⁴

The word 'sportsmanship' in the examples above inspires images of selflessness, respect for others, empathy, and generosity.⁹⁵ However, the original use of the term was to describe amateur gentlemen who played not for the thrill of victory or compensation but solely for the pure love of the game in Victorian Britain. At the end of the nineteenth century Coubertin equated sportsmanship with competing "not only to follow the rules but to do so in a dignified, decent and honest way."⁹⁶ Recognizing that "there are few institutions in the world that reach as many people and can affect as many people as sport,"⁹⁷ sportsmanship became an integral component of Coubertin's vision of modern

Olympic Games. Accordingly, Canadian Olympic leader and pioneer J. Howard Crocker eloquently defined a sportsman as follows:

As a Player-

Do you play the game for the game's sake?

Do you play for your team and not for yourself?

Do you carry out your captain's orders without question or criticism?

Do you accept the umpires' decision absolutely?

Do you win without swank and lose without grouching?

Would you rather lose than do anything which you are not sure is fair?

Then you are in the way to become a Sportsman.⁹⁸

Despite the widespread use of the word 'sportsmanship,' the term is problematic because of its history of gender and class exclusivity. In the Victorian era, sportsmen were almost always middle-to-upper class, white men, which is not representative of the athletic population competing at the Olympic Games today. It was the expectation that sportsmen would embody the virtues of "self-discipline, modesty, generosity, tolerance, respect and courtesy, characteristics that became embedded in the athletic ideology of muscular Christianity," and use the playing field to teach and practice the attainment of moral values.⁹⁹ In this dissertation, I will use the gender and class neutral term 'fair play' instead of the term sportsmanship or the more cumbersome word 'sportspersonship.'¹⁰⁰ However, an emotive connection between fair play and positive values remains. Like the concept of Olympism, fair play is an equally challenging notion to define and understand:

The notion of 'fair play' is generally understood to be important in sport and in life yet it is not clear what precisely it refers to, why it is valued, what ethical principles, if any, it is grounded upon and what kind of good it involves.¹⁰¹

Common usage of the phrase 'fair play' also began in the 1800s in England's public school and university systems as a description of appropriate sport behaviour.¹⁰²

However, fair play is now aligned with a mode of participating in sport rather than a socially constructed system of exclusion. Many applied conceptions of fair play

employed sport as a medium to educate young athletes on the positive social values of sport.¹⁰³ Fair play “was regarded more as a personal virtue than a formal norm or rule-adherence,” and it involved following both the letter and the spirit of the rules as well as playing with style.¹⁰⁴ Nonetheless, the ideal of fair play “conformed well to the interests of the upper and newly emerged middle class”¹⁰⁵ in nineteenth century England and it is thus not free of class interests.

Vamplew’s historical account presents fair play as an ideal of British sport that was exported around the world.¹⁰⁶ As he explains, “parts of the world that were not part of Britain’s formal empire adopted British sporting ideals. By the 1890s, fair play featured as one of the aims of the modern Olympic movement.”¹⁰⁷ Fair play today refers to competitors’ actions that are in line with the rules, performed out of obligation, or undertaken for the overall good of the game, as well as actions that go above and beyond what the rules require in the spirit of friendship and cooperation. Fair play excludes actions that are performed to benefit a player at the expense of the other team or that fail to respect the rules or ethos of the game.¹⁰⁸ Behaviour characterized by “justice, equality, benevolence, and good manners while striving for athletic superiority”¹⁰⁹ exemplifies fair play in sport.

Definitions of fair play in the literature are as plentiful and varied as definitions of Olympism. A definition of fair play adopted by several organizations, including the International Council of Sport Science and Physical Education, the IOC, and the United Nations Educational, Scientific and Cultural Organization (UNESCO), associates fair play with rule following, respect, and modesty.¹¹⁰ Tuxill and Wigmore argue that fair play is based on respect for persons,¹¹¹ and Butcher and Schneider suggest that fair play

is tantamount to respect for the game.¹¹² Filaretos considers fair play to be “respect and a sense of responsibility towards the opponent and respect of the rule[s]. Even more, it is an attitude and act of human dignity.”¹¹³ Lee and Cockman’s view of fair play sees the concept as the “patterns of behaviour in sport which are characterized by justice, equality, benevolence, and good manners while striving for athletic superiority.”¹¹⁴

A common denominator of most definitions of fair play is respect for one’s competitors and the rules of the sport, which makes fair play a moral concept. Kidd summarizes this idea, noting fairness in Olympic competitions involves two components: that 1) “athletes abide by the rules and not seek unfair advantage,” and that 2) “athletes treat each other not as enemies but as co-players... [and] afford each other the respect due to comrades in the same endeavour.”¹¹⁵ While the latter component is reinforced by the Athletes’ Oath included in the opening ceremonies of the Olympic Games, the former relies on rules included in the *Olympic Charter* and by the specific IFs. As Francis Keenan argues:

The development, regulation, administration, and enforcement of a system of rules designed to establish and maintain justice for the institution of sport is essential to fairness. No one can guarantee that the best team shall win; all that can be guaranteed on any particular occasion is that the outcome shall not be unjust.¹¹⁶

Respect for the rules of the game has always been an important component of fair play, but, as I will show, it is not a sufficient condition on its own.

Respecting only the rules of a sport leads to the attitude that as long as one does not break a rule one is playing fairly and morally. However, agreement about how the formal rules are to be interpreted is needed to ensure all participants have the same expectations regarding the rules of the game.¹¹⁷ One must not forget that it is the

officials and administrators who choose the rules to which athletes must adhere, not the athletes themselves.¹¹⁸ Yet athletes who obey rules in order to be rewarded, or from fear of being punished, fail to meet the standards of fair play because “inherent in the notion of fair play is the requirement that rules are to be obeyed, in spirit and in letter, for their own sake, even when there is no possibility of infringements being detected.”¹¹⁹ If fair play is understood as a social contract, participants who agree to participate must respect the rules of the game and the spirit of the rules. By agreeing to participate, players “put self-imposed restrictions on themselves. They do not regard the rules, and those who enforce them, as imposing the rules against their wishes.”¹²⁰ These athletes expect and assume that their opponents will do the same. The drawback is that one must trust his or her opponents to follow the tacit social contract and not break it when doing so would be advantageous. If an athlete opts not to act in a way that embodies fair play and fairness, he or she commits a number of morally unacceptable acts, including breaking promises to participate fairly and failing to respect his or her opponents.

Further analysis of fairness and fair play in sport comes from sport philosophers Heather Sheridan and Claudia Pawlenka’s reviews of the published literature on fairness and fair play.¹²¹ Sheridan divided the literature on fair play into six themes based on the differing conceptions put forth by numerous philosophers and sociologists of sport. In her analysis, fair play could be considered a form of: 1) formalism, 2) play, 3) respect for one’s self, the game, or the spirit of sport 4) contract or agreement; 5) rational norm system, and 6) virtue.¹²² However, she rejects all six conceptions of fair play for failing to give sufficient weight to the “social and historical situatedness of sports” and proposes a conception of fairness that places more emphasis on context and ethos.¹²³ Pawlenka’s

review of the literature concludes that fairness in sport does not differ substantially from fairness in other contexts, because, whether on or off the field, fairness demands impartiality and equal opportunity.¹²⁴ Pawlenka refers to the work of German philosopher K. O. Apel in advancing the position that “in sports competitions there is *no ultimate obligation* to follow the rules” as a result of what she and Apel refer to as the “non-ultimacy of rules of the game in sports.” Thus, a player should not hesitate to break a rule while playing a game if doing so will prevent serious harm or injury.¹²⁵

Similar to fair play, considerations of fairness affect outcomes, policies, the treatment of others, and decision making procedures,¹²⁶ which shows the complexity of the concept. In accounting for fairness in sport, Browne *et al* have argued that fairness is not the only important principle one needs to consider, similar to how safety is not the only important principle astronauts consider, and justice is not the sole principle of societies. Sport governing bodies have to weigh the desire for fairness with the costs associated with making sport as fair as possible, which leads to problems of distributive justice.¹²⁷

One of the most important pieces of literature on distributive justice is John Rawls’ *A Theory of Justice*¹²⁸ in which Rawls suggests a method of reaching morally acceptable and impartial decisions by placing one’s self in the ‘original position.’¹²⁹ Rawls’ original position involves a theoretical veil of ignorance under which decisions and recommendations are to be made. Under the veil of ignorance, a person has no information about his or her self or situation, including his or her sex, career, income level, race, talents, intelligence, and so on. Rawls’ original position constrains one’s self awareness in order to determine which principles would best govern any given society.

Under the veil of ignorance, decisionmakers must assess their options and choose an option unaware of “their natural characteristics and endowments, their position in society or the historical period they are born into.”¹³⁰ As a result, Rawls suggests, people will select two principles of justice: one which guarantees liberty and one that restricts inequalities to those who are most in need and would benefit the most from unequal treatment.¹³¹ Applying the First and Second Principles when making a decision helps ensure the decision made will be impartial and fair.

Morgan applies Rawls’ work on justice in his discussion of two competing conceptions of fairness that are applicable to sport: 1) fairness as “reciprocity among individuals involved in a joint, cooperative activity” and 2) fairness as “respect for the game.”¹³² The former conception of fairness stems from Rawls’ work on justice, whereas the latter comes from Schneider and Butcher’s work on fair play in sport,¹³³ both of which include considerations of equality. Morgan notes that Rawls’ conception of fairness focuses on equality of conditions rather than equality of results, which leads to the conclusion that the “benefits and responsibilities that accrue from participation in sport do not have to be apportioned in the same (identical) amount to each participant in order to be considered fair.”¹³⁴ However, Morgan argues that the rules in sport must apply universally to all participants:

fairness in sport demands that everyone in sport be treated equally, in other words, that the rules of sport apply to all in relevantly similar ways, and that the distribution of benefits and responsibilities in sport be determined by a competition open to all on the basis of the relevant talent and capabilities of would-be participants and in such a way that does not diminish the goods that sport delivers that draws people to them.¹³⁵

Yet to say that identical distribution of the rewards and honours available in sport follows from this argument would involve a slippery slope; one's merit must also be considered and some people are more deserving of starting positions and awards than others.¹³⁶

Distributive justice in sport focuses on the fair allotment of advantages, including "points, goals, games, sets, and the number in the final hierarchical ranking of competitors."¹³⁷ Discussions of justice played a large role in early Greek philosophical thought with Plato's *Republic* and Aristotle's fifth book in the *Nichomachean Ethics* devoted to understanding what justice entails.¹³⁸ Loland draws on Aristotle's ideas about justice to describe the conditions that must be met in order to consider a competition fair and just:

- 1) the competitors are given equal opportunity to perform by eliminating or compensating for significant inequalities that the competitors cannot influence in any significant way and for which they cannot be held responsible;
- 2) athletic performance is interpreted as based on talent and individual effort, and performances adhere to a basic norm of not exposing others or oneself to unnecessary harm;
- 3) unequal treatment in the distribution of advantage is in reasonable accordance with actual inequality in athletic performance;
- 4) unequal treatment in terms of eliminating or compensating for advantage gained through rule violations is in reasonable accordance with the actual inequality that has arisen due to the violation.¹³⁹

Loland summarizes these points into what he calls the formal norm for justice:

Relevantly equal cases ought to be treated equally, cases that are relevantly unequal can be treated unequally, and unequal treatment ought to stand in reasonable accordance to the actual inequality between cases.¹⁴⁰

This is similar to Aristotle and philosopher Henry Sidgwick's argument that "justice is the similar and injustice the dissimilar treatment of similars."¹⁴¹ Loland's astute identification of the conditions of fair competitions contains elements of both the first

Olympic ideal, fair play, and the second ideal identified above: a call for equality and non-discrimination.

Equality and non-discrimination

Equality, in broad terms, refers to the state or quality of being equal, just, or fair. As a moral ideal, the importance “is not that everyone should have the same but that each should have enough.”¹⁴² Some people having more than others would be less problematic if everyone had enough or a sufficient amount. Nonetheless, a desire for equality forms the backbone of cosmopolitanism, which is the view that all humans have the same moral value.¹⁴³ Similar to utilitarianism, cosmopolitanism weighs each person’s worth equally, and is thus described as “a doctrine of human rights that tells us simply that there are ways in which every human being must and must not be treated.”¹⁴⁴ As Singer argues, the “value of the life of an innocent human being does not vary according to nationality.”¹⁴⁵ Singer’s views and the theory of cosmopolitanism emphasize the value of treating human beings equally and the unfairness inherent in treating people differently based on characteristics that are beyond their control. Equality is a valuable notion in all areas of life, including the realm of sport.

Sport becomes morally problematic when athletes are not given the same opportunities and treatment for unjustifiable reasons. Sport has the potential to enact positive change in societies, but competitive sports are also “based on principles of social exclusion; and sport may be used to promote ideological conformity, nationalism, militarism and inequitable attitudes about gender, race and disability.”¹⁴⁶ Indeed, the history of the Olympic Games includes numerous instances of exclusionary and discriminatory practices:

As recently as the 1920s, the Coubertin Olympic Games were so exclusionary that alternatives were developed. For example, such exclusion was one of the reasons why the European working class organized its own Workers' Olympiads... and middle class feminists developed the Women's World Games.¹⁴⁷

The exclusion of women's ski jumping from the Vancouver 2010 Olympic Games serves as a recent example. Often, one's reaction is that unwarranted exclusion is unacceptable in sport as well as in other areas of life; however, why inequalities are problematic requires examination.

Inequalities seem particularly disconcerting when people become worse off due to no fault of their own, or when rules bar people from participating for fickle or arbitrary reasons.¹⁴⁸ Proponents of equality draw on tenets of humanism that maintain that people should be treated equally because the lives of all human beings are equally valuable. All men and women have a natural right to equality and respect, according to Keenan who argues that humans possess these rights "not by virtue of birth or characteristic of merit or excellence, but simply as human beings with the capacity to make plans for a good life."¹⁴⁹ However, opponents of equality note that it lacks a "uniform way to answer the question, equal in regard to what?"¹⁵⁰ Strict equality seeks the same for all people without considering their talents, abilities, motivation, and work ethic.¹⁵¹ Implementing a system of strict equality is implausible and too simplistic; accordingly, dialogues on equality often draw on the notions of inequality, discrimination, desert, merit, and human rights to provide a more encompassing view.

Rule-consequentialist theories hold that the overall goodness of a rule is a function not only of the amount of well-being it produces, but also the amount of harm or inequality it creates in the process. There are two ways of achieving equality; we can raise *x* to meet *y*'s level of well-being, or we can lower *y*'s level of well-being to match

x's. If we opt for the former, an overall increase in well-being transpires; however, if the latter is implemented, the resulting net aggregate of well-being decreases. In determining which of these two options is desirable in a given state of affairs, considerations of moral desert come into play. The concept of moral desert involves the idea that more deserving people ought to be doing better in terms of well-being than less deserving people, and that everyone has an absolute level at which they deserve to belong. Intuitively, it makes sense that a competition is fair when the more deserving person wins. Philosopher Fred Feldman points out that the concept of desert has been discussed since ancient times, nothing that "justice is done when people receive goods and evils according to *desert*."¹⁵² Along these lines, Feldman contends that just outcomes arise when what one deserves matches what one receives, and that "[o]ther things being equal, the more just outcome is better."¹⁵³ Discussions of equality in sport cannot ignore the notions of moral desert, merit, and entitlement. The view that an athlete who trains hard every day deserves to triumph over an athlete who is lazy and trains lackadaisically rests in ideas about desert. As philosopher Shelly Kagan explains, "equality matters, but only for equally deserving people."¹⁵⁴

Desert plays an important role in the fifth book of *Nichomachean Ethics*.

Aristotle stipulated that equals ought to be treated equally, but unequals can be treated unequally if the disparate treatment is in reasonable accordance with the inequality in question.¹⁵⁵ Loland draws on Aristotle's work to conclude that "[e]quals ought to be treated equally, unequals can be treated unequally, and unequal treatment ought to be in reasonable accordance with the relevant inequality in question."¹⁵⁶ The influence of Rawls' work is obvious in Loland's reasoning as well. Rawls argued that only

inequalities that maximize the income or well-being of the worst off are justifiable, and other inequalities are not.¹⁵⁷ However, justice can involve treating people fairly based on their virtues or merits, the principle of equal treatment for all people, or their individual needs and abilities.¹⁵⁸ As a result, the goal of justice is not simply to treat all people identically:

treating people equally does not mean treating them identically; justice is not so monotonous as all that. It means making the same relative contribution to the goodness of their lives ... or asking the same relative sacrifice.¹⁵⁹

Many societies distribute social welfare on an individual basis according to need, and taxes are calculated according to either one's ability to pay or by one's direct use of goods or resources. However, unequal taxation and distribution of resources and opportunities can imply that some people's lives are more important than others' lives, or it can imply that people in possession of certain talents or ambitions are more important than people who are not.¹⁶⁰ Treating people differently based on reasons that are beyond their control is never morally acceptable.

In elite level sports competitions such as the Olympic Games, however, rewards are distributed on the basis of the merit of the performer based on his or her actual performance during the competition;¹⁶¹ past performances, desert, and the virtues of the athlete do not receive consideration. Loland's argument that "the institutional goal of sports competitions is to measure, compare and rank participants according to athletic performance as defined in the relevant constitutive rules" leads him to conclude that "the focus in sport is not on equality but on various kinds of inequalities between persons."¹⁶² In this sense, the word 'inequality' is ambiguous. Two or more clear outcomes can be interpreted from ambiguous phrases, and the term 'semantic ambiguity' refers to phrases

or words with more than one distinct meaning where multiple meanings of the words fit the context of the situation.¹⁶³ When stating that sport involves inequality, it is not clear if the inequality is related to opportunity, resources, or the performance of an athlete, where the most unequal performance is the one that warrants the gold medal. Athletes are treated differently and unequally based on their inequalities in performance, and discussions of equality need to take into consideration relevant differences between people as well.¹⁶⁴

Inequalities fall into two broad categories: inequality of opportunity and inequality of condition. The term 'equal opportunity' derives from the principle 'careers open to talents' associated with the French revolutionaries' condemnation of the view that birthright limited people's opportunities.¹⁶⁵ Inequality of opportunity considers "how equally [the] opportunity for participation in a particular activity is spread throughout a society,"¹⁶⁶ and how resources are allocated within a community. On the other hand, inequality of condition involves, to use a sport metaphor, everyone who wants to participate in the race having access to the starting line under the same conditions.¹⁶⁷ Non-relevant inequalities are present in sport when athletes do not have the resources to enter a competition with their competitors, or they stem from discrepancies in athletes' access to coaching, equipment, facilities, funding, effective governance, and support services.

Regardless of the context in which the word 'equality' is used, it is an important notion in sport.¹⁶⁸ One can view the rules contemporary athletes must accept in order to participate in sport as a method of mandating equality among competitors if all athletes participating in an event are required to abide by the same set of rules and conventions.

Equality of opportunity can mean that everyone should be afforded the same opportunity, or that the most qualified person deserves the opportunity, or that variables beyond one's control, such as race and sex, should not influence the range of opportunities available to a person.¹⁶⁹ Because equality of opportunity deals with the moral status of each person and how affluent people are relative to other people, a lack of equality is troubling when it results from one group's forced domination and subsequent imposition of hardships over another.¹⁷⁰ The Olympic movement purports to celebrate humanity and the equality of all human beings through a localized festival of sporting events. Celebrating equality is a challenging and perhaps lofty goal in the age of globalization, which magnifies the "prevailing conditions of inequality among human beings" based on people's "political, economic, cultural, and social opportunities."¹⁷¹

One might counter that what the Olympic Games really celebrate is the inequalities present among highly-trained athletes by recognizing the top three performances on the podium. Athletes with the most unequal, or extraordinary, ability to achieve the goal of the game are rewarded. In this view, Olympic events "measure, compare, and rank competitors according to a particular inequality: inequality in athletic performance."¹⁷² Loland contends that while sports test the relevant inequalities between people, such as speed and skill, non-relevant inequalities should be eliminated or compensated to create equal opportunities for all participants. He suggests that sport ought to focus on improvements in performers and human flourishing, not on improvements in quantitatively-measured performances and technology.¹⁷³ How to go about implementing these suggestions in the Olympic movement is not straightforward.

Loland argues that top performances “are the complex outcomes of genetic predispositions in interaction with the environment, together with situational factors in the competition in question,”¹⁷⁴ but inequalities in opportunity and resources must be considered. As a result, “equal opportunity is a necessary condition for measuring inequalities in performance.”¹⁷⁵ Among the genetic, environmental, and situational factors Loland identifies are the areas and conditions that can vary in sports competitions and cause inequality. External conditions that have the potential to influence the outcome of the event occur more often in competitions where athletes compete against the clock or compete one at a time, such as in skiing and high jump. Events where athletes compete at the same time and the first person to finish is declared the winner, such as the marathon and the finals of the swimming events, involve more stable conditions for all competitors.

External conditions capable of producing unequal conditions for competitors include: climatic and surface changes, impromptu gusts of winds, sudden drops in temperature that change ice or snow conditions, the glare of the sun from a competitor's position, and changes in the competition surface over the progression of the competition. Even in direct competitions, inequalities in spatial positions exist, such as swimming in an outside lane as opposed to the slightly faster middle lanes in the pool, or getting caught in the pack at the start of the 800 m or 1500 m races. Inequalities of this type may not be possible to take into account, compensate for, or negate. On the other hand, part of the challenge of sports is mastering all of the conditions one encounters. Some apparent inequalities may be more accurately considered part of the tactical skills required to succeed in an event, such as the start of the 10,000 m where part of the skill set tested is the ability to position oneself favourably among the competitors.¹⁷⁶

Loland justifies inequality in spatial position by arguing that if an inequality cannot be eliminated, the advantageous positions should be bestowed upon the athletes who are most deserving based on past performances and qualifying rounds. Distributing advantages based on merit is preferable to distributing them by lottery:

Marginal inequalities in conditions can be decisive for the outcome. If the presumed lesser performers gain an advantage from being assigned the presumed best lanes, they can end on top in the final ranking due to inequalities in external conditions and not due to superior performances. When the presumed best sprinters are assigned the presumed best lanes, time differences over the presumed lesser sprinters may increase, but the ordinal ranking of runners will gain validity. Moreover, because the middle lanes are almost identical in terms of equality of opportunity, the validity of the ranking within the two-to-four-person group of presumed best sprinters increases as well.¹⁷⁷

Seemingly, distributing inequalities according to Loland's idea would entail the same final ranking that would occur if each person competed separately under controlled conditions in the same lane.

When inequalities can be eliminated they ought to be. When external conditions cannot be controlled, or can only be partly controlled, what ought to be done is to distribute the advantages to maximize equal opportunity among the competitors.¹⁷⁸ However, inequalities must first be distinguished from elements of chance. De Wachter cautions that efforts to eliminate elements of chance from sport have the potential to transform sports into science experiments that focus on measuring athletes' physical and strategic abilities thereby reducing sport to entertainment or labour.¹⁷⁹ In opposition, Morgan challenges the idea that chance is necessary to maintain sport as more than labour or entertainment by arguing that chance is not a fundamental element of sport.¹⁸⁰

Other inequalities in sport are attributable to the 'genetic lottery,' which bestows on some athletes the physiological and psychological factors required to achieve athletic

success, such as the ability to sustain a pace near one's maximum output or the ability to withstand pain. Inequalities of this nature are attributed to luck or to "inequality in talent caused by chance in the genetic lottery."¹⁸¹ No matter how long, hard, or intensively an athlete trains, he or she will not qualify to run in the 100 m event at the Olympic Games if he or she has a low percentage of fast-twitch muscle fibers and lacks explosive strength. He or she might excel at another sport, but failing to possess the genetic requirements of a sport, such as height in volleyball or basketball, severely limits one's ability to achieve the highest level of success in particular sports.

Benefits that athletes gain from training seem intuitively acceptable and morally unproblematic because training is thought to improve everyone's performances. Carr argues that athletes deserve the advantages intensive training produces,

even if I can take no credit for the brain and central nervous system that has given me superb hand-eye coordination, or the anatomy that has endowed me with appropriate bone structure or muscle organization, I am owed something for the expertise, time, and energy I have invested in the development of my natural endowments.¹⁸²

Performance involves a combination of training, skill, effort, and innate abilities. Height and general body composition are genetic factors applicable in sport that one cannot manipulate easily without using banned performance-enhancing methods or substances. In sports where size confers considerable advantages, competitors are divided into weight categories, such as in wrestling, boxing, judo, weightlifting and rowing. However, other sports where strength accounts for a substantial portion of the skill being tested, such as the shot putt and hammer throw, do not divide competitors by weight, and sports where height can confer or negate an advantage, such as in volleyball and gymnastics, where it is rare to see a short volleyball player or tall gymnast, height categories are not included

at the Olympic Games.¹⁸³ The classification of competitions into events by sex and age implies that “[m]en, women, young, and old are considered unequal when it comes to predispositions for performance.”¹⁸⁴ If sex, age, size, and height differences produce advantageous and disadvantageous morphologies for particular sports systematically, it seems unfair not to implement classes for specific heights, sizes, ages, and sexes.¹⁸⁵

In sport, some inequalities are eliminated and some are compensated for while others are ignored or considered part of the relevant inequalities being tested in the competition. To ensure participants do not succeed on genetic factors alone, and to help render participants closer to being equal at the starting line, the markers of success for each event contested at the Olympic Games require further analysis. Divisions, such as height and sex, help pit competitors of equal morphological advantage against each other.

As Carr argues

while it is clearly impossible to eliminate every likely inequality of this kind, it is widely acknowledged that people are hardly due much credit for their natural physical constitution, and that any contest in which natural endowment of this kind is likely to be the decisive factor is not much of a sporting contest at all.¹⁸⁶

Despite the effort put into drawing lines and setting up divisions, a certain degree of arbitrariness will remain. A competitor who is 0.1 kg over the minimum weight for a weight division likely has a build and strength that closer resembles a person who fits in the upper-end of the lower weight class than athletes competing in the heavier weight class in which he or she falls.

Inequalities are also present in access to coaching, equipment, funding, access to new and emerging technologies and other economic resources, such as funding for training in ideal climates, and innovative training and performance equipment. Sport governing bodies have, at times, used legislation to eliminate or compensate for

inequalities in access to resources that contribute to athletic performance. For example, Swimming Natation Canada banned competitors from wearing Speedo's "LZR" bathing suit at Canada's 2008 Olympic Trials in swimming because only a limited number of the suits were available.¹⁸⁷ The scarcity of the product at the time, which many believe increases buoyancy and facilitates significantly faster swims, prevented swimmers from obtaining a suit unless they were sponsored by Speedo or were able to pay several hundred dollars to acquire a suit. Banning the suit was a means of eliminating potential unfair advantages swimmers in possession of the new technology could reap and prevented slower swimmers who had access to the suit from qualifying for the Olympic team.

In discussing inequalities in sport, one must remember that not all inequalities are unethical. Simon illustrates this idea with the analogy of marking essays. He points out that when professors grade essays, it is fair to give the exceptional essays higher marks rather than assign all of the essays the same mark despite a wide range in quality. It is not unfair or discriminatory to give a low grade to a dismal essay and a high grade to an outstanding essay, which leads him to conclude that it is not unfair or discriminatory to reward athletes possessing superior skills and prowess in sports without rewarding everyone who competes. As a result, Simon extends his analogy to argue "it doesn't follow that every inequality generated by competitive sports is unethical, unfair, or inequitable."¹⁸⁸ The alternative of giving all essays the same grade seems counterintuitive and illustrates the idea that some differences are morally defensible. Similarly, Singer argues "[r]acists, sexists, and other opponents of equality have often pointed out that, by whatever test we choose, it simply is not true that all humans are

equal.”¹⁸⁹ Differences among human beings render applying principles of equality difficult, and not all differences are inherently unfair:

Some [people] are tall, some are short; some are good at mathematics, others are poor at it; some can run 100 metres in ten seconds, some take fifteen or twenty; some would never intentionally hurt another being, others would kill a stranger for \$100 if they could get away with it; some have emotional lives that touch the heights of ecstasy and the depths of despair, while others live on a more even plane, relatively untouched by what goes on around them. And so we could go on. The plain fact is that humans differ, and the differences apply to so many characteristics that the search for a factual basis on which to erect the principle of equality seems hopeless.¹⁹⁰

Philosopher Kasper Lippert-Rasmussen argues that inequalities a person or society creates are worse than inequalities that are passively allowed to continue, and socially constructed inequalities are particularly unjust because they are chosen and preventable.¹⁹¹

In sport, inequalities stemming from anything other than genetics and effort in training are almost always perceived to be unfair. For this reason, one could make the generalization that athletes from Canada and other comparatively wealthy countries often have an unfair advantage over athletes who are citizens of impoverished countries and have limited opportunities to train, receive high levels of coaching, and take advantage of sport science support to assist with training. Literature addressing this problem and discussing both equality in sport and rules in sport is lacking, and this omission underpins the need for more critical study in this area. However, as Simon argues, inequality is not morally problematic just because it exists. Differences in sport must thus be evaluated to see if the inequality is unfair or inequitable.¹⁹²

Inequality and discrimination can go hand and hand, but one is not logically dependent on the other. Discriminatory actions are morally unacceptable because

discrimination violates “the universally valid, consensual principle of equality.”¹⁹³ In sport, actions that are unequal are not necessarily discriminatory, but some unequal actions might be. Kidd argues that discrimination in sport is largely covert and no longer blatantly obvious. Acts of overt discrimination, such as not allowing women, visible minorities, or people of low socioeconomic background to participate, are rare. Kidd suggests that examining the composition of Olympic team rosters brings to light the fact that the majority of athletes are native-born and from upper middle class families. On Canadian Olympic teams, “there is less lower-class participation today than 30 years ago,”¹⁹⁴ and the trend is not abating. Chapter IV includes an analysis of the themes of eligibility rules that will be identified in Chapter III to determine if any of them involve acts of discrimination.

Sport historian Allen Guttman suggests that the presence of accepted rule books in sport contributes to an inclusive environment for participants. He suggests:

sports require, at least in theory, that everyone – including the elderly and the handicapped – be admitted to the game on the basis of his or her athletic ability. In addition, rules must be the same for all contestants. Premodern sports frequently excluded people on the basis of social class, religion, ethnicity, or gender, and the rules for premodern sports often varied with variations in social status.¹⁹⁵

Kidd’s quantitative examination of Canadian Olympic team composition lends support to Guttman’s view of sports rules as inclusive only “in theory.” An ethos of equality must exist to ensure rules are interpreted so as to be intentionally inclusive rather than exclusive or discriminatory. The ethos must include a “clear interpretation of what are the non-relevant inequalities that ought to be eliminated or compensated for to ensure equal opportunity to perform.”¹⁹⁶ This ethos would help to ensure that no athlete in a particular competition has an unfair advantage.

Several sports competitions deliberately exclude groups of people and restrict eligibility to those who meet established characteristics. These exclusions meet little resistance from the media, marginalized groups, and excluded competitors. In addition to recreational and developmental competitions that segregate competitors by age, sex, and ability, several well-known international competitions place restrictions on who can participate. A few examples include: the Commonwealth Games prohibiting athletes who are not citizens of countries that are part of the Commonwealth of Nations; the Out Games prohibiting homophobic people from participating; the Maccabiah Games prohibiting athletes who are neither Jewish nor Israeli; and the Paralympic Games prohibiting athletes without specific disabilities. All of these sports festivals deliberately exclude athletes not meeting the organizing bodies' specific criteria for participation, but none of these events claim to be inclusive. A fine line exists between discrimination and justified exclusion in sport, which I will address in Chapter V.

Ethical Behaviours

When non-relevant inequalities are eliminated and discrimination is eradicated from athletic competitions, sport can teach values and ethical behaviours.¹⁹⁷ The third Olympic ideal is that Olympic sports competitions promote and encourage ethical behaviour. Evidence from studies examining how children develop moral decision-making skills show that sport is “an ideal place to practice self-control, learn respect for rules, and develop positive relationships with others.”¹⁹⁸ Former IOC president Juan Antonio Samaranch summarized the emphasis placed on ethical behaviour and value, noting in 1995 that “the priority now is to lay stress on Olympic ethics, the basic elements of which are tolerance, generosity, solidarity, friendship, non-discrimination

and respect for others,” which are based on “justice, democracy, equality and tolerance.”¹⁹⁹

As I argued above, several virtues and universal values are associated with Olympism, and many of these values are associated with ethical behaviour as well. For example, reciprocity, which involves treating others as you would like to be treated, is common to many systems of ethics, cultures, and religions. It can be found in, or is endorsed by, the Golden Rule, Zoroaster, Confucius, Buddha, Hillel, Jesus, Mohammed, and Kant, among others.²⁰⁰ Philosophers agree that if universal rights exist, they must be universally applicable and independent of any particular individual’s desires.²⁰¹ The idea that we possess natural rights has flourished since the end of World War II, and revolves around the idea that all human beings are entitled to certain rights.²⁰² Rawls’ original position, where one is oblivious to one’s own physical characteristics, social position, location, and so on, enables one to look beyond his or her current interests and values to contemplate what life would be like in someone else’s shoes. One can make a case that the interests, rights, powers, values, and principles that a person would select, not knowing his or her own position, can be considered global in scope and universal in nature²⁰³ and would include the type of behaviours associated with Olympism.

One could also make a case that the values associated with Olympism are ones that are worth promoting and pursuing. However, one must be wary of which values Olympism promotes and acknowledge the possibility that selected values are unique to Western liberal democracies. Discourse surrounding human rights suggests that the rights outlined in the United Nations’ Declaration of Human Rights “are Western in origin, and have a Westernizing effect where implemented,” in addition to reflecting “a

specific historical and political system of capitalism.”²⁰⁴ Kidd recounts the closing ceremonies of the 1994 Olympic Games that included readings from the *Declaration of Human Rights*. The prominence of human rights in the closing ceremonies in Lillehammer forged a link between human rights and the Olympic Games.²⁰⁵ However, as Helen Lenskyj suggests, freedom of assembly and free speech are two important human rights that the Olympic movement neglects or ignores. According to Lenskyj, “mass media and Olympic boosters, including elected representatives, have repeatedly bowed to the Olympic industry pressure to suppress critical voices and to outlaw peaceful protest.”²⁰⁶ As a result, she accuses the Olympic movement, as a whole, of disrespecting human rights.

While the “Universal Declaration indirectly advocates the right to participate in sport through Article 24 (‘everyone has the right to rest and leisure’) and Article 27 (‘the right freely to participate in the cultural life of the community’),”²⁰⁷ the document does not give any indication of how sport can be used to promote human rights. Because the interpretation and implementation of human rights varies by culture, even freedoms identified by the United Nations require interpretation. Singer cautions that attempting to improve or protect human rights can be a form of cultural imperialism because it involves imposing one’s own view of how a society should function on a society that may believe differently.²⁰⁸ The very idea of a global festival involves some level of imperialism.

The ideal of ethical behaviour is difficult to describe because the behaviours associated with Olympism, and deemed ethical in nature, are not set in stone. Yet the fluid nature of Olympism does not make the ideal of ethical behaviour in sport overly problematic or negate its place as an Olympic ideal. Having ideals toward which one can

strive is important no matter how far removed the current situation is from the ideal in question. Suggesting a list of behaviours that purports to be inclusive of all ethical behaviours will not add to the philosophical examination of Olympic ideals and auxiliary rules in sport. This task would entail a cumbersome listing of values and virtues, each of which would require an individual defence going beyond the scope and purpose of this dissertation. Instead, I conclude that ethical behaviour includes all actions deemed morally acceptable following critical reflection and the application of moral theories.

Education

The fourth and final ideal of Olympism involves the idea that the Olympic Games can promote peace and understanding through education. Similar to my approach to the third ideal, I address this ideal with only a brief overview. While an important component of Olympism, education is not directly relevant to the philosophical research questions motivating this dissertation. A limited number of remarks on the educational possibilities of the Olympic Games is warranted, nonetheless.

A respect for multiculturalism is necessary in festivals such as the Olympic Games, which bring together individuals representing over 200 countries.

Multiculturalism refers to positions based on the premise that “we should learn to understand and respect cultures other than our own.”²⁰⁹ This idea characterizes one of the goals of Olympism; however, bringing together people from countries from around the world is not unique to the Olympic Games. Similarly large gatherings can be found in various religions (such as the Catholic church’s World Youth Day celebrations) and at international music festivals. With increased ease of travel following the inventions of the steam engine, automobile, and airplanes, increasingly large numbers of people have

been able to experience life in areas of the world that differ from those where they were born. This ease in travel allows people to find similarities between themselves and people from different continents and cultures who “face common problems and share much in common.”²¹⁰ The Olympic Games’ contribution to making the world a global community stems from the education gained by bringing together athletes, officials, spectators, and media personnel from around the world.

In recent decades Olympic education has emerged as a component of some physical education programs to teach and emphasize values in sport. Programs designed for students are available from several NOCs for teachers to use in their classrooms, and educational seminars on Olympic issues take place at the International Olympic Academy in Olympia, Greece. What is taught as part of Olympic education includes respect for multiculturalism and respect for sport. However, Olympism and the Olympic Games have many critics as a result of past injustices and disreputable behaviour associated with several IOC members prior to the reforms that led to the creation of the IOC Ethics Committee in 2000.²¹¹ IOC members and the Olympic movement as a whole continue to face questions regarding the value of staging multi-billion dollar sports festivals. Furthermore, problems the IOC face include accusations of promoting a win at all costs mentality, exploiting athletes, fostering national rivalries, participating in cronyism, and failing to stop cheating and corruption within the Olympic movement.²¹²

Issues of past injustice cannot be overlooked, but at the same time they cannot be used to discount the potential educational value of the Olympic Games. From the perspective of sponsors and many fans, the modern Olympic Games are “associated with the highest standards of human excellences and achievement.”²¹³ One suggestion,

promoted by Mary A. Boutilier and Lucinda F. San Giovanni, is to increase the number of team sports included on the programme of the Olympic Games. These authors argue that doing so will contribute to emphasizing the educational aspects of the Games by placing more emphasis on cooperative teamwork and less emphasis on individualistic pursuits.²¹⁴ Furthermore, providing all members of the Olympic movement with education on the history and meaning of Olympism, as well as the importance of the non-athletic elements of the Olympic Games, is a step toward helping people understand how a festival of sports can contribute to educating people around the world.

Summary

In this chapter, I reviewed the philosophical literature on the development and application of Olympism. Four ideas are commonly found in the current literature regarding conceptions of Olympism. These four ideas (a notion of fairness, equality and non-discrimination, a focus on ethical behaviour, and the educational prospect of the Olympic Games) constitute the Olympic ideals that the IOC and members of the Olympic movement associate with the Olympic Games. I described the first two ideals in depth, and discussed the philosophical literature informing the major ideas contained within each ideal. A thorough understanding of these notions, which includes fairness, fair play, justice, equality, inequality, and discrimination, is needed to evaluate whether the auxiliary rules of sport hinder or enable athletes to act in morally acceptable ways.

In the next chapter I identify the themes of eligibility rules athletes must follow in order to compete at the Olympic Games. After that I proceed to contrast the resulting rules with the Olympic ideals postulated here to determine if the auxiliary rules affecting participation in the Olympic Games promote or hinder the attainment and embodiment of

the Olympic ideals. The auxiliary rules that I identify in the next chapter will be considered acceptable if they promote the achievement of the four ideals identified in this chapter according to the mixed ethical framework described in Chapter I.

Endnotes

¹ Mike McNamee, "Olympism, Eurocentricity, and Transcultural Virtues," *Journal of the Philosophy of Sport* 32, no. 2 (2006): 175.

² International Olympic Committee (hereafter cited as IOC). *Olympic Charter* (Lausanne: IOC, 2007): 13. Note that participation in the Olympic Games does not entail automatic membership for athletes in the Olympic movement if an athlete does not subscribe to the IOC's vision of "Olympic spirit" and the educational value of sport.

³ David Cruise Malloy, "Understanding the Nature of Ethics, Values, and Purposes of Business, Health-Care, and Law: Implications and Applications for Community Sport," in *The Sport We Want: Essays on Current Issues in Community Sport in Canada* (Ottawa: Canadian Centre for Ethics in Sport, 2003), 61.

⁴ Malloy, 2003: 78.

⁵ However, a person can plausibly bend a rule without violating it due to the ethos in a particular sport and still uphold the value of fair play.

⁶ A more moderate position distinguishes intended values from core values. Core values are values that one will respect at all times regardless of the situation or context. Intended values, on the other hand, are values that one purports to hold but will disregard if another value trumps, similar to *prima facie* principles. Similarly, adopted values are values an organization holds due to pressure and expectations from its constituents or members, but may only do so begrudgingly. See, Malloy, 2003.

⁷ Jim Parry, "Olympism at the Beginning and at the End of the Twentieth Century," in *Proceedings of the International Olympic Academy* 28 (Athens: Hellenic Olympic Committee, 1988), 81-94.

⁸ An ideal can be thought of as similar to what Plato referred to in his discussions of the Forms. See Plato, *Phaedo*, ed. C.J. Rowe (New York: Cambridge University Press, 1993).

⁹ Angela J. Schneider, "Olympic Reform, Are We There Yet?" in *Bridging Three Centuries: Intellectual Crossroads and the Modern Olympic Movement*, ed. Kevin Wamsley, Scott G. Martyn, Gordon H. MacDonald, and Robert K. Barney (London, ON: International Centre for Olympic Studies, 2000), 225.

¹⁰ William J. Morgan, "Coubertin's Theory of Olympic Internationalism: A Critical Reinterpretation," in *Critical Reflections on Olympic Ideology: Second International Symposium for Olympic Research*, ed. Robert K. Barney and Klaus V. Meier (London, ON: Centre for Olympic Studies, 1994), 11.

¹¹ Schneider, 2000: 225. A mode of ensuring the guardians of the Olympic movement live up to the Olympic ideals is not in place.

¹² Bruce Kidd, "The Myth of the Ancient Games," in *Five Ring Circus: Money, Power and Politics at the Olympic Games*, ed. Alan Tomlinson and Garry Whannel (London: Plus Press Limited, 1984), 71.

¹³ Jim Parry, "Sport and Olympism: Universals and Multiculturalism," *Journal of the Philosophy of Sport* 33, no. 2 (2006): 190.

¹⁴ Lamartine DaCosta, "A Never-Ending Story: The Philosophical Controversy Over Olympism," *Journal of the Philosophy of Sport* 33, no. 2 (2006): 162.

¹⁵ Bruce Kidd, "The Aspirations of Olympism: A Framework for Considering the Athlete's Experience in the Olympic Movement at the Close of the Twentieth Century." *Centre d'Estudis Olímpics UAB* (1996) http://olympicstudies.uab.es/pdf/wp056_eng.pdf (accessed February 4th, 2008): 3.

¹⁶ Christine M. O'Bonsawin, "Spectacles, Policy, and Social Memory: Images of Canadian Indians at World's Fairs and Olympic Games." PhD diss., The University of Western Ontario, 2006: 176.

¹⁷ Rob Beamish and Ian Ritchie, "From Chivalrous 'Brothers-in-Arms' to the Eligible Athlete: Changed Principles and the IOC's Banned Substance List," *International Review for the Sociology of Sport* 39, no. 4 (2004): 357.

¹⁸ See, for example, Karl Lennartz, *Langlauf durch die olympische Geschichte Band 2: Selected Writings on Olympic History* (Köln: Carl und Liselott Diem-Archiv, 2005).

¹⁹ Pierre de Coubertin revived the Olympic Games to revamp the French physical educational system by providing the youth with something to strive to achieve after he witnessed German forces occupy France following the Franco-Prussian war during his youth. Coubertin traveled throughout Britain, North America, and Europe to study models of physical education in schools. Drawing inspirations from the many models he saw, Coubertin developed a physical fitness program that stressed games and the values associated with Muscular Christianity, in order to teach men fair play and church values through sport.

²⁰ Kidd, 1984: 71.

²¹ Coubertin had connections to several influential leaders in the pacifist movement within Parisian society and throughout Europe. According to Dietrich Quanz's research, among the attendees at the initial organizing meeting Coubertin organized at the Sorbonne in 1892 were several winners of the Nobel peace prize. See Dietrich Quanz, "Civil Pacifism and Sports-Based Internationalism: Framework for the Founding of the International Olympic Committee," *OLYMPIKA: The International Journal of Olympic Studies* 2, 1993: 1-24.

²² Bruce Kidd, "Taking the Rhetoric Seriously: Proposals for Olympic Education," *Quest* 48 (1996): 83.

²³ Nikos Filaretos, "Introduction on Olympism Through the Works of the International Olympic Academy," in *International Olympic Academy Proceedings of the Forty-fourth [sic] Session 23 May – 6 June 2004* (Ancient Olympia: International Olympic Academy, 2004), 63. While not a word commonly used or understood in the English language, for ancient Greeks, *kalokagathia* represented the ideal that the Greek society expected Olympic participants, among others, to challenge themselves to obtain. The word *kalokagathia* is a combination of two Greek roots, *kalos* (roughly meaning beautiful) and *agathos* (meaning what is good, noble, and learned), neither of which has a direct English translation. The closest the English language comes to matching and providing a definition for the word *kalokagathia* is through the phrases "the harmonious personality," "the cultivation of both the body and the mind," and "the struggle between the physical and the intellect to create a healthy and virtuous person." See Vera Olivova, *Sports and Games in the Ancient World* (London: Orbis, 1984), 1-3.

²⁴ M.H. Eyler, "The Right Stuff," in *Report of the 21st Session of the International Olympic Academy* (Athens: International Olympic Academy, 1981), 165.

²⁵ Coubertin is believed to have based his often-quoted proclamation on a statement made during the 1908 Olympic Games in London by the Bishop of Pennsylvania, Ethlebert Talbot, which declared: "The important thing in these Olympiads is not so much winning as taking part." See, "Olympians,"

International Olympic Committee: http://www.olympic.org/uk/athletes/olympians/index_uk.asp (accessed 5 Feb 2008).

²⁶ Cesar R. Torres, "Ethics and Olympic Games," in *International Olympic Academy Proceedings of the Forty-fourth* [sic] *Session 23 May – 6 June 2004* (Ancient Olympia: International Olympic Academy, 2004), 133.

²⁷ Lamartine P. DaCosta, *Olympic Studies: Current Intellectual Crossroads* (Rio de Janeiro: Editora Gama Filho, 2002), 42.

²⁸ DaCosta, 2002: 44-45.

²⁹ Parry, 2006: 190.

³⁰ Torres, 2004: 133.

³¹ DaCosta, 2006: 157.

³² DaCosta, 2006: 158.

³³ DaCosta, 2006: 162.

³⁴ Jeffrey O. Segrave, "The (Neo)modern Olympic Games: The Revolutions in Europe and the Resurgence of Universalism," *International Review for the Sociology of Sport* 35, no. 3 (2000): 268.

³⁵ IOC, 2007: 11. In Chapter IV, I will discuss the implications of using of gender-exclusive language in governing documents.

³⁶ Sigmund Loland, "Coubertin's Ideology of Olympism from the Perspective of the History of Ideas," *OLYMPIKA: The International Journal of Olympic Studies* 4 (1995): 49.

³⁷ Critics such as Helen Jefferson Lenskyj argue that not only does the IOC fail to address human rights in sport but it also condones the violation of individuals' rights to free speech and freedom of assembly by pressuring journalists and organizing committees from bid cities to suppress critics and arrest peaceful protestors. See Helen Jefferson Lenskyj, "The Olympic Industry and Civil Liberties: The Threat to Free Speech and Freedom of Assembly," *Sport in Society* 7, no. 3 (2004): 370-384.

³⁸ This description of the Olympic Games was put forth by Klaus V. Meier during the prospectus meeting for this dissertation.

³⁹ Angela Pearson, "Olympic Internationalism: Difference as Identity." MA thesis, The University of Western Ontario, February 1996: 85.

⁴⁰ Kevin Wamsley, "Laying Olympism to Rest," in *Post-Olympism? Questioning Sport in the Twenty-first Century*, ed. John Bale and Mette Krogh Christensen (New York: Berg, 2004), 234.

⁴¹ Wamsley, 239. Anti-Olympic stances are not uncommon among sports fans, activists, and critics; for example, scholar Helen Jefferson Lenskyj and investigative reporter Andrew Jennings have both asked challenging questions about the broad and sweeping claims surrounding the positive benefits and implications of Olympism. See Andrew Jennings and Vyv Simson, *The Lords of the Rings* (London: Simon & Schuster, 1992); Andrew Jennings, *The New Lords of the Rings* (Toronto: Simon & Schuster, 1996); as well as Helen Jefferson Lenskyj, *Olympic Industry Resistance: Challenging Olympic Power and Propaganda* (Albany, NY: State University of New York Press, 2008). For an alternative view of the IOC, which describes the committee as oligarchic and lacking in democracy, see Henning Eichberg, "Olympic

Sport: Neocolonisation and Alternatives," *International Review for the Sociology of Sport* 19, no. 1 (1984): 97-102.

⁴² Kidd, 1996: 4.

⁴³ McNamee, 2006: 174-187.

⁴⁴ Neise Abreu has raised similar issues at the descriptive level in questioning how Olympic values could be discussed and incorporated into Olympic education programs. See Neise Abreu, "Olympic Multiculturalism: Proclaimed Universal Values v. Cultural Relativism," in *Olympic Studies – Current Intellectual Crossroads: Programa de Pós Graduação em Educação Física*, ed. Lamartine P. DaCosta, 210-254 (Rio de Janeiro: Editora Gama Filho, 2002), 215.

⁴⁵ As cited in O'Bonsawin: 179.

⁴⁶ Simon Boyles, "The International Olympic Committee, Transnational Doping, Policy and Globalisation," in *Drugs and Doping in Sport: Socio-Legal Perspectives*, ed. John O'Leary (London: Cavendish, 2001), 172.

⁴⁷ Pearson, 1996: iii.

⁴⁸ Pearson, 1996: iii.

⁴⁹ Pearson, 1996: 88.

⁵⁰ Samantha Nanayakkara, "Olympism: A Western Liberal Idea that Ought Not to Be Imposed on Other Cultures?" in *Pathways: Critiques and Discourse in Olympic Research, Ninth International Symposium for Olympic Research*, ed. Robert K. Barney, Michael K. Heine, Kevin B. Wamsley, and Gordon H. MacDonald (London, ON: International Centre for Olympic Studies, 2008), 353.

⁵¹ Parry, 2006: 190. Rules are externally imposed and specific consequences arise if one fails to uphold a rule that is in effect. Principles, on the other hand, are often internally motivated and selected by the individual.

⁵² Thomas W. Pogge, "Moral Universalism and Global Economic Justice," in *Globalisation and Equality*, ed. Keith Horton and Haif Patapan (New York: Routledge, 2004), 50.

⁵³ Søren Damkjær, "Post-Olympism and the Aestheticization of Sport," in *Post-Olympism? Questioning Sport in the Twenty-first Century*, ed. John Bale and Mette Krogh Christensen (New York: Berg, 2004), 213.

⁵⁴ Parry, 2006: 190. However, one must argue that the changes in rules leads to changes in the values associated with the Olympic Games to claim the Olympic values are not universal based on stability over time.

⁵⁵ W. B. Gallie, "Essentially Contested Concepts," *Proceedings of the Aristotelian Society* 56 (1956): 167-198.

⁵⁶ Parry, 2006: 191.

⁵⁷ Parry, 2006: 193-195, 202.

⁵⁸ Jim Parry, "Olympism at the Beginning and End of the Twentieth Century," in *Report of the 28th Session of the International Olympic Academy*, ed. Otto Szymiczek (Athens: International Olympic Committee and Hellenic Olympic Committee, 1988), 93. See also Jim Parry, "Olympism and its Ethic," *International*

Olympic Academy Proceedings of the Forty-fourth [sic] Session 23 May – 6 June 2004 (Ancient Olympia: International Olympic Academy, 2004), 87.

⁵⁹ Parry, 2006: 197, 202.

⁶⁰ What constitutes a universal value is debatable. A libertarian would argue that fundamental rights are universal to everyone regardless of when or where they live or lived, yet this requires a sound understanding of what, if any, fundamental rights people have, which is beyond the scope of this dissertation. See James P. Sterba, "Global Justice for Humans or for All Living Beings and what Difference it Makes," *The Journal of Ethics* 9 (2005): 287.

⁶¹ Pearson, 1996: 36. In Parry's view, Olympism applies to everyone, not just athletes competing at the Olympic Games for two weeks every four years. This suggests Parry's ideas regarding the recognition and implementation of Olympism across different cultures is more open than his critics acknowledge. See Parry, 2004: 86.

⁶² See Jeffrey O. Segrave's argument that there is hope in "a discourse like Olympism [that] ultimately advocates a universalism qualified by a relativism that acknowledges the particularities of place and time." See Segrave, 2000: 275.

⁶³ Peter J. Arnold, "Sport as a Valued Human Practice: A Basis for the Consideration of Some Moral Issues in Sport," *Journal of Philosophy of Education* 26, no. 2 (1992): 244.

⁶⁴ Arnold, 1996: 238.

⁶⁵ Peter J. Arnold, "Olympism, Sport, and Education," *Quest* 48 (1996): 95.

⁶⁶ DaCosta, 2006: 157.

⁶⁷ DaCosta, 2000: 23-24.

⁶⁸ DaCosta, 2000: 39.

⁶⁹ DaCosta, 2000: 51. See also, DaCosta, 2006: 162.

⁷⁰ Filaretos: 65.

⁷¹ Filaretos: 65. Filaretos uses the term 'gymnastics' to refer to a variety of sports, not solely gymnastics as performed on various apparatus in competition.

⁷² Filaretos: 68.

⁷³ Filaretos: 69-70.

⁷⁴ Julio César Maglione, "Olympic Games: Cultural and Ethical Aspects," in *International Olympic Academy Proceedings of the Forty-fourth [sic] Session 23 May – 6 June 2004* (Ancient Olympia: International Olympic Academy, 2004), 78.

⁷⁵ John A. Lucas, "The Genesis of the Modern Olympic Games," in *The Olympic Games in Transition*, ed. Jeffrey O. Segrave and Donald Chu (Champaign, IL: Human Kinetics Books, 1988), 95.

⁷⁶ Pearson, 1996: 28.

⁷⁷ Pearson, 1996: 84.

⁷⁸ Jeffrey O. Segrave, "Toward a Definition of Olympism," in *The Olympic Games in Transition*, ed. Jeffrey O. Segrave and Donald Chu (Champaign, IL: Human Kinetic, 1988), 149-161.

⁷⁹ Otavio Tavares, "Olympic Values in the Twenty-First Century: Between Continuity and Change," in *Cultural Imperialism in Action: Critiques in the Global Olympic Trust*, ed. Nigel B. Crowther, Robert K. Barney and Michael K. Heine (London, ON: International Centre for Olympic Studies, 2006), 211.

⁸⁰ Leo Hsu, "Olympism: A Dead Ideal and a Western Product?" in *Bridging Three Centuries: Intellectual Crossroads and the Modern Olympic Movement*, ed. Kevin Wamsley, Scott G. Martyn, Gordon H. MacDonald, and Robert K. Barney (London, ON: International Centre for Olympic Studies, 2000), 253.

⁸¹ Torres, 2004: 138.

⁸² IOC, 2007: 11.

⁸³ Eyler: 165.

⁸⁴ Parry, 2004: 87 and Parry, 1988:93.

⁸⁵ Arnold, 1992: 238. See also Arnold, 1996: 95.

⁸⁶ Pearson, 1996: 28.

⁸⁷ DaCosta, 2002.

⁸⁸ Filaretos: 65.

⁸⁹ Segrave, 1988: 149-161.

⁹⁰ Hsu: 253.

⁹¹ Tavares: 211.

⁹² Christoph Lumer, "Rules and Moral Norms in Sports," *International Review for Sociology of Sport* 30, no. 3 and 4 (1995): 271.

⁹³ While he did not win an Olympic medal, Lemieux was awarded the Pierre de Coubertin Medal for Sportsmanship by then-IOC president Juan Antonio Samaranch.

⁹⁴ Charlene Weaving, "Up the Slope without a Pole: An Examination of the Relationship Between Fair Play and Gender Norms at the 2006 Winter Olympics," in *Cultural Imperialism in Action: Critiques in the Global Olympic Trust*, ed. Nigel B. Crowther, Robert K. Barney, and Michael K. Heine (London, ON: International Centre for Olympic Studies, 2006), 347-354.

⁹⁵ For an insightful discussion of the concept of 'sportsmanship' see Danny Rosenberg, "Sportsmanship Reconsidered," *International Journal of Physical Education* 30, no. 4 (1993): 15-23.

⁹⁶ Heather Sheridan, "Conceptualizing 'fair play': A review of the literature," *European Physical Education Review* 9, no. 2 (2003):164.

⁹⁷ Gábor Papp and Gyöngyvér Prisztóka, "Sportsmanship as an Ethical Value," *International Review for the Sociology of Sport* 30, no. 3 and 4 (1995): 375.

⁹⁸ *Report of the Canadian Olympic Committee 1924 Games Held in Chamonix and Paris, France*, ed. J. Howard Crocker (Toronto: The Committee, 1925). A sportsman, in this view, is one who competes fairly and with respect but also does so in an uncritical manner.

⁹⁹ Wray Vamplew, "Playing with the Rules: Influences on the Development of Regulation in Sport," *International Journal of the History of Sport* 24, no. 7 (2007): 858.

¹⁰⁰ A few philosophers have attempted to advance the notion of sportsmanship applicable to all athletes by re-naming the concept 'sportspersonship' rather than 'sportsmanship.' Nonetheless, the term did not persist and subsequent articles continued to use the phrase 'sportsmanship' to describe athletes who play fairly and respect the sport in which they participate. See Robert Butcher and Angela Schneider, "Fair Play as Respect for the Game," *Journal of the Philosophy of Sport* 25, no. 1 (1998): 1-22. See also, Robert L. Simon, "Internalism and Internal Values in Sport," *Journal of the Philosophy of Sport* 27, no. 1 (2000): 1-16.

¹⁰¹ Sheridan: 163.

¹⁰² Loland traces the origins of the term 'fair play' in the English language to homilies from 1175 that describe just and impartial behaviour, and notes Shakespeare used the phrase in his play *The Life and Death of King John* in the sixteenth century. Similarly, the term 'foul play' is traced back to 1467 where it was used in tournament rules. See Loland, 2002: 12.

¹⁰³ Butcher and Schneider: 1

¹⁰⁴ Loland, 2002: 13.

¹⁰⁵ Sigmund Loland and Mike McNamee, "Fair Play and the Ethos of Sports: An Eclectic Philosophical Framework," *Journal of the Philosophy of Sport* 27, no. 1 (2000): 64. The term 'fair play' is still preferable to the term 'sportsmanship' because of the lack of gender exclusion associated with the former.

¹⁰⁶ Vamplew: 858.

¹⁰⁷ Vamplew: 858. Other motivating forces of the first modern Olympic Games included nationalism and economics.

¹⁰⁸ The difference between self-interest and selfishness is an important distinction in discussing fair play; however, this distinction is beyond the scope of this dissertation.

¹⁰⁹ Martin J. Lee and Michael Cockman, "Values in Children's Sport: Spontaneously Expressed Values Among Young Athletes," *International Review for the Sociology of Sport* 30, no. 3 and 4 (1995): 337-350.

¹¹⁰ Sheridan.

¹¹¹ Sheila Wigmore and Cei Tuxill, "A Consideration of the Concept of Fair Play," *European Physical Education Review* 1, no. 1 (1995): 67-73.

¹¹² Butcher and Schneider.

¹¹³ Filaretos: 66.

¹¹⁴ Martin and Cockman: 337.

¹¹⁵ Kidd, 1996: 8.

¹¹⁶ Francis W. Keenan, "Justice and Sport," *Journal of the Philosophy of Sport* 2 (1975): 116.

¹¹⁷ For example, in European soccer leagues the ball is kicked out of play by the opposing team if a player suffers an injury to avoid penalizing the injured player's team; however, in other soccer leagues, play continues and the norm is for the opposing team to take advantage of the injury and attempt to put itself in a better position. A player from a league adopting the latter style of play could be considered a poor sport for failing to send the ball out of play when playing in a location where the norm is to do so and failing to do so is considered a violation of fair play despite the formal rules of the game not being violated.

¹¹⁸ Karin A. E. Volkwein, "Ethics and Top-Level Sport – A Paradox?" *International Review for Sociology of Sport* 30, no. 3-4 (1995): 314. However, many administrators and organizers were competitive athletes when they were younger.

¹¹⁹ Wigmore and Tuxill: 70.

¹²⁰ Sheridan: 171.

¹²¹ Sheridan conducted a thorough review of the English-language literature on fair play, while Pawlenka's study presented her interpretation of fair play from sources published in German.

¹²² Sheridan: 163-164.

¹²³ Sheridan: 176.

¹²⁴ Pawlenka argues that fairness is not an obvious universal value, noting in sources written in German, "fairness does not seem to be a philosophical concept." Pawlenka reports that the Dictionaries of Philosophy in German, unlike those in English, do not contain entries on fairness. Pawlenka also suggests that because sports are decided based on merit, sports are perceived as fair as long as the outcome is deserved. See, Claudia Pawlenka, "The Idea of Fairness: A General Ethical Concept or One Particular to Sports Ethics?" *Journal of the Philosophy of Sport* 32, no. 1 (2005): 54, 56.

¹²⁵ K.O. Apel, "Die ethische Bedeutung des Sports in der Sicht einer universalistischen Diskursethik." In *Ethische Aspekte des Leistungssports*, ed. E. Franke (Clausthal-Zellerfeld, Germany: dvs-Protokolle, 1988), 117-118. As cited in Pawlenka: 53. On the other hand, some athletes likely treat sports rules as more than *prima facie* obligations and consider the rules to be ultimate obligations.

¹²⁶ Jeremy S. Jordan, John Andrew Gillentine, and Barry P. Hunt, "The Influence of Fairness: The Application of Organizational Justice in a Team Sport Setting," *International Sports Journal* (Winter 2004): 139-149.

¹²⁷ Alister Browne, Victor Lachance, and Andrew Pipe, "The Ethics of Blood Testing as an Element of Doping Control in Sport," *Medicine & Science in Sports & Exercise* 31, no. 4 (1999): 497-501.

¹²⁸ Philosopher Paul Graham writes in his book, *Rawls*, that *A Theory of Justice* is one of the most influential books in the last one hundred years in philosophy, political science, law and social policy.

¹²⁹ See, John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1999), 102-170.

¹³⁰ Norman Daniels, *Reading Rawls: Critical Studies on Rawls' A Theory of Justice* (Oxford: Basil Blackwell, 1975), xviii-xix.

¹³¹ Daniels: xix.

¹³² William J. Morgan, "Fair is Fair, Or Is It?: A Moral Consideration of the Doping Wars in American Sport," *Sport in Society* 9, no. 2 (April 2006): 180.

¹³³ See Butcher and Schneider.

¹³⁴ Morgan, 2006: 180.

¹³⁵ Morgan, 2006: 180.

¹³⁶ Morgan, 2006: 181.

¹³⁷ Loland and McNamee, 2000: 68.

¹³⁸ See, Plato, *The Republic*, trans. Francis MacDonald Cornford (New York: Oxford University Press, 1945), 308 and 317. See also Aristotle, *Nicomachean Ethics* (Cambridge: University Press, 1909). Plato's discussion of justice informs his view of the ideal form of education. Through Plato's writings, and his recollections of Socrates dialogues, a convincing account of ancient Greek life is decipherable. Scholars gain much of their understanding about people's values in ancient Greece, between the time of Homer's writing in the eighth century BCE, and the fourth and fifth centuries BCE when Plato and Socrates lived, through the thoughts and observations Plato recorded. Plato and Socrates spoke of four cardinal virtues that all people should possess: wisdom, courage, temperance, and justice, which form the basis of their proposed system of education.

¹³⁹ Loland, 2002: 144.

¹⁴⁰ Loland, 2002: 29.

¹⁴¹ As cited in William K. Frankena, *Ethics* (Englewood Cliffs, NJ: Prentice-Hall, 1963), 39.

¹⁴² Harry Frankfurt, "Equality as a Moral Ideal," *Ethics* 98, no. 1 (1987): 21, 30. For example, Frankfurt provides the example of a village of ten people that has 40 units of food to distribute and each person requires five units to survive. Distributing the food equally would allot four units to each person and all of the inhabitants would starve to death. In situations of this nature, insisting on equality is not justifiable and would not produce the greatest good. If 50 units of food were available, distributing more than 5 units to some people and less than the necessary 5 units to others would be problematic.

¹⁴³ David Miller, "Against Global Egalitarianism," *The Journal of Ethics* 9 (2005): 65. Egalitarian theories that focus on equality often focus on negating the effects of bad luck or cosmic injustice. A more accurate view, according to philosopher Elizabeth S. Anderson, involves an attempt "not to eliminate the impact of brute luck from human affairs, but to end oppression [and] create a community in which people stand in relations of equality to others." See Elizabeth S. Anderson, "What is the Point of Equality?" *Ethics* 109, no. 2 (1999): 288-289.

¹⁴⁴ Miller: 65-66.

¹⁴⁵ Peter Singer, *One World: The Ethics of Globalization* (New Haven, CT: Yale University Press, 2002), 4.

¹⁴⁶ Peter Donnelly, "Sport and Human Rights," *Sport in Society* 11, no. 4 (2008): 382.

¹⁴⁷ Bruce Kidd and Peter Donnelly, "Human Rights in Sports," *International Review for the Sociology of Sport* 35, no. 2 (2000): 136.

¹⁴⁸ Philosopher Kaspar Lippert-Rasmussen argues that the distinction between social inequalities and natural inequalities is morally irrelevant. See Kaspar Lippert-Rasmussen, "Are Some Inequalities more Unequal than Others? Nature, Nurture and Equality," *Utilitas* 16, no. 2 (2004): 193-219.

¹⁴⁹ Keenan: 118.

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- ¹⁵⁰ Jane Flax, "Beyond Equality: Gender, Justice and Difference," in *Beyond Equality and Difference: Citizenship, Feminist Politics and Female Subjectivity*, ed. Gisela Bock and Susan James (New York: Routledge, 1992), 194.
- ¹⁵¹ Miller: 59.
- ¹⁵² Fred Feldman, *Utilitarianism, Hedonism and Desert: Essays in Moral Philosophy* (Cambridge: Cambridge University Press, 1997), 161.
- ¹⁵³ Feldman: 161.
- ¹⁵⁴ Shelly Kagan, *Normative Ethics* (Boulder, CO: Westview Press, 1998).
- ¹⁵⁵ Aristotle. See especially book V on justice.
- ¹⁵⁶ Sigmund Loland and Per Sandberg, "Realizing Ludic Rationality in Sport Competitions," *International Review for the Sociology of Sport* 30, no. 2 (1995): 231.
- ¹⁵⁷ Paul Graham, *Rawls* (Oxford: Oneworld Publications, 2007): 59.
- ¹⁵⁸ Frankena: 39.
- ¹⁵⁹ Frankena: 41.
- ¹⁶⁰ Ronald Dworkin, "Liberalism," in *Public and Private Morality*, ed. Stuart Hampshire (Cambridge: Cambridge University Press, 1978), 129.
- ¹⁶¹ Sigmund Loland, "Justice in Sport: An Ideal and its Interpretations," *Sport, Ethics and Philosophy* 1, no. 1 (2007): 81.
- ¹⁶² Loland, 2007: 82.
- ¹⁶³ Trudy Govier, *A Practical Study of Argument, Sixth Edition* (Toronto: Thomson Wadsworth, 2005), 105-106.
- ¹⁶⁴ Antony Flew, *Equality in Liberty and Justice* (New York: Routledge, 1989), 142-143.
- ¹⁶⁵ Louis M. Guenin, "Distributive Justice in Competitive Access to Intercollegiate Athletic Teams Segregated by Sex," *Studies in Philosophy and Education* 16 (1997): 349.
- ¹⁶⁶ Guenin: 349.
- ¹⁶⁷ Rob Beamish and Ian Ritchie, *Fastest, Highest, Strongest: A Critique of High-Performance Sport* (New York: Routledge, 2006), 116.
- ¹⁶⁸ As an Olympic ideal, equality can be traced to the ancient festivals at Olympia where classics scholars have demonstrated that athletes, officials, and fans honoured and expected the equal treatment of competitors. Reid argues that there "is strong evidence of the atypical equality associated with Greek athletics." Heather L. Reid, "Olympic Sport and Its Lessons for Peace," *Journal of the Philosophy of Sport* 33, no. 2 (2006): 210.
- ¹⁶⁹ Matt Cavanagh, *Against Equality of Opportunity* (Oxford, Clarendon Press, 2002), 1.
- ¹⁷⁰ Garrett Cullity, "Equality and globalization," in *Globalisation and Equality*, ed. Keith Horton and Haif Patapan (New York: Routledge 2004), 6, 17.

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- ¹⁷¹ Birgit Christensen, "Equality and Justice: Remarks on a Necessary Relationship," trans. Andrew F. Smith, *Hypatia* 20, no. 2 (2005): 155.
- ¹⁷² Loland and McNamee: 68.
- ¹⁷³ Sigmund Loland, "Normative Theories of Sport: A Critical Review," *Journal of the Philosophy of Sport* 31, no. 2 (2004): 111-121.
- ¹⁷⁴ Loland, 2002: 53.
- ¹⁷⁵ Loland, 2002: 46.
- ¹⁷⁶ Loland, 2002: 48, 52.
- ¹⁷⁷ Loland, 2002: 48.
- ¹⁷⁸ Loland, 2002: 53.
- ¹⁷⁹ Frans De Wachter, "In Praise of Chance: A Philosophical Analysis of the Element of Chance in Sports," *Journal of the Philosophy of Sport* 12 (1985): 60.
- ¹⁸⁰ William J. Morgan, "Chance, Skill and Sport: A Critical Comment," *Journal of the Philosophy of Sport* 12 (1985): 62.
- ¹⁸¹ Loland, 2007: 88.
- ¹⁸² David Carr, "Where's the Merit if the Best Man Wins?" *Journal of the Philosophy of Sport* 26, no. 1 (1999): 3-4.
- ¹⁸³ See Loland, 2002: 56.
- ¹⁸⁴ Loland, 2002: 57.
- ¹⁸⁵ Loland, 2002: 60.
- ¹⁸⁶ Carr: 3.
- ¹⁸⁷ "Speedos won't improve Canada's Chances," *CBC Olympics*: <http://www.cbc.ca/olympics/swimming/story/2008/06/17/olympics-swimming-canadian-speedo.html> (accessed 30 June 2008).
- ¹⁸⁸ Robert L. Simon, *Fair Play: The Ethics of Sport*, 2nd edition (Boulder, CO: Westview Press, 2004), 32-33.
- ¹⁸⁹ Peter Singer, *Practical Ethics* (New York: Cambridge University Press, 1993), 17.
- ¹⁹⁰ Singer, 1993: 17-18.
- ¹⁹¹ Kasper Lippert-Rasmussen, "Are Some Inequalities more Unequal than Others? Nature, Nurture and Equality," *Utilitas* 16, no. 2 (2004): 193-194.
- ¹⁹² See Chapters IV and V for this analysis.
- ¹⁹³ Eva-Maria Schwickert, "Gender, Morality, and Ethics of Responsibility: Complementing Teleological and Deontological Ethics," *Hypatia* 20, no. 2 (Spring 2005): 169.

¹⁹⁴ Kidd, 1996: 8.

¹⁹⁵ Allen Guttman, "Rules of the Game," in *The Sport Studies Reader*, ed. Alan Tomlinson (London: Routledge, 2007), 27.

¹⁹⁶ Loland and McNamee: 68.

¹⁹⁷ Elizabeth Mulholland, *What Sport Can Do: The True Sport Report* (Ottawa: Canadian Centre for Ethics in Sport, 2008).

¹⁹⁸ Mary B. Duquin and Kate Schroeder-Braun, "Power, Empathy, and Moral Conflict in Sport," *Peace and Conflict: Journal of Peace Psychology* 2, no. 4 (1996): 352. The authors argue sport can also teach children that violence is acceptable and that rule bending is fine if one is not caught. Other researchers found athletes have more advanced understanding of and respect for equality, fairness, honesty, and justice. See Rosemarie Mielke and Steffen Bahlke, "Structure and Preferences of Fundamental Values of Young Athletes: Do they differ from Non-Athletes and from young People with Alternative Leisure Activities?" *International Review for Sociology of Sport* 30, no. 3-4 (1995): 419-436.

¹⁹⁹ Juan Antonio Samaranch, "Olympic Ethics," *Olympic Review* 25 (1995): 3.

²⁰⁰ Singer, 2002: 142. In an attempt to describe ethical principles common among all cultures, a working group of religious leaders and the Center for Global Ethics at Temple University produced a document entitled, "Declaration of a Global Ethic," which identified universal principles all cultures are thought to endorse.

²⁰¹ Flew: 28.

²⁰² Flew: 37, 43.

²⁰³ Graham: 30.

²⁰⁴ Donnelly, 2008: 383. The 30 articles and preamble that make up the Universal Declaration of Human Rights were composed by philosophy professor, John Humphrey, of McGill University. Included within the document are statements confirming the importance of liberty, democracy, justice, and the prohibition of discrimination, slavery, and torture. See also, Kidd and Donnelly: 132.

²⁰⁵ Kidd, 1996: 13. This link was also established through the creation of Olympic Aid, and later Right to Play, which was led by Norwegian speed skater Johan Olav Koss. However, recent questionable behaviours by the IOC have ended the relationship between Right to Play and the Olympic Games.

²⁰⁶ Lenskyj: 19.

²⁰⁷ Donnelly, 2008: 384.

²⁰⁸ Singer, 2002: 39.

²⁰⁹ Simon, 2004: 12.

²¹⁰ Bhikhu Parkeh, "Globalisation for a Multicultural World," in *Globalisation and Equality*, ed. Keith Horton and Haif Patapan (New York: Routledge, 2004), 130.

²¹¹ DaCosta, 2002: 13. DaCosta suggests the percentage of IOC members who accepted or requested bribes from candidate cities is thought to be between five and seven per cent. For a thorough discussion of the topic, see Robert K. Barney, Scott G. Martyn, and Stephen R. Wenn, *Selling the Five Rings: The*

International Olympic Committee and the Rise of Olympic Commercialization (Salt Lake City: The University of Utah Press, 2002).

²¹² John Milton-Smith, "Ethics, the Olympics and the Search for Global Values," *Journal of Business Ethics* 35 (2002): 131.

²¹³ Milton-Smith: 135.

²¹⁴ Mary A. Boutilier and Lucinda F. San Giovanni, "Individual and Team Sports in the Olympics: A Question of Balance," *International Review for Sociology of Sport* 27, no. 2 (1992): 187.

CHAPTER III

Olympic Eligibility Rules

The purpose of this chapter is to determine the eligibility requirements for participating at the Olympic Games. To assess the moral acceptability of the current rules and propose what the rules *should* be, one must first determine what rules are currently in place. An athlete must satisfy the rules set by the International Olympic Committee (IOC) in addition to the requirements determined by his or her International Federation (IF), National Olympic Committee (NOC), and National Federation (NF) in order to compete at the Olympic Games. In this chapter I examine the qualifying procedures required of athletes through an analysis of the *Olympic Charter* and the rulebooks and governing documents pertaining to athletes' or teams' eligibility to compete in the Olympic Games from eight IFs.

A formalistic application of the rules contained within the *Olympic Charter* by each IF would result in identical implementation of the rules and standardized methods of qualifying to compete at the Olympic Games for all events included on the Olympic program. However, each IF sets sport-specific eligibility rules, which complicates assembling a formal list of concrete rules. In designing and revising rulebooks, policy documents, and regulation guidelines that discuss qualification and competition at the Olympic Games, each IF has the flexibility to interpret the *Olympic Charter* as it sees fit as long as it respects the letter of the rules. Rules and requirements that violate the spirit of the original rules contained within the *Olympic Charter* are of concern in this chapter.

This chapter consists of: 1) an examination of past Olympic eligibility rules to provide the context necessary to understand current eligibility practices; 2) an analysis of the rules contained within the *Olympic Charter*; 3) an examination of the eligibility rules

set by IFs included in the representative sample; and, 4) the identification and discussion of themes of auxiliary rules from the rulebooks and policy documents. The themes of rules identified in this chapter will serve as the basis of comparison to weigh the Olympic ideals against in Chapter IV. Doing so will allow me to isolate and identify the discrepancies that remain between the Olympic eligibility rules and the ethos of the Olympic Games promoted through the Olympic ideals.

Background of Past Olympic Eligibility Rules

Before evaluating the consequences of the rules IOC members implemented, one must first understand the motivations of the IOC members who drafted the rules. In this section, I discuss past Olympic eligibility rules and the influence these rules have had on shaping current eligibility rules and policies. At the ancient quadrennial festivals that took place in Olympia, athletes seeking to compete had to gain the approval of a council of judges that served the combined role of today's IOC, judges, referees, and umpires.¹ Rules for organizing and staging the ancient festivals at Olympia were agreed upon by "a special commission called 'law-codifiers' (*nomographoi*), acting under the authority of the government of Elis [...] that briefed the judges at each Olympiad, whose duty it was to administer and interpret the rules."² Prospective competitors had to train for one year under local supervision after which athletes seeking entrance to the Games had to demonstrate their worth before judges deemed them eligible to compete:

One month before the Olympic festival commenced, prospective competitors presented themselves to a council of judges who judged and supervised their final preparations. Any found to be unworthy of the Olympic tradition of athletic excellence were sent away. Only the most deserving vied at Olympia.³

Presumably, these requirements barred competitors whom the judges felt lacked virtue or training from competing at the Olympic festivals.

Early modern Olympic Games had few eligibility rules compared to the ancient Olympic festivals' month-long observation by the council of judges. Eligibility rules were not needed to restrict the size of the first Olympic Games held in Athens, Greece. The inaugural Olympic Games in 1896 included competitions in athletics, gymnastics, fencing, sailing, tennis, swimming, shooting, cycling, and equestrian sports,⁴ and involved 295 athletes representing 13 countries.⁵ Currently, eligibility rules are required to control the number of athletes participating in the Olympic Games because without rules stipulating qualification procedures, the Olympic Games have the potential to grow to unmanageable sizes.⁶ Most events, particularly the team sports, are not designed to accommodate even one entry from each of the 205 nations recognized by the IOC.⁷ The 1896 Olympic Games was thus much smaller and less prominent than the Ancient festivals held in Olympia and the Olympic Games today; however, eligibility rules were in effect nonetheless.

In what is now referred to as the 1st IOC session, which took place in Paris in 1894, the members in attendance voted that the IOC would be "responsible for the organisation of the Olympic Games [and have] the right to exclude persons that do not follow the rules."⁸ The IOC created and published the *Olympic Charter* in 1914, which came into force for the celebration of the seventh Olympiad in Antwerp, Belgium in 1920. By the mid-twentieth century, the Olympic Games were firmly established and publicized worldwide, which led to increasingly large numbers of participants and the need for more specific rules to restrict the size of the Games. For example, in the 1950s, the IOC added to the *Olympic Charter* that "while the Olympic Games welcome the Youth of the World, it is a physical impossibility to accommodate *all* that Youth."⁹ As a

result, the IOC requested that NOCs use discretion in naming athletes to their Olympic rosters and only select athletes of “Olympic caliber.”¹⁰ Additional rules that tightened and restricted the eligibility of prospective Olympians soon followed.

Prior to Avery Brundage’s relinquishing of the presidency of the IOC in 1972, the term ‘eligibility’ was almost always used synonymously with the word ‘amateurism’ in the context of the Olympic Games. At the IOC Session in Antwerp in 1920, following the end of World War I, defining amateurism was “a matter of increasing concern for the IOC because of the growth of professional sport.”¹¹ Following a discussion on the IOC’s stance toward professional participation at the Olympic Games, the IOC members voted to allow the IFs to conduct their sports as they saw fit as long as the rules they set did not contradict or oppose the IOC’s general rules. Continued discussion of amateur rules followed at subsequent IOC Sessions. At the 1938 Session in Cairo, the IOC discussed the amateur status of athletes who profited from their Olympic experiences by composing newspaper articles while competing abroad, and came to the conclusion that “athletes who used their sporting prowess to exploit it for journalism, theatre, cinema or radio were in breach of the Olympic spirit.”¹²

Brundage sought to add Pierre de Coubertin’s aspirations regarding amateurism to the *Olympic Charter* in order to “protect the Movement’s central principles from erosion.”¹³ Brundage was successful and in 1949 the IOC defined an eligible amateur as an athlete “who participates and always has participated in sports solely for the pleasure and physical, mental, or social benefits he derives therefrom.”¹⁴ Also included was the clause that for amateurs “participation in sport is nothing more than recreation without material gain of any kind direct or indirect and in accordance with the rules of the

International Federation concerned.”¹⁵ The IOC added additional amateur rules for all competitors participating at the Olympic Games in the 1958 edition of the *Olympic Charter*, which barred athletes who intended to turn professional and athletes whose participation required them to neglect their vocations from participating in the next Olympic Games.¹⁶ The amateur issue appeared frequently on the agenda of the IOC Sessions, but the IOC, with unwavering support from the IAAF, dismissed each challenge and continued to endorse Coubertin’s amateur ideal. At the 1961 IOC Session in Athens, Brundage proposed the creation of a formal eligibility code, which the IOC members voted to adopt at their next meeting the following year in Moscow. The IOC’s approval of an eligibility code brought Brundage’s goal of “entrench[ing] the embodiment of de Coubertin’s principles – the amateur athlete – in the Olympic Charter [sic]” to fruition.¹⁷

Amateur rules rendered many athletes ineligible to compete at the Olympic Games. As sport historian Allen Guttman has argued, “many of the world’s greatest athletes were declared professionals for pocketing sums of money inadequate to support them for more than an afternoon.”¹⁸ In the 1960s the IOC’s rules regarding amateurism dictated that anyone receiving remuneration for their involvement in sport or lacking a steady, non-sport-related occupation was ineligible to participate in the Olympic Games.¹⁹ Moreover, the IOC required that any profits resulting from involvement with the Olympic Games, by athletes, officials, organizers, or anyone else associated with the Games, must be “used for the promotion of the Olympic Movement or the development of amateur sport.”²⁰ Athletes benefitting from indirect financial support from their governments, armies, NOCs, or other organizations, which permitted them to train for

sport rather than pursue an occupation, were deemed 'pseudo amateurs' and faced the same ineligibility as professionals.²¹ The IOC deemed athletes who accepted money or prizes for their performances, worked as paid coaches, accepted special treatment bestowed upon them because of their athletic talents, or accepted reimbursement above and beyond their competition expenses to have contravened the amateur rule. The IOC prohibited athletes falling into this category from competing at the Olympic Games. Further restrictions followed in the 1967 edition of the *Olympic Charter*, which included the broad rule that "those who have capitalized in any way on their sports performances rather than their ability are ineligible for the Olympic Games."²² The modified rule served to further restrain the pool of competitors eligible to participate.

The *Olympic Charter* during Brundage's years as IOC president included Coubertin's words from an 1894 circular on the Olympic Games distributed to amateur sports organizations worldwide:

First of all, it is necessary to maintain in sport the noble and chivalrous character which distinguished it in the past, so that it shall continue to be part of the education of present day peoples, in the same way that sport served so wonderfully in the times of ancient Greece. The public has a tendency to transform the Olympic athlete into a paid gladiator. These two attitudes are not compatible.²³

Brundage and the IOC used Coubertin's thoughts on the ancient Games to enforce a strict set of amateur eligibility rules that viewed professional athletes as synonymous to paid gladiators. However, Brundage's attempt to use Pierre de Coubertin's link between the Olympic Games and the ancient festivals in Olympia to justify amateur rules from the 1950s through the 1970s was fraught with challenges. His efforts to safeguard the Olympic Games from professional participation "guaranteed that the IOC would continue to embroil itself in frustrating controversies over eligibility."²⁴ Critics now describe

Brundage's actions as hypocritical and charge he stubbornly attempted to apply a "contextually pure definition of sport (ideal) [...] against the historically evolving (real) changes that influenced the production of sport."²⁵ Described as a bureaucratic solution that failed to govern effectively the inclusion and exclusion of professional and amateur athletes, the IOC's steadfast eligibility rules contributed to "the disjunction between the Amateur ideal and the real practices of world class, high performance sport."²⁶

Under the system of amateurism, the IOC prohibited not only accepting money or material benefits from participating in sports, but also intensive, sport-specific training. Beginning in the 1960s, state-sponsored sport programs and schools popular in the Eastern bloc countries and communist states allowed several students and military personnel to train fulltime for sport yet retain their titles as students or military personnel to maintain their status as amateurs. The status of amateurism was "an ideological matter central to the Cold War debate of capitalism versus communism."²⁷ It was a challenge to be a working class athlete and support oneself while training, without state support, in order to retain one's amateur status. As a result, the pool of competitors competing at the Olympic Games differed from today's Games where the Olympic gold medalist is considered the best athlete in the world in his or her event. The Olympic winner, when amateurism rules were in effect, was the best athlete in the world with amateur status.²⁸

As late as the early 1970s, the IOC's position remained that "[t]o be eligible for participation in the Olympic Games, a competitor must observe the traditional Olympic spirit and ethic and have always participated in sport as an avocation without having received any remuneration for his participation."²⁹ Also prohibited were "individuals subsidized by governments, educational institutions, or business concerns because of

their athletic ability.”³⁰ Failing to distinguish between money received as payment, as wages, as gifts or prizes, and as fees for endorsements turned out to be problematic.³¹ Based on Brundage’s and his supporters’ interpretation of Coubertin’s intentions, the IOC attempted to ban athletes that were suspected of being subsidized in any way from participating at the Olympic Games.

The 1970s brought change to the IOC’s eligibility rules after Brundage’s successor as president of the IOC, Lord Killanin of Dublin and Spital, opted to lead the Olympic movement in a direction that was less devout to maintaining a system of steadfast opposition to the inclusion of professional athletes. According to Killanin, by 1972, “the Eligibility Commission [of the IOC] had become an enforcement-fact-finding commission. Their task was to question the eligibility of competitors, and their work soon brought uproar throughout the sporting world.”³² Even though the majority of amateurs spent as many hours training as did the professionals, the Olympic Games remained officially off limits to professionals for the majority of Killanin’s presidency. Blatant examples of pseudo-amateurism, such as Austrian skier Karl Schranz disclosing to reporters in the Sapporo Olympic Village that skiing netted him almost \$50,000 per year, forced the IOC to continually address and modify its amateur rules.³³ In 1972, the IOC condoned the creation of trust funds to be administered by an athlete’s NF to allow athletes to compete in competitions offering cash rewards.³⁴ Reflecting on the changes in Olympic eligibility rules, Killanin recalled:

The question who should be able to compete in the Olympic Games has not just been a subject of recent debate. It was one of the principal subjects at the Sorbonne Conference of 1894, which revived the Games, and across eighty years it has been a continual source of discussion for the International Olympic Committee. At the IOC session in Vienna in 1974, the new rule for Eligibility was introduced.³⁵

In modifying the existing rules, the IOC aligned with the NOC joint commission in 1969 and 1970 to review the eligibility requirements for participating in the Olympic Games. As a result of discussions between the two groups, Rule 26 was renamed 'Eligibility Code' but continued to include restrictions against non-amateur athletes.³⁶ The eligibility code mandated that athletes must respect the rules of the relevant IF in addition to the rules contained within the *Charter* and that athletes must not accept "any financial rewards or material benefit in connection with his or her sports participation, except as permitted in the bye-laws to this Rule."³⁷

The by-law³⁸ that outlined changes from previous blanket policies prohibiting professionals from competing served as the first crack in dismantling eligibility rules based on amateurism.³⁹ Subsequent revisions to the by-law allowed physical educators to retain their amateur status, as long as they taught at the elementary level, and allowed athletes to receive compensation from their NOCs or NFs for expenses related to preparation and competition at the Olympic Games.⁴⁰ The compensation was intended to balance the loss of income athletes faced from taking off time from work to travel to and compete at the Olympic Games. While the IOC had begun relaxing amateur rules, the organization required that in "no circumstances shall payment made under this provision exceed the sum which the competitor would have earned in his work in the same period."⁴¹ Gradual rule changes of this nature, however, set the precedent for the addition of increasingly relaxed amateur eligibility rules that followed once Juan Antonio Samaranch assumed the leadership of the IOC in 1980.

Soon after becoming president, Samaranch gave the IFs permission to "open the Olympics to fully professional athletes" in order to "attract the best athletes, sponsors,

and media attention.”⁴² Substantial modification to the *Olympic Charter* allowed IFs to decide to what extent each appeased the inclusion of professionals participating in the Olympic Games. The IOC welcomed athletes previously turned away due to their professional status to compete at the Olympic Games to increase revenue and help market the Olympic Games to sponsors and fans.⁴³ The IOC delegated decisions surrounding amateur status to the IFs through the by-law to rule 26,⁴⁴ which was revised to state that competitors seeking to participate at the Olympic Games had to pass the eligibility requirements of the IF governing the sport in which they wished to participate. To help regulate the process of transferring eligibility regulations from the IOC to the IFs, the IOC bestowed upon the NOCs the responsibilities of investigating and ensuring all entrants were eligible and determining “that no one has been excluded for racial, religious or political reasons.”⁴⁵

The policy change in the 1987 edition of the *Olympic Charter* allowed professionals to compete in some sports at the 1988 Olympic Games if the corresponding IF was in favour of eliminating, or substantially modifying, the amateur rules in force during the previous Olympiad. Some IFs, including the International Skating Union (ISU) and the International Association of Athletics Federations (IAAF), opened their sports to professionals almost immediately; others IFs, such as the boxing and football federations, placed restrictions on professionals’ participation but did not abolish all traces of the former amateur rules. Professional athletes from the National Basketball Association (NBA) and National Hockey League (NHL) did not participate in the Olympic Games until 1992 and 1998, respectively.

Most IFs have abandoned amateur requirements to the extent that it seems hard to believe the IOC was ever able to bar professional athletes from competing or prohibit athletes from accepting compensation for their athletic accomplishments. For example, the IAAF's *Competition Rules 2008* now includes a passage stipulating how much prize money a national federation of the IAAF is permitted to offer athletes to compete at its events.⁴⁶ Furthermore, the IAAF's rulebook grants athletes permission to "be paid in cash or in kind in any way appropriate for appearing, participating or performing in any athletics competition"⁴⁷ as long as they follow the IAAF's rules and regulations. The *Technical Regulations* of the Fédération Internationale de Gymnastique (FIG) is equally blunt, noting "[s]ubject to approval by his/her National Federation, a gymnast may receive material and financial support for training and competition as well as prizes from competitions."⁴⁸ Additionally, the ISU stipulates in its rulebook that "a Skater may receive payments for appearances, endorsements and exhibition performances and still remain eligible," and that in "all ISU sanctioned events ... medals, trophies, and/or money prizes may be given."⁴⁹ These examples illustrate the complete abandonment of amateur eligibility rules. Eligibility requirements to compete at the Olympic Games are no longer synonymous with the conditions of amateurism. The remainder of this chapter addresses the auxiliary rules of competing at the Olympic Games contained within the *Olympic Charter* and rulebooks of the IFs.

Olympic Charter Analysis

The current *Olympic Charter* consists of five chapters that specify the responsibilities of the key players in the Olympic movement, including the IOC Executive Board, IOC members, the IFs, the NOCs, and the Organizing Committee of the

Olympic Games (OCOG). The current edition of the *Olympic Charter*, which came into effect on 7 July 2007, is substantially specified and lengthy compared to earlier editions.⁵⁰ Included among the 59 rules and corresponding by-laws stipulated by the IOC in the 2007 edition of the *Olympic Charter* are explanations of the fundamental principles that make up the notion of Olympism and clarification of the roles, responsibilities, and obligations of the organizations that work together to stage the Olympic Games.⁵¹

According to the fifteenth rule of the *Olympic Charter* the IOC's objective is to "fulfil the mission, role and responsibilities as assigned to it by the Olympic Charter [sic]."⁵² As the IOC created, maintains and updates the *Charter* when its members see fit, the circular nature of this statement amounts to the IOC authorizing itself to follow the rules it decides to implement. In November 2000, the Swiss Federal Council granted the IOC status as a "not-for-profit organisation of unlimited duration, in the form of an association with the status of a legal person,"⁵³ which enabled the IOC to conduct its business without interference from governments or other international organizations. The same rule notes that the IOC's decisions are final and that the authority to settle disputes is held by the IOC Executive Board with the possibility of arbitration through the Court of Arbitration for Sport (CAS).⁵⁴ The IOC thus holds considerable power in organizing and hosting the Olympic Games.

According to the *Olympic Charter*, world-class competition is a by-product of the Games and not the IOC's official focus. Despite the large section of the *Charter* devoted to rules and by-laws regulating the licensing, broadcasting, and marketing of the Olympic Games, Olympic emblems, and other trademarks held by the IOC, the second rule states that the IOC's unwavering goal and motivation is to "promote Olympism throughout the

world and to lead the Olympic Movement.”⁵⁵ To accomplish this lofty ambition, the IOC lists 16 goals that define its agenda:

1. to encourage and support the promotion of ethics in sport as well as education of youth through sport and to dedicate its efforts to ensuring that, in sports, the spirit of fair play prevails and violence is banned;
2. to encourage and support the organisation, development and coordination of sport and sports competitions;
3. to ensure the regular celebration of the Olympic Games;
4. to cooperate with competent public or private organisations and authorities in the endeavour to place sport at the service of humanity and thereby to promote peace;
5. to take action in order to strengthen the unity and to protect the independence of the Olympic Movement;
6. to act against any form of discrimination affecting the Olympic Movement;
7. to encourage and support the promotion of women in sport at all levels and in all structures with a view to implementing the principle of equality of men and women;
8. to lead the fight against doping in sport;
9. to encourage and support measures protecting the health of athletes;
10. to oppose any political or commercial abuse of sport and athletes;
11. to encourage and support the efforts of sports organisations and public authorities to provide for the social and professional future of athletes;
12. to encourage and support the development of sport for all;
13. to encourage and support a responsible concern for environmental issues, to promote sustainable development in sport and to require that the Olympic Games are held accordingly;
14. to promote a positive legacy from the Olympic Games to the host cities and host countries;
15. to encourage and support initiatives blending sport with culture and education;
16. to encourage and support the activities of the International Olympic Academy (“IOA”) and other institutions which dedicate themselves to Olympic education.⁵⁶

I have grouped the 16 roles of the IOC into four broad functions: 1) ethics and education; 2) promoting peace and sustainability; 3) perpetuating and enabling the celebration of the Olympic Games; and, 4) encouraging fairness and athletes’ rights. Comparing the IOC’s list of goals, as stated in the *Olympic Charter*, with what transpires in practice will allow me to determine whether the IOC interprets and implements its rules in a fair and equitable manner (see Table 2).

Ethics and Education	Promote peace and sustainability	Perpetuate and enable celebration of the Olympic Games	Encourage fairness and athletes' rights
Goal 1	Goal 4	Goal 2	Goal 1
Goal 11	Goal 13	Goal 3	Goal 6
Goal 12		Goal 5	Goal 7
Goal 15		Goal 14	Goal 8
Goal 16			Goal 9
			Goal 10

Table 2: Agenda of the IOC as stated in the *Olympic Charter* grouped by category.

For further analytical purposes, a thorough reading of the *Olympic Charter* enables the compilation and classification of a list of themes in which the 59 rules and by-laws correspond. I identified the following themes within the *Olympic Charter*:

1. Rules for athletes' and officials' behaviour at the Olympic Games;
2. Rules for eligibility to participate in the Olympic movement;
3. Rules for promoting fair play and ethics in sport;
4. Rules for promoting Olympic education;
5. Rules for supporting sport and athlete development worldwide;
6. Rules for establishing the Olympic program;
7. Rules for encouraging peace and protecting the environment;
8. Rules for Olympic protocol and maintaining traditions;
9. Rules for legal protection, ownership and trademarks;
10. Rules for selecting individuals for membership on governing committees;
11. Rules for coordinating the IOC, IFs, and NOCs to conduct the Olympic Games and clarify the responsibilities of each.

Considerable overlap exists between the eleven themes and the four categories of goals.

The overlap is unsurprising given that the IOC designs, updates, and modifies the *Olympic Charter* to govern the Olympic movement. The important question stemming from this comparison, however, is whether the IOC interprets and implements its rules in order to maximize the promotion of ethics and education, peace and sustainability, and

fairness and athletes' rights, in perpetuating and enabling the celebration of the Olympic Games.⁵⁷

Several types of rules serve diverse functions in sport. Of particular importance to this study are the auxiliary rules concerning the Olympic Games that are associated with themes 1, 2, and 3 identified above, which pertain to behaviour during the Olympic Games, eligibility to participate, and fair play and ethics. I classify these rules as 'important' because each one is central to this dissertation and involves the auxiliary rules of the Olympic movement. Of lesser importance are the rules that constitute themes 4, 5, 6, and 7. Rules included in this group are classified as 'related' because they are not direct auxiliary rules for sport participation; rather, these rules address topics informing the discussion of auxiliary rules in sport, such as justice and education, as each applies outside the actual quadrennial winter and summer festivals. Consequently, rules in the *Olympic Charter* falling under this theme will only be addressed when doing so helps clarify aspects of Olympic eligibility. The remaining themes, represented by numbers 8, 9, 10, and 11 in the list above are, for the most part, unrelated to this study because these groups of rules address the constitutive and regulative rules of the Olympic movement, do not apply directly to the athletes, and are not directly implicated in discussions of eligibility, fair play, discrimination, and equality in sport. These rules are neither auxiliary rules nor are they related to the Olympic values and ideals, so they do not factor into the subsequent analysis and discussion (see Table 3).

Important	Related	Unrelated
1. Rules for athletes' and officials' behaviour at the Olympic Games	4. Rules for promoting Olympic education	8. Rules for Olympic protocol and maintaining traditions
2. Rules for eligibility to participate in the Olympic movement	5. Rules for supporting sport and athlete development	9. Rules for legal protection, ownership and trademarks
3. Rules for promoting fair play and ethics in sport	6. Rules for establishing the Olympic program	10. Rules for committee governance and member selection
	7. Rules for protecting peace, humanity and the environment	11. Rules for conducting the Olympic Games and clarifying responsibilities of the IOC, IFs, and NOCs

Table 3: Classification of identified themes in the *Olympic Charter* with respect to the relevance to this study.

I will discuss the themes of rules deemed 'important' in detail and the rules labelled 'related' as applicable in relation to the eligibility rules that emerge through an examination of the rulebooks of the representative sample of IFs and the *Olympic Charter*.

Olympic Qualification

As the rules contained within the *Olympic Charter* apply to all athletes competing at the Olympic Games regardless of the IF to which their sport belongs, the *Olympic Charter* is the logical place to begin compiling the eligibility rules an athlete must meet to compete in the Olympics. A summary of eligibility conditions to compete in the Olympic Games does not exist in the *Olympic Charter*; instead interested individuals must piece together the contributing prerequisites for participation contained within the 59 rules and by-laws. Rule 6.1 entitled "Olympic Games" is the first rule of the *Olympic Charter* that addresses eligibility considerations:

The Olympic Games are competitions between athletes in individual or team events and not between countries. They bring together athletes selected by their respective NOCs, whose entries have been accepted by the IOC. They compete under the technical direction of the IFs concerned.⁵⁸

Included within this statement are the first three eligibility requirements athletes must meet to qualify to compete in the Olympic Games: 1) they must belong to a NOC; 2) the IOC must regard the NOC to which they belong as a member in good standing; and, 3) they must adhere to the requirements of the IF of their chosen sport. The by-law to Rule 41 accentuates these conditions, stating that “application of the eligibility criteria lies with the IFs, their affiliated national federations and the NOCs in the fields of their respective responsibilities.”⁵⁹ The remaining requirements for participation add to and further specify these requirements.

Rule 23 of the *Olympic Charter* addresses discrimination and unlawful, harmful, and unjust conduct within the Olympic movement that can lead to ineligibility. More specifically, it outlines the measures and sanctions that can be taken against an IOC President, IOC Executive Board member, IOC members, honorary members of the IOC, and members of the IFs, NOCs, host city OCOGs, and candidate city organizers for improper conduct.⁶⁰ Measures and sanctions are applicable to individuals and organizations that violate the conventions contained within the *Olympic Charter*, *IOC Code of Ethics*, and the *World Anti-Doping Code* or fail to follow the IOC’s decisions or regulations.⁶¹ Individual competitors and teams caught violating any of the rules in those documents face “temporary or permanent ineligibility or exclusion from the Olympic Games, disqualification or withdrawal of accreditation.”⁶² Disqualified athletes must return to the IOC any medals or diplomas awarded to them prior to their disqualification.⁶³ These rules therefore impose a further condition of eligibility to

compete at the Olympic Games that requires the adherence to all IOC policies, documents, regulations, charters, codes, and so on.

The IOC does not act alone in establishing and enforcing Olympic eligibility rules. The 27th rule of the *Olympic Charter* defines the role of IFs in the Olympic movement, including the responsibility to “establish their criteria of eligibility for the competitions of the Olympic Games in conformity with the Olympic Charter [sic], and to submit these [criteria] to the IOC for approval.”⁶⁴ Furthermore, each IF’s eligibility criteria must adhere to the IOC’s principles and rules and meet the approval of the IOC Executive Board.⁶⁵ Each IF thus has a considerable stake in creating and implementing the auxiliary rules of its sport’s involvement in the Olympic Games. However, the by-law to rule 46 appends that the IOC members have final authority and must approve each sport, discipline and event for inclusion on the Olympic Program. Therefore an IF cannot add additional events without following the specific protocol explained in the *Olympic Charter*.⁶⁶

Similar to the IFs, one of the roles of a NOC, as mandated in the *Olympic Charter*, is to ensure that proper representatives from its country compete at the Olympic Games. The *Olympic Charter* grants NOCs “the exclusive authority for the representation of their respective countries at the Olympic Games,” and stipulates selection procedures must be followed without interference from political, legal, or economic pressure groups.⁶⁷ Only NOCs have the right to “send competitors, team officials and other team personnel to the Olympic Games in compliance with the *Olympic Charter*.”⁶⁸ The combined by-law to Rules 28 and 29 specifies that a NOC must determine from the pool of all athletes nominated by their National Federations which

athletes will represent its country and ensure that each athlete selected meets all of the eligibility requirements. Moreover, the NOCs must select the Olympic roster “not only on the sports performance of an athlete but also on his ability to serve as an example to the sporting youth of his country.”⁶⁹ Further specification on what qualities an athlete must possess to be a role model for the youth of his or her country does not follow.

Additional eligibility criteria an athlete trying to qualify for the Olympic Games must meet include selection to represent his or her country by his or her NOC and meeting the vague requirement of being considered an ‘appropriate’ representative in terms of both athletic skill and ability to act as an exemplar of the Olympic movement.

In addition to selecting the athletes to compete at the Olympic Games, NOCs are granted the authority to make decisions that affect the selected athletes once they become part of the team. Rule 29 and its by-law grant NOCs “sole and exclusive authority to prescribe and determine the clothing and uniforms to be worn, and the equipment to be used” by athletes during the Olympic Games.⁷⁰ The size and quantity of equipment manufacturers’ logos must meet guidelines set by the IOC, and athletes cannot use equipment or wear clothing or accessories that include any form of propaganda.⁷¹ Furthermore, during the Olympic Games athletes cannot authorize their names, images, or reproductions of their performance to be used to advertise products or services without the approval of the IOC Executive Board.⁷² Eligibility rules of this nature are not in effect outside of the Olympic Games, yet rules 28 and 29 function as auxiliary rules of competition before, during, and after an athlete’s performance. In order to compete at the Olympic Games athletes must thus adhere to rules regarding approved clothing, equipment, accessories, and advertising.

Additional eligibility criteria that Olympic competitors must accept include the requirement that competitors, coaches, trainers and other officials seeking to represent their country in the Olympic Games must respect the rules contained within the *Olympic Charter*, adhere to the rules set by the IF, and be selected by their NOCs. Competitors must also “respect the spirit of fair play and non violence, and behave accordingly” and “respect and comply in all aspects with the World-Anti Doping Code,”⁷³ which renders full adherence to the rules and regulations specified in the *World Anti-Doping Code* [WADC] as a requirement of Olympic eligibility. Rule 44 of the *Olympic Charter* adds that the “World Anti-Doping Code is mandatory for the whole Olympic Movement.”⁷⁴ Therefore a condition of eligibility to compete in the Olympic Games is the agreement to not have any banned performance-enhancing drugs in one’s system without proper medical authorization.⁷⁵

Olympic eligibility is also contingent on athletes’ citizenship. An Olympic competitor may only represent the country of which he or she is a national either by birth or by immigration. In order to include athletes who were born outside of the country of a NOC’s jurisdiction, the athletes in question must meet specific requirements regarding dual citizenship and immigration status.⁷⁶ The IOC Executive Board hears and decides appeals regarding athletes’ rights to represent countries other than the ones in which they were born. Athletes who have represented a country at an international competition recognized by an IF must wait three years after obtaining citizenship in a second country to compete under the flag of the second country internationally. Athletes with dual citizenship must wait the same length of time to represent a second country after having represented a country internationally. The by-law to this rule grants the IOC Executive

Board the power to make decisions at its discretion in ambiguous cases and to shorten the waiting period an athlete faces before being deemed eligible to represent a second country.⁷⁷ As an athlete must meet citizenship requirements in order to earn a position on his or her country's Olympic roster, citizenship is therefore an auxiliary rule of Olympic eligibility. Without the required documents to show how long an athlete has been a citizen of a country, he or she cannot participate.

Athletes seeking to participate in the Olympic Games must meet age requirements set by each IF for events included on the Olympic program. The *Olympic Charter* prohibits discrimination based on age and does not stipulate a minimum or maximum age range for competitors. However, the 43rd rule grants the IOC Executive Board and the IFs permission to stipulate and enforce age ranges for each event. According to Lord Killanin, the decision not to impose an age limit for competitors was made official at the 1920 IOC Session held in Belgium.⁷⁸ The rule currently states "[t]here may be no age limit for competitors in the Olympic Games other than as prescribed in the competition rules of an IF as approved by the IOC Executive Board."⁷⁹ As a result, discrepancies regarding minimum and maximum ages are present among sports on the Olympic program, and an athlete who is too young or too old to participate in one discipline or event may be eligible to participate in another. In order to qualify for an event contested at the Olympics, athletes must fall within the age range specified by the relevant IF.

Even if an aspiring Olympic athlete meets the basic eligibility requirements, he or she may still be ineligible to compete at the Olympic Games. The 45th rule in the *Olympic Charter* grants the IOC the power to deny admittance to athletes selected by NOCs:

Any entry is subject to acceptance by the IOC, which may at its discretion, at any time, refuse any entry, without indication of grounds. Nobody is entitled to any right of any kind to participate in the Olympic Games.⁸⁰

By invoking this rule, the IOC, at its discretion, can veto the inclusion of any or all athletes proposed by a NOC.⁸¹ Rule 45 also mandates what was once only a suggestion in early editions of the *Olympic Charter* in stipulating that NOCs may submit only entries for athletes who can compete at the international level.⁸² This rule discourages popular 'underdogs' such as the 1988 Jamaican bobsled team from competing. Consequently, two additional criteria of Olympic eligibility stem from this rule: the IOC must not have opted to reject the athletes' entries for any reason, and athletes must possess the skills and physical prowess needed to compete at the same level as their competitors. NOCs must avoid adding athletes to their Olympic rosters who have not reached the highest level of competition, even if the athletes are the country's national champions in their events.

The by-law to the 45th rule adds additional limits to the number of athletes who can compete in each event. Two years prior to the celebration of the Olympic Games, the IOC Executive Board, in conjunction with each IF, determines how many positions will be available in each event. Restrictions imposed on the entries include: 1) the number of participants must be less than or equal to the number permitted to compete at the World Championships for each event; 2) no more than three athletes per country can compete in any event;⁸³ 3) team sports must include between eight and twelve teams; and 4) the total number of athletes, under normal circumstances, should not exceed 10,500 at the Games of the Olympiad.⁸⁴ Limits of this nature prevent the top athlete(s) from every country from competing at the Olympic Games and the automatic qualification of each national champion.

The final criteria athletes must meet before receiving clearance to participate in the Olympic Games is agreeing to sign a declaration acknowledging their understanding of the rules and responsibilities associated with being Olympians. Athletes refusing to sign the declaration are ineligible to compete.⁸⁵ Among the additional eligibility rules included in the declaration are clauses mandating that athletes comply with the IOC's *Code of Ethics*, agree to be recorded by media outlets approved by the IOC, and settle any disputes concerning their participation through the CAS rather than through other legal systems or means.⁸⁶ Reiterating the requirement that athletes must settle disputes arising during the Olympic Games using CAS and the Code of Sport-Related Arbitration exclusively, the final rule forbids athletes from turning to the legal system or other arbitrators to settle Olympic-related disputes.⁸⁷ The rule in effect debars athletes using alternative legal processes from continuing to compete at the Olympic Games.

Athletes who meet the eligibility criteria to compete at the Olympic Games receive an Identity and Accreditation Card that verifies their identity and bestows them with "the right to take part in the Olympic Games."⁸⁸ The Olympic eligibility criteria discussed in this section are summarized in Table 4. If an athlete does not agree to, adhere to, fulfil, or demonstrate each of the criteria listed in Table 4, he or she is not eligible to participate in the Olympic Games. Athletes seeking a spot on their countries' Olympic rosters must comply with eligibility rules set by the IOC, IFs, NFs, and NOCs that govern the sports in which they seek to qualify. Rules of this nature must be met to the satisfaction of the IOC before the athlete can approach the start of the competition, and they therefore fall within the category of auxiliary rules.

Charter Rule	Requirements of Athletes
6	Belong to a NOC
6	The IOC must consider the NOC a member in good standing
6, 41	Adheres to the requirements of the IF of their chosen sport
23, BL45	Adheres to all rules and regulations set by the IOC, including the <i>Olympic Charter</i> and <i>World Anti-Doping Code</i>
27, 41, BL45	Meets the qualifying standards set out by the IF
28, 41	Be selected to represent their countries by their NOC
BL28-29	Wear only clothing and use only equipment approved and selected by their NOC
41	Behave and compete in a way that demonstrates respect for the spirit of fair play and non violence
41, 44, BL45	Comply fully with the World Anti-Doping Code
42	Be a national or citizen of the NOC that they represent
43	Be in the age range specified by the IF of the sport they compete in
45	Not be vetoed or rejected by the IOC
45	Be able to participate at a competitive level against the top ranked athletes in the sport
BL45	Comply with the IOC Code of Ethics
BL45	Agree to be recorded by media approved by the IOC
BL45, 59	Agree to settle any disputes concerning participation through the Court of Arbitration for Sport only
46	Compete in a sport that the Session of the IOC has approved for inclusion on the Olympic program, and a discipline or event approved by the IOC Executive Board
53	Be granted an Olympic identity and accreditation card

Table 4: Summary of Olympic eligibility requirements from the *Olympic Charter*

Meeting the eligibility requirements for one Olympic Games does not ensure an athlete will be eligible to compete at subsequent Games because each update of the *Olympic Charter* modifies the eligibility rules in force at that particular time. The eligibility rules in force today, as outlined in Table 4, vary substantially from the eligibility rules of the Olympic Games held in past decades and, in particular, rules pertaining to discrimination have changed substantially. Rule 51.3 states that “[n]o kind of demonstration or political, religious or racial propaganda is permitted in any Olympic sites, venues or other areas,”⁸⁹ and applies to the IOC in addition to athletes, organizers, and officials. Any form of discrimination or unjustifiable exclusion perpetrated by the

IOC thus contradicts the oath taken by each member and is consequently intolerable in the Olympic movement. Indeed, as stated in rule 16.2.7, IOC members have an obligation to report immediately to the President of the IOC any events that threaten to obstruct or break the rules of the *Olympic Charter*, or negatively impact the Olympic movement.⁹⁰

Perfect implementation of rule 16.2.7 would result in swift eradication of discriminatory policies, rules, and events. Yet perfect implementation clearly has not always been the case. For example, prior to the 2007 update, the *Olympic Charter* included a discriminatory rule that required competitors entered in a women's event to verify their sex to establish that they were, in fact, women. Many revisions to the rule transpired from its implementation in 1968 to the version of the rule contained within the 2004 edition of the *Olympic Charter*, which governed the Olympic movement from its implementation in 2004 until the 2007 update came into effect. The rule specified that IFs must consult the IOC Executive Board regarding the status of Olympic femininity certificates.⁹¹ The IOC removed all references to sex testing, femininity certificates, and gender verification prior to the publication of the 2007 update, yet this example shows rules prohibiting discrimination in the Olympic movement were included in the *Olympic Charter* alongside rules that condoned ongoing discrimination for many years. A goal of this dissertation is to identify other seemingly contradictory rules still present in the Olympic movement or endorsed by the IOC and IFs. To do so, I examined the specific eligibility rules of eight IFs that, in conjunction with the IOC, set the eligibility standards for their disciplines on the Olympic program. Doing so allowed me to identify auxiliary rules that are set by the IFs in addition to the rules mandated by the IOC.

Analysis of Rulebooks and Policy Documents

This section analyzes the rulebooks, codes, policies, guidelines, and regulations of eight sports contested at the Olympic Games. Analyzing the rulebooks and policy documents of every sport contested at Olympic Summer and Winter Games would amount to several thousand pages of rules and regulations to analyze; hence I selected a representative sample for analysis, consisting of eight IFs' rules and regulations, in order to provide breadth and depth, yet minimize redundancy and overlap. See Appendix A for a list of the 35 IFs that govern disciplines included on the Olympic program. The list of sports chosen for inclusion in the analysis includes sports contested at the winter and summer Olympic Games, team and individual sports,⁹² and traditionally masculine and traditionally feminine sports as well as sports that do not have clear gender associations (see Table 5).

	Traditionally feminine	Traditionally masculine	Traditionally non-gendered
Team sports		Ice hockey	Volleyball
Individual sports	Gymnastics	Boxing	Athletics
	Skating	Biathlon	Luge

Table 5: International Federations' rules and regulations examined

Included in the analysis are the eligibility rules set by the International Association of Athletics Federations (IAAF), the Association Internationale de Boxe (AIBA), the Fédération Internationale de Gymnastique (FIG), the International Biathlon Union (IBU), the International Skating Union (ISU), the International Ice Hockey Federation (IIHF),

the Fédération Internationale de Volleyball (FIVB), and the Fédération Internationale de Luge de Course (FIL). These eight IFs regulate and administer the athletics, boxing, gymnastics, biathlon, skating, ice hockey, volleyball, and luge disciplines at the Olympic Games.

The eligibility rules set by each of the eight IFs when combined with the eligibility rules from the *Olympic Charter* provide an encompassing view of specific types of auxiliary rules Olympic athletes must abide by and respect. A short overview of each IF follows, which includes the identification of eligibility rules and conditions unique to each discipline that influence Olympic qualification procedures. The themes of eligibility rules emerging from the content analysis of the rulebooks and policy documents comprise the subsequent section.

International Association of Athletics Federations (IAAF)

Established in 1912, the IAAF includes 212 recognized national federations.⁹³ Disciplines falling under the jurisdiction of the IAAF include the track events, field events (vertical jumps, horizontal jumps, and throwing events), road running, race walking, cross-country running, and mountain running.⁹⁴ The most recent update of the IAAF's rules and regulations came into effect in 2008. Known as *Competition Rules 2008*, the document contains the IAAF's auxiliary rules regarding international competitions, eligibility, anti-doping, disputes, and technical rules, in addition to the constitutive and regulative rules for each event. Chapter two of the *Competition Rules 2008* contains the IAAF's eligibility rules applicable for international competitions, including the Olympic Games, but notes "international organisations recognised by the IAAF may have and enforce more restrictive eligibility requirements for competitions conducted

under their jurisdiction.”⁹⁵ Hence, as described in the *Olympic Charter*, the eligibility criteria of both the IOC and IAAF apply to athletes wishing to take part in the athletics events at the Olympic Games.

The following events appeared on the program of the 2008 Olympic Games in Beijing:

Men's events	Women's events
100m	100m
200m	200m
400m	400m
800m	800m
1500m	1500m
5000m	5000m
10000m	10000m
Marathon	Marathon
110m hurdles	100 m hurdles
400m hurdles	400 m hurdles
4x100 m relay	4x100m relay
4x400 m relay	4x400m relay
3000 m steeplechase	3000 m steeplechase
20km walk	20km walk
50km walk	
Decathlon	Heptathlon
Discus throw	Discus throw
Hammer throw	Hammer throw
High jump	High jump
Javelin throw	Javelin throw
Long jump	Long jump
Pole vault	Pole vault
Shot put	Shot put
Triple jump	Triple jump

Table 6: Athletics events contested at the 2008 Summer Olympic Games⁹⁶

While athletes must belong to NFs recognized by the IAAF in order to be eligible to participate in the Olympic Games, the IAAF Congress can suspend NFs that fail to pay the annual subscription by the end of the year or that breach the Constitution or its rules.⁹⁷ In addition, the IAAF grants the NFs the power to prevent athletes from

competing internationally without permission, prohibits NFs from hosting international competitions, and restricts athletes from participating who have not received permission from their NFs.⁹⁸ A NF could invoke these rules to condone bureaucratic or unjustifiable decisions about when and where its athletes can compete. For example, if the Canadian government, and thus Athletics Canada, decided that Canada was going to boycott international competitions in China, any Canadian athlete who competed in China could be barred from registering or competing without the approval of Athletics Canada. The IAAF thus sets eligibility rules in addition to those found in the *Olympic Charter*.

Association Internationale de Boxe (AIBA)

The AIBA, also known as the International Boxing Association, has been the IF of boxing since 1946. Boxing was not included in the inaugural modern Olympic Games in 1896 because the Athens OCOG decided the dangers of the sport were too high,⁹⁹ but with the exception of the first Games and the 1912 Olympic Games in Stockholm, where Sweden's country-wide ban on boxing prevented the inclusion of boxing on the Olympic program, boxing has been contested at every Summer Olympic Games.¹⁰⁰ The AIBA describes the regulations for Olympic-style boxing in a document entitled *Statutes*, and the format and rules of Olympic boxing differ from professional boxing and prizefighting. From the AIBA's *Statutes*, one can decipher the eligibility requirements to compete in the boxing events at the Olympic Games.

Boxers selected to participate at the Olympic Games based on their results at the Olympic qualifying tournaments are only tentatively accepted to participate pending the AIBA's approval of all nominations, and boxers' NOCs sanctioning their selection to compete. If either the AIBA or the respective NOC fails to endorse boxers' inclusion in

the Olympic boxing tournaments, their eligibility to compete is revoked and their spots are assigned to competitors from the same continents.¹⁰¹ To increase international participation and bring the total number of competing athletes to 286 boxers, AIBA assigns 284 qualifying spots through nine AIBA Olympic Qualifying Tournaments that allot 91 spots to European boxers, 62 spots to Asian boxers, 60 to African boxers, 69 to boxers from the Americas, 11 to boxers from Oceania, and two additional spots are assigned by the Tripartite Commission consisting of the IOC, the AIBA, and the host OCOG.¹⁰² Boxing events contested at the 2008 Olympic Games included the following eleven categories: men's under 48 kg (light flyweight), men's 48-51 kg (flyweight), men's 51-54 kg (bantamweight), men's 54-57 kg (featherweight), men's 57-60 kg (lightweight), men's 60-64 kg (light welterweight), men's 64-69 kg (welterweight), men's 69-75 kg (middleweight), men's 75-81 kg (light heavyweight), men's 81-91 kg (heavyweight), and men's 91 kg and over (super heavyweight).¹⁰³

Fédération Internationale de Gymnastique (FIG)

The FIG, which has governed gymnastics in Europe since July 1881 and worldwide since 1921, organizes the gymnastics events at the Olympic Games.¹⁰⁴ Gymnastics events contested at the Olympic Games are divided into artistic, rhythmic, and trampoline disciplines, and each discipline has its own rulebook in addition to the FIG's general rules and regulations that govern all three. The artistic events combine athletic skills and aesthetic elements in performances on the floor, vault, parallel bars, uneven bars, horizontal bar, pommel horse, rings, and balance beam.¹⁰⁵ Events within the rhythmic gymnastics discipline contested at the 2008 Olympic Games include the women's group exercises competition (where teams of five perform a routine with clubs)

and a second routine (where two members perform with two hoops and three members perform with ribbons), and the women's all-around individual event (where gymnasts perform alone with four of the following five apparatus: balls, clubs, hoops, ribbons, and ropes).¹⁰⁶ Events currently contested within the trampoline discipline include the women's and men's individual competitions. As Table 7 depicts, the men's and women's programs are not identical; however, the FIG offers an equal number of events for female and male competitors.

Men's events	Women's events
Individual all-around	Individual all-around
Team competition	Team competition
Floor exercises	Floor exercises
Horizontal bar	Uneven bars
Vault	Vault
Parallel bars	Balance beam
Pommel horse	Rhythmic group exercises
Rings	Rhythmic individual all-around
Individual trampoline	Individual trampoline

Table 7: Gymnastics events at the 2008 Summer Olympic Games

To qualify for the Olympic Games, gymnasts earn qualifying spots for their NFs at the previous year's world championships.¹⁰⁷ NFs that are allotted qualifying positions then choose the gymnasts to fill those spots at their national championships or Olympic trials the following year. In total 98 men and 98 women compete at the Olympic Games in artistic gymnastics,¹⁰⁸ and the rhythmic gymnastics event involve 96 women, including 24 individual event participants and 12 teams of six athletes.¹⁰⁹ As a much smaller gymnastics discipline, the trampoline events involve 16 male and 16 female gymnasts,¹¹⁰ and each NOC can qualify a maximum of two men and two women.¹¹¹

The FIG's *Statutes* govern the three divisions of gymnastics contested at the Olympic Games.¹¹² Article 36 of the FIG's *Statutes* articulates the "observance of rules of eligibility and Olympic rules,"¹¹³ and included in this section is the requirement that gymnasts follow the rules of the IOC and the FIG in addition to several other auxiliary rules. Appendix B of the *Technical Rules* for the three Olympic disciplines adds further Olympic eligibility requirements to those outlined in the *Statutes* and not previously covered in the individual *Technical Regulations*. The appendix states that "an eligible gymnast is any gymnast who abides by the eligibility rules of the FIG and the gymnast's National Federation."¹¹⁴ Gymnasts are barred from participating in gymnastic competitions without the approval of the FIG or their National Federation,¹¹⁵ and violating the FIG's rules results makes a gymnast ineligible to compete at the Olympic Games.¹¹⁶

International Biathlon Union (IBU)

The IBU has governed the combined cross-country skiing and rifle shooting events, known as biathlon, since 1993 when the sport gained autonomy from the International Modern Pentathlon Union (UIPM). From 1960 to 1992, the UIPM organized men's biathlon and governed the sport at the Winter Olympic Games as the winter equivalent to the modern pentathlon event contested at the Summer Olympics.¹¹⁷ The IBU describes biathlon as "a sport that combines cross-country skiing and rifle marksmanship and other forms of movement and shooting."¹¹⁸ In 1992 the IBU, in conjunction with the IOC and the Albertville OCOG, organized the biathlon events without interference from the UIPM and included women's events for the first time.¹¹⁹ At the 2006 Olympic Winter Games in Torino, ten biathlon events took place,¹²⁰ and the

Vancouver-Whistler 2010 Winter Olympic Games will include the events listed in Table 8.¹²¹

Men's events	Women's events
4 x 7.5 km relay	4 x 6 km relay
10 km sprint	7.5 km sprint
12.5 km pursuit	10 km pursuit
15 km mass start	12.5 km mass start
20 km individual	15 km individual

Table 8: Biathlon events at the 2010 Winter Olympic Games

The rules and regulations for competing in and hosting international biathlon events are found in the *International Biathlon Union Handbook* and in the *IBU Event and Competition Rules*.

The IBU's rules state that NFs and athletes must qualify for the winter Olympic Games at designated Olympic qualifying competitions by finishing a race no less than 20% slower than the average of the top three times in the event.¹²² The goal of this rule is to assure that "[o]nly the world's best athletes who are able to compete on the course according to IBU technical standards and who are able to use the rifles following the safety rules shall take part in Olympic Winter Games."¹²³ The IBU allotted 220 spots for biathletes at the 2006 Olympic Winter Games in Turin and expect similar numbers for the 2010 Olympic Winter Games in Vancouver.¹²⁴

International Skating Union (ISU)

The ISU, which formed in 1892, is one of the most diverse IFs in existence because it governs the figure skating, speed skating, and short-track speed skating disciplines. Figure skating appeared on the Olympic program at the 1908 Games in London and assumed an enduring position on the Winter Olympic Games program in

1924 at the first Winter Olympics in Chamonix.¹²⁵ Short track speed skating entered the Olympic program in 1992 at the Winter Olympic Games in Albertville and currently includes eight events. Men's speed skating first appeared on an Olympic program in Chamonix in 1924, but women's events did not appear until 1960 in Squaw Valley,¹²⁶ although it was an exhibition event in 1932 at Lake Placid. The ISU organizes the 11 men's events, 11 women's events, and 2 mixed events at the Winter Olympic Games found in Table 9.

	Men's events	Women's events
Figure skating	Men's singles	Women's singles
	Pairs	
	Ice dancing	
Short track speed skating	500 m	500m
	1000 m	1000 m
	1500 m	1500 m
	5000 m relay	3000 m relay
Speed skating	500 m	500 m
	1000 m	1000 m
	1500 m	1500 m
	5000 m	3000 m
	10000 m	5000 m
	Team pursuit	Team pursuit

Table 9: Skating events at the 2010 Winter Olympic Games

The men's, women's, and pair's figure skating events involve a short program consisting of required elements and a long program, known as the free skate, where skaters have freedom to select which elements they include.¹²⁷ Ice dancing involves a pair of skaters completing a compulsory, an original, and a free dance.

Eligibility rules governing figure, short track, and speed skating are outlined in the ISU's *Constitution and General Regulations* document. To compete at the Winter Olympic Games, skaters are "subject to the requirements of the Olympic Charter [sic], as

well as the applicable ISU Regulations.”¹²⁸ Eligible skaters must comply with the rules and regulations of their respective NFs in order to skate in any discipline or event at the Olympic Games.¹²⁹ The ISU Council grants itself the power to “rule upon an alleged breach of the eligibility rules, whether or not any protest has been made against an individual’s eligible status in skating.”¹³⁰ The ISU Council also has the power to reinstate skaters previously deemed ineligible.¹³¹

Speed skaters and short track speed skaters are only eligible to compete at the Olympic Games if they meet a qualifying time set by the ISU for each event at a competition approved by the ISU for Olympic qualifying.¹³² As per the rules contained in the *Special Regulations & Technical Rules – Speed Skating and Short Track Speed Skating*, each country can enter a maximum of ten female and ten male speed skaters in Olympic events.¹³³ The short track speed skating events are open to a maximum of 32 athletes in each event and eight relay teams, and the host nation receives a spot in each event in which a competitor reaches the minimum qualifying time.¹³⁴

International Ice Hockey Federation (IIHF)

The IIHF regulates the women’s and men’s ice hockey tournaments at the Olympic Games and has been ice hockey’s recognized IF since 1908. Athletes participated in men’s ice hockey at the Olympic Games in 1920 in Antwerp, and men’s ice hockey was included in the inaugural Winter Olympic Games in 1924 in Chamonix.¹³⁵ The IOC voted to add women’s ice hockey to the Olympic program in 1992 for inclusion at the 1998 Winter Olympic Games in Nagano, which ended ice hockey’s nearly 80 year tenure as a men’s-only event at the Olympic Games.

Despite the addition of a women's tournament, the implementation of women's ice hockey did not replicate fully the established male model. Eight women's teams compete in a tournament to determine a winner, in contrast to the 12 teams that compete in the men's competition.¹³⁶ Separate rules in the IIHF's *Statutes and Bylaws* explain that the IIHF, in conjunction with the IOC, determines the format of the Olympic ice hockey tournament for men (rule 704) and for women (rule 804).¹³⁷ The IIHF can sanction athletes "if they infringe the Statutes, Bylaws, Regulations or official playing rules of the IIHF, or if they violate the good order of the sport of ice hockey [...] or bring the sport of ice hockey or in-line hockey into disrepute"¹³⁸ The *Statutes and Bylaws* documents explain that "[t]he eligibility of players must be as permitted by the IIHF and accepted by the IOC. Participation by the IIHF in the Olympic Winter Games is subject to approval of Congress."¹³⁹

Fédération Internationale de Volleyball (FIVB)

The FIVB was formed in 1946, and volleyball was contested at the Olympic Games for the first time in 1964 in Japan after the Tokyo OCOG requested its inclusion on the program. The FIVB added beach volleyball, a game played outdoors by pairs in 40 centimetres of sand rather than indoors as a team, as a second volleyball discipline to the Olympic Games program in 1996 in Atlanta.¹⁴⁰ The volleyball tournaments at the Olympic Games include 12 women's and 12 men's teams with 12 players on each team for a total of 288 athletes,¹⁴¹ and beach volleyball tournaments include 24 women's pairs and 24 men's pairs, for a total of 96 athletes.¹⁴² Olympic qualifying tournaments are held prior to the Olympic Games to determine which countries will earn positions in the Olympic tournaments.

The FIVB in conjunction with the IOC and the OCOG determines the auxiliary rules for volleyball and beach volleyball at the Olympic Games. As the FIVB explains, the volleyball events at the Olympic Games are organized “under the principles of the Olympic Charter [sic].”¹⁴³ Furthermore, the FIVB’s *Sports Regulations* explains that

[a]ny player who fulfills the requirements of the rules on nationality, age and sex, is eligible for participation in FIVB international competition, including the Olympic Games and qualifying tournaments, on the condition that he complied with the principles of affiliation established by the National Federation of the country of his nationality and fulfils the conditions set in these regulations.¹⁴⁴

National Federations must establish the eligibility of players selected to represent their country at the Olympic Games, but must also recognize that “the FIVB is the supreme authority in Volleyball to discuss all questions including the qualification of players,”¹⁴⁵ with respect to the FIVB’s rules and regulations and the *Olympic Charter*.

Fédération Internationale de Luge de Course (FIL)

The eighth and final IF examined is the FIL, which came into existence in 1957, just seven years before luge was included on the Olympic program in Innsbruck.¹⁴⁶

Athletes competing in the luge events at the Winter Olympic Games complete the course two times per day for two days, and their four times are added together to determine the overall ranking of competitors.¹⁴⁷ The Olympic program in Vancouver in 2010 will include the women’s singles, the men’s singles, and the doubles luge events. The doubles event is officially and uniquely a mixed event where men and women compete together in teams of two men, two women, or one woman and one man.¹⁴⁸ However, in practice, the inclusion of a woman as part of a doubles pair at the Olympic level is extremely rare.

At the Winter Olympic Games, the FIL's *International Luge Regulations* apply.

The fifth supplement to this document, entitled "Olympic Rules," is particularly relevant to establishing the eligibility criteria for luge athletes:

With regard to permission to participate in the Olympic Winter Games, the qualification criteria as agreed on and amended by the FIL and the IOC will apply. In individual and justified cases, the FIL Executive Board can make exceptions.¹⁴⁹

Athletes must possess a valid license from the FIL to compete in FIL-sanctioned luge events, such as the Olympic Games and qualification races. The president of an athlete's NF can only endorse a license once the athlete provides proof that 1) he or she is a member of a luge federation or a club affiliated with a luge NF, 2) he or she has adequate insurance to participate in luge in foreign countries, 3) he or she possesses a medical certificate less than one year old that states he or she is fit to participate in luge, and 4) he or she has the training and competence to participate safely on unfamiliar luge courses.¹⁵⁰ All of these conditions of eligibility must be met before a luge athlete can qualify to participate at the Olympic Games

At the end of any of their runs, luge competitors must take part in a weigh-in and measurement of their sleds if requested. In addition, athletes must participate in a scheduled weigh-in prior to the start of the luge competition at the Olympic Games. Depending on the athletes' weights recorded by the weigh-in judge, athletes may be permitted to carry individual supplemental weights during their competition runs.¹⁵¹ For safety reasons, an eligibility rule unique to luge is that in order to participate in a competition an athlete must take part in official training runs prior to the actual competition in order to become familiar with the track.¹⁵² Athletes opting to forego the training sessions are ineligible to compete in the official competition.

Themes of Eligibility Rules

Each IF included in the representative sample includes among its eligibility rules required for Olympic participation specific rules that differ from the general rules proscribed by the IOC and rules that diverge from the other IFs. The introduction to the eight IFs analyzed in this study in the previous section identified unique and incongruent methods each IF uses to determine the eligibility requirements athletes must possess to qualify to compete at the Olympic Games. This section examines the eligibility rules that are akin to several IFs included in the sample. Through a content analysis of the rulebooks, policy documents, and regulation guides of the eight IFs above, six themes of eligibility rules emerged. The themes include: 1) sex and gender categories; 2) doping restrictions; 3) citizenship requirements; 4) behaviour and dispute resolution procedures; 5) clothing and equipment options; and, 6) age requirements. I will discuss each theme in turn.

Eligibility Rules Regarding Sex and Gender Categories

All eight of the IFs analyzed included rules that mandate the differential treatment of female and male competitors. While the program of events contested at the Olympic Games is much more balanced than in previous decades, equality of opportunity has not yet been reached, and an identical or equal program is not available for male and female athletes. Sex differences included in the eight IFs' eligibility rules include: 1) the presence of single-sex events and disciplines on the Olympic program; 2) the number of men's and women's entries included in the same events within a discipline; 3) differences in required equipment or uniforms worn by female competitors compared to male competitors; 4) additional requirements and medical examinations for women prior to

being cleared to compete; and, 5) the language used in the rulebooks and related policy documents.¹⁵³ Specific examples of each type of difference from the eight sports analyzed follow.

Several disciplines on the Olympic program do not offer equivalent opportunities for women and men to compete. While women's 3000 m steeplechase was added to the athletics program for the first time in 2008¹⁵⁴ and represents a step toward sex equality and equal opportunity by the IAAF, a women's 50 km race walk event still does not exist and women cannot participate in the men's 50 km walk.¹⁵⁵ An even bigger discrepancy exists in the boxing discipline. The 2008 Beijing Olympics crowned eleven boxing champions, all of whom were men. Women's boxing has not yet been included on an Olympic program as a discipline, although it has appeared as a demonstration sport¹⁵⁶ and the IOC is considering adding two women's weight categories during the next Olympiad. Despite the AIBA's endorsement of a policy of non-discrimination in boxing, women's boxing remains absent from the current Olympic program.¹⁵⁷ The IOC's director of sport, Kelly Fairweather, attempted to justify the decision to add the women's 3000 m steeplechase and men's and women's 10 km open water swimming events to the Olympic program in 2008, but not women's boxing, with the simple explanation that the IOC will "continue to review requests, but did not feel [women's boxing] merited inclusion in 2008."¹⁵⁸ The Olympic program is set by the IOC several years before the Games take place at the discretion of its members. The continued absence of women from not only Olympic events but entire Olympic disciplines is troubling.

Sex differences are also present in the doubles luge event. As the IOC's website information on luge explains, "[t]here is no rule that says a doubles team must comprise

members of the same sex, but traditionally, men have ridden together, with the larger man lying on top for a more aerodynamic fit."¹⁵⁹ In practice, this creates a men's doubles event, even though women are not prohibited from competing. Furthermore, the FIL organizes competitions for 30 male athletes, 20 female athletes, and 20 doubles events,¹⁶⁰ which often results in up to 70 male competitors but only 20 female competitors contesting in luge events at the Olympic Games. In contrast, rhythmic gymnastics is only open to female gymnasts, and there are no men's events in this discipline at the Olympic Games or at any international gymnastics competition. However, the FIG includes two additional men's artistic gymnastics events, which renders a distinctly different set of events offered in women's gymnastics compared to men's gymnastics.

Several events on the Olympic program that offer both a men's competition and a corresponding women's competition include subtle differences that lead to different requirements and strategies for female athletes and male athletes. The majority of events in the athletics discipline are identical for women and men, but women run 10 m shorter in the hurdles and compete in the seven-event heptathlon rather than the ten-event decathlon.¹⁶¹ Even more obvious, while including an equal number of events, the ISU incorporates subtle differences in the men's and women's speed skating and short track speed skating events that result in the women skating reduced distances compared to the men. Men and women both participate in 5000 m events, but women compete in a 3000 m race whereas men compete in a 10000 m race, which makes the longest distance women race 5000 m. Also, the women's team pursuit event covers six laps of the speed skating oval whereas the men's team pursuit event covers eight laps, and, in short track

speed skating, the women's relay is 3000 m compared to the 5000 m men's relay.¹⁶²

The ISU also mandates different length programs and different required elements within the short program for figure skaters.¹⁶³ While the men's and women's short programs can be a maximum of two minutes and 50 seconds in length, the men's and pairs free skates are both four and half minutes long while the women's event must be under four minutes.¹⁶⁴ Women are not permitted to skate for the extra 30 seconds and face substantial point deductions for exceeding the four minute time limit. Similarly, all of the women's biathlon events are 2.5 to 5 km shorter than the men's events.¹⁶⁵ And in the same vein, the distance between the start and finish lines of the luge run at the Olympic Games must be between 800-1050 m for the women's singles and the doubles event, but must measure 1000-1300 m for the men's singles event at the Winter Olympic Games.¹⁶⁶

As previously noted, the women's ice hockey tournament involves eight teams whereas the men's tournament includes twelve teams for a total of 276 men and 160 women participants.¹⁶⁷ Hockey is not the only sport that includes more male competitors than female competitors; the IAAF's set target of 2000 athletics competitors for the Olympic Games in Beijing was 1100 male and 900 female athletes.¹⁶⁸ Taking into account the IAAF's limit of three competitors per individual event and a maximum of 72 men and 66 women per NOC, the one additional men's event on the program does not account for the discrepancy in the number of men and women who can qualify to compete.¹⁶⁹ Examples of this nature demonstrate that even when the women's and men's events are equal in number, several women's events are shorter or involve fewer competitors than the equivalent men's events. The value judgment attached to such

differences might be that the women's events are not as demanding, challenging, or important as the men's events and will be discussed in Chapter IV.

Different standards for the height and weight of men's and women's equipment can be found in the rulebooks of several IFs. While the rules specifying the height and weight of equipment to be used are constitutive rules of athletics, these rules are worthy of consideration as eligibility rules because men and women are only entitled to enter the events for their specific sex category. For example, the IAAF sets rules that specify the equipment heights and weights used in the hurdles, steeplechase, shot put, discus throw, javelin throw, and hammer throw events.¹⁷⁰ A woman training to compete in the 800 g javelin throw, for example, would not have an event in which she could participate at the Olympic Games because the women's javelin event requires competitors to use a 600 g javelin, unlike the men's event that uses 800 g javelins.¹⁷¹

In addition to the IAAF, the FIVB also sets rules regarding equipment and uniform differences that differentiate men's volleyball from women's volleyball. Examples include the height of the net used in Olympic tournaments, which is 2.43 m tall for men's matches and 2.24 m high for women's matches in both volleyball and beach volleyball competitions.¹⁷² While net height is a constitutive rule of men's volleyball and women's volleyball, not an auxiliary rule, requiring a different net height prohibits men from participating in volleyball matches with 2.24 m high nets and vice versa. The FIVB is the only IF analyzed that offers identical programs of women's and men's events, but it mandates that men's events take place in venues capable of seating 15,000 spectators while women's events only require seating for 10,000 fans.¹⁷³ Furthermore, the uniforms the FIVB requires women and men to wear differ substantially, which will be discussed

in the section on rules pertaining to uniforms and equipment after identifying other sex and gender differences stipulated in the rulebooks.

Differences exist in the pre-event examinations male and female athletes must undergo prior to receiving clearance to compete in the Olympic Games. For example, as a condition of eligibility, a weigh-in is required for luge and boxing athletes. Boxers must also undergo a medical examination prior to each bout at the Olympic Games and produce a certificate from a qualified medical doctor stating they are not medically constrained from boxing.¹⁷⁴ Male luge athletes must be weighed wearing shorts only, while the equivalent women's rule states female athletes must be weighed wearing shirts, shorts and underwear.¹⁷⁵ The FIL does not provide reasons in its rulebook to justify why only female athletes must wear underwear. For boxers, failing to participate in the pre-event weigh-in or medical examination, or failing to present a properly filled out International Competition Record Book, renders an athlete ineligible to compete. At international boxing events that include women's boxing, female boxers must "answer to the best of her knowledge, any questions posed by the Medical Officer and shall confirm in writing that to the best of her knowledge she is not pregnant."¹⁷⁶ Boxers who are pregnant or deemed unfit to box are not permitted to participate in international boxing events.¹⁷⁷

More troubling than the paternalistic medical eligibility rules boxers face is the FIVB's rule that female volleyball players must submit a "Female Player Medical Certificate" to their NFs prior to receiving clearance to participate. Male volleyball players are not required to do the same. The FIVB reserves permission to carry out gender verification procedures selectively, "on a case by case basis in event of doubt

based on medical evidence,” and nebulously notes “[f]emale players may be required to present a valid gender certificate and/or submit themselves to a medical examination in case of doubt based on medical evidence.”¹⁷⁸ Refusing to participate in sex verification procedures, after a request from the FIVB, results in the revocation of an athlete’s eligibility to compete.¹⁷⁹ Correspondingly, the IBU specifies in Rule 1.4.3 of the *IBU Handbook* that “all female competitors participating in IBU competitions are required to certify their gender by their national passport.”¹⁸⁰ Surprisingly, the inclusion of a rule that stipulates female competitors, but not male athletes, must verify their legal sex to secure their eligibility to compete is included in the same statement that specifies clothing and equipment requirements for competitors.¹⁸¹

In addition to gender-specific policies, several IFs’ rulebooks contain problematic gender-exclusive language. For example, the ISU’s *Special Regulations & Technical Rules* for figure skating refers to ice dancing competitors as “couples,” not “pairs,” and female competitors are consistently referred to as “ladies” rather than women, while the male competitors are referred to as men, not by the corresponding colloquial term “gentlemen.”¹⁸² In regard to weigh-ins, according to the AIBA’s *Appendix to Rules for International Competitions or Tournaments*, males are weighed by “officials” whereas “[f]emale boxers shall have weight mistresses attending the scales at weigh-ins.”¹⁸³ The AIBA thus fails to use gender neutral terminology in discussing women’s involvement in boxing.

Several other examples of gender exclusive language are present in AIBA documents. Rules found in the *Rules for International Competitions or Tournaments* apply to male boxers exclusively, and no clothing requirements for female boxers appear

in the detailed section on uniforms. For example, the document states a “cup protector shall be worn, a jock-strap may be worn in addition,”¹⁸⁴ and a “Referee shall exclude from competition any boxer who does not wear a headguard, a cup-protector, and gumshield, or who is not clean and properly dressed.”¹⁸⁵ Moreover, the final requirement for competitors in the uniform section is that they cannot sport beards, and moustaches are only permissible if the length does not surpass the full length of the upper lip.¹⁸⁶ These requirements do not stipulate their application is for men’s events only, and women’s clothing and equipment requirements are relegated to the appendix, which clearly distinguishes that the specific rules are for women and do not apply to male competitors.¹⁸⁷ The AIBA does not refer readers, in the section on uniforms or in the table of contents, to the seventh appendix of the rules manual that contains the competition rules that apply specifically and exclusively to female boxers.

While all of the IFs include a passage on the unacceptability of discrimination in sport, the IIHF’s statement is unique. The IIHF notes in its *Statutes and Bylaws* for the years 2003-2008 that “[n]o discrimination is permitted against a member national association or any club or person on political, racial or religious grounds.”¹⁸⁸ Missing from this list is a prohibition against discrimination based on gender or sex.¹⁸⁹ The next theme of eligibility rules emerging from the content analysis of the IFs’ rulebooks involve rules concerning doping in sport.

Eligibility Rules Regarding Doping

All athletes must agree to and follow anti-doping rules in order to compete at the Olympic Games. The rules in the *Olympic Charter* as well as rules set by each IF require that athletes adhere to the *World Anti-Doping Code (WADC)* and submit to in- and out-

of-competition testing when requested to so do. The rulebooks of each IF analyzed specifically address doping and align with the regulations found in the *Olympic Charter* and outlined in the *WADC*. Any violation of the doping rules and regulations contained within the *WADC* renders the athlete ineligible to compete in the Olympic Games. Anti-doping rules are of a serious nature and lead to lengthy suspensions. However, doping rules differ from legal and criminal laws and serve the purpose of promoting fair sport.¹⁹⁰

In addition to the requirement to adhere to the rules specified in the *WADC*, some IFs add additional rules pertaining to doping. For example, the IAAF requires athletes' written acknowledgment of their agreement to respect anti-doping rules in the form of a signed declaration designed by the IAAF's council.¹⁹¹ Rules 38 to 40 of the IAAF's rulebook explain the sanctions that athletes face if they are found guilty of doping infractions.¹⁹² The FIG stipulates that in order to compete at the Olympic Games, gymnasts must not "have been expelled from any National or International Sports Federation for the use of drugs."¹⁹³ For health promotion and safety reasons, not just because drugs and methods such as EPO that increase an athlete's haematocrit are banned, biathlon athletes must have haemoglobin levels under 16 g/dl for females and 17.5 g/dl for males to be eligible to start a race at the Olympic Games. In conjunction with its medical advisors, the IBU determined the health risks that can result from strenuous exertion with haemoglobin levels surpassing the upper limits are too dangerous to allow athletes to compete;¹⁹⁴ hence, the IBU requires officials to determine competitors' haematocrit levels, for health-promotion reasons, prior to the doping tests that are conducted at the end of each event.

The eligibility of each athlete participating on a team affects more people than the athlete alone because an entire team can be disqualified if one athlete is found to be ineligible to compete at the Olympic Games. If an ice hockey player's eligibility is revoked, the team retroactively forfeits any games in which the disqualified player participated and the player in question is disqualified and removed from the tournament.¹⁹⁵ This rule applies not only to breaking doping rules but also not adhering to citizenship rules. I will examine the moral acceptability of rules regarding doping at the Olympic Games in Chapter IV, but will next address the additional eligibility requirements related to citizenship found in the rulebooks of the eight IFs.

Eligibility Rules Regarding Citizenship

The *Olympic Charter* includes several rules and statements pertaining to competitors' citizenship. Of the eight IFs analyzed, only the AIBA's documents lack a section that further specifies the rules regulating competitors' citizenship; therefore in the case of boxers the citizenship rules stated in the *Olympic Charter* apply exclusively. However, as the FIG's guidelines explain, the rules regarding citizenship found in the *Olympic Charter* trump an IF's rules for other international competitions.¹⁹⁶ As proof of their citizenship and eligibility to represent their countries, players must provide their valid passports as evidence.¹⁹⁷ Several of the IFs require additional evidence of citizenship for athletes who have changed citizenship or are representing a second country internationally.

Rule 5 of the IAAF's *Competition Rules* further elaborates the citizenship requirements for international athletics competitions.¹⁹⁸ Athletes who are dual citizens of countries in which one NF is suspended may compete for the other NF as long as they

renounce their former nationality, inform the suspended NF of the decision, apply for citizenship and live continually in the unsuspended country, and not spend more than 90 days of every subsequent year in the suspended NF's country or territory.¹⁹⁹ The IAAF also mandates limited ties between the athlete and the suspended NF if the athlete is living and seeking citizenship elsewhere. In order to compete for a second country internationally following the suspension of his or her first country, the athlete must:

refrain from any athletics activities, which shall include, but not be restricted to, exhibition races, training, coaching, officiating, lecturing, giving interviews and publicity interviews, with any representatives of a Member [NF] which is under suspension.²⁰⁰

Yet as the *IBU Handbook* outlines, the waiting period can be expedited or waived if the Executive Board of the IF, the current and former NFs, and the IOC unanimously agree to do so.²⁰¹

The IIHF has established more specific eligibility rules regarding citizenship than most other IFs. Ice hockey players must sign a Player Entry Form and submit it with their passports to the relevant NF to confirm their eligibility to compete for their country. The IIHF has created an international transfer card system that allows players to represent a second country internationally if they have citizenship in the second country and have held an international transfer card for at least four years prior to the Olympic Games in which they seek to participate, while simultaneously participating for the second country exclusively throughout the four years.²⁰² Ensuring the required paperwork to represent a country at the international level is a complicated affair that requires strict adherence to the guidelines and regulations set forth by the IOC in the *Olympic Charter*, and can impinge upon an athlete's freedom and autonomy. Athletes seeking to compete at the Olympic Games must not breach the citizenship rules stipulated by the IOC and IFs.

Consequently, athletes who have recently immigrated to a new country are barred from competing at the Olympic Games until they attain all of the citizenship requirements required by the IOC.²⁰³

Eligibility Rules Regarding Behaviour and Dispute Resolution

The eight IFs' rulebooks analyzed include rules that govern athletes' behaviours off the field and out of competition in addition to their conduct during competition. A common requirement of all eight IFs is that athletes use the CAS to settle disputes, mediate conflicts, and challenge rulings related to participation in the Olympic Games.²⁰⁴ Slight variations in the wording of the requirement can be found among the rulebooks. For example, the IIHF specifies that ice hockey athletes can only submit an appeal within twenty-one days of the decision the athlete seeks to appeal,²⁰⁵ whereas other IFs treat appeals on a case-by-case basis.

In addition to mandating the use of the CAS to appeal decisions, the rulebooks of several IFs include rules that require athletes to sign declarations acknowledging their agreement to follow specific rules and regulations. For instance, before an athlete can participate in an event organized by the IBU, including the Olympic Games, a biathlon athlete must sign the IBU's *Declaration for Obligations* that states he or she agrees to respect all of the rules of the IBU.²⁰⁶ According to the IBU, punishable offences include "violations of the principles of fair play and unsportsmanlike conduct," as well as "endangering or impairing the reputation or the interests of the IBU."²⁰⁷ The FIG's *Code of Ethics* functions similarly. In signing the *Code of Ethics*, gymnasts agree to respect human dignity, and acknowledge: "[d]iscrimination of any kind is not permitted amongst the participants, with respect to race, sex, religion, ethnicity, philosophical or political

belief, or family status.”²⁰⁸ Codes of ethics of this nature serve to regulate the behaviour and demeanour of athletes prior to, during, and after competition.

Rules restricting athletes’ behaviours, conduct, and modes of challenging decisions can be found in the FIVB’s *Official Volleyball Rules*. The FIVB demands that participants “accept referees’ decisions with sportsmanlike conduct, without disputing them,” and that they “behave respectfully and courteously in the spirit of FAIR PLAY, not only towards the referees, but also towards other officials, the opponents, team-mates and spectators.”²⁰⁹ Failing to do so by engaging in rude, offensive, or aggressive conduct will result in the athlete at fault receiving a sanction and losing his or her eligibility at the discretion of the FIVB and officials.²¹⁰ Similarly, the FIL’s rules require luge athletes to participate in a fair manner and respect their competitors and the sport of luge. To this end, luge regulations demand that “[e]ach participating athlete and official must behave fairly and in a sportsmanship like manner during a competition.”²¹¹ To validate their FIL licenses, which are required to compete, luge athletes must sign a form stating “they bindingly acknowledge the statutes and regulations of the FIL... the Law and Procedure Regulations of the FIL and that they have knowledge of the contents of all regulations.”²¹²

The IAAF’s *Competition Rules* renders athletes ineligible to compete if, among other reasons, they act or make statements in ways that insult or demonstrate a lack of respect for the IAAF or the sport of athletics.²¹³ The IAAF and the athlete’s NF can also discontinue an ineligible athlete’s sport-related funding or benefits during the period of debarment and revoke his or her medals and awards won.²¹⁴ Similarly, public comments about the judging or officiating of events can lead to a skater’s ineligibility to compete if

the ISU deems the comments to be improper. Rule 125 of the ISU's *Constitution and General Regulations* states:

Competitors and team officials who, either directly or through a third party, openly express themselves in an improper manner regarding the Officials or their decisions, namely for Figure Skating competitions in particular but not limited to the calling of elements and/or levels of difficulty by the Technical Specialists and the Technical Controller or regarding the markings of the Judges and for Speed Skating competitions in particular but not limited to the disqualifications of Skaters due to racing rule violations, may be sanctioned by the Disciplinary Committee of the ISU.²¹⁵

Furthermore, Rule 368 of the *Special Regulations & Technical Rules – Single & Pair Skating and Ice Dancing* specifies, “no official participating in an International Figure Skating event in any capacity may make any negative comment to the public concerning such event.”²¹⁶ The ISU also specifies that figure skaters face a period of 60 days of ineligibility if they opt not to participate in the exhibition that follows the end of many ISU events.²¹⁷ As these examples indicate, behavioural expectations are common in Olympic sports and IFs have taken steps to mandate ‘appropriate’ behaviour by including rules that specify acceptable and unacceptable conduct in official rulebooks and policies rather than relying on traditional, but unregulated, honour codes.

Eligibility Rules Regarding Uniforms and Competition Attire

In addition to the IOC's rules regarding acceptable equipment and the presence of logos and advertising on athletes' competitive attire, warm-up suits, and uniforms worn to the opening, closing, and medal ceremonies, each IF included in the analysis specifies acceptable and unacceptable uniforms and competition attire in its rulebooks. For example, the IAAF's *Constitution* forbids advertising on athletes' bodies, and the *Regulations Governing Advertising and Promotional Displays at Competitions Held Under IAAF Rules* prohibits “body painting, tattoos, jewellery, hair dying, hair shaving,

the use of any flags, banners, T-shirts, [and] hats.”²¹⁸ Rule 143 of the IAAF’s rulebook includes additional requirements athletes’ clothing must meet:

In all events athletes must wear clothing which is clean, and designed and worn so as not to be objectionable. The clothing must be made of a material which is non-transparent even if wet. Athletes must not wear clothing which could impede the view of the Judges. Athletes’ vests should have the same colour on the front and back.²¹⁹

Competitors attempting to start the race in dirty, transparent, or other forms of distasteful attire, according to the IAAF’s standards, forfeit their eligibility to compete.²²⁰

The IBU outlines uniform and equipment regulations that biathlon athletes must satisfy at the Olympic Games. Disqualification of an athlete or team of athletes can result from receiving assistance during the competition, using rifles, skis, equipment, or uniforms that fail to meet the IBU’s requirements, failing to take part in the start and finish inspections of equipment, failing to wear a number or wearing an incorrect number on the racing uniform, and modifying clothing and equipment during the race.²²¹

Athletes whose numbers, equipment, and clothing are deemed acceptable are eligible to start the race as long as they do not modify or change any of their equipment, but competitors whose equipment does not meet the standards are prohibited from starting the race.²²² The IBU places the onus on the athlete to ensure all of his or her equipment and clothing meet the established criteria listed in the *IBU Material Catalogue*.²²³ Rule 1.4.3 of the *IBU Handbook*, which requires female competitors to prove their legal sex, also addresses competitors’ use of acceptable equipment and clothing, and states competitors must agree to take part in “material equipment and clothing inspections before the start and after the finish.”²²⁴

Unlike IFs that allow logos and advertising that falls within the size limitations outlined in the *Olympic Charter*, the ISU prohibits figure skaters from wearing uniforms or costumes during performance or medal ceremonies with visible logos or trademarks. At the Olympic Games, figure skaters must compete in clothing that is “modest, dignified and appropriate for athletic competition – not garish or theatrical in design.”²²⁵ Skating with accessories or props is also prohibited. In the ice dancing events, rules stipulate that “ladies must wear a skirt,” a woman’s “dress must not give the effect of excessive nudity inappropriate for an athletic sport,” and male ice dancers must wear “full-length trousers: no tights are allowed and the man’s costume may not be sleeveless.”²²⁶ Eligibility rules of this nature have nothing to do with the constitutive or regulative rules of figure skating.

According to the ISU’s *Special Regulations & Technical Rules* for speed skating and short track speed skating, skaters’ uniforms “shall conform to the natural shape of the body of the Skater,” and all competitors may wear helmets over top of their hoods.²²⁷ Skaters who wear racing suits that do not conform to the ISU’s requirements will be disqualified.²²⁸ The uniform requirements for short track speed skaters are listed in more detail; in addition to approved skates, these athletes must wear approved helmets, gloves, shin protectors, long sleeved and long legged clothes, padded knee protectors, and neck protectors.²²⁹ Furthermore, speed skaters must wear identical team uniforms marked with the country they represent in both competition and warm-up sessions, and brand logos must be “dignified” with a total surface area of less than 595 square centimetres.²³⁰ Disqualification will occur if an athlete removes any of his or her required equipment before his or her race has finished.²³¹

In order to take to the ice in the Olympic Games, ice hockey players are required to wear skates, protective equipment, a team uniform, carry a stick, and wear protective equipment underneath their uniforms as well as gloves and a helmet. Improper equipment or uniforms will result in players' ineligibility to play.²³² Teams must be dressed uniformly and wear the same sweaters, pants, stockings, and, with the exception of the goalkeeper, the same helmets.²³³ Failing to wear a helmet in a game or during practice sessions prior to the game will result in the offending player being sent off the ice.²³⁴ Other protective equipment that is mandatory for ice hockey players includes gloves that cover the wrist and palms of the hand, neck and throat protectors for players less than 18 years of age, visors for athletes born in 1975 or after, and full face masks for players who are 18 years of age and under.²³⁵ Players' hairstyles are regulated in international ice hockey competitions as well. Competitors sporting hair long enough to cover their names on their sweaters are required to tie back their hair in a ponytail or keep it tucked up under the helmet in order to avoid facing penalties or disqualification.²³⁶ Athletes who do not adhere to these rules submit themselves to periods of ineligibility to participate.

Luge uniforms, required by the FIL, "must conform to or be adapted to the body contours of the competitor" and "each competitor must use proper race clothing in training and competition."²³⁷ Athletes are required to wear FIL-sanctioned helmets with a visor as well as racing shoes, both of which must also conform to the shape of the body. The racing suit athletes wear must use textile fabrics, cannot be sealed or plasticized, and must be available for all NFs to purchase.²³⁸ Rules pertaining to boxers' attire and equipment are found in the AIBA's *Rules for International Competitions or*

Tournaments. Boxers have specific competition uniforms that they must wear without modification or substitution.²³⁹ Similarly, Appendix B of the FIG's *Technical Rules* includes rules for gymnasts' uniforms and equipment, which vary by gender and by discipline.²⁴⁰ Gymnasts must compete in uniforms that include their national flag, national emblem, or a design featuring their national colours. Individuals failing to follow the uniform requirements will face point deductions from the scores they earn in competition.²⁴¹ Artistic gymnastics events must attach an assigned number to the back of their uniforms, while in rhythmic and trampoline gymnastics, the numbers are displayed on the scoreboard only.²⁴² Finally, competition uniforms must be worn at the award ceremonies. If a gymnast wears a track suit or any other type of cover over his or her competition uniform at the award ceremony, his or her NF will receive only half of the prize money it would otherwise receive from the FIG.²⁴³ Stiff punishments result from wardrobe choices in some sports.

The FIVB requires a referee to check and approve players' uniforms before the commencement of each game to ensure that uniforms are identical and players' shirts are tucked into their shorts.²⁴⁴ The FIVB's *Official Volleyball Rules* adds that "the uniforms must be clean"²⁴⁵ in order for athletes to begin a match. In addition, players are prohibited from wearing sharp objects or anything that could injure another player, including bracelets and casts.²⁴⁶ The FIVB's rule book states that beach volleyball uniforms are to include a bathing suit or shorts, and tank tops are optional unless otherwise specified by the tournament organizers.²⁴⁷ The tournament regulations set by the FIVB, IOC, and OCOG determine the styles and colours of shorts and bathing suits to be worn at the Olympic Games and are based on the FIVB's guidelines. The FIVB

requires that beach volleyball players' uniforms be clean and that they cannot wear shoes. None of the FIVB's official documents contain rules mandating that female competitors must play in very short spandex shorts or revealing bikinis, despite the public's perception that it is the FIVB's decision. Uniform requirements for the Olympic Games are decided by the FIVB, IOC, and OCOG together. Rule 24 of the FIVB's *Olympic Beach Volleyball Tournaments Specific Competition Regulations*, which governed the beach volleyball tournaments at the 2004 Olympic Games in Athens, states:

Beach Volleyball players compete in a beach environment and are expected to project a healthy image. Sun, sea and sand are critical elements in every competition and forces to be dealt with. In order to cope with a sunny and sandy environment, the FIVB has established uniforms' standards based on the recommendations of its medical and technical advisors, and in accordance to Rule 57 of the Olympic Charter [sic].²⁴⁸

It is important to note that none of the other rules include a justification of why the rule is in place. The fact that medical advisors are consulted on uniform regulations is also unique to the FIVB.

Male beach volleyball players at the Olympic Games must compete in shorts and a tank top.²⁴⁹ Specifications for the tank top include that it must "fit closely to the body," be made of a Lycra blend, have open arms, and contain the players' name and number (1 or 2), and the three-letter code and flag of the athletes' countries. The shorts must be a minimum of 15 cm above the knee cap and cannot be baggy.²⁵⁰ Female beach volleyball players, on the other hand, must wear a one-piece bathing suit or a top and briefs, but cannot wear shorts.²⁵¹ Regulations for the top and briefs include the following:

The top must fit closely to the body and the design must be with deep cutaway armholes on the back, upper chest and stomach (2-piece) ... The briefs should be ... a close fit and be cut on an upward angle towards the top of the leg. The side width must be maximum 7 cm. The one piece uniform must closely fit and the design must be with open back and upper chest.²⁵²

Women's uniforms also have to display their numbers, country code, country flag, and name.²⁵³ Beach volleyball players are only permitted to wear their warm-up suits, which must be "tight fitting," during matches if the temperature falls to 16 degrees Celsius or lower.²⁵⁴ Otherwise, athletes must wear their competition uniforms not only during games, but also during warm-up periods and during interviews after matches. If athletes choose to cover up and fail to comply with the uniform rules, their NF faces a \$10,000 USD fine each time a uniform violation occurs.²⁵⁵ The implications of mandating what athletes can wear prior to, during, and after their events have repercussions for athletes' continued eligibility status.²⁵⁶

Eligibility Rules Regarding Age Limits

A final theme of eligibility common among the IFs included in the sample involves age requirements. While the *Olympic Charter* does not set age restrictions for the Olympic Games, several IFs restrict athletes from participating on the sole basis of their ages. Of the eight IFs analyzed, age restrictions are enforced by the IAAF, FIG, AIBA, ISU, and FIL, while the IBU, FIVB, and IIHF do not set required age ranges for competitors. I will discuss sports without age limits first before examining rules that restrict Olympic events to athletes born in a specified range of years.

Age does not restrict biathlon athletes from participating at the Olympic Games. However, non-Olympic IBU-sanctioned competitions are divided into three age groups: men and women, junior men and junior women, and youth men and youth women. The men's and women's competitions are open for athletes "who have completed their 21st year of life at the cut-off-date 31 December," but junior and youth athletes are permitted to compete in men's and women's competitions and are thus eligible to compete in the

Olympic Games.²⁵⁷ Similarly, the FIVB imposes age limits on some events, but does not do so at the Olympic Games.²⁵⁸ The IIHF also lacks official age restrictions to compete at the Olympic Games. In the *Statutes and Bylaws*, the IIHF dictates that men and women must be a minimum of 18 years old to participate in a senior IIHF World Championship, which includes the Olympic Games. However, players under 18 years of age on the first day of the Olympic tournament can participate fully if two medical doctors, the athlete's parent(s) or guardian(s), and a representative of the NF for which the athlete seeks to play all sign a waiver form agreeing the athlete has the skill and fitness to compete.²⁵⁹ A strict age limit is thus not in place in ice hockey at the winter Olympic Games.

Eligibility standards based on age are set by the IAAF in the IAAF's *Competition Rules* manual, which permits minimum age requirements to be specified in the Technical Regulations of each event.²⁶⁰ For the 2008 Olympic Games in Beijing, all athletes participating in an IAAF-governed event had to turn 16 years old before 31 December 2008, except athletes competing in the throwing events (discus, shot putt, and javelin), the decathlon and pentathlon, the 10,000 m, and the 20 km race walk who had to turn 18 years old before 31 December 2008. Men and women competing in the marathon, as well as men competing in the 50 km walk had to turn 20 years old on or before 31 December 2008 to be eligible to compete.²⁶¹

The AIBA was the only IF in the representative sample that imposes both minimum and maximum age limits. Eligibility rules set by the AIBA require boxers to be between 17 and 34 years of age on the first day of competition at the Olympic Games to compete. According to the *Rules for International Competitions or Tournaments*, if a

boxer turns 17 on the second day of the boxing competition at the Olympic Games he will be ineligible to compete; however, if he turns 35 on the second day of competition he remains eligible according to the AIBA's rules regarding age.²⁶²

The FIG set the minimum age for participants to compete in the women's artistic gymnastics, men's artistic gymnastics, and rhythmic gymnastics events at 16 years of age and 18 years of age for the trampoline events.²⁶³ Athletes selected to compete at the Olympic Games must show proof of both their age and their nationality to the FIG Secretariat and the OCOG before being cleared to compete.²⁶⁴ The ISU's rules are similar. To compete at the Olympic Games, figure skaters, speed skaters and short track speed skaters must be a minimum of 15 years old prior to July 1 on the year in which the Games are held. This rule requires all skaters competing at the next Olympic Games in Vancouver in 2010 to have been born on or before June 30, 1995.²⁶⁵ The FIL's rules contain several similarities to the FIG and ISU's but allow athletes born between the start of Olympic Games and December 31st to compete as well. Thus, to participate at the Olympic Games in luge, "athletes must have reached their fifteenth (15th) birthday during the sport's year."²⁶⁶ Rules stipulating age ranges for competing at the Olympic Games restrict athletes' eligibility to compete in several sports.

Summary of Olympic Eligibility Rules

Methods of limiting the number of athletes that compete in the Olympic Games are warranted to ensure the size of the Games does not grow out of control. Eligibility criteria regulate and manage the number of participants competing in the Olympic Games for practical and financial reasons. However, the rules that specify precise eligibility requirements must be fair, just, and consistently applied if the Olympics are to achieve

the values associated with the movement described in Chapter II. As the now extinct amateur rules that previously governed participation at the Olympic Games exemplify, some auxiliary rules contained in past editions of the *Olympic Charter* and in the rulebooks of the IFs were discriminatory and intentionally exclusive. From my analysis of the *Olympic Charter* and the rulebooks of eight IFs, themes of rules governing Olympic eligibility emerged that can be analyzed to ensure eligibility requirements are in line with the stated goals and perceived values of the Olympic Games.

The themes that are common to the eight IFs discussed above include eligibility rules involving sex and gender, doping, citizenship, behaviour and dispute resolution, clothing and equipment, and age requirements. Variation is present within each theme, but the six areas identified in the thematic analysis incorporate the many auxiliary rules pertaining to Olympic eligibility that Olympic athletes must respect. These themes of rules are in addition to the rules specified in the *Olympic Charter* and the constitutive and regulative rules applicable in each Olympic discipline.

All IFs that organize events included on the Olympic program must uphold the IOC's eligibility criteria, although differences exist within each theme regarding how each IF specifies, interprets, and puts into practice the rules in the *Olympic Charter*. A formalist interpretation of the *Olympic Charter* would result in identical application of the rules by every IF participating in the Olympic Games. Rule changes over time are at odds with a formalist interpretation of the *Olympic Charter* as well. The clause allowing IFs to set sport-specific eligibility rules prevents a formal list of concrete rules. For example, the minimum age requirement varied from no minimum age to 15 in the luge events to 20 years old in the marathon and 50 km walk, and an even broader acceptable

age range would emerge if the sample of IF rulebooks included all disciplines included on the Winter and Summer Olympic Games programs.

The themes of auxiliary rules identified above inform the remain two chapters in this dissertation. Each theme of rules requires critical evaluation to determine if the differences that exist between the *Olympic Charter* and rules of the IFs are justifiable and morally acceptable from a rule-consequentialist, liberal feminist perspective that emphasizes justice and desert. Moreover, the moral acceptability of the eligibility rules contained within the *Olympic Charter* requires examination and justification. Using the Olympic values and ideals clarified in Chapter II, each theme of eligibility rules identified in this chapter will be deemed morally acceptable if it supports the goals of the Olympic movement as specified by the IOC when analyzed using the mixed ethical framework described in Chapter I. In doing so, I will identify eligibility rules that are unfair, discriminatory, and unable to stand up to moral scrutiny, and I will offer more acceptable alternatives to replace any problematic rules.

Endnotes

¹ M. I. Finley and H.W. Pleket, *The Olympic Games: The First Thousand Years* (Toronto: Clarke, Irwin & Company, 1976), 59.

² Finley and Pleket: 60.

³ Robert K. Barney, "Prologue: The Ancient Games," in *Historical Dictionary of the Modern Olympic Movement*, ed. John E. Findling and Kimberly D. Pelle (Westport, CT: Greenwood Press, 1996), xxix.

⁴ Rowing events were planned but were cancelled due to poor weather conditions. See Karl Lennartz and Stephen Wassong, "Athens 1896," in *Encyclopedia of the Modern Olympic Movement*, ed. John E. Findling and Kimberly D. Pelle (Westport, CT: Greenwood Press, 2004), 22-23.

⁵ R. Leathes, "The Olympic Aims," *Olympic Review* 205 (1984): 867.

⁶ Critics of the Olympics may argue that the Games have already grown to be an unmanageable size citing the perceived inability of developing countries to assume the expenses associated with hosting the Games.

⁷ If all nations desiring to send a team to the Olympic Games were permitted to do so, the number of teams competing in each tournament would inevitably be too large to complete the tournament between the opening and closing ceremonies of the Olympic Games.

⁸ "Minutes, 1st IOC Session, Paris – 1894," in Wolf Lyberg, ed., *The IOC General Session 1894-1919 Volume I* (Lausanne: IOC, 1994), 3.

⁹ International Olympic Committee, *The Olympic Games: Fundamental Principles, Rule and Regulations, General Principles* (Lausanne: International Olympic Committee (hereafter cited as IOC), 1958), 96. Emphasis in original.

¹⁰ IOC, 1958: 96.

¹¹ Lord Killanin, "Eligibility and Amateurism," in *The Olympic Games: 80 Years of People, Events and Records*, ed. Lord Killanin and John Rodda (Don Mills, ON: Rainbird Reference, 1976), 147. The strict amateur rules proved difficult for the Fédération Internationale de Football Association (FIFA), in particular, to showcase its sport at the Olympic Games because the presence of professional soccer leagues prohibited the game's best players from participating in the Olympic Games. FIFA requested that the IOC approve broken time payments prior to the 1932 Olympics to allow professional players to participate. With the IAAF strongly backing its decision, the IOC refused to support FIFA's request, which provoked FIFA into organizing and hosting the World Cup in 1930 rather than participating in the 1932 Olympic Games. FIFA decided to return to the Olympic Games in 1936 and organize a tournament for amateur players not ready to compete in the World Cup to gain experience. The IOC effectively denied FIFA's request for the inclusion of professional players in what Beamish and Ritchie consider the first serious challenge of amateurism rules. See Rob Beamish and Ian Ritchie, "From Chivalrous 'Brothers-In-Arms' to the Eligible Athlete: Changed Principles and the IOC's Banned Substance List," *International Review for the Sociology of Sport* 39, no. 4 (2004): 358. See also Gordon H. MacDonald, "Regime Creation, Maintenance, and Change: A History of Relations between the International Olympic Committee and International Sports Federations, 1894-1968." PhD diss., The University of Western Ontario, 1998.

¹² Killanin: 150. The IOC members also decided at this meeting that employers could reimburse the normal wages of athletes competing at the Olympic Games.

¹³ Beamish and Ritchie, 2004: 359.

¹⁴ IOC, *Olympic Rules* (Lausanne: IOC, 1949): 18.

¹⁵ IOC, 1949: 18.

¹⁶ IOC, 1958: 98.

¹⁷ Beamish and Ritchie, 2004: 360-361.

¹⁸ Allen Guttman, *The Olympics: A History of the Modern Games* (Chicago: University of Illinois Press, 1992), 13.

¹⁹ IOC, *The Olympic Games: Fundamental Principles, Rule and Regulations, General Principles* (Lausanne: IOC, 1964), 19.

²⁰ IOC, 1964: 74-75.

²¹ IOC, 1964: 75.

²² IOC, *The Olympic Games* (Lausanne: IOC, 1967), 44.

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- ²³ IOC, 1958: 98.
- ²⁴ Guttman, 1992: 85.
- ²⁵ Dwight H Zakus, "The International Olympic Committee: Tragedy, Farce, and Hypocrisy," *Sociology of Sport Journal* 9 (1992): 340-353.
- ²⁶ Beamish and Ritchie, 2004: 361, 363.
- ²⁷ David Cruise Malloy, Saul Ross and Dwight H. Zakus, *Sport Ethics: Concepts and Cases in Sport and Recreation* (Canada: Thompson Educational Press, 2003), 29.
- ²⁸ Eugene A. Glader, *Amateurism and Athletics* (New York: Leisure Press, 1978), 9-25.
- ²⁹ IOC, *Olympic Rules and Regulations* (Lausanne: IOC, 1971), 21. I will discuss the implications of the gender exclusive language included in this rule in Chapter IV.
- ³⁰ IOC, 1971: 23.
- ³¹ Robert J. Paddick, "Amateurism: An Idea of the Past or a Necessity for the Future?" *OLYMPIKA: The International Journal of Olympic Studies* 3 (1994): 4.
- ³² Killanin: 153.
- ³³ Killanin: 153.
- ³⁴ Malloy, Ross, and Zakus: 29-30.
- ³⁵ Killanin: 143.
- ³⁶ Beamish and Ritchie, 2004: 364.
- ³⁷ Beamish and Ritchie, 2004: 366.
- ³⁸ While the *Olympic Charter* uses the term 'bye-law' I will use the more conventional spelling of the word, by-law, throughout this dissertation except when quoting directly from the *Olympic Charter*. The majority of IFs and other organizations surveyed use the spelling 'by-law.'
- ³⁹ Beamish and Ritchie, 2004: 366.
- ⁴⁰ Items following under this category included food, transportation, lodging, pocket money, insurance, clothing and uniforms, personal sports equipment, medical treatments, and coaching, as long as the IF of the sport approved. See, IOC, *Olympic Charter* (Lausanne: IOC, 1979), 45.
- ⁴¹ IOC, 1979: 46.
- ⁴² David C. Malloy and Dwight H. Zakus, "Ethics of Drug Testing in Sport – An Invasion of Privacy Justified?" *Sport, Education and Society* 7, no. 2 (2002): 205.
- ⁴³ Malloy, Ross, and Zakus: 30.
- ⁴⁴ IOC, *Olympic Charter* (Lausanne: IOC, 1987), 18.
- ⁴⁵ IOC, 1987: 18.

⁴⁶ Specifically, the rule states that if foreign athletes are competing at an event authorized by a NF of the IAAF, the total value for appearance fees, cash rewards, and non-cash prizes must be less than \$15,000 USD and less than \$5,000 USD for a single event. See, International Association of Athletics Federations, *Competition Rules 2008* (Cedex: International Association of Athletics Federations, 2008), 19.

⁴⁷ International Association of Athletics Federations, 2008: 23.

⁴⁸ Fédération Internationale de Gymnastique, *Technical Regulations 2008 – Appendix B* (Switzerland: Fédération Internationale de Gymnastique, 2007b), 1.

⁴⁹ International Skating Union, *Constitution and General Regulations* (International Skating Union, 2006), 72, 95.

⁵⁰ For example, the 1958 edition of the *Olympic Charter* contains 36 pages, which is considerably shorter than the 102 pages that comprise the current edition of the *Olympic Charter*.

⁵¹ The 2004 edition of the *Olympic Charter* contained 61 rules, but the 2007 update consolidated one rule into another and eliminated one rule. IOC, *Olympic Charter* (Lausanne: IOC, 2007), 9.

⁵² IOC, 2007: 29.

⁵³ IOC, 2007: 29.

⁵⁴ IOC, 2007: 29.

⁵⁵ IOC, 2007: 14.

⁵⁶ IOC, 2007: 14.

⁵⁷ Chapter IV addresses this question in detail.

⁵⁸ IOC, 2007: 19.

⁵⁹ IOC, 2007: 81.

⁶⁰ IOC, 2007: 50-51.

⁶¹ IOC, 2007: 51.

⁶² IOC, 2007: 52. However, at its discretion, the IOC Executive Board and relevant committees can opt to issue a warning prior to employing sanctions or other measures. Athletes are also entitled to appeal decisions and utilize the resources of the Court of Arbitration for Sport.

⁶³ IOC, 2007: 52.

⁶⁴ In addition to eligibility criteria, the IFs each “assume the responsibility for the technical control and direction of their sports at the Olympic Games and at the Games held under the patronage of the IOC.” IOC, 2007: 57.

⁶⁵ IOC, 2007: 81.

⁶⁶ This specification is why the Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games (VANOC) or the International Ski Federation cannot add women’s ski jumping to the Vancouver 2010 Olympic program. Proper procedures needed to have begun several years ago to petition

the IOC members at the IOC Session to include women's ski jumping events prior to the closing date for modifying the program for the 2010 Winter Olympic Games. I will discuss the case of women's ski jumping's absence from the Olympic program in more detail in Chapter IV with respect to gender equality.

⁶⁷ IOC, 2007: 62. NOCs are also required to address and eliminate violence and discrimination in sport in their country and ensure the adoption and enforcement of the World Anti-Doping Code.

⁶⁸ IOC, 2007: 62.

⁶⁹ IOC, 2007: 66. I will discuss the gender exclusive language used within this rule and several others in Chapter IV.

⁷⁰ IOC, 2007: 67.

⁷¹ The IOC does not define what constitutes propaganda. Only inconspicuous logos may appear on the clothing, equipment, and accessories the athletes use or wear in training, warm-up, competition, and at ceremonies at the Olympic Games. IOC, 2007: 98.

⁷² IOC, 2007: 81.

⁷³ IOC, 2007: 81.

⁷⁴ IOC, 2007: 83.

⁷⁵ For a discussion of why Olympic athletes should not use banned substances and methods in the Olympic Games see Angela J. Schneider and R.B. Butcher, "Why Olympic Athletes Should Avoid the Use and Seek the Elimination of Performance-Enhancing Substances and Practices from the Olympic Games," *Journal of the Philosophy of Sport* 21 (1994): 64-81. For a contrasting position, which argues that the requirement that an athlete must not have any trace of drugs in his or her system without regard for intent is too onerous to be considered a moral expectation or valid rule, see Kenneth W. Kirkwood. "Out of the Olympic Closet: Abandoning Prohibitions on Doping in Favour of a Harm Reduction Approach." PhD diss., The University of Western Ontario, 2004.

⁷⁶ IOC, 2007: 81.

⁷⁷ IOC, 2007: 82.

⁷⁸ Killanin: 147.

⁷⁹ IOC, 2007: 83.

⁸⁰ IOC, 2007: 83.

⁸¹ For example, this rule enabled the IOC to prohibit athletes representing Iraq from competing at the 2008 Olympic Games in Beijing. The IOC rejected the current NOC of Iraq that replaced the NOC of Iraq that had been recognized by the IOC.

⁸² IOC, 2007: 83.

⁸³ Exceptions can be granted for winter sports by the IOC Executive Board to allow a country to enter four or more athletes in an event.

⁸⁴ IOC, 2007: 86.

⁸⁵ The full declaration reads: "Understanding that a participant in the Olympic Games, I am participating in an exceptional event which has ongoing international and historical significance, and in consideration of the acceptance of my participation therein, I agree to be filmed, televised, photographed, identified and otherwise recorded during the Olympic Games under the conditions and for the purposes now or hereafter authorised by the International Olympic Committee ("IOC") in relation to the promotion of the Olympic Games and Olympic Movement. I also agree to comply with the *Olympic Charter* currently in force, in particular, with the provisions of the *Olympic Charter* regarding eligibility for the Olympic Games (including Rule 41 and its Bye-law), the mass media (Rule 49), and the allowable trademark identification on clothing and equipment worn or used at the Olympic Games (Bye-law to Rule 51). I also agree that any dispute arising on the occasion of or in connection with my participation in the Olympic Games shall be submitted exclusively to the Court of Arbitration for Sport, in accordance with the Code of Sports-Related Arbitration (Rule 59). I also agree to comply with the World Anti-Doping Code and with the IOC Code of Ethics. All relevant and applicable provisions and rules have been brought to my attention by my National Olympic Committee and/or my National Sports Federation of International Sports Federation." IOC, 2007: 84-85. Furthermore, an individual appointed to the IOC must take a similar oath affirming his or her dedication to "serve the Olympic Movement to the very best of my ability; to respect and ensure the respect of all the provisions of the *Olympic Charter* and the decisions of the International Olympic Committee, which I consider as not subject to appeal on my part; to comply with the Code of Ethics; to keep myself free from any political or commercial influence and from any racial or religious consideration; to fight against all other forms of discrimination; and to promote in all circumstances the interests of the International Olympic Committee and those of the Olympic Movement." IOC, 2007: 30-31.

⁸⁶ IOC, 2007: 84-85.

⁸⁷ IOC, 2007: 104.

⁸⁸ IOC, 2007: 101. The identity and accreditation card's function is twofold; not only does it cement an athlete's eligibility to compete at the Olympic Games, but together with a valid passport it ensures the athlete's entry into the city where the Games are taking place and enables the athlete to reside in the host country for one month prior to and one month following the celebration of the Olympic Games.

⁸⁹ IOC, 2007: 98.

⁹⁰ IOC, 2007: 32.

⁹¹ Moreover, the by-law required the IFs to create a "list of competitors to whom the IF has issued femininity certificates at World and Continental Championships, which will be valid for the Olympic Games." IOC, *Olympic Charter* (Lausanne: IOC, 2004), 96. I will address rules regarding sex testing in more detail in Chapter IV.

⁹² While relays are included in track and field and biathlon, and both pairs figure skating and two-person luge involve two participants, all four sports are classified as individual events within this project because the majority of events sanctioned by the IF involve one person or a pair competing against another person or pair. For the sake of classification, a team thus constitutes more than four athletes competing at the same time. An IF representing a traditionally female team sport was not included in the sample because very few events of this nature are included on the Olympic program. The team synchronized swimming event was not included because it is only one of 46 aquatics events governed by the Fédération Internationale de Natation (FINA) in the synchronized swimming, swimming, diving, and water polo disciplines. However, traditionally female team sports are represented by the team rhythmic gymnastics event that falls under the organization of the FIG.

⁹³ "International Association of Athletics Federations." *International Olympic Committee*: http://www.olympic.org/uk/organisation/if/fi_uk.asp?Id_federation=1&SportCode=AT (accessed 08 February 2008). Created at a meeting following the athletic competitions at the 1912 Olympic Games in Stockholm, Sweden, the IAAF formed in response to the need for an international body to create universal

rules and regulations, define amateurism, and authenticate records. Now located in Monaco, the IAAF has remained the recognized IF for athletics. See, International Association of Athletics Federations, *Constitution* (Monaco: International Association of Athletics Federation, 2007): 73.

⁹⁴ International Association of Athletics Federations, 2008: 11.

⁹⁵ International Association of Athletics Federations, 2008: 17

⁹⁶ "Athletics." *International Olympic Committee*: http://www.olympic.org/uk/organisation/if/fi_uk.asp?Id_federation=1&SportCode=AT (accessed 08 February 2008).

⁹⁷ International Association of Athletics Federations, 2007: 38.

⁹⁸ International Association of Athletics Federations, 2008: 20.

⁹⁹ "Boxing." *International Olympic Committee*: http://www.olympic.org/uk/organisation/if/fi_uk.asp?Id_federation=6&SportCode=BX (accessed 08 February 2008).

¹⁰⁰ "Boxing."

¹⁰¹ "International Boxing Association." *AIBA*: <http://www.aiba.org/enUS/news/ozqsp/newsId/650/news.aspx> (accessed 18 May 2008).

¹⁰² The two athletes selected by the Tripartite Commission for 2008 are Simanga Shiba from Swaziland and Rolande Moses from Grenada. The method of selecting the 286 boxers is complex and is described in a 12-page document entitled, *Olympic Qualifying Guidelines*, which can be found at <http://www.aiba.org/documents/site1/Olympics/The%20Final%20Guidelines%20of%20Olympic%20Qualifying20Tournaments%20-%20December.pdf>. The 284 spots are divided between the five continents as follows: Europe 31%, America 24%, Asia 21%, Africa 20%, and Oceania 4%. Boxers' eligibility is influenced by where they live. This limits boxers in Oceania, in particular, from qualifying since the entire continent is only allotted 11 boxers total in the AIBA's. Individual NOCs can qualify a maximum of 11 boxers according to AIBA's rules. The result is a maximum of one boxer per weight category for each NOC depending on how many boxers qualify from other countries in each NOC's continental qualifying group. See "Beijing 2008 Summary of Olympic Qualification Procedures." *International Olympic Committee*: <http://www.olympic.ca/EN/media/2008mediacentre/criteria/index.shtml> (accessed 05 June 2008).

¹⁰³ A twelfth weight category was also included on the program prior to the 2004 Olympic Games in Athens. Up to and including the 2000 Olympic Games in Sydney, boxers could compete in the light middleweight category, but this category was cut from the program after the IOC asked the AIBA to eliminate one weight category to add women's wrestling to the 2004 Olympic program without increasing the combined number of athletes participating in the Games. It is unclear why a boxing event was eliminated rather than an event in another discipline. There are currently seven men's weight categories and four women's weight categories in the wrestling discipline at the Olympic Games.

¹⁰⁴ "Gymnastics." *International Olympic Committee*: http://www.olympic.org/uk/sports/program/index_uk.asp?SportCode=GY (accessed 09 February 2008).

¹⁰⁵ The Olympic artistic gymnastics competitions involve 98 male gymnasts and 98 female gymnasts with a maximum of six men and six women representing each NOC. See "Gymnastics."

¹⁰⁶ "Rhythmic Gymnastics." *International Olympic Committee*: http://www.olympic.org/uk/sports/program/disciplines_uk.asp?DiscCode=GR (accessed 08 February 2008).

¹⁰⁷ The first 72 positions are filled by the top 12 teams of 6 gymnasts at the World Championships; the next six positions go to the top two gymnasts from the federations placing 13th, 14th and 15th at the preceding

World Championships; positions 79, 80, and 81 go to the top gymnast from the Federations ranked 16th, 17th, and 18th; positions 82-88 go to gymnasts from seven federations that are ranked highest among federations not placing in the top 18; positions 89-94 go to the winners of the individual events if they have not yet qualified in the previous 88 position; positions 95-97 are appointed by the FIG Executive Committee to ensure a gymnast from the host nation and each continent participates; and finally, position 98 is determined by the Tripartite Commission to increase global representation. These are the basic guidelines for selecting the 98 gymnasts to compete; however, slight modification must be made at the FIG's discretion. Fédération Internationale de Gymnastique, *Technical Regulations 2008 – Special Regulations for Artistic Gymnastics* (Switzerland : Fédération Internationale de Gymnastique, 2007d), 4-5. For the rhythmic gymnastics Individual Competition, 24 gymnasts earn qualification spots for their NOCs at the World Championships in the previous year, with 20 spots going to the gymnasts placing in the top 20, three spots allotted to ensure host nation and continental representation, and the final spot is appointed by the Tripartite Committee to a federation not already represented. For the Group Competition, the top ten ranked grouped from the previous World Championships qualify for a spot for their NOCs, and the remaining two group positions are reserved for host country representation and to ensure a minimum of three continents participate. Fédération Internationale de Gymnastique. *Technical Regulations 2008 – Special Regulations for Rhythmic Gymnastics*, (Switzerland: Fédération Internationale de Gymnastique, 2006), 5-6.

¹⁰⁸ The top 24 teams from the World Championships two years prior to the Olympic Games are invited to send a team of six gymnasts to the next World Championships. All other gymnastics federations can send 3 gymnasts maximum. If a team in the top 24 decides not to enter a team, the 25th placed team from the previous year will be permitted to send a full team, and so on. Fédération Internationale de Gymnastique, 2007d: 13.

¹⁰⁹ "Games of the XXIX Olympiad, Beijing 2008 – Gymnastics." *International Olympic Committee*: http://www.olympic.ca/EN/games/olympic/summer/beijing/criteria/international/gymnastics_details.pdf (accessed 05 June 2008).

¹¹⁰ In each sex category, the first eight spots go to the top eight finishers at the previous World Championships with a maximum of two gymnasts per federation. Positions nine through 13 are filled based on the same rankings with a maximum of 1 gymnast per federation; positions 14 and 15 are allotted to ensure one man or one woman from the host country and four continents send athletes; and finally, the 16th spot is reserved for the judgment of the Tripartite Commission. Fédération Internationale de Gymnastique, *Technical Regulations 2008 – Special Regulations for Trampoline Gymnastics* (Switzerland: Fédération Internationale de Gymnastique, 2007e), 4.

¹¹¹ "Games of the XXIX Olympiad, Beijing 2008 – Gymnastics."

¹¹² The FIG recognizes six separate disciplines within gymnastics: 1) Men's Artistic Gymnastics; 2) Women's Artistic Gymnastics; 3) Rhythmic Gymnastics; 4) Trampoline Gymnastics; 5) Acrobatic Gymnastics; and, 6) Aerobic Gymnastics. However, acrobatic and aerobic gymnastics are not contested at the Olympic Games. Fédération Internationale de Gymnastique, *Statutes Edition 2007* (Switzerland: Fédération Internationale de Gymnastique, 2007a), 25.

¹¹³ Fédération Internationale de Gymnastique, 2007a: 36.

¹¹⁴ Fédération Internationale de Gymnastique, *Technical Regulations 2008* (Switzerland: Fédération Internationale de Gymnastique, 2007b), 1.

¹¹⁵ Fédération Internationale de Gymnastique, 2007c: 1.

¹¹⁶ Fédération Internationale de Gymnastique, 2007c: 1.

¹¹⁷ "Biathlon." *International Olympic Committee*: http://www.olympic.org/uk/sports/program/index_uk.asp?SportCode=BT (accessed 10 February 2008). Biathlon traces its traditional roots to survival skills used for protecting one's self while hunting in the winter and its competitive roots to the modern pentathlon demonstration event that was included as part of the 1948 Olympic Winter Games in St. Moritz, Switzerland. Competitors competed in alpine skiing, cross country skiing, shooting, fencing, and horse riding; however, by 1960 the sport had been condensed to cross-country skiing and shooting.

¹¹⁸ International Biathlon Union, *IBU Handbook* (Salzburg: International Biathlon Union, 2006), 2.

¹¹⁹ "Biathlon."

¹²⁰ Four disciplines of biathlon take place at the Olympic Winter Games. The sprint events involve covering a set distance with two stops to shoot five bullets at five targets, where each miss requires the athlete to complete an extra 150 m as a penalty. The pursuit event involves the top 60 athletes from the sprint event competing in a race with a staggered start based on their times in the sprint event. The pursuit events require the athletes to ski the required distance and stop twice to shoot five bullets at five targets. The individual events are longer distances that have four sets of five targets the athletes must stop and shoot. Unlike in the sprint and pursuit events where each missed target results in an extra 150 m penalty loop the athlete must complete, each miss of a target in the individual race procures a one-minute time penalty to be added to the athlete's final time. The relay event involves a mass start of the first skiers from each team followed by the three other members of the team in order following the completion of the course and any required penalty laps by each member of the team in succession. Relay events include stopping to hit two sets of five targets; however, skiers may use eight bullets to hit the five targets in each set without incurring a penalty. Failure to hit all five targets with the eight bullets requires the athlete to ski an additional 150 m penalty loop before the next member of the team can begin his or her segment.

¹²¹ "Biathlon – Sports." *Vancouver 2010*: <http://www.vancouver2010.com/en/WinterGames/WinterGamesSports/BI> (accessed 10 February 2008).

¹²² Members of a relay team must qualify individually. International Biathlon Union, *IBU Handbook – IBU Event and Competition Rules* (Salzburg: International Biathlon Union, 2006d), 29.

¹²³ "Qualification System for XX Winter Olympic Games, Torino 2006 – International Biathlon Union." *International Olympic Committee*: http://www.olympic.ca/EN/games/olympic/winter/turin/criteria/international/biathlon_details.pdf (accessed 05 June 2008), 2.

¹²⁴ The maximum number of competitors includes 88 individual and sprint male competitors, 87 individual and sprint female competitors, 60 males and 60 females in the pursuit event, 30 male and 30 females in the mass start event, and 20 men's and 20 women's relays. See, "Qualification System for XX Winter Olympic Games, Torino 2006 – International Biathlon Union."

¹²⁵ "International Skating Union." *International Olympic Committee*: http://www.olympic.org/uk/sports/program/ndex_uk.asp?SportCode=SK (accessed 10 May 2008).

¹²⁶ Speed skating events are timed and contested only once, except for the 500 m event where athletes complete the race twice and their times are averaged and ranked to determine the winner. See "Speed Skating." *International Olympic Committee*: http://www.olympic.org/uk/sports/program/disciplines_uk.asp?DiscCode=SS (accessed 19 June 2008).

¹²⁷ International Skating Union, *Special Regulations & Technical Rules – Single & Pair Skating and Ice Dancing* (International Skating Union, 2006b), 12.

¹²⁸ International Skating Union, 2006: 105.

¹²⁹ International Skating Union, 2006: 72, 106.

¹³⁰ International Skating Union, 2006: 76.

¹³¹ Skaters can be rendered ineligible to compete in ISU events by skating in competitions unauthorized by the ISU or their NF, participating in a competition conducted by officials who are not approved by the ISU, or entering a competition the ISU has decided not to sanction among other reasons. International Skating Union, 2006: 73, 77.

¹³² If too many speed skaters meet the qualifying time, the ISU can modify the time and set a harder standard in order to control the number of participants in each event at the Winter Olympic Games. See, International Skating Union, *Special Regulations & Technical Rules – Speed Skating and Short Track Speed Skating* (International Skating Union, 2006c), 20.

¹³³ Each country can enter a maximum of four women and four men in the 500, 1000, and 1500 m events three women in the 3000 m and 5000 m and three men in the 5000 m and 10000 m events who meet the qualifying standard. The 3000 m women's event and 5000 m men's event can have a maximum of 28 entries, which consists of the top 24 skaters in the qualifying competitions and four skaters from countries not placing in the top 24, with the exception of the women's 5000 m and men's 10000 m events where 16 skaters compete. International Skating Union, 2006c: 21.

¹³⁴ International Skating Union, 2006: 77- 78.

¹³⁵ "Ice hockey." *International Olympic Committee*: http://www.olympic.org/uk/sports/program/index_uk.asp?SportCode=IH (accessed 18 May 2008).

¹³⁶ "Ice hockey."

¹³⁷ Including this information in two separate rules enables the IIHF to organize a men's tournament that differs from the women's tournament. See, International Ice Hockey Federation, *IIHF Statutes and Bylaws 2003-2008* (Zurich: International Ice Hockey Federation, 2003), 64.

¹³⁸ International Ice Hockey Federation, 2006: 71.

¹³⁹ International Ice Hockey Federation, 2006: 34.

¹⁴⁰ "Volleyball." *International Olympic Committee*: http://www.olympic.org/uk/sports/program/index_uk.asp?SportCode=VB (accessed 30 June 2008).

¹⁴¹ A volleyball team also includes a coach, an assistant coach, and a medical doctor. Fédération Internationale de Volleyball, *Official Volleyball Rules 2005* (Lausanne: Fédération Internationale de Volleyball, 2005), 20.

¹⁴² "Beach Volleyball." *International Olympic Committee*: http://www.olympic.org/uk/sports/program/disciplines_uk.asp?DiscCode=BV (accessed 30 June 2008). Twenty-three of the 24 men's and 24 women's beach volleyball duos are selected based on the FIVB's Olympic Qualification Rankings, which restricts each country to two entries. However, if teams from all five continents are not represented in the top 23, the 23rd spot will go to the highest ranked team from a continent not yet represented in the list; if two continents are not represented in the top 23, the 22nd spot will be allotted to the highest ranking team from the other non-represented country, and so on. The 24th spot is reserved for the host country, unless two teams from the host country qualify in the top 23. See also, Fédération Internationale de Volleyball, *Olympic qualification procedure for Volleyball and Beach Volleyball* (Lausanne: Fédération Internationale de Volleyball, 2008), 6.

¹⁴³ Fédération Internationale de Volleyball, *Sports Regulations* (Lausanne: Fédération Internationale de Volleyball, 2006), 59.

¹⁴⁴ Fédération Internationale de Volleyball, 2006: 63. The gender exclusive language used in these documents will be addressed in Chapter IV.

¹⁴⁵ Fédération Internationale de Volleyball, 2006: 61.

¹⁴⁶ From 1935 until 1957, luge was a discipline within the International Bobsleigh and Tobogganing Federation. "Luge." *International Olympic Committee*: http://www.olympic.org/uk/sports/program/index_uk.asp?SportCode=LG (accessed 08 February 2008).

¹⁴⁷ The IOC reports that four runs are taken, unlike the two runs that are used in other international luge competitions, in order to emphasize not only speed and skill, but consistency and endurance. Technology and training have led to luge athletes consistently reaching speeds of over 140 km/h on the course, which can be very dangerous since luge sleds do not have brakes. See "Luge."

¹⁴⁸ In the doubles competition, two athletes compete together on the same sled twice, and the pair with the lowest combined time after two runs wins the event. Other disciplines in which women and men compete together include badminton, equestrian, sailing, and figure skating; however, luge is the only discipline that includes an event where the competitors can be two men, two women, or one woman and one man. See Appendix B for a list of all sports that offer mixed events.

¹⁴⁹ Fédération Internationale de Luge de Course, *International Luge Regulations Artificial Track* (Berchtesgaden: Fédération Internationale de Luge de Course, 2006), 68.

¹⁵⁰ Fédération Internationale de Luge de Course, 2006: 3.

¹⁵¹ Depending on their body weight, men can carry up to an additional 13 kg, women can carry up to 10 kg of weight, and doubles can carry 10 kg if the combined weight of the two people is less than 180 kg. Calculations for determining if a luge competitor can carry additional weight can be found in Fédération Internationale de Luge de Course, 2006: 30.

¹⁵² Fédération Internationale de Luge de Course, 2006: 10. In addition, the athlete must complete the course within 7% of the average best time in the training runs in order to move forward to compete in the actual competition.

¹⁵³ Sex and gender are not always distinguished properly and are often confused in the theoretical literature on sport and in the practical application of auxiliary rules by the IOC and IFs. While the *Olympic Charter* and the rulebooks of the IFs consulted use the word 'gender' to refer to whether an athlete is female or male and to divide sports competitions into women's events and men's events, I will use the more accurate word 'sex' to discuss the biological and physiological differences that differentiate men and women into separate categories. The term 'gender' will be reserved for discussions of non-biological differences, such as attitudes, behaviours, and interests, which define femininity and masculinity and correspond to socially constructed expectations of men and women. As Messner argues, "gender is seen as a multilayered social process that is not simply part of the personality structure of individuals, but also a fundamental aspect of everyday group interactions, institutions, and cultural symbols that swirl around us." See Michael A. Messner, *Out of Play: Critical Essays on Gender and Sport* (Albany, NY: State University of New York Press, 2007), 3.

¹⁵⁴ See International Association of Athletics Federations, 2007: 81.

¹⁵⁵ Sex equality would require men and women to compete together in events that favour neither the male nor female physique. However, Rule 147 of the IAAF's rulebook states quite clearly that men and women must participate in separate competitions, noting: "[f]or all competitions held completely in the stadium, mixed events between male and female participants shall not normally be permitted." International Association of Athletics Federations, 2008: 103.

¹⁵⁶ International boxing competitions in which women are included on the program consist of thirteen women's weight classes: 46 kg, 48 kg, 50 kg, 52 kg, 54 kg, 57 kg, 60 kg, 63 kg, 66 kg, 70 kg, 75 kg, 80 kg, and 86 kg. Association Internationale de Boxe, *Rules for International Competitions or Tournaments* (Lausanne: Association Internationale de Boxe, 2007b), 6.

¹⁵⁷ The policy states "[d]iscrimination on any ground such as gender, race, color, language, religion, political or other opinion, national or social origin, is strictly prohibited and punishable by suspension or expulsion." Association Internationale de Boxe, *Statutes* (Lausanne: Association Internationale de Boxe, 2007c), 5.

¹⁵⁸ "Women's boxing ruled out for 2008." *BBC Sport* 27 October 2005, http://news.bbc.co.uk/go/pr/fr/-/sport2/hi/other_sports/olympics_2012/4382646.stm (accessed 08 February 2008).

¹⁵⁹ "Luge."

¹⁶⁰ "Qualification System for XX Olympic Winter Games, Torino 2006 - Fédération Internationale de Luge de Course." *International Olympic Committee*: http://www.olympic.ca/EN/games/olympic/winter/turin/criteria/international/luge_details.pdf (accessed 05 January, 2008).

¹⁶¹ International Association of Athletics Federations, 2008: 177. On the first day of the competition, men compete in the 100 m, long jump, shot put, high jump and 400 m, whereas women compete in the 100 m hurdles, high jump, shot put, and 200 m in that order. On the second day, the women compete in the long jump, javelin throw, and 800 m, whereas the men take part in the 110 m hurdles, discus throw, pole vault, javelin throw, and 1500 m. The order of events for the men's decathlon and women's pentathlon ensures the competitions are kept separate as the same events are not contested at the same time.

¹⁶² International Skating Union, 2006c: 14, 76.

¹⁶³ The required elements for the men's and women's short program and free skate are outlined in Rules 512 and 520 of the ISU's *Special Regulations & Technical Rules – Single & Pair Skating and Ice Dancing*. See International Skating Union, 2006c: 86, 90.

¹⁶⁴ International Skating Union, 2006b: 85.

¹⁶⁵ Refer to Table 8.

¹⁶⁶ Fédération Internationale de Luge de Course, 2006: 42.

¹⁶⁷ "Ice hockey." Furthermore, the twelve men's hockey teams consist of twenty players and three goalkeepers for a total of 23 men per team while the eight women's teams can include a maximum of eighteen players and two goalkeepers, which caps the women's teams at 18 members each.

¹⁶⁸ "Beijing 2008 Summary of Olympic Qualification Procedures." *International Olympic Committee*: <http://www.olympic.ca/EN/media/2008/mediacentre/criteria/index.shtml> (accessed 05 June 2008).

¹⁶⁹ "Beijing 2008 Summary of Olympic Qualification Procedures."

¹⁷⁰ International Association of Athletics Federations, 2008: 124, 125, 151. Men's hurdles are to be exactly 1.067 m high in the 110 m hurdles events and 0.914 m high in the 400 m hurdles; meanwhile, women's hurdles heights are set at 0.840 m for the 110 m hurdles and 0.762 m for the 400 m. Furthermore, the 0.840 m and 0.762 m high hurdles the women use at the elite level 100 m and 400 m hurdles events are lower than the 0.914 m and 0.840 m heights that male youths use in competition. Male youths are men of ages 16 or 17 years on December 31 of the competition year. Similarly, in the steeplechase, the height of the hurdle is set at 0.914 m +/- 3 mm for men and 0.762 m +/- 3 mm for women. The take-off line for men's triple

jump must be at least 13 m from the landing area whereas the women's take-off line can be up to 11 m from the landing area. The throwing events offer additional examples of sex differences set by the IAAF. Youth, junior, and senior women use shot puts, discuses, hammers, and javelins of the same weight; however, youth boys, junior men, and senior men's equipment goes up in weight with each age group, which could lead one to the conclusion that women are no stronger than girls whereas men are stronger and competent enough to handle heavier weights as they age.

¹⁷¹ The difference between men's and women's javelins is not only related to the weight of the javelins, but also includes different circumferences. Women's javelins are both lighter and narrower. Differences between men's and women's events in terms of length, heights, weights, and the order of events are not unique to the Olympic Games. For example, the IAAF's world cross-country championship includes distances of 8 km for women and 12 km for men. See International Association of Athletics Federation, 2008: 199. I will discuss the implications and consequences of differences of this nature in chapter four.

¹⁷² Fédération Internationale de Volleyball, *Organisation of Competitions & Events for Category I and Category II National Federations* (Lausanne: Fédération Internationale de Volleyball, 2005b), 25.

¹⁷³ Fédération Internationale de Volleyball, 2006: 43.

¹⁷⁴ Association Internationale de Boxe, 2007b: 28.

¹⁷⁵ Fédération Internationale de Luge de Course, 2006: 29.

¹⁷⁶ Association Internationale de Boxe, 2007b: 5.

¹⁷⁷ Association Internationale de Boxe, 2007b: 29.

¹⁷⁸ Fédération Internationale de Volleyball, 2006: 23.

¹⁷⁹ Fédération Internationale de Volleyball, 2006: 23.

¹⁸⁰ International Biathlon Union, 2006d: 29.

¹⁸¹ I will discuss this rule, in conjunction with the rules contained within the IOC's Statement on the Stockholm consensus on sex reassignment in sports, in Chapter IV.

¹⁸² International Skating Union, 2006b: 13.

¹⁸³ Association Internationale de Boxe, *Appendix to Rules for International Competitions or Tournaments* (Lausanne: Association Internationale de Boxe, 2007), 4.

¹⁸⁴ Association Internationale de Boxe, 2007b: 3.

¹⁸⁵ Association Internationale de Boxe, 2007b: 4.

¹⁸⁶ Association Internationale de Boxe, 2007b: 4.

¹⁸⁷ Stipulated in the appendix are the additional prerequisites that female boxers wear both a short-sleeve T-shirt underneath their red or blue boxing vest and fitted breast protectors, which "must not be manufactured in any material that might be harmful to the opponent." The wording of this rule makes it seem as though the AIBA is more concerned with protecting the opponent's hands than the boxer's breasts. The rules in this appendix also clarify that female competitors can wear soft, non-metal hairnets, rubber bands, barrettes, etc. in their hair. This rule does not pertain to male boxers, who are not permitted to wear any type of devices to secure their hair. Association Internationale de Boxe, 2007: 4.

¹⁸⁸ International Ice Hockey Federation, 2003: 4.

¹⁸⁹ I will discuss the implications of gender-exclusive language in more detail in Chapter IV.

¹⁹⁰ International Association of Athletics Federations, 2008: 66.

¹⁹¹ International Association of Athletics Federations, 2008: 34.

¹⁹² A first violation renders an athlete ineligible for two years and a subsequent violation leads to lifelong ineligibility. The same penalties are assigned for tampering with samples or refusing to provide samples when requested to do so by doping control officers. Individuals found guilty of trafficking or administering banned substances face automatic life bans with no chance of regaining their eligibility. Athletes can also face suspensions and ineligibility from refusing to comply with doping control officers, possessing banned substances or methods, missing three or more out-of-competition tests in five years, tampering with samples, trafficking banned substances and methods, competing while suspended for anti-doping rule violations, or "assisting, encouraging, aiding, abetting, covering up or engaging in any other type of complicity involving an Anti-Doping Rule violation or attempted violation." International Association of Athletics Federations, 2008: 39-40, 51, 58.

¹⁹³ Fédération Internationale de Gymnastique, 2007c: 1, 14, 32, 45. See also, Fédération Internationale de Gymnastique *Anti-Doping Rules* (Switzerland: Fédération Internationale de Gymnastique, 2007).

¹⁹⁴ An athlete found to have a haemoglobin concentration higher than the permissible level cannot start the race for his or her own safety but is not considered to have committed a doping violation. At the Olympic Games, samples from athletes with unacceptably high levels of haemoglobin in their blood will be re-tested twice following the initial test, and the final haemoglobin level will be determined by averaging the results of the three tests. In the case that an athlete's haemoglobin levels are too high, he or she can request another blood tests a minimum of five days later to see if his or her haemoglobin level falls in the acceptable range, but he or she may not compete in the meantime. Athletes can also be prohibited from starting the race if the temperature and wind chill conditions are below minus 20 degrees Celsius for similar safety reasons. See International Biathlon Union, *IBU Handbook - Anti-Doping Rules* (Salzburg: International Biathlon Union, 2006b), 120 and International Biathlon Union, *IBU Handbook - IBU Disciplinary Rules* (Salzburg: International Biathlon Union, 2006c), 16. See also, International Biathlon Union, 2006d: 53.

¹⁹⁵ International Ice Hockey Federation, 2003: 37, 54.

¹⁹⁶ Fédération Internationale de Gymnastique, 2007a: 36 and Fédération Internationale de Gymnastique, 2007b: 7.

¹⁹⁷ See, for example, Fédération Internationale de Volleyball, 2006: 22.

¹⁹⁸ Rule 5 states that athletes representing one NF in international competition may not represent another unless their country is incorporated into another, a new country is ratified and recognized internationally, or they acquire a second citizenship and wait three years except under exceptional circumstances. International Association of Athletics Federations, 2008: 21-22.

¹⁹⁹ International Association of Athletics Federations, 2008: 22-23.

²⁰⁰ International Association of Athletics Federations, 2008: 23.

²⁰¹ International Biathlon Union, 2006: 3-4.

²⁰² International Ice Hockey Federation, 2003: 35. Players are not permitted to represent their original countries during this time, and doing so negates any prior time contributed to the four-year period needed

to gain eligibility to represent a second country. Players are prohibited from seeking eligibility to represent a third country at the Olympic Games.

²⁰³ These issues will be discussed in Chapter IV.

²⁰⁴ See, for example, International Skating Union, 2006: 46, 72. See also, Association Internationale de Boxe, 2007c: 22.

²⁰⁵ International Ice Hockey Federation, 2003: 32.

²⁰⁶ International Biathlon Union, 2006b: 10, 29.

²⁰⁷ Violating these rules renders the athlete open to disciplinary measures, and the IBU has the authority to fine athletes up to €10,000 for damaging the IBU's reputation. See, International Biathlon Union, 2006c: 13, 18.

²⁰⁸ Fédération Internationale de Gymnastique, *Code of Ethics* (Tenerife: Fédération Internationale de Gymnastique, 2001), 1, 3.

²⁰⁹ Fédération Internationale de Volleyball, 2005: 43.

²¹⁰ Fédération Internationale de Volleyball, 2005: 43. See also Fédération Internationale de Volleyball, *Official Beach Volleyball Rules* (Lausanne: Fédération Internationale de Volleyball, 2007), 22.

²¹¹ Fédération Internationale de Luge de Course, 2006: 3.

²¹² Fédération Internationale de Luge de Course, 2006: 3.

²¹³ Other situations rendering athletes ineligible include: if the IAAF suspends their NF; if they knowingly compete against suspended or ineligible athletes or in a country whose NF is under suspension; if they compete in meets or events that the relevant NF has not sanctioned or recognized; if they receive a suspension from their NF for any reason; if they breach Anti-Doping rules; and if they ignore advertising rules during competition. International Association of Athletics Federations, 2008: 27-28.

²¹⁴ International Association of Athletics Federations, 2008: 61.

²¹⁵ International Skating Union, 2006: 104.

²¹⁶ International Skating Union, 2006b: 28.

²¹⁷ International Skating Union, 2006: 82. Skaters who are ill or injured are exempt from the period of ineligibility, but must obtain a medical certificate from an ISU Medical Advisor. Failure to participate in the practice session prior to the exhibition at the Olympic Winter Games warrants a deduction in payment by the ISU of up to 50% of the exhibition fees skaters are entitled to collect. See also International Skating Union, 2006b: 13.

²¹⁸ International Association of Athletics Federations, 2008: 81. See also, International Association of Athletics Federations, *Regulations Governing Advertising and Promotional Displays at Competitions Held Under IAAF Rules* (Cedex: International Association of Athletics Federations, 2008b), 9, 17-30, 32-33. This document dictates the location and sizes of manufacturers' trademarks that are permitted on athletes' vests, leotards, shorts, leggings, socks, tights, shoes, hats, headbands, gloves, glasses, squeeze bottles and other apparel. Judges stationed in the warm-up area, known as call room judges, serve the role of inspecting the athletes' garments and gear to ensure it adheres to advertising regulations. Athletes wearing items bearing manufacturers' logos that do not comply with the regulations are required to cover the logo(s) or accept substitute attire that meets the regulations from the organizers of the event. If an athlete disregards a

call room judge's verbal warnings and requests to remove an infringing articles, the Advertising Commissioner is summoned to make a decision. Athletes failing to respect the decision of the Advertising Commissioner face disqualification and fines.

²¹⁹ International Association of Athletics Federations, 2008: 97.

²²⁰ Similarly, the type of footwear athletes are permitted to wear in competition is strictly regulated by the IAAF. The use of shoes is encouraged to protect the feet, offer stability to the surrounding joints, and grip the ground, but any type of shoe that supplants the abilities of the athlete, or integrates any form of technology for performance-enhancing purposes, is strictly prohibited. Consequently, the IAAF must approve all shoes to be worn in competition. International Association of Athletics Federations, 2008: 97-98.

²²¹ International Biathlon Union, 2006c: 15-16.

²²² International Biathlon Union, 2006d: 46.

²²³ International Biathlon Union, 2006d: 29, 53, 76. Athletes must wear a bib with a personalized, assigned number on their chests and on both thighs, and the colour of the number must contrast with their racing uniforms to ensure maximum visibility. Specific clothing requirements at the Olympic Games include a prohibition on attaching adhesive materials to the uniform and a limit on the thickness of padding on the inside of racing uniforms, except for the back where there is no restriction in order to allow for padding of the rifle during the skiing components of the events.

²²⁴ International Biathlon Union, 2006d: 29.

²²⁵ International Skating Union, 2006b: 84.

²²⁶ In addition, disregarding or breaking a rule about clothing warrants a 1.0 point deduction from the scores the skaters earn in their performances. International Skating Union, 2006b: 84, 152.

²²⁷ International Skating Union, 2006c: 32.

²²⁸ International Skating Union, 2006c: 32.

²²⁹ International Skating Union, 2006c: 91.

²³⁰ International Skating Union, 2006: 75.

²³¹ International Skating Union, 2006c: 92.

²³² International Ice Hockey Federation, *Official Rule Book 2006-2010* (Zurich: International Ice Hockey Federation, 2006), 23.

²³³ International Ice Hockey Federation, 2006: 29.

²³⁴ International Ice Hockey Federation, 2006: 25.

²³⁵ International Ice Hockey Federation, 2006: 25-27. Athletes not in the specified age groups for mandatory use are recommended to wear the same equipment, but they may opt not to wear them without penalty or ineligibility. Mouth guards are also recommended for all ice hockey players and are mandatory for players under 20 years of age and not wearing full face masks.

²³⁶ International Ice Hockey Federation, 2006: 28.

²³⁷ Fédération Internationale de Luge de Course, 2006: 20.

²³⁸ Racing suits, helmets, and shoes can contain the manufacturers' trademarks with the approval of the FIL and the athlete's National Federation, but advertisements condoning alcohol, tobacco or drugs are prohibited, in addition to religious or racial messages. Fédération Internationale de Luge de Course, 2006: 21, 26.

²³⁹ For example, gloves must be either red or blue and provided by organizers, and Velpeau bandages, with dimensions less than 2.5 metres long and 5.7 centimetres wide, must be worn on each hand. The gloves must weigh 284 grams and include exactly 142 grams of leather and 142 grams of padding. The gloves must also be clean and in perfect condition. Furthermore, boxers must have their gloves and bandages fitted by two officials to ensure the glove regulations are enforced. Socks, shorts that do not extend past the knees, a red or blue singlet, and boots or spikeless shoes without heels must be worn when boxing at the Olympic Games and other international tournaments. It is also mandatory for boxers to wear gumshields, mouth pieces, cup protectors, and headguards. See, Association Internationale de Boxe, 2007b: 2-3.

²⁴⁰ Fédération Internationale de Gymnastique, 2007c: 1.

²⁴¹ Fédération Internationale de Gymnastique, 2007b: 31.

²⁴² Fédération Internationale de Gymnastique, 2007b: 30.

²⁴³ Fédération Internationale de Gymnastique, 2007b: 45.

²⁴⁴ Fédération Internationale de Volleyball, *Refereeing Guidelines and Instructions* (Lausanne: Fédération Internationale de Volleyball, 2005c): 5. Players' uniforms include matching jerseys, shorts, and socks and each player's choice of shoes. Playing without shoes is forbidden, and shoes must have rubber or leather soles and must not have heels. See, Fédération Internationale de Volleyball, 2005: 20-21.

²⁴⁵ Fédération Internationale de Volleyball, 2005: 20.

²⁴⁶ Fédération Internationale de Volleyball, 2007: 11. See also, Fédération Internationale de Volleyball, 2005: 21. Competitors can choose to wear glasses or contact lenses if they accept the risk that wearing them incurs. Athletes opting to wear body suits under their uniforms must ensure that the body suit does not stick out beyond the length of the shorts or shirt sleeves. The only exception is wearing approved medical supports.

²⁴⁷ Fédération Internationale de Volleyball, 2007: 11.

²⁴⁸ Fédération Internationale de Volleyball, *Games of the XXVIII Olympiad Athens – 2004 Olympic Beach Volleyball Tournaments Specific Competition Regulations* (Lausanne: Fédération Internationale de Volleyball, 2004), 37.

²⁴⁹ Fédération Internationale de Volleyball, 2004: 37.

²⁵⁰ Fédération Internationale de Volleyball, 2004: 38.

²⁵¹ Fédération Internationale de Volleyball, 2004: 38. This document contains several photos and diagrams depicting acceptable uniforms.

²⁵² Fédération Internationale de Volleyball, 2004: 40.

²⁵³ Optional accessories for both male and female beach volleyball players include a hat, cap, headband, sunglasses, knee or elbow braces, watch, an armband or temporary tattoo on the upper arm, footwear or athletic socks (if permitted by referee), water bottles, and towels. NOCs or NFs were required to provide

CHAPTER IV

Evaluating the Moral Acceptability of Olympic Eligibility Rules

In this chapter, I compare the Olympic values and ideals with the auxiliary rules of Olympic participation to establish whether the themes of auxiliary rules promote, contradict, or challenge the values and ideals of the Olympic Games. Using a methodology that relies heavily on rule-consequentialism in addition to considerations of justice, rights, equality, and desert in sport from a non-formalistic, liberal feminist perspective, I perform a critical analysis of the eligibility rules described in Chapter III to identify rules that hinder the attainment of fairness, equality, and ethical behaviour in sport.¹ I hope to identify any challenges to athletes' quests to achieve the Olympic ideals. Next I analyze why, from a philosophical perspective, rules that I identified as problematic do not stand up to moral scrutiny.² In doing so, I argue that there are auxiliary rules for competing in Olympic sports that hinder the IOC's goals of aligning the Olympic Games with ethics and values, and that rules contradicting the IOC's written goals must be reviewed and revised.

A critical analysis of ethical issues in sport requires several steps. To begin, one must obtain and clarify the relevant facts involved. One must identify and reject assumptions, erroneous logic, and one-sided accounts in order to focus on relevant and cogent arguments. The next step is to recognize which of the resulting issues are ethical in nature and require moral analysis. To determine if ethical issues are present, one must determine if moral principles and rules are being violated as ethical issues in sport include "practices that can be understood in relation to an agreement to comply with rules."³ Once recognition of the ethical issues has occurred, the subsequent step involves brainstorming alternatives one could recommend to replace the current and customary

their beach volleyball players with two sets of identical uniforms in three colour combinations for a total of six uniforms for each player. Uniforms were not to be white in colour, as per the request of the Athens Olympic Broadcaster. All uniforms and accessories had to be approved by the FIVB's Control Committee and the ATHOC Competition Management Committee prior to the tournament, after which time players could only modify their uniforms upon receipt of written authorization from the FIVB. *Fédération Internationale de Volleyball*, 2004: 43-44.

²⁵⁴ *Fédération Internationale de Volleyball*, 2004: 45.

²⁵⁵ *Fédération Internationale de Volleyball*, 2004: 46.

²⁵⁶ I will discuss the moral acceptability of mandating what athletes can wear prior to, during, and after their events in Chapter IV. The *Olympic Charter* does not include rules pertaining to religious dress, but I will discuss this topic as well in Chapter IV.

²⁵⁷ International Biathlon Union, 2006d: 25.

²⁵⁸ *Fédération Internationale de Volleyball*, 2006: 22. At some IIHF tournaments, a minimum age of 16 is imposed.

²⁵⁹ International Ice Hockey Federation, 2003: 59.

²⁶⁰ International Association of Athletics Federations, 2008: 95-96.

²⁶¹ "Games of the XXIX Olympiad, Beijing 2008 – Athletics." *International Olympic Committee*: http://www.olympic.ca/EN/games/olympic/summer/beijing/criteria/international/athletics_details.pdf (accessed 05 June 2008).

²⁶² Association Internationale de Boxe, 2007b: 29. AIBA set the age range after consulting with the sports medicine community.

²⁶³ Fifteen-year-old athletes seeking to compete in the women's artistic gymnastics events at the Olympic Games are permitted to participate in the world championships in the year prior to the Olympic Games in order to qualify. However, fifteen-year-old men and rhythmic gymnasts must wait until they are 16 years old to compete in any international gymnastics event as the women's artistic gymnastics events are the only exceptions. As of 2009, the clause allowing 15-year-olds to compete in the women's artistic gymnastics world championship in the year preceding the Olympic Games will be abolished. See, *Fédération Internationale de Gymnastique*, 2007b: 27.

²⁶⁴ *Fédération Internationale de Gymnastique*, 2007b: 28.

²⁶⁵ International Skating Union, 2006: 88.

²⁶⁶ *Fédération Internationale de Luge de Course*, 2006: 7.

approaches that are morally questionable, problematic, or unacceptable with new rules that are more inclusive.⁴ Moreover, questioning current rules increases the overall knowledge about rules and actions accepted in sport. Questions to consider include whether moral rules are violated, whether a particular case involves a legitimate exception to the norm, and whether the rules prohibiting or promoting an action are justifiable.⁵ The final step is to evaluate the alternatives, determine the most comprehensive solution, and make recommendations.⁶

Identifying the Ethical Issues

The six themes of eligibility rules identified through analyzing the *Olympic Charter* and the rulebooks and policy documents of eight IFs in Chapter III include rules pertaining to: 1) sex and gender categories; 2) doping; 3) citizenship; 4) behaviour and dispute resolution; 5) clothing and equipment; and 6) age limits. I discuss each theme individually to establish whether ethical issues are present in the way each theme of rules restricts participation. To determine the moral acceptability of current rules I trace the development of the rule and attempt to uncover why the rules are in place, determine the implications of the current rules, and identify the arising ethical issues. To conclude the chapter I identify rules that prevent athletes from striving for the Olympic ideals, and rules that ought to be revised.

Sex and Gender Rules

An analysis of the *Olympic Charter* and rulebooks of the eight IFs rendered five subsets of rules that dictate differential requirements based on athletes' gender and sex. Auxiliary rules stipulating mandatory discrepancies between the conditions male and female athletes experience in qualifying for and competing at the Olympic Games include

differences in the events open to each sex, the duration and distance of events, the equipment and uniforms men and women are required to wear, the imposition of medical examinations and sex verification for women only, and the use of gender-exclusive language in official documents of the IOC and IFs. In examining these differences, one must remember that moral issues in sport apply equally to female and male athletes;⁷ but treating male and female athletes differently is not inherently unfair, discriminatory, or morally unacceptable if justifiable reasons prescribe doing so.⁸ While gender equality requires that provisions, rules, and decisions apply equally to women and men, policies based on gender equity are more applicable in sport because, in most sports, it is difficult to ignore or discount the anatomical and physiological differences between men and women. Treating people equitably means treating each athlete fairly, impartially, and justly. Thus, gender equity policies focus on creating fair opportunities rather than identical opportunities for all athletes. Drawing on feminist perspectives that contend gender equity and fair opportunities require the removal of systematic bureaucratic barriers,⁹ documents, policies, and rulebooks that mandate sex and gender distinctions unjustifiably require evaluation and analysis. To treat athletes with equal respect, rules that specify the differential treatment of female and male athletes must include the provision of equitable, but not identical, experiences for all athletes; otherwise, the rules might be condoning iniquitous and discriminatory treatment.

Gradual changes in policies, rules, and regulations governing the Olympic Games led to the perception that the program of events is now approximately equal for men and women. The move from an Olympic program in 1896 -- that offered 10 sports in which 245 men and no women competed for 50 gold medals -- to the 2004 Olympic Games --

which included 28 sports, including 167 men's events, 125 women's events and ten mixed events in which 6452 men and 4412 women¹⁰ contested -- was precipitated by movements promoting women's equality and equity in sports.¹¹ Individuals and organizations seeking equal or fair sport have been influential in raising the status of female Olympians and removing barriers for women's participation in sport; however, an inequitable program still exists that hinders the realization of the Olympic ideal of equality.¹²

The Olympic program's current inequitable offering is not surprising given the battles women fought to participate at all. Sport historian and sociologist Jennifer Hargreaves notes that "women were admitted to the Olympics without the official consent of the IOC,"¹³ and Pierre de Coubertin opposed the inclusion of female athletes at the Olympic Games, particularly in the fencing and athletics events.¹⁴ Coubertin sought to restrict the Olympic Games to male participants because he held an unwavering disdain for seeing women compete in athletics and thought that women's "proper role was to encourage the men and to admire male athletic achievement."¹⁵ For example, at the 19th Session of the IOC in Antwerp in 1920, Coubertin attempted to pass a motion to bar women from participating in the Olympic Games by asking the members, "Shall we let women take part in the Games?" The majority of the IOC members failed to give Coubertin the support he sought by voting in the affirmative.¹⁶ Women's admittance to the Olympic Games was not at the insistence of Coubertin but on the persistence of the OCOGs organizing the Games prior to World War I.¹⁷ The IOC's inclusion of women's events on the Olympic program was not for ethical or humanistic reasons or to promote equality, but instead was "a strategic response necessitated by political considerations"¹⁸

including the desire to prevent Alice Milliat's *Fédération Sportive Féminine Internationale* (FSFI) from continuing to organize and promote the growth of Women's Olympic Games.¹⁹ Women's participation in the Olympic Games was gradual and contested, and women's voices were notably absent from positions of authority.²⁰ However, one must remember that few organizations or societies treated women as equal to men at this time and that sex discrimination was not unique to members of the IOC.

Steps toward increasing the presence of female athletes and officials at Olympic Games followed after Coubertin resigned as president of the IOC in 1925. A contributing factor in Coubertin's decision to step down is speculated to have been the "compromises made towards female sports," which is corroborated in a letter he sent to the male athletes competing at the 1928 Olympic Games warning them of "the pernicious influence of women on the future of the Olympic Movement."²¹ The chilly atmosphere for female participants did not vanish with Coubertin's retirement; after Sigfrid Edström's reign as IOC president ended in 1952, the incoming president, Avery Brundage, continued to embody the male bias previously exemplified by Coubertin. With strong feelings on the relative worth of male and female athletes, as well as amateurs and professionals, Brundage did little to address the injustices faced by female athletes by maintaining a conservative attitude unfriendly to women's participation.²²

Problems arise when the division of women's and men's sport rests not on logical, fair, and pragmatic consideration for each sport, but instead relies on out-dated and binary modes of thinking that call for the complete and absolute separation of categories. Individuals utilize binary thinking when they classify people or entities into two jointly exhaustive or mutually exclusive groups, and then fail to recognize that the resulting

bifurcation oversimplifies reality and ignores the spectrum of positions that fall between the resulting polar alternatives. Relying on forms of binary thinking without critically analyzing the implications of doing so is problematic because most "of the universe is made up of things that are continuous in nature, with no neat distinctions and many intermediate values."²³

Parameters for the 'participation of women,' once known as Article 29 of the *Olympic Charter*, stipulated the sports in which the IOC permitted women to participate. For example, in the 1950s and 1960s, "women [were] allowed to compete in Athletics, Fencing, Gymnastics, Swimming, Canoeing, Figure and Speed Skating, Skiing, Yachting and Equestrian Sports and to participate in the Fine Arts Program."²⁴ Article 29 was later changed to state that "women are allowed to compete according to the rules of the IF concerned and after the approval of the IOC."²⁵ The IOC's decision to bestow upon the IFs the authority to determine female participation passed on to the IFs not only the decision-making responsibility but also the task of eliminating sex inequality in the Olympic Games.²⁶ Yet as the final decisionmakers on changes to the Olympic program, the IOC still controls which men's and women's events are contested at each Olympic Games. The IOC promoted inclusiveness and tolerance in the *Olympic Charter* while at the same time enabling a male bias in sport to continue.

Feminist philosophers Iris Marion Young and Jane English analyzed the masculinist bias in sport that is now attributed to Coubertin and Brundage. English argued that "if women had been the historically dominant sex, our concept of sport would no doubt have evolved differently. Competitions emphasizing flexibility, balance, strength, timing, and small size might dominate"²⁷ instead of competitions based on

strength, power, and speed, which the majority of Olympic events test. Emphasizing the problems associated with limited opportunities for women to compete at the highest levels of sport, Young argues that sport privileges male athletes and excludes women.²⁸ Gender inequality in sport is evident based on substandard coaching and funding available to many girls compared to their male peers, inadequate facilities for girls' teams and leagues, and pressures to direct girls away from team and contact sports.²⁹ According to Young, excluding women from the highest levels of sports harms not only girls and women, but also males and sport as a whole. Sports that perpetuate masculinist traditions and biases are problematic because they tend to segregate and limit women's participation without offering equivalent women's events, which thereby "thwarts power sharing and equality between the sexes."³⁰ Failing to offer elite sports opportunities to women and men equitably fails to respect women and hinders the promotion of women's self-worth,³¹ which affects both men and women. Throughout the history of the Olympic movement one can find many instances of defective power sharing and inequality when comparing rules pertaining to male athletes and female athletes.

Issues of sex inequality, inequity, and exclusion returned to the public's attention in 2004 following the creation of the IOC Medical Commission's *Statement of the Stockholm Consensus on Sex Reassignment in Sports*, frequently referred to as the *Stockholm Consensus*, which sets the terms under which transgendered athletes can compete in the Olympic Games.³² As the *Stockholm Consensus* demonstrates, the cessation of sex testing at the Olympic Games in the late 1990s did not end the IOC's involvement in defining which competitors count as women. The debate continues and remains steeped in exclusivity, binary thinking, and the devaluing of women as athletes.³³

At least ten athletes competing in the women's category were publicly accused of being men and masquerading as women in media outlets between 1932 and the introduction of standardized sex testing in 1968.³⁴ But as the number of cases of uncertainty involving the sex of specific athletes grew, so too did the demand for an infallible system to verify competitors' sex, not only from public commentators but from many female competitors as well. Consequently, when the IOC Medical Commission was formed in 1966, one of its first tasks was to investigate methods of ensuring competitors in the women's events were indeed women.³⁵

In 1967, at a meeting of the newly formed IOC Medical Commission in Lausanne, the appointed eight medical experts and professors recommended that a rule be added to the *Olympic Charter* stating all women participating at the Olympics would require a sex test prior to competition to verify their status as women.³⁶ Rumours of Eastern European countries seeking pseudo-hermaphrodites to compete in women's events motivated the IOC's agreement to implement the rule.³⁷ Commission members established a methodology for conducting the tests and recommended that all athletes sign a form authorizing the committee to perform any examinations deemed to be "in the interest of his health and future,"³⁸ which covered everything from verbal questionnaires to gynaecological exams, as the word 'he' was intended to include all athletes, not just male athletes. As IOC Medical Commission member Dr. Thiébault reported following the 1968 Winter Olympic Games, "The IOC Medical Commission's activities at the Grenoble Games were carried out in two spheres: controlling the sex of women and controlling doping."³⁹ The language used by Thiébault and the IOC Medical Commission in describing the consequences of a failed sex test demonstrates the

patronizing and negative attitude of several IOC members toward competitors no longer deemed women:

I consider that our duty as doctors comes before everything, even Olympics, and that if we find such hybrid beings, we must if possible treat them and at the very least, help them to accept their fate as we ourselves do when we discover a shortcoming of some kind in ourselves.... these people are to be pitied, for throughout their lives they will be inadapted [sic] and thanks to sport, they probably tried to achieve a difficult assimilation into an often hostile, and even stupid, society.⁴⁰

What is important to note in the report is the paternalistic and degrading language used to justify sex testing at the Olympics. Throughout the report, being a woman was considered a *problem* that a group of men could set standards for and control.⁴¹

Rules requiring sex testing were in effect from 1966 until June 1999, and during this period competitors had to prove they had female genitalia or two X chromosomes. While the former was favoured prior to the official inclusion of sex testing at the Olympics in 1968, the IOC Medical Commission preferred the less demeaning and more clinical approach of the latter, according to long-time IOC Medical Committee member Arne Ljungqvist.⁴² Men and women were differentiated by the Barr bodies present in cheek cell samples; however, as Schneider notes, “[d]ialogues on gender, and gender in sport, have serious social, political and legal dimensions, making the medical story only part of the story.”⁴³ Yet competitors whose test results showed chromosomes other than XX were considered to have failed the test and were consequently barred from competing as women. Failing the test was the equivalent of breaking the rule that competitors must be female and led to athletes being denied the right to call one’s self a woman in the sporting world. Women’s place as ‘other’ has a thorough history in the Olympic Games,

which the inclusion of rules regarding sex testing of women athletes found in editions of the *Olympic Charter* in effect between 1968 and 2000 demonstrates.⁴⁴

Schneider has thoroughly analyzed the definition of 'woman' in the context of sport and argues that female athletes face pressure to adhere to the conflicting traditions of the ideal athlete and the ideal woman.⁴⁵ Transgendered women (i.e., individuals born male who have transitioned to become female) often face additional pressures since, until 2004, these women were excluded from competing at the Olympic level in the women's events. For the IOC Medical Commission to consider a transgendered woman a woman, she must possess only female genitalia, follow a regimented hormone replacement schedule for at least two years, and have her government acknowledge her as a woman.⁴⁶ These criteria for womanhood are similar to those used in the sex testing era to distinguish genetic females from masquerading men. However, the methods used to do so have been altered. Instead of looking at the presence or absence of the Y chromosome in targeted athletes, testers have returned to examining genitalia, but now do so in conjunction with hormone levels and the athlete's legal gender when questions arise about an athlete's sex.⁴⁷ The IOC Medical Commission's *Stockholm Consensus* shows that the IOC continues to modify and implement rules and policies to define and regulate what constitutes a female athlete and who is eligible to compete in women's sport; yet it also shows the Medical Commission is trying to be more inclusive. The IOC has taken steps in recent years to avoid repeating past injustices, and to promote tolerance and the acceptance of all athletes within the Olympic movement, by revising old and outdated policies and rules that unequivocally barred transitioned athletes from competing in their self-identified gender category.

In addition to rules from the past that regulated which women could participate in the Olympic Games, the IOC also set rules that distinguished the disciplines and events in which women could compete. Discrepancies remain in the number of events offered to female competitors within many disciplines at the Olympic Games, most notably in boxing, Nordic combined, and ski jumping disciplines, where women did not compete at all in the 2006 and 2008 Olympic Games. Less obvious incongruities can be found in the athletics, flatwater canoe-kayak, rowing, freestyle wrestling, and shooting disciplines, to name a few, which include women's and men's events but offer additional men's events without including an equitable alternative for female competitors (see Appendix B for a summary of the number of men's, women's and combined events included on the 2006 and 2008 Olympic programs). The 2008 and 2006 Olympic Games awarded 302 and 84 sets of medals, respectively. Of the 302 events included on Olympic program in Beijing, 165 were for men, 127 were for women, and 10 were mixed events. At the 2006 Olympic Winter Games in Turin, the program included 44 men's events, 37 women's events and 3 mixed events.⁴⁸ Many events that currently test non-sex-specific skills, such as the shooting events, remain segregated by sex despite women's physiology not placing them at a disadvantage.⁴⁹ Convincing arguments justifying separate men's and women's events do not seem to exist.

Of the eight IFs analyzed in Chapter III, only the FIVB offers an identical program of events for male and female competitors. The FIG's equivalent number of women's and men's events satisfies conditions of gender equity in sport even though the men's program and women's program are not identical.⁵⁰ IFs such as the IIHF, ISU, and IBU offer the same absolute number of events for men and women, but with noticeable

nuances that provide opportunities for more male athletes to participate than females, or involve women's events that cover shorter distances despite the many scientific and sociocultural studies that have shown women's bodies are optimally suited for endurance events.⁵¹ As a result, in many disciplines contested at the Olympic Games, more men than women compete. For example, the IAAF allots 900 entries for women and 1100 entries for men; the AIBA organizes events for 286 men only; the IIHF's tournaments include 160 women and 276 men; the FIL administers luge events for 40 men, 30 women, and 20 doubles that almost exclusively consist of pairs of two men; and the IBU allows a maximum of 88 male and 87 female competitors per event.⁵² In addition to shorter distances covered and smaller numbers of competitors, many women's events require elements that are perceived to be more feminine, 'easier' or 'less difficult' than the required elements for the corresponding men's events. For instance, figure skating judges tend to overlook female figure skaters who demonstrate power but lack grace and reward those who demonstrate aesthetically pleasing movements and elegance. Differences of this nature perpetuate the stereotype that women's events are easier, less intense, and female competitors are weaker and less skilled.⁵³ Several authors have put forth the radical suggestion that the repertoire of sports should increase to include more sports that test and celebrate the strengths and abilities attributed to women.⁵⁴ In the context of the Olympic Games, adopting suggestions of this nature would require the addition of sports that require and emphasize characteristics other than power and speed. One could argue that including sports in which women are physiologically equal, or superior, to men will ensure the offerings are more fair and equitable than the current program of events.

An inequitable offering of events at one of the most celebrated and watched sporting festival in the world is not without serious implications. McDongagh and Pappano argue that sport influences some people's assumptions about women's value as human beings, and that sports matter "to women's power *off the field*" because sport "does not merely reflect gender differences, but in some cases creates, amplifies, and even imposes them."⁵⁵ A consequence of social inequality is women's internalization of inferior status,⁵⁶ which makes it difficult to identify when discrimination is occurring and to repeal the corresponding injustices. Offering different events for women perpetuates the assumptions that women are weaker, and as a result inferior, to men. The ideas that women need to be protected from injuries they might sustain through intensive competition, and that it is immoral for women and men to compete in the same competition, follow from this line of thinking as well.⁵⁷ Assumptions of this nature often lead to stereotypes and value judgments about female athletes.

Stereotypes involve simplistic, exaggerated, or preconceived assumptions, and negatively attribute a trait or attribute to all members of a group regardless of whether the attribution is accurate or not. Liberal feminist theories hold that gender stereotypes that disvalue women are a major contributing factor to fostering and maintaining gender inequality and inequity.⁵⁸ Including a women's program that fails to offer the longest events within a discipline, which are often the most grueling events, perpetuates the stereotype that women are too delicate or inferior as athletes to compete against men. Including women's competitions in events that place a relatively greater emphasis on endurance, such as the 10,000 m speed skating, 20 km individual biathlon, and 50 km race walk events, in which only men compete at the Olympic Games, would help to

challenge this stereotype.⁵⁹ An Olympic program that includes single-sex events and competitions that prevent women from demonstrating levels of fitness, skill, and mastery equal to men's levels violates the *Olympic Charter's* statement that discrimination is intolerable in the Olympic movement.

The IOC claims that the inclusion or exclusion of events on the Olympic program is due to "essential technical rules." Further, to be considered for inclusion a sport must be widely practiced around the world and have universal appeal.⁶⁰ However, as demonstrated in Chapter I, Klaus Meier has argued convincingly that a wide following and universal appeal are neither necessary nor sufficient characteristics of sport, and neither is an essential consideration in capturing the fundamental nature of sport.⁶¹ The IOC set the criteria of universality and popularity as components for inclusion on the Olympic program. Consequently, should the IOC decide to revise the requirements for inclusion it can vote to do so; relying on its stipulated rules of inclusion is a weak defense of the status quo that fails to justify the inequitable offering of women's and men's events at the Olympic Games. A second argument put forth by the IOC to justify its resistance towards including women's events within disciplines already contested at the Olympic Games, such as the ski jumping events, comes from apprehension about diluting the value of an Olympic medal. According to IOC president Jacques Rogge, an insufficient number of women competing at the international level would decrease the significance of an Olympic medal awarded in an event if the number of competitors was lower than other events. Barring empirical studies on the number of male and female athletes participating in all sports worldwide, Rogge's speculative argument is unpersuasive. The challenges inherent in comparing the number of women training to be elite boxers compared to the

number of women training to become elite bobsledders or synchronized divers would be plentiful. More importantly, what distinguishes the Olympic Games from world championships and professional leagues are the values and ideals that contribute to the various conceptions of Olympism discussed in Chapter II. When Rogge attempts to justify not adding women's events with the arguments that the number of women participating at the elite level is not high enough, he leaves out the premise that the IOC has intentionally positioned the Olympic Games as more than just a multi-sport competition. As a goal of the Olympic Games is to educate children about tolerance and promote respect for all people through sport, the number of female athletes competing in an event at the elite level is not the only variable that should influence the decision to include or exclude women's events.

The growth of women's team sports in the last two decades demonstrates that when opportunities exist to participate at the highest levels, the number of women participating at younger ages who advance to the highest level of competition increases substantially.⁶² The IOC's argument that there are not enough elite women boxers or ski jumpers to warrant including the disciplines on the Olympic program is problematic for several reasons. These problems include indifference to inequity, the condoning of hegemonic dynamics, and a failure to put the values and ideals of the Olympic Games into practice. Offering inequitable men's and women's programs of events is unfair to the women who cannot qualify because the events do not exist and fails to create an inclusive atmosphere. Endorsing inequitable opportunities also reinforces the stereotype that women are neither able nor interested in participating in grueling sports events. Adding women's events of comparable prestige would not affect the men's events

currently contested but would serve to stop condoning inequitable opportunities for athletes. Rules that require women's and men's events to be different, but not comparable or equitable, are thus at odds with the Olympic values and require revision or elimination.⁶³

Sport remains one of the few areas where discrimination based on sex and gender is not only tolerated but often defended. While dividing sports into men's and women's events is socially convenient, doing so upholds outdated stereotypes about women being less powerful and more fragile athletes. Alternatives to the current exclusive categories that divide most competitions into separate men's and women's events could include divisions based not on sex but on competitors' weight and height, which is already done in boxing, wrestling, and to some extent rowing. Philosopher Torbjörn Tännsjö argues the radical position that to promote equality and fairness in sport men's and women's categories should be abolished, and sports in which women and men cannot compete against each other safely, as equals, should be discontinued and replaced by new sports.⁶⁴ In response, Angela Schneider points out that Tännsjö's proposal would only be effective in a Utopian society lacking systematic forms of oppression.⁶⁵

In addition to inequalities based on sex present in the Olympic program, the language used in the official documents of the IOC and IFs includes problematic distinctions between men and women. The *Olympic Charter* prohibits discrimination based on gender; however, the IOC did not legislate against sex or gender discrimination for many decades. The current preamble to the *Olympic Charter*, which states "[a]ny form of discrimination with regard to a country or a person on grounds of race, religion, politics, gender or otherwise is incompatible with belonging to the Olympic

Movement,”⁶⁶ is an improvement over earlier versions in terms of preventing discrimination against female competitors. Editions of the *Olympic Charter* from the 1950s, 1960s, and 1970s included the phrase, “[n]o discrimination is allowed against any country or person on grounds of race, religion or political affiliation,” and a subsequent clause noted the Olympic Games “assemble Sportsmen of all nations in fair and equitable competition.”⁶⁷ Sex-based discrimination in the Olympic movement was neither addressed nor condemned at this point and gender exclusive language was the norm.

In addition to the *Olympic Charter*, gender exclusive language is prevalent within the rulebooks of many IFs. The IAAF’s *Competition Rules 2008* notes “[a]ll references in the Rules to the masculine gender shall also include references to the feminine and all references to the singular shall also include references to the plural,”⁶⁸ while the AIBA simply states “the terms used are for both genders.”⁶⁹ Similarly, the FIG’s documents include the passage “words referring to the masculine gender shall also include the female gender,”⁷⁰ while the IBU addresses gender-exclusive language with the note “the words he, him and his shall be taken to mean also she, her and hers respectively.”⁷¹ The preface to all ISU documents includes the passage, “the masculine gender is used in relations to any physical person,”⁷² which is echoed in the IIHF’s statement.⁷³ However, at odds with the above six IFs use of gender-exclusive language, the FIVB and FIL’s rulebooks include attempts to address and eliminate unnecessary gender pronouns and exclusive language. For example, the FIVB’s documents are almost devoid of gendered language and use terminology that is inclusive of both genders. The FIL goes one step further and explicitly acknowledges its decision to use terms that avoid dividing athletes into male athletes and female athletes with a statement indicating the word ‘athlete’ will

be used to refer to both male and female competitors.⁷⁴ As a result, both the FIL and FIVB documents lack the blanket statement that the masculine gender shall also refer to the feminine found in the *Olympic Charter* and rulebooks of the other six IFs surveyed.

Gender-biased language contains expressions and phrases that unnecessarily differentiate between women and men or attempt to exclude or trivialize one gender's accomplishments. The use of false generics in sports rulebooks and codes involves using masculine words such as 'he' and 'mankind' to refer to all people, rather than writing 'he or she' or 'humanity'.⁷⁵ In the early years of the IOC, gender-exclusive language was not only accepted but was the norm in official and academic writing. Very few policy documents from the beginning of the twentieth century address women as autonomous individuals or apply directly to women, which enabled language reflecting the masculine gender exclusively to flourish uncontested. The original *Olympic Charter* was written by men for other men involved in sport governance. Furthermore, in cases of discrepancy, the French translation of the *Olympic Charter* supplants the English version, and the French language, by nature, is extremely gender dependent.⁷⁶ A note in the introduction of the current *Olympic Charter* acknowledges the use of the masculine gender throughout the subsequent rules and by-laws contained therein. Specifically, the note explains to readers that throughout the *Olympic Charter*:

the masculine gender used in relation to any physical person (for example, names such as president, vice-president, chairman, member, leader, official, chef de mission, participant, competitor, athlete, judge, referee, member of a jury, attaché, candidate or personnel, or pronouns such as he, they or them) shall, unless there is a specific provision to the contrary, be understood as including the feminine gender.⁷⁷

This note, and the ensuing use of gender-exclusive and biased language, is problematic for several reasons.

Exclusive and biased language is problematic because it can trivialize women and treat female athletes as 'others' trespassing in a male domain rather than as autonomous adults.⁷⁸ Systematic exclusion of one gender from formal statements and policies "replicates and preserves the linguistic and cultural rule of the other."⁷⁹ Regardless of whether the author intends to discount women or does so inadvertently, out of habit, or to save space and words, disturbing implications arise. Prior to the nineteenth century, the use of the singular 'they' in both speech and writing was widespread and accepted by grammarians. Consequently, it was grammatically correct to refer to a person as 'they' rather than 'he' or 'she', which rendered the use of sex-based distinctions unnecessary in written English. In opting to rule that it was no longer correct to use singular 'they', nineteenth century English grammarians justified the change with an appeal to logic, elegance and accuracy; however, "there is no rational, objective basis for their choice, and therefore the explanation must lie elsewhere."⁸⁰ Proposed reasons for the change include grammarians' "androcentric worldview[s]" and beliefs that "human beings were to be considered male unless proven otherwise."⁸¹ Suggestions that the use of generic 'he' is an immutable part of the English language often fail to acknowledge it is a modern "man-made convention."⁸²

In addition to gender exclusive language, problems arise when official rulebooks, codes, and policies use predominantly gender neutral language but revert to masculine generics and terminology to refer to positions of power and prestige. For example, the IBU includes the statement "the president directs the IBU; he is responsible for the work done by the Executive board [and] he shall represent the IBU in public."⁸³ Similarly, the IAAF refers to the medical professionals as 'he' in the same clause that athletes are

referred to neutrally in stipulating that the "Medical Delegate shall also have the authority to arrange for the determination of the gender of an athlete should he judge that to be desirable."⁸⁴ Further, the AIBA rulebook stipulates that "Gentlemen acting as Referees or Judges in any contest or series of contests shall not at any time [...] act as team manager, trainer or second to any boxer or team of boxers."⁸⁵ Gender exclusive language in rulebooks is troubling because it forwards, and continues to normalize, the faulty assumption that if a person is a president, medical director, referee, or holds a similar position of authority in the sports world, that person must be a man. Hierarchal terms of this nature deny that women can fill the same roles equally well and support the stereotype that women are not able to carry out authoritative roles.

Other forms of sexist language in sport include using gender markers to distinguish women's teams and events but not doing the same for men's teams. It remains common to hear reference to 'hockey' and 'women's hockey' when discussing men's and women's hockey, respectively, or referring to 'basketball players' and 'lady basketball players' when speaking of male and female basketball players.⁸⁶ Several instances of this type of sexist language are present in the rulebooks of the IFs. For example, the ISU stipulates that a male skater who wins a championship earns the title "World Allround (or European) Speed Skating Champion" or "World Speed Skating Champion" whereas the female skaters who win the corresponding titles earn the titles "Lady World Allround Champion" or "Lady World Speed Skating Champion."⁸⁷ Patriarchal societies created the categories of "male-as-norm and female as deviant"⁸⁸ that our language continues to separate, uphold, and endorse. As feminist philosopher Deborah Cameron explains, language "could be seen as a carrier of ideas and

assumptions which become, through their constant re-enactment in discourse, so familiar and conventional we miss their significance.”⁸⁹ As a result, trivializing comments about female athletes often reinforce sexist attitudes toward women’s sport, and the words chosen to describe situations can represent sexist assumptions and attitudes. The rulebooks and charters that govern sport, which were written when very few women held positions in sport governance, have immense power and influence in perpetuating the views contained within their pages as correct and morally acceptable. The sexist language found within rulebooks, charters, and codes of several IFs participating in the Olympic Games is more than regrettable and must be rejected and removed.

Sports organizations need to eliminate all instances of unnecessary sex and gender exclusive and biased language from their rulebooks and policy documents. A consequence of continuing to reproduce social conventions that ignore or overlook the use of male pronouns and false generics is that people perceive this type of language to be acceptable and appropriate. Changes in language occur gradually since changes made by individuals require time to reach a collective level of change,⁹⁰ and one must avoid falling into ‘Humpty-Dumptyism’ where words mean what the person using them specifies at the time.⁹¹ Linguistic change can serve as a step in reducing instances of gender inequality in sport by no longer accepting out-dated practices that continue to reinforce oppressive and patriarchal views of women athletes. Constant pressure from feminist groups seeking equal opportunity has led to the removal of gender-exclusive language from constitutions, laws, and codes. However, the removal of gender-exclusive language alone is not sufficient because non-sexist rules and laws can be applied in sexist ways. The goal ought not to be to achieve an acceptable level of political correctness in

recognizing and respecting all athletes, but instead needs to be to change sport governing bodies' underlying attitudes to acknowledge that female athletes deserve equitable opportunities and respect in sport.

Eliminating outdated and unjust rules and language that unnecessarily differentiates men's athletic experiences from women's contributes to achieving sexual equality in sport. Equality serves not only as a social ideal but as an ideal of the Olympic Games as well. The social ideal of equality, as described in Chapter II, posits that individuals should not be placed in a position of social advantage over others solely by being a member of the favoured sex.⁹² Ignoring sex differences is not the solution to achieving sexual equality; similarly, abolishing sex divisions in the Olympic Games is not the solution to ending sexual discrimination in the Olympic movement. Removing sports that do not offer an equitable program of events for women and men may contribute to the solution. An important step in achieving the ideal of equality is the "de-institutionalization of sexual differences."⁹³ Progress can be made by ridding charters, rulebooks and policies in effect at the Olympic Games of rules that mandate different requirements and expectations of men and women athletes in participating in similar events. The IOC and IFs ought to eliminate mandated differences between men's and women's sports that contribute to reinforcing biased and inaccurate assumptions about the differences between female and male athletes. Rules that mandate arbitrary differences between women's and men's events should be altered to eliminate the privileging of men's events over women's.⁹⁴

Ethical issues that arise from sex and gender differences in sport thus include the IOC's condoning of inequality, and its failure to ensure women athletes are provided with

equitable opportunities to compete in the Olympic Games. The rules in the *Olympic Charter* and rulebooks of the IFs that stipulate separate and diverse requirements for women's and men's events, but do not do so comparably or equitably, are at odds with the Olympic ideal of equality, non-discrimination and tolerance that respects human rights, athletes' rights, and autonomy. The IOC's failure to implement its statement that gender discrimination is not tolerated in the Olympic movement is intolerable. The consequences of the current rules that include disparate rules for men's and women's participation in Olympic sports, as described above, include the continued devaluing of women's sports and female athletes. From a rule-consequentialist view, modifying the *Olympic Charter* and rulebooks of the IFs to remove gender exclusive and sexist language will help reconcile the Olympic movement's general treatment of women athletes with the IOC's goal of eliminating discrimination and fostering tolerance and inclusion. Rationalizing exclusion on the basis of a flawed definition of sport is particularly ineffective when the number of women training in events not included on the program is thought to be much higher than the IOC acknowledges. Opting not to address the discrepancies noted above would maintain the status quo and the Olympic Games would continue to function as usual. However, the consequences of changing the rules to eradicate sex inequality from sport include the creation of an atmosphere of inclusion that respects and values all athletes.

Doping Rules

This section contains an analysis of whether rules restricting athletes from using banned performance-enhancing substances and methods raise ethical issues in the Olympic movement. As an auxiliary rule associated with qualifying for, and competing

at, the Olympic Games, anti-doping rules restrict athletes from participating who are found to have substances banned by the *World Anti-Doping Code (WADC)* in their bodies. Doping rules govern athletes' use of drugs, nutraceuticals, and supplements during training, competition, and the off season, as well as specify the concentration of naturally occurring compounds permitted in athletes' bodies. In order to be eligible to compete at the Olympic Games, auxiliary rules pertaining to doping influence athletes' decisions regarding which substances they will ingest, apply, or consume.⁹⁵

Unlike other auxiliary rules of eligibility that are carried out prior to the beginning of competition, such as confirmation of an athlete's sex, nationality, and age, verification of the doping requirements takes place not only prior to the beginning of the competition but continuously until it ends. WADA conducts random, unannounced testing of athletes in addition to testing the top finishers and randomly selecting competitors for testing immediately after the competition ends. The IOC announced the doping control rules in effect at the Beijing 2008 Olympic Games in May 2008 to prepare athletes for the drug testing protocol that they would face at the Games. Testing of athletes on site in Beijing took place from 27 July 2008 until 24 August 2008, which corresponds to the dates the athletes' village opened and the closing ceremonies ended. During this period, athletes were subject to testing at any time and place without advanced notice.⁹⁶

The history and development of the IOC's attitudes and rules toward doping in sport is relevant to understanding and evaluating the IOC's current position. As far back as the ancient Olympic Games competitors used food and drugs to enhance their athletic performances.⁹⁷ The victor in the stadion race at Olympia in 668 BCE fueled his performance by eating an excessive quantity of dried figs, and Galen wrote that athletes

frequently consumed stimulants prior to competition.⁹⁸ With advances in technology and knowledge of the human body, doping practices gradually became more technical and complex. In the nineteenth and early twentieth centuries, it was common for athletes, particularly cyclists and swimmers, to ingest caffeine, cocaine, strychnine, and ether alcohol prior to competition in order to reap the perceived performance benefits.

Participants were free to use whatever form of drugs or ergogenic aids they desired, and following the onset of amphetamine use in the Second World War, amphetamine use in sport flourished in the 1940s and 1950s.⁹⁹ The terms 'performance-enhancing drugs' and 'doping' were not part of an athlete's or the IOC's vocabulary at this time because sport governing bodies had not yet started proscribing what substances, compounds, and drugs athletes could consume.

The IOC's attitude toward drug use in sport changed following the collapse and subsequent death of 23-year-old Danish cyclist Knud E. Jensen midway through the course at the 1960 Olympic Games in Rome.¹⁰⁰ Jensen was not the first athlete to die from using performance-enhancing drugs,¹⁰¹ but his death, having occurred at the Olympic Games, was the first to cause the IOC distress. Seven years later, British cyclist Tommy Simpson met the same fate as Jensen when he died on July 13, 1967, during a stage of the Tour de France.¹⁰² Simpson's death, however, occurred during a live television broadcast of the race and gathered considerable media attention. When reports from Simpson's autopsy revealed amphetamines, methyl amphetamines, and cognac in his bloodstream, many people attributed his death to doping and a negative association began to form between drug use and sport.¹⁰³ The deaths of Jensen and Simpson during their races at the 1960 Olympic Games and the 1967 Tour de France, respectively, forced

the IOC to acknowledge the serious problems that ergogenic substances were causing in sport. Because of the negative public reaction to the drug-induced deaths of elite athletes, the IOC began discussing what it could do to prevent similar situations in the future.

The first mention of doping in sport by the IOC took place in 1937 at the 37th IOC Session in Warsaw. At this meeting, Lord Burghley presented a report that included basic information on what doping involved and the potential effects of drug use in sport.¹⁰⁴ Doping does not appear to have been discussed between Lord Burghley's introduction of the topic to the IOC in 1937 and Jensen's doping-implicated death in 1960. At the 57th Session of the IOC in San Francisco, not long after Jensen's death, IOC president Avery Brundage declared: "We need to look into doping."¹⁰⁵ Two years later at the 59th Session of the IOC in Athens, Brundage again pointed out the need to address the issue of doping in sport, suggesting "hard sanctions should be made to stop doping."¹⁰⁶ At Brundage's suggestion the IOC Medical Commission formed with Sir Arthur Porritt serving as the first chair.¹⁰⁷ Brundage's motive in creating a formal committee to address medical issues in sport was not just to protect the health of the athletes training to compete at the Olympic Games; Brundage also sought to protect the amateur image and purity of the Olympic Games by restricting "the type of athlete who would take part."¹⁰⁸ In Brundage's view, competitors who would stoop to using drugs to increase their performance were not worthy of competing at the Olympic Games.

In 1962, at the 60th Session of the Executive Board in Lausanne, the IOC Medical Commission took its first step toward eliminating doping in sport by agreeing to study the issue further and prepare a report.¹⁰⁹ To facilitate the production of the report, the IOC Executive Board appointed a Doping Committee, which consisted of almost the same

group of people appointed to the Medical Commission the previous year.¹¹⁰ Two years passed, and at the 63rd Session of the IOC held in Tokyo, the Doping Committee provided the IOC members with four recommendations:

1. Issue a formal declaration condemning the use of drugs
2. Make provisions for sanctions against any NOCs or any persons who directly or indirectly promote the use of drugs
3. Request the NOCs to insist that their athletes be prepared to submit to an examination at any time.
4. Add to the application forms: "I do not use drugs and hereby declare that I am prepared to submit to any examination that may be thought necessary."¹¹¹

At the 64th IOC Session held in Rome in 1966, Porritt presented a report on doping that was almost identical to the recommendations given at the 63rd Session two years prior.¹¹² In the 1966 report, Porritt wrote, "it is fully realised that the problem of doping can be met only by a long-term education policy stressing the physical and moral aspects of the subject," which is quite similar to the position that WADA holds today.¹¹³ Drug testing in the Olympic Games officially started at the 1968 Summer Games but tests were also conducted earlier that year during the Winter Games. The IOC was a leader in including drug testing in sport but did not take the lead in doping research or prevention.¹¹⁴

Confusion over the IOC Medical Commission's role in drug testing festered for many months preceding the 1968 Olympic Games in Mexico City. Brundage, in his typically abrupt style, informed Mexican IOC member General José de J. Clark:

So far as I know, it has never been our idea that the IOC would take permanent charge of the actual testing. This is a technical requirement that rests with the International Federation and is not our province. When the problem of sex and the use of dope was raised, the IOC appointed a Medical Commission, first under the chairmanship of Sir Arthur Porritt and then of Prince Alexandre de Merode to consider and subject. It was never the intention of the IOC to assume permanently the duty of carrying out these tests, anymore than it handles the starting or the timing of the races. The actual testing must remain in the hands of the International Federations.¹¹⁵

Brundage expressed his opinion not only in a letter to Merode but also in a memo to the entire IOC Executive Committee.¹¹⁶ In what appears to have been a power struggle between Brundage and Merode, Brundage's position prevailed. The IOC's role in coordinating the drug testing that took place at the Olympic Games in Grenoble and Mexico City was thus minimal despite Merode's response that "these decisions cannot be changed unilaterally without first consulting the qualified authorities who decreed them."¹¹⁷ Regardless, the IOC Medical Commission deferred to Brundage and implemented the doping rules he suggested.

Numerous changes in the Olympic anti-doping rules occurred over the next 30 years. In an attempt to unify anti-doping rules, procedures, and sanctions, the IOC Medical Commission developed a standardized set of doping agreements that IFs had to accept to be included on the 1996 Olympic program.¹¹⁸ The acceptance of the doping conditions that the Medical Commission was looking for did not occur immediately. FIFA, in particular, was unwilling to adopt the new doping rules, as the organization's general secretary, Sepp Blatter, believed the IOC was bluffing and that soccer's position on the Olympic program was secure due to its popularity.¹¹⁹ However, in a challenge to FIFA's initial defiance, the IOC ratified the Medical Commission's standards and added an Annex to the *Olympic Charter* in 1994 requiring compliance with the doping regulations.¹²⁰ Rule 29A of the *Olympic Charter* was amended to state: "Doping is forbidden. The IOC Medical Commission shall prepare a list of prohibited classes of drugs and of banned procedures."¹²¹ Nonetheless, the IOC's proclaimed steadfast opposition to doping in Olympic sports suffered serious setbacks soon after.

In response to the International Ski Federation (ISF)'s decision to implement blood tests to combat suspected widespread EPO use among cross-country skiers, Merode denounced the initiative as having minimal impact and being impractical.¹²² In response, former IOC Medical Commission member Dr. Arnold Beckett fumed to a reporter:

We were 100% convinced that blood doping nearly killed a Russian skier who had to be flown out of Albertville at the 1992 Olympics. My concern is the total hypocrisy in the leadership of those charged with drug testing...[Some athletes] get bashed on the head for minor things that have nothing to do with doping while some elite athletes who are really cheating are getting away with it.¹²³

At the time Beckett made the comment, Australian swimmer Samantha Riley went unpunished despite testing positive for a banned substance while American sailor Kevin Hall received a ban for using testosterone as part of his recovery from testicular cancer.¹²⁴ In making such critical comments to a newspaper reporter, Beckett, a renowned expert on doping, demonstrates what must have been extreme frustration with decisions made by the IOC Medical Commission.¹²⁵ Public discontent with the IOC Medical Commission's anti-doping program began to grow.

In 1996, Merode proposed changing the two year, four year, and life bans handed out for doping infractions to six month suspensions followed by limited eligibility for another eighteen months with the pragmatic justification that shorter punishments would be easier to enforce. Merode's rationale in changing the ban lengths was to ensure that if athletes appealed their bans, the courts would not overturn the IOC Medical Commission's rules and decisions for being too severe.¹²⁶ By 1998, a decade after Ben Johnson's doping scandal, the public began to demand more effective drug testing procedures. The public outcry against doping in sport came amidst the peak of the Tour

de France scandal and prompted the IOC to issue a Press Release announcing plans to host an international conference on doping.¹²⁷ The IOC's conference took place in January 1999, in Lausanne, with the goal of creating a clear definition of doping, and it led to the idea and eventual formation of the World Anti-Doping Agency.¹²⁸ As the history of the IOC Medical Commission shows, the IOC made numerous decisions about doping rules between the 1960s and the creation of WADA. Ethical issues associated with forcing athletes to abide by doping restrictions in order to participate in the Olympic Games are plentiful.

Doping prohibitions are auxiliary rules that can be justified by "the solidarity of community sport;" however, simple consensus does not offer a compelling, rational reason for accepting the collective desire of those involved.¹²⁹ More comprehensive reasons for banning doping in the Olympic Games are required to justify the rules because the preference of the majority alone does not make an act or action morally acceptable.¹³⁰ The requirement that athletes must not have traces of any banned substances in their bodies, without regard for intent, has been criticized as being too onerous of a demand.¹³¹ Introducing drug testing in sport was challenging from the onset because it was difficult to determine what constitutes doping. The distinction between performance-enhancing drugs, medications, social drugs, foods, and natural substances remains unclear.¹³² The *World Anti-Doping Code (WADC)* stipulates that to ban a practice in sport, the practice must meet two of three following vague criteria: 1) enhances performance; 2) harms the athlete; or 3) violates the spirit of sport,¹³³ presumably by abandoning the Olympic ideal of fair play. To be included on the

Olympic program, an IF must demand perfect adherence to the *WADC* by its athletes, and statements to this effect appear in the rulebooks of the IFs.¹³⁴

Rules banning acts and actions in sport are more readily accepted when justifiable reasons offer support for the rules. In addition to questions regarding the moral acceptability of breaking doping rules and the corresponding consequences for an athlete's eligibility, doping raises questions regarding "civil, professional, or even criminal consequences off the playing field."¹³⁵ Violations of athletes' privacy and autonomy through the drug testing protocols also require justification. However, interventions that violate privacy can be justifiable if informed consent is given.¹³⁶ The self-protection that J. S. Mill advocated was necessary to interfere with the decisions of competent, consenting adults varies by regions of the world.¹³⁷ The motivation behind doping bans is to help ensure a fair playing field, to protect athletes' health, and to prevent elite sports competitions from becoming a test of pharmaceutical companies' ability to manipulate the body chemically.

Justification for drug bans in sport rest on arguments that performance-enhancing drug use is harmful to the athletes, produces a coercive environment for other athletes, leads to negative role modeling for children, challenges the nature of competition, contradicts the spirit of sport, and can cause aggression that poses a risk for others.¹³⁸ Anti-doping rules allow competitors with the knowledge to avoid detection to benefit from the ability to use substances that their competitors cannot use without failing a doping test. The situation then arises that "cleverness and cheating are rewarded"¹³⁹ when competitors can circumvent doping rules using masking agents and undetectable drugs. Doping bans may help eradicate performance-enhancing drug use in sport, but "it

is not simply the letter of the law, but the spirit of the law which needs to be enshrined."¹⁴⁰ Athletes need to oppose cheating and understand that doping is a form of cheating to recognize the protective function of anti-doping rules; otherwise, the rules appear restrictive and act as an imposition on athletes' privacy and autonomy.

Cheating, as defined by philosophers of sport, involves "an intentional act that violates an appropriate interpretation of the rules shared by the participants, done to gain advantage for oneself and/or one's teammates, while trying to avoid detection so as to escape penalty."¹⁴¹ Attempting to break rules that contribute to a game's outcome thus counts as cheating.¹⁴² Schneider maintains that "the athlete who dopes will never have the satisfaction that comes from testing him or herself in fair competition against others."¹⁴³ Rogge has called drug-free sport a Utopian vision and told reporters, "cheating is embedded in human nature and doping is to sport what criminality is to society."¹⁴⁴ Doping is a form of cheating only because the IOC has opted to make a rule that makes it so. To say that doping is wrong because it is cheating relies on a circular argument.

Athletes who oppose the doping restrictions or do not want to participate in drug testing protocols can avoid testing only by choosing not to compete. Former WADA chair Dick Pound's justification of doping rules relies on the adherence to rules:

Why a race is 100 or 200 or 1,500 metres does not really matter. Nor does the weight of a shot or a discuss [sic], the number of members on a team, or specifications regarding equipment. Those are the agreed-upon rules. Period. Sport involves even more freedom of choice than participation in society. If you do not agree with the rules in sport, you are entirely free to opt-out, unlike your ability to opt-out of the legal framework of society. But if you do participate, you must accept the rules. You are not entitled to use a 10-pound shot instead of the 16-pound shot used by your fellow competitors. You are not entitled to start the race before the other competitors, just because you may be a bit slower than they are.¹⁴⁵

While Pound's argument includes a convincing justification of sport's constitutive rules, using it to justify doping rules is ineffective because doping rules are auxiliary rules, not the constitutive type of rules to which Pound refers.¹⁴⁶ Justifying an auxiliary rule with the argument that if you do not like the rule you can quit does not justify why the rule is in place. One must provide other reasons to justify the interference with an athlete's autonomy and privacy that doping rules create.

The issue of autonomy in sport is often discussed in relation to four particular areas: 1) the moral acceptability of violent sports like boxing and the so-called blood sports, such as cockfighting and hunting; 2) an athlete's decision to participate in high risk sports like parkour, BASE jumping, and big wave surfing; 3) the legitimacy of bans preventing athletes from using substances, methods, and drugs deemed performance enhancing, harmful, or in opposition to the spirit of sport by WADA; and 4) the ability of child athletes to make decisions for themselves.¹⁴⁷ The history of autonomy dates back to Ancient Greece and refers to the self-rule enjoyed by several Greek city-states, and is evident in the word itself, which divided into its roots, *Autos* (self) and *Nomos* (rule, governance, or law), results in the concept of self-rule. One can define an autonomous individual as a person whose moral principles are one's own; however, this definition does not explain what autonomy is or why it is valuable.

Contemporary political theorists and philosophers such as John Rawls, Thomas Scanlon, Ronald Dworkin, and Gerald Dworkin describe autonomy as a fundamental rule that must be developed, preserved and enhanced, and the view that moral agents are necessarily autonomous is common in the works of many other influential authors, including Immanuel Kant, Søren Kierkegaard, Friedrich Nietzsche, R. M. Hare, Karl

Popper, and Jean-Paul Sartre.¹⁴⁸ Autonomy can be conceived of as a moral, political, and social ideal to make sense of intuitions and normative claims.¹⁴⁹ The concept is context dependent, lacks an essential definition, and may not be met with universal approval. Philosopher Carolyn McLeod's clarification that "[w]hen we govern our own actions and choices we are autonomous; when someone else does so, we are not"¹⁵⁰ is helpful in providing a starting point for analysis. Autonomy is similar to several other concepts, including sovereignty, freedom of will, dignity, integrity, individuality, independence, responsibility, self-knowledge, self-determination, self-assertion, critical reflection, freedom from obligation, the absence of external causation, the absence of coercion, deception, or force, the ability to do what you want, not having options closed to you because of others' action, the capacity to make decisions rationally and freely, knowledge of your own best interests, the ability to intentionally self-initiate actions, and voluntarily pursuing projects that form one's identity. Together these positively and negatively defined descriptors depict what autonomy entails, and describe the characteristics associated with people who act autonomously.

Autonomy overlaps with and challenges several related concepts. For example, acting paternalistically often involves violating another person's autonomy by seizing his or her decision-making powers, which is often the case when a parent or coach acts on behalf of a young athlete by choosing the sport in which the child will specialize or deciding how many hours per week the child will train. Autonomy and liberty also share many characteristics, although under certain circumstances autonomy can be promoted by denying liberty, as exemplified in the classic case of Odysseus ordering his crew to tie him to the mast of his ship and not remove him under any circumstance regardless of

what he later says. It is worthwhile to distinguish between overlapping concepts to clarify the roles of each and determine when concepts are applicable and inapplicable; however, it is beyond the scope of this section to continue doing so here.

Many philosophers who discuss autonomy are indebted to Isaiah Berlin's influential essays on positive and negative liberty, which inspired the contemporary analysis of autonomy. Berlin attempts to answer two central questions: 'what is the area within which people should be left to do and to be what they are able to without interference by others?' and 'how far does government interfere with me?' both of which discuss the idea of freedom as self-mastery and the ability to fulfill one's potential. Berlin argued that freedom is obedience to a law that one prescribes to one's self, noting: "I am free because, and in so far as, I am autonomous. I obey laws, but I have imposed them on, or found them in, my uncoerced self."¹⁵¹ Gerald Dworkin's description of autonomy focuses not on liberty and justice as they are traditionally explained, but on a notion of the self that is to be respected and not manipulated. According to Dworkin:

[autonomy is] a second-order capacity of persons to reflect critically upon their first-order preferences, desires, wishes, and so forth and the capacity to accept or attempt to change these in light of higher-order preferences and values. By exercising such a capacity, persons define their nature, give meaning and coherence to their lives and take responsibility for the kind of person they are.¹⁵²

The ability to perform critical self-reflection is an important component of being an autonomous person and making autonomous decisions. Applying definitions of autonomy to a specific setting led bioethicists Tom Beauchamp and James Childress to transform more theoretical notions of autonomy, such as Dworkin's, into the principle of respect for autonomy, which is widely accepted and valued as a foundational principle of bioethics.¹⁵³

Applying the concept of autonomy to sport requires blending of the elements of liberty, independence, and critical self-reflection that can be found in the philosophical works described above. Doping rules prevent athletes from deciding for themselves whether or not they wish to use food, supplements, and drugs to help fuel their performances. While taking this decision away from Olympic athletes fails to grant the athletes complete autonomy in choosing what they want to consume, it does not contradict the Olympic ideals discussed in Chapter II. The greater good of deterring harmful practices in the Olympic Games outweighs the consequences of limiting athletes' autonomy more in the context of the Olympic Games than in other elite competitions. As Schneider argues, "[p]ublic support for the Olympic Games and the Olympic Movement rests in large measure on the belief that Olympic sport embodies the highest set of values. It transcends world championships or entertainment events because it represents the pinnacle of human aspirations."¹⁵⁴ A value associated with the Olympic Games is promoting ethical behaviours through sport, which makes banning doping in the Olympics easier to justify than banning doping in competitions that do not purport to be anything more than sports competitions.¹⁵⁵ However, the resulting violations of privacy that drug testing protocols entails must still be addressed.

A recurring theme in the philosophical literature on both autonomy and privacy is the uncertainty regarding how much of each a person ought to be able to expect and demand. Few would argue that people are entitled to expect a certain degree of privacy. Issues pertaining to privacy have been discussed in the law and ethics literature since 1890 when Warren and Brandeis defined privacy as "the right to be let alone."¹⁵⁶ Proponents of privacy rights have postulated several reasons why privacy should be

valued and protected. Philosopher Adam Moore argues “[t]he unexamined life, as Socrates once said, is not worth living, but neither is the life examined by police and corporations, or the life open to inspection by anyone for any reason.”¹⁵⁷ The difficulties involved in producing a universally accepted definition of privacy have led many philosophers to declare the search for a precise definition to be futile, and as Alfino and Mayes illustrate, building on Judith Jarvis Thompson’s work, “perhaps the most striking thing about the right to privacy *today* is that nobody seems to have any very clear idea of *if* or *why* it is a right at all.”¹⁵⁸ Despite debate over whether privacy is a human right, it is valuable because it protects people’s ability to make autonomous decisions,¹⁵⁹ and shields people from intrusions and interference by others that can lead to scrutiny, pressure, and coercion.¹⁶⁰ Without privacy, conformist traditions and behaviours devoid of critical self-reflection tend to flourish as individuals become vulnerable to others. Violating a person’s privacy fails to respect the person as an autonomous human being because doing so denies him or her the power to control who has access to privileged information about his or her self and body.¹⁶¹

The rules governing participation in elite-level sports allow national and international anti-doping agencies to test athletes competing under their jurisdiction for the use of performance-enhancing substances or methods. The history of the IOC’s involvement in trying to eradicate doping in sport shows that accurate tests are necessary since doping bans only work if they are both enforceable and enforced. Athletes selected for tests must declare their whereabouts, submit to the testing, and provide the requested blood or urine sample under observation. Refusing to do so is taken as an admission of guilt and a positive test result for doping. There is no room to opt out of taking a doping

test on the grounds that doing so constitutes an invasion of privacy. Advocates of privacy rights thus maintain that this system does not respect the privacy that athletes, as human beings, are entitled to receive. The elite sport movement faces the conundrum that rules prohibit athletes from utilizing banned substances, but the testing methods needed to ensure compliance with the rules challenge athletes' rights to privacy and autonomy.

Individuals can consent to waive their rights to privacy, autonomy, and confidentiality,¹⁶² which is why WADA and other anti-doping agencies can attain and test blood and urine samples from athletes without creating much controversy, and why many athletes willingly provide the samples. However, this policy is steeped in coercion, and the coercive elements that underlie an athlete's agreement to forgo his or her rights in sport are often ignored. When the only option available to elite athletes is to play by WADA's rules or not compete in WADA-sanctioned events, the consent given by athletes may not be truly voluntarily or freely given. Athletes must waive their rights to refuse to have their urine or blood tested in order to participate because doing otherwise implies guilt, a refusal to submit to testing, and an automatic suspension from competing at the elite level of sport. If Moore is correct that, "controlling who has access to ourselves is an essential part of being a happy and free person"¹⁶³ then one could not consider the willful violation of an athlete's right to privacy an acceptable action.

The ethical issues associated with drug testing in sport have been well documented by Schneider and Butcher, and Buti and Fridman have discussed the legal aspects.¹⁶⁴ Furthermore, the Privacy Commissioner of Canada's report, *Drug Testing and Privacy*, bluntly acknowledges that drug testing constitutes an invasion of privacy, but notes some situations justify the intrusion.¹⁶⁵ Ambiguity surrounding the

circumstances under which drug testing can be considered a justifiable action abounds.¹⁶⁶

The Canadian government attempts to justify the use of drug testing in sport, certain industries, and correctional services, stating, “while there is no doubt that drug testing infringes personal privacy in a profound sense, one must not be blind to the need to protect the public interest.”¹⁶⁷ Concerns of social justice outweigh individuals’ rights to privacy in certain situations.

The consequentialist argument that the rewards of social justice outweigh the costs and consequences of potential privacy and autonomy violations can be very persuasive.¹⁶⁸ Some athletes might think that the creation of ‘clean’ or doping-free sport balances the privacy losses they sustain in providing samples and having their results reported to the public. Or, more simply, they might feel that conceding to anti-doping tests is a small price to pay to participate in an arena that offers so many potential benefits. Athletes who think this way may have been taught to do so over the numerous years they spent training and following the orders of coaches and officials. An athlete in this group might become accustomed to adhering to rules without first engaging in critical self-reflection or considering the implications of his or her actions outside of the sporting world. Dworkin’s second order reflections are likely rarely utilized.

Dworkin’s account of autonomy, which rests on the capacity to reflect critically on first order preferences and accept or attempt to change them in light of higher-order preferences and values, seems missing in sport. The culture of obedience demanded in sport seems at odds with critical self-reflection and choosing to accept or change one’s actions. Without doubt, there are numerous athletes who have critically evaluated the pros and cons of adhering to the rules set by WADA, the IOC, and their respective IFs,

and subsequently have chosen to adhere to each. Nevertheless, I suspect there are many more who have forgone all reflection in favour of blind adherence. There are probably more still who are coerced into accepting the demands the sport-governing bodies place on their conduct and ability to choose to modify their bodies or participate in doping practices. As philosopher Christian Munthe argues, the consent that athletes give to anti-doping agencies to have their blood and urine analyzed is not without coercion in the majority of cases.¹⁶⁹ Bruce Kidd explains,

[i]n virtually every internationally organized sport, an athlete must join and obey the rules and regulations of the appropriate federation. Such registration and regulation provide a necessary order to competitions, but they also leave the athlete vulnerable to exploitation.¹⁷⁰

Kidd's observation that "organizations often have far more discretionary power over other individuals than any free society should tolerate"¹⁷¹ leads to the question of whether athletes' higher order preferences are being considered and respected or are simply being ignored and disregarded.

One cannot ignore Beauchamp and Childress's observation that "when individuals voluntarily grant others some form of access to themselves, their act is an *exercise* of the right to privacy, not a *waiver* of that right....In [some] instances, we exercise the right to privacy by reducing privacy in order to achieve other goals."¹⁷² What their explanation amounts to is the idea that an autonomous person can opt to waive his or her right to privacy as long as he or she is not coerced into doing so. Accordingly, if athletes agree to the rules placed upon them as athletes and accept the requirement to produce a blood or urine sample, then the resulting restriction of freedom is not a violation or limitation of privacy or autonomy if it can be established that no coercion is involved. As C. D. Herrera argues, the autonomy argument in sport hinges on "one of the

oldest issues within the liberal tradition, the tension between individual preference and community values.”¹⁷³ As a result, the sporting world must clarify to what degree potential privacy and autonomy violations are tolerable in sports. Issues of coercion, deception and a lack of informed consent necessary for self-rule, self-reflection and self-regulation require further discussion. It is important that this debate remains ongoing in order to specify further the issue, and to ensure that participating in the Olympic Games does not restrict athletes’ autonomy and privacy beyond an acceptable limit.

To protect fair and equal competition, protect sport, and safeguard athletes’ health, the IOC maintains a ban on doping in the Olympic Games.¹⁷⁴ However, as the analysis above shows, the ethical issues drug testing at the Olympic Games entails are not related simply to rule following and respecting the rules set by the IOC, WADA, and the IFs. Ethical issues involving athletes’ autonomy and privacy and their ability to give informed consent to participate in doping-control protocols arise when the IOC implements rules that mandate that athletes must participate in doping protocols or face disqualification. While doping restrictions help promote the Olympic ideal of ethical behaviour in sport, these rules can fail to respect athletes’ rights to autonomy and privacy. From a rule-consequentialist perspective, it is possible that the greater good that ethical behaviour in sport fosters outweighs the potential violations to athletes’ autonomy and privacy that doping rules can create. Privacy and autonomy violations are less problematic if athletes competing at the Olympic Games have reflected on the consequences of agreeing to the rules and are willing to provide informed consent. While concerns remain, doping rules that exclude athletes using banned substances from

participating at the Olympic Games appear to be morally justifiable from a rule-consequentialist perspective.

Citizenship Rules

Rules regarding citizenship limit athletes' ability to qualify for, and participate in, the Olympic Games. As noted in chapter three, a duty of the NOCs is to ensure athletes are official citizens through birth or immigration of the countries they represent.¹⁷⁵ In the case of dual citizenship, or changes in citizenship due to altered boundaries of countries or refuge status that pose complications, the IOC Executive Board hears and decides appeals regarding athletes' requests to represent a second country at the Olympic Games.¹⁷⁶ Athletes must fulfill citizenship requirements to gain a position on a NOC's roster, which renders citizenship an auxiliary rule of sport pertaining to Olympic eligibility. This section examines whether the IFs and IOC's rules regarding citizenship are morally acceptable limitations to who can participate in the Olympic Games.

When athletes represent their countries in international competitions where each country is restricted to entering a limited number of participants, rules are necessary to ensure an athlete who claims to be a citizen of a country is in fact a citizen and is not taking the spot of someone who legitimately meets the citizenship requirements. In an address given in 1908, Pierre de Coubertin justified his decision to organize an international festival of athletic events where competitors represent their countries:

It is the rule now that no one can take part in the Olympic Games other than as a representative of his own country. This is a first step, for previously the nationality of competitors had not always been taken into account, but merely their technical qualities. A fundamental article of the general regulations drawn up in 1894 reserves the right of the organising committee to reject any candidate whose character or previous record of conduct might reflect injuriously upon the dignity of the institution.¹⁷⁷

For several decades, the seventh rule in the *Olympic Charter* included the contradictory clauses "Citizens of a country are qualified to participate in the Olympic Games only under the colours of that country" and "The Games are contests between individuals and not between countries."¹⁷⁸ Athletes compete as individuals or teams of individuals but cannot enter an event or be granted eligibility to participate as individuals. The IOC has been concerned with athletes' nationality since the 1920s, when at the 19th IOC Session in Antwerp members discussed the problems associated with allowing athletes who had changed nationalities to compete.¹⁷⁹ The citizenship of athletes appeared on the agenda of many IOC Sessions as members continued to debate details regarding dual citizenship, athletes living in exile, the recognition of various NOCs, and changes in national borders that affected athletes' citizenship. Throughout the many decades of discussion some athletes who had met all other eligibility requirements were rendered ineligible to compete at the Olympic Games because of disputes over their citizenship while others were permitted to compete. For example, in 1976 when many African nations staged a boycott, Guyanese-born James Gilkes tried to enter as an individual but was denied entry by the IOC; on the other hand, citizens of Yugoslavia were permitted to compete as individuals in 1992.¹⁸⁰

The current version of the nationality rule states that the "Olympic Games are competitions between athletes in individual or team events and not between countries," and is supplemented by the explanation that the Olympic Games "bring together the athletes selected by their respective NOCs, whose entries have been accepted by the IOC. They compete under the technical direction of the IFs concerned."¹⁸¹ The revision clarifies that athletes, regardless of their talent or world ranking, cannot simply choose to

enter events without the approval of a NOC and the IOC. While the rule is an improvement over earlier versions of the rule that were not as clear, it places athletes' eligibility in the hands of the governments that fund the NOCs, and the IOC Executive Board.¹⁸² Governments can deny eligible athletes, and teams of athletes, permission to compete in international events against specific opponents for political reasons.¹⁸³ The well-known boycotts at the Olympic Games in Montréal in 1976, Moscow in 1980, and Los Angeles in 1984 demonstrate a government's ability to prevent qualified athletes from competing at the Olympic Games.

The intention of citizenship rules is not to exclude immigrant athletes, although some are forced to sit out from international competitions for three years until they are re-eligible to compete for their new countries. Citizenship rules prevent athletes from moving to regions of the world where competition is less fierce and prevent athletes from becoming the national champions of several countries at once. The rules thwart competitors from attempting to qualify to represent another country at the Olympic Games if they fail to qualify to represent the country of which they are citizens. For example, without citizenship rules, a group of hockey players in Canada that failed to make the Canadian team but still sought to compete at the Olympic Games could relocate to another country and attempt to qualify under that country's flag. If successful, the transplanted hockey players, which Vamplew refers to as "flag-of-convenience athletes,"¹⁸⁴ in essence could create a situation where two Canadian teams participated in the hockey tournament at the Olympic Games if citizenship rules were not in place. To prevent flag-of-convenience athletes from representing whichever country is most opportune or easiest to qualify to represent, citizenship rules avert athletes, with the

finances to do so, from trying to take away the positions of athletes who are the legitimate national champions of their countries.

The relevant question with respect to citizenship is whether a person's nationality is an acceptable component of eligibility or whether citizenship rules ought to be abandoned. One could argue that an individual's nationality is an arbitrary distinction because "in the great majority of cases the person in question will not be morally responsible for her national membership – people are simply born into a nation and acquire the advantages and disadvantages of membership."¹⁸⁵ One's citizenship at birth is not a choice, and many people do not have the financial means or opportunities to change nationalities. If citizenship is a morally arbitrary feature, as Peter Singer has argued, nationality should not influence the treatment one receives or the options made available to a person as a result. According to Singer, the "value of the life of an innocent human being does not vary according to nationality."¹⁸⁶ However, in practice, throughout Modern Olympic history, citizenship, as well as economic status, has influenced the opportunities available to athletes. Barring entries in the Olympic Games based on citizenship is far from optimal, but in order to limit the size of the Olympic Games to a manageable number of athletes, and not have events take weeks to get through qualification rounds to the finals, criteria for restricting the number of athletes who can compete is necessary.

If athletes could qualify based on their performances alone, the Olympic Games could become the most competitive athletic event in the world. Bill Mallon argues that maintaining rules that categorically limit the number of athletes an NOC can enter in an event "makes no sense" and decreases the drama and tension of events because not all of

the best competitors in the world qualify to compete.¹⁸⁷ When citizenship rules are in effect, athletes who have recently moved or happen to live in a country with a statistically higher number of athletes ranking in the top ten in the world are excluded from participating while they would not be if they had lived their lives in different areas or in a country that did not produce so many high-quality athletes in specific events. For example, a Jamaican male who can run the 100m in 9.80 seconds could be the national champion in dozens of countries, but would not qualify to compete at the Olympic Games because too many other runners in Jamaica run the 100m even faster than he does. Eliminating citizenship requirements would allow all of the top athletes in the world to compete rather than the top one or two only from each country. Yet removing citizenship requirements would not allow for more effective implementation of the Olympic ideals.

From a rule-consequentialist perspective, rules limiting the number of athletes a country can enter in each event, and rules that necessitate the selected athletes are citizens of the country in question, facilitate greater global participation in the Olympic Games. Athletes who are ranked fourth, fifth, and sixth in a country, or even second or third in some events, could be ranked in the top ten in the world and may feel they deserve a spot at the Olympic Games. But limiting the number of competitors countries can enter enables the scope of the Olympic Games to include more nations and involve a greater representation of people from around the world. The Olympic ideals of fairness, equality, ethical behaviour and education through sport are more likely to be realized if citizens from a greater number of areas around the world compete together, despite the slightly lower level of competition that results.

Rules that restrict athletes from competing as individuals and from representing different countries in different Olympiads function to provide more equitable opportunities to athletes from around the world. Prohibiting athletes who do not qualify for their countries' Olympic teams but have the money to relocate to areas where people do not have the resources to develop elite sports seems reasonable and in accordance with the conceptions of Olympism discussed in Chapter II. While some athletes are disadvantaged and caught in situations where they meet all of the qualifying requirements except citizenship rules, it is unfortunate for the individual athletes but the rules in place promote the greater good of staging a global, cultural event rather than a multi-sport world championship where the sole goal is pushing the boundaries of human performance. The IOC's citizenship rules thus support the overall attainment of the Olympic values despite hindering a small number of individual athletes in doing so.

Behaviour and Dispute Resolution Rules

An athlete's behaviour and choice of how to challenge decisions made by governing bodies can impact his or her eligibility to compete at the Olympic Games. All athletes must sign a declaration acknowledging their understanding of the rules and responsibilities associated with being an Olympian before being accepted to compete in an Olympic event.¹⁸⁸ Included in the declaration are clauses that mandate athletes must comply with the IOC's *Code of Ethics*, agree to be recorded by media outlets as directed by the IOC, and settle any disputes related to Olympic participation exclusively through the Court of Arbitration for Sport, which forbids athletes from using the legal system in their nation or other arbitrators to settle Olympic-related disputes.¹⁸⁹ As a result, rules regarding behaviour and dispute resolution found in the *Olympic Charter* prevent athletes

from using alternative modes of law enforcement if they intend to continue participating at the Olympic Games.

The Olympic Games has a long history of informal behaviour expectations for athletes – particularly for female athletes. Reports issued by the Canadian Olympic Association, later known as the Canadian Olympic Committee, show that celebrated retired athletes were included on Canadian Olympic team rosters to guide and serve as role models for the women athletes, and to ensure that the athletes acted like ‘proper ladies’ while competing at the Olympic Games. With women’s increased participation in sports in the 1920s, Olympic teams grew to include female athletes in specific sports and events, and supervisors in the form of chaperones began accompanying the women’s teams.¹⁹⁰ The American women competing in athletics at the 1928 Olympics in Amsterdam against Canada’s “magnificent six,” were often referred to as “the glorified tomboys,” and were the “only members of the [US] team to require chaperones.”¹⁹¹ It was inappropriate for “young, unmarried, female athletes [to] travel unescorted in a foreign land for an extended time. In this Edwardian era, proper young women needed a chaperon [sic] or lady attendant.”¹⁹² The answer to the question as to why only the women’s teams required chaperones likely involves the social unacceptability of unmarried women traveling in the accompaniment of unrelated men, dichotomies in women and men’s expected roles and behaviours, and distributions of power between male and female officials. It is conceivable that managers of the men’s teams performed the same functions as the chaperones of women’s teams, yet the titles ‘manager’ and ‘chaperone’ connote different levels of respect and importance.

Throughout the history of the modern Olympic Games, standards for athletes' behaviour have been linked to standards about competitors' appearance. In the early years of the modern Olympics, clothing was used to ensure female athletes presented an appropriately feminine image and to signal social roles.¹⁹³ The first female Olympic competitors, who competed in golf, lawn-tennis, and yachting in Paris in 1900, participated wearing high-heeled shoes and ankle-length dresses featuring long sleeves and high collars.¹⁹⁴ As Wamsley and Pfister argue, "reports, the press, and national and international sport leaders have always positioned men as the most important participants in the Games."¹⁹⁵ Female athletes, on the other hand, face considerable scrutiny over their appearance and comportment as the media's attention is less focused on their athletic abilities. The IOC set boundaries for how women competitors should dress and behave at the Olympic Games and "established the parameters of competition in all respects as it saw fit."¹⁹⁶ Standards for athletes' conduct, particularly the more restrictive regulations placed on female athletes, were not included in the *Olympic Charter*. The expectations were not official rules, but were behavioural norms relevant to the time and location of each Olympic Games. Athletes challenging the expectations could be ostracized and ridiculed, but the expectations were not actual rules mandated by the IOC. Remaining gendered behavioural standards are not acceptable and should not be sustained. As argued above in the gender and sex section, efforts must be made to facilitate equal treatment of all athletes.

The IOC's *Code of Ethics* is an official document that athletes must sign and recognize in order to obtain their accreditation pass to compete. In line with the IOC's goals of achieving equality, fairness, ethical behaviour and education through sport, the

Code of Ethics functions to formalize the ethos of Olympic participation and describe the type of behaviour that facilitates fair and equitable sports competitions. From a rule-consequentialist perspective, the outcome of a rule requiring athletes to behave honourably by respecting the principles included in the *Code of Ethics* supports the attainment of the Olympic ideals more than it impinges upon athletes' autonomy. Plausible arguments against requiring athletes to endorse the IOC's *Code of Ethics* at the Olympic Games are lacking.

A final aspect of behaviour regulation associated with participating at the Olympic Games is the IOC's requirement that athletes dispute rulings, results, and eligibility at the Olympic Games through the CAS exclusively. Requiring in advance that athletes use the CAS if disputes arise in order to compete restricts the avenues athletes have to defend themselves in light of disqualification or decisions that they are ineligible to compete. While there are financial and harmonization benefits for the IOC in having athletes use the CAS instead of individual courts around the world to settle disputes, requiring athletes to use the CAS limits athletes' options and restricts their freedom of choice. However, the rules prohibiting athletes from appealing decisions surrounding the Olympic Games outside of the CAS synchronizes and standardizes the punishments using a balance of probabilities framework. Barring corruption or unfair policies by the CAS, it seems reasonable to accept that appeals to Olympic-related incidences be conducted through the CAS as the function of the CAS is to settle sport-related disputes. As arbitrators working for CAS are esteemed members of the legal profession, the use of the CAS to hear the appeals of athletes and render judgment seems reasonable. Discouraging athletes from seeking legal redress and court settlements in their home countries against

the IOC for perceived slights or unfair rulings allows the Olympic movement to focus on the Olympic ideals rather than preparing legal cases. Moreover, more good stems from following the rule than eliminating it from the *Olympic Charter* because mandating that all athletes must use the CAS helps equalize the playing field as all athletes receive the same system of adjudication regardless of their socioeconomic standard and resources available.

Clothing and Competition Attire Rules

Rules found within the *Olympic Charter* and the rulebooks of the IFs limit what players can wear and what equipment they can use in competition. Rules stipulating acceptable and unacceptable equipment are constitutive of the sport and fall outside the scope of an analysis of auxiliary rules. Decisions regarding technological advances and new equipment thus fall to the IFs to determine how new equipment impacts the goal and acceptable means that define a sport. Rules about clothing and accessories, on the other hand, have nothing to do with the actual competition but stipulate acceptable and unacceptable attire that an athlete can wear or carry on his or her person during competition. The *Olympic Charter* gives the NOCs the discretion to choose and enforce the uniforms worn by each member of a nation's Olympic Team at the opening and closing ceremonies as well as before, during, and after competition, so long as the NOC's choices fall within the standards set by the individual IFs.¹⁹⁷

Requiring the relevant IF's approval for all aspects of the uniform and accessories athletes wear when competing prevents athletes from gaining an unfair advantage over athletes who do not know about, or cannot access, the latest technological advancement in attire. For example, many athletes consider the full-body racing suits that debuted in

the track and swimming events in recent years to be performance enhancing. When an athlete's attire contributes to improving his or her performance, but the innovative attire is not available to all competitors, athletes with access to the performance-facilitating clothing hold an unfair advantage over the rest of the field. Not only can innovations in competitive attire exacerbate unfair advantages, but an inventive piece of clothing, such as a more aerodynamic running suit or more buoyant swim suit, can change the skill set required to achieve success in an event and reduce the challenges inherent in the sport.¹⁹⁸

Citing the numerous world records that were broken within a year of the introduction of Speedo's LZR racing suit, the president of USA Swimming, Jim Wood, publicly campaigned to have FINA ban the suit from being worn in competition. Based on evidence that the suit increases the buoyancy of the swimmer while decreasing the drag he or she produces, and that the cost is prohibitive to unsponsored swimmers, Wood argues that either FINA should provide all prospective Olympic qualifiers with a suit a year before the Olympics or regulations should be imposed on the use of the new suit.¹⁹⁹

It is still uncertain whether technological breakthroughs in swimwear design decrease the difficulty and challenge of the sport and allow mediocre athletes to compete against elite athletes, or whether the new racing suits simply improve everyone's performances so that their previous rankings are maintained.²⁰⁰ Rules set by the IFs that specify unacceptable attire prevent athletes from using technology to win Olympic medals; however, creative techniques, tactics, and strategies can also lead to innovative performances,²⁰¹ and competition attire alone will not make a great athlete.

It seems reasonable to allow IFs to set standards for acceptable uniforms to be worn during competitions at the Olympic Games, provided that the rules the IFs devise

allow for all athletes interested in participating to do so and the rules do not function to exclude interested athletes. Rules that require athletes to wear specific uniforms are problematic if the rules do not offer alternatives for competitors who find the uniforms uncomfortably revealing or immodest, if unjustified differences are required for men and women competing in similar events, and if the intention of the uniform is to exploit the athletes by objectifying their bodies for spectator appeal. The FIG and ISU both require different uniforms for male and female competitors. In both disciplines the women's uniforms are more revealing than the men's and cannot be substituted for the less revealing men's uniform. In neither sport can female competitors opt to compete in pants while men cannot wear the legless bodysuits required of female competitors. As the male competitors demonstrate in both disciplines, gymnastics and figure skating can be done at the Olympic level wearing uniforms that cover more of the body. Rules requiring that women wear tighter, smaller uniforms that cover less body area are problematic because rules of this nature promote the objectification of female athletes. Beach volleyball uniforms exemplify this argument although uniform requirements in other sports can be equally problematic.

Critics of the uniform requirements for female beach volleyball players argue that the uniform "was designed to use the female players as sex objects to attract an audience... [and to] use sex and eroticism to promote a sport."²⁰² More cynical critics argue that "had it not been for the federation's introduction of Baywatch-style bikini edicts then I doubt that beach volleyball would be enjoying its present level of exposure."²⁰³ The FIVB intentionally markets volleyball and beach volleyball as spectacles and condones questionable marketing strategies to increase interest in its

events. In its *Rules of the Game Casebook*, the FIVB explains, “the promotion of any sport event, to a considerable extent, depends on its attractiveness [and] publicity is the most important and effective way to build up the interest and acceptance of the public to the sport.”²⁰⁴

The FIVB’s strategy of marketing its sports as attractively as possible is evident in its rules specifying acceptable attire athletes can wear when playing volleyball and beach volleyball. Images taken directly from the FIVB’s *Official Beach Volleyball Rules* document illustrate the different requirements for the women’s and men’s beach volleyball uniforms where the men’s uniform covers much more skin than the women’s uniforms (see Figure 1).



Figure 1: Women’s and men’s beach volleyball uniform as illustrated in the FIVB’s *Official Beach Volleyball Rules*.²⁰⁵

Rules that require women to wear uniforms that involve bottoms made of Lycra or a similar synthetic elastic material that must “be a close fit and be cut on an upward angle towards the top of the leg” with the width of the material on the size spanning a

maximum of seven centimeters,²⁰⁶ prevent women whose religious beliefs require them to dress modestly and conservatively from participating. Wearing a uniform that is larger than seven centimeters on the side and does not expose the upper chest, arms, and back would not affect a woman's ability to compete in beach volleyball. An example from the British Columbia Hockey Association shows that accommodations can be made to rules regarding uniforms and equipment without changing the spirit of the rule. Popular ice hockey coach Harbs Bains, who is a devout Sikh and wears a turban, was banned from coaching because of a rule mandating that all coaches wear helmets for insurance reasons. Bains could not find a helmet that would fit over his turban and was thus barred from coaching. In response, Bains's supporters proposed that he be able to sign a waiver stating he understands and accepts the risks associated with not wearing a helmet.²⁰⁷

Uniform rules in the Olympic Games ought to be equally adaptable to facilitate inclusion.

Onus should be placed on the IFs to determine and prohibit unacceptable attire for each event rather than set restrictive limits on uniforms. None of the IOC's goals discussed in Chapter II will have a better chance of being met because of rules that require competitors to wear identical or revealing outfits. Athletes should be given the autonomy to choose what they want to wear as long as the chosen attire does not offer a competitive advantage or pose a risk of injury to the athlete's competitors. If a garment worn as part of an athlete's uniform is thought to pose a risk to the athlete but not the rest of the competition, such as a headscarf in gymnastics, the athlete should be able to choose to wear the attire as long as he or she understands the hazard and is competent to provide informed consent acknowledging the potential risks.

Additional ethical issues, not already discussed above with respect to gender inequality and autonomy, include the failure to promote inclusion in sport by imposing uniforms incompatible with many people's religious beliefs. To promote fairness and inclusion and to practice tolerance for other people's religious customs, rules should allow athletes to compete in any attire that does not pose a risk for the athlete's opponents. NOCs should thus provide team uniforms in styles approved by the athletes who have to wear the apparel.²⁰⁸ The benefits of choosing one's own attire outweigh the loss of aesthetic pleasure from seeing athletes compete in identical uniforms.

Age Limit Rules

The IOC does not set minimum and maximum age limits to compete at the Olympic Games. Unlike the ancient festivals in Olympia, which included separate competitions for men and for boys, all athletes in an event compete in one competition. At the ancient Olympic Games, rather than require that each participant appear in Olympia with proof of his age, the judges "trusted to their eyes and their common sense, instead, with the aim of preventing blatant mismatches."²⁰⁹ Boys' events were restricted to competitors who appeared to be between the ages of twelve and eighteen, but it is possible that tall boys competed who had not yet turned twelve years of age. Judges could also use their discretion in moving up a well-development boy to compete in the men's competition if he looked strong enough to hold his own. This tradition is not one that Pierre de Coubertin included in the modern Olympic Games, and the Olympic program has never included more than one age division in each event. While age divisions have not been a part of the modern Olympic Games, members of the IOC have discussed adding age limits for participants.

As far back as 1936 there was interest among some IOC members in setting an age limit for all competitors. At the 36th IOC Session in Berlin, two German IOC members, Dr. Theodor Lewald and Dr Karl Ritter von Halt, were prepared to present a proposal about initiating age restrictions but opted to withdraw the proposal from the agenda as support for such a rule did not seem forthcoming.²¹⁰ Consequently, the *Olympic Charter* was not revised and continued to state “No age limit for competitors in the Olympic Games is stipulated by the IOC.”²¹¹ Eventually the IOC affixed a second statement to the rule adding “age limits established in the competition rules for an International Federation for health reasons shall be applied to the Olympic program.”²¹² The current rendition of the rule modifies the statement further and adds that the IOC Executive Board must approve an age limit implemented by an IF: “There may be no age limit for competitors in the Olympic Games other than as prescribed in the competition rules of an IF as approved by the IOC Executive Board.”²¹³ The removal of the clause that states age limits are for health reasons is interesting, and suggestions for what other reason an age limit could be initiated are left unaddressed.

While the IOC does not support age divisions in the Olympic Games it is undertaking an initiative to host Youth Olympic Games, in a format similar to that of the summer and winter Olympic Games. The IOC describes the Youth Olympic Games as “a multi-sport, cultural and educational event for young people and driven by young people” and states the purpose is to “allow us to communicate on Olympic values and stimulate worldwide sports activities,”²¹⁴ which indicates the festival will place an emphasis on the Olympic ideals discussed in chapter two. Athletes, officials, and media people participating in the Youth Olympic Games are expected to act as ambassadors of the

Olympic spirit and motivate other people to participate in sports and physical activities upon their return to their home countries.²¹⁵ As a result of IOC president Jacques Rogge's desire to see the Olympic Games received more positively by the youth of the world, the inaugural Youth Olympic Games will take place in Singapore in August 2010.²¹⁶ The level of competition at the Youth Olympic Games is uncertain; COC president Chris Rudge told reporters, "the IOC has not brought great definition to how the Games are going to be structured and if they're going to be focused on a high level of competition, or cultural activity."²¹⁷ Each IF participating in the Youth Olympic Games will select the most appropriate age group to participate in its events, but the IOC stipulates the selected age range must be between 14 and 18 years of age.²¹⁸ Consequently, several athletes may be eligible to compete in both the Youth Olympic Games and the Olympic Games.

The range of minimum and maximum age limits in disciplines included on the Olympic program appears haphazard and without justification. For example, FINA's rules permitted 14-year-old British diving sensation Tom Daley to compete in the Beijing Olympics,²¹⁹ but had Daley attempted to qualify to compete in gymnastics, track and field, boxing, or several other disciplines, he would have been considered several years too young to participate. Tom Daley is not an anomaly in diving; Chinese diver Fu Mingxia was only 13 when she won the 10m platform diving event in 1992 at the Olympic Games in Barcelona and 14-year-old Aileen Riegen won the women's diving event in 1920 in Antwerp.²²⁰ Examples of extremely young athletes participating in the Olympic Games date back to the second Olympic Games in Paris where the coxswain of the men's pairs rowing competition was a boy who appeared to be between seven and ten

years old. Other notable young participants include figure skater Sonja Henie who was 11 at the time of her Olympic debut and Romanian gymnast Nadia Comaneci who was 14 when she achieved the first perfect 10 in Olympic gymnastics.²²¹ All of these Olympians were children at the time of their success according to most countries' laws.

In 1989, the United Nations published the *Convention on the Rights of the Child*, which declares "a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier."²²² Thus almost every Olympic event includes competitors that are officially still children and considered a vulnerable population in need of protection. At a conference held prior to the Olympic Games in 2000, youth athletes participating in the highest levels of sport emerged as an area of human rights in need of immediate study.²²³ While the *Convention on the Rights of the Child* suggests age limits for taking part in paid labour, it fails to address what constitutes an appropriate age limit for elite sport participation.²²⁴ Nonetheless, several sections apply to elite athletes, including Article 24 which addresses "a child's right to enjoy the highest attainable standard of health" and Article 31, which grants children the "right to rest and leisure."²²⁵ The International Labour Organization (ILO) prohibits children less than 15 years old in developed countries, and less than 14 years of age in developing countries, from legally working.²²⁶ The intensive training needed to qualify for the Olympic Games violates the ILO's recommendations.

The American Academy of Pediatrics identifies children as the most vulnerable group of people and argues sports officials and coaches need to focus on children's health rather than their performances.²²⁷ Sports that implement minimum age restrictions for Olympic participation vary from 13 years of age for fencing and 14 in taekwondo and

bobsled, to 17 years of age for wrestling, cycling, and weightlifting, and 20 years of age for the endurance athletics events. One might question why it is considered acceptable and healthy to have 14-year-old athletes plunge headfirst into water from heights of 10 meters or hurl themselves down tracks of ice in bobsleds wearing minimal body protection, but not to participate in the relatively less risky sports of handball and race walking. Youth athletes participate in women's and men's competitions before they are old enough to vote, drive, marry, or consume alcohol and cigarettes in most countries. In terms of physical, intellectual, and moral development, these athletes are girls and boys, not women and men. Nonetheless, as sport philosopher Gabriela Tymowski argues, "some 14-year-old girls are more mature and competent than are some 25-year-olds."²²⁸ Age limits imposed by IFs seem arbitrary and "do not define or reflect competence."²²⁹ As each person matures, his or her sphere of competencies expands to include more advanced decision making capacities. Accordingly, competency is difficult to evaluate and relying on averages excludes people whose competency falls beyond or below the statistical average for their age. In terms of ability to execute sport skills, elite child athletes are far more competent than almost all adults;²³⁰ however, sport skills are a very specific subset of the skills that individuals need to make informed decisions.

IFs require good grounds to prohibit athletes who fall above or below a stipulated age range from competing in the Olympic Games.²³¹ Soft paternalism holds that it is justifiable to implement age limits to prevent children from competing at the Olympic Games in order to protect their mental and physical health and future well-being. Stemming from Dworkin's work, soft paternalism restricts a person's ability to choose for him- or herself if he or she is deemed to be incompetent to make a decision. Soft

paternalism often applies to children and to adults who are mentally delayed or under the influence of drugs or alcohol. People considered incompetent are unable to provide informed consent, and it is "generally assumed that adults are competent, unless shown to be otherwise, and that minors are not."²³² Tymowski argues that "the moral responsibility ought to be on adults to protect children rather than on children to be precocious in the ways of the world before they are truly ready to meet those challenges."²³³ Accordingly, the implementation of codes of conduct in sport that emphasize children's rights to self-determination and not be harmed above all other rights help protect child athletes.²³⁴ People often consider paternalistic interventions directed toward children acceptable because of children's vulnerability and incompetence. While paternalistic interventions made by parents on behalf of their children are not difficult to justify if the decision prevents harm or protects the child's current and future well-being, decisions imposed on athletes by the IOC and IFs require additional justification. Policies created by the IOC and IFs function to benefit sport rather than adolescent athletes seeking to participate at the Olympic Games specifically. Paternalistic restraints on children participating at the Olympic Games require further examination.

Concerns regarding the overtraining of youth date back as far as Aristotle's writing in which he cautioned prospective athletes that people who spent too much time training "exhausted their constitutions."²³⁵ Citing evidence that only two or three victors in the boys' category went on to win events in the men's category, Aristotle disproved of the unbalanced training that Olympic victors undertook. Modern pathological consequences of children participating in elite sport can include disrupted childhoods and family life, physiological and mental stress, exhaustion, and delayed development.

Anecdotal evidence from former child stars supports the scientific evidence. For example, former Olympic gymnast Shannon Miller told reporters when she was 15 years old that “[t]raining gives us no pleasure. The only thing we enjoy is the results, the medals.”²³⁶ In addition to child labour and child trafficking for the purpose of sport, sport sociologist Peter Donnelly identifies the treatment of children competing at the elite level of sport among the most pressing areas of concern regarding children’s sport.²³⁷

Children should not be considered “miniature adults” in sport because they have not yet matured legally, morally or physically, which renders them vulnerable to coercion, pressure, exploitation, and abuse.²³⁸ Child labour laws protect children working in the entertainment industry to ensure they get an education and are not exploited, yet very few enforceable regulations exist in sport. While the child actor can work only a limited number of hours per day and per week, the child athlete can train as much as his or her body can handle.²³⁹ Howard Nixon’s study on injured athletes warned the sporting world of the dangers that come from uncritically condoning and accepting practices in sport. Nixon reported that the injuries elite young athletes acquire through training and competing in sport mirror the injuries that child labourers face.²⁴⁰

Adult influence in sport has also injected “adult ambitions, and even a sense of cutthroat competition”²⁴¹ into youth sports. Sport sociologist Jay Coakley argues that within the current generation a neoliberal belief emerged that a parent must be responsible for his or her child’s actions and whereabouts 24 hours per day.²⁴² A perceived need to protect one’s children at all times is a consequence of this belief, and parents who do not provide continuous and unwavering support for a child’s attempt to reach the highest levels of sport are often thought of as negligent parents by their peers in

the sports world.²⁴³ As a result, the view that supportive parents will provide unlimited time and funds to support a child's sports dreams becomes more widespread.²⁴⁴ It is unclear if youth can fully comprehend the implications of participating in elite sport particularly if coercion and parental pressure is involved. Parents and coaches make the majority of decisions for young athletes because, in the majority of societies, children are not considered able to foresee the consequences of their behaviours and make rational or informed choices until they reach a level of maturity.

Age restrictions imposed with the intention of preventing young athletes from specialising too early and spending their childhood travelling around the world to compete often fail to bring about the intended results. An unexpected consequence of implementing minimum age limits is athletes lying about their ages by altering or replacing their original birth certificates to enter competitions intended for older or younger athletes. The controversy in 2008 over the Chinese gymnasts' ages sparked accusations that cheating by altering age documents is becoming as prevalent as cheating by using performance-enhancing drugs.²⁴⁵ Gymnasts are not the only athletes in China accused of competing under falsified ages; several instances of basketball players registering at younger ages than in previous years sparked international speculation that 'age shaving' is systematic throughout the Chinese sport system.²⁴⁶ Forged or altered birth records allow athletes to compete in competitions for which they are too young, or to take part in junior events when they are older than the allowable maximum age. Both practices are suspected in the Chinese sport system as well as in numerous other sport systems worldwide.

Rules setting a minimum age to participate in sports fail to protect the physical and mental well-being of young competitors when the junior athletes who are ineligible to compete in the top division can equal or exceed the performances of their older peers but do so at a junior competition.²⁴⁷ For example, the ISU's rule that skaters must be 15 by July 1 of the previous year in order to compete at the next world championship or Olympic qualifying event intends "to keep the kids down on the farm until they are a bit more ready for the pressure and fame,"²⁴⁸ but fails to do so in reality. Instead, athletes too young to compete at the senior events, such as the Olympic Games, travel to compete at international junior events and raise the level of competition at those events.²⁴⁹ Problems with age restrictions include ineffective implementation of the rules, which enables young athletes to compete at the elite level despite being too young, and failure to address the root of the problem. The intent of age restrictions is to prevent a child athlete from missing out on his or her childhood and risking major injuries in order to participate in high-performance sport. However, age restrictions do not stop athletes deemed too young to compete from training at intensive levels while they wait to reach the required age to compete.²⁵⁰ While major competitions, such as the Olympic Games and world championships, are off limit to underage athletes, the level of competition at junior-level competitions grows increasingly competitive and cutthroat. To address the discrepancy, organizations would have to implement minimum ages for training intensively, which would be practically impossible to regulate.²⁵¹

Of the eight IFs included in the rulebook analysis, only the AIBA includes a maximum age for participating. While boxers cannot compete at the Olympic Games once they pass their 35th birthdays, older athletes are free to compete in many other

disciplines should they meet the other qualification requirements. Imposed upper age limits that organizations implement with the intention of protecting older athletes are harder to justify than rules that impose a minimum age to compete because the athletes in question are competent adults and soft paternalism fails as a justification. On average, a person's speed and strength begin to decline at around age 35,²⁵² which may be why the AIBA selected to restrict the boxing events to athletes who are under 35 years old.²⁵³ Similar arguments cannot support FIFA's imposition that athletes must be 23 years of age or younger in order to participate.²⁵⁴ Some sports are known for having younger star athletes while the top athletes in other sports tend to be older. In the first half of the twentieth century, the average age of competitors in the riding, shooting, and yachting events was over 34 years old.²⁵⁵ Possibly the oldest successful Olympian, O. Swann, won three gold medals in the shooting events as a 65-year-old and later won a silver medal when he was 72 in the team shooting event.²⁵⁶ Conversely, the gold medal winner in the clay target shooting event at the 1996 Olympic Games in Atlanta was 17-year-old American Kimberly Rhode, and 16-year-old Konstantin Lukaschik from Belarus won three shooting medals in Barcelona in 1992 when he was 16 years old. Swann, Rhode and Lukaschik's successes demonstrate the wide range of individuals who can achieve success in the shooting events and exemplify why shooting is known as "one of the most non-ageist sports around."²⁵⁷

Philosopher John Harris argues that "most societies discriminate between citizens on the basis both of age and life expectancy"²⁵⁸ while at the same time maintaining respect for the principles of justice and equality. However, discrimination based on age differs little from discrimination stemming from other features beyond one's control

including sex and race.²⁵⁹ As a result, Harris argues that if we accept that everyone matters morally, then discrimination among people is only justifiable if one can demonstrate that a person receiving unequal treatment is not a person, the person asks or consents to unequal treatment, or "it can be shown to be consistent with treating each with the same concern and respect and to the same protection of the community as is accorded to any."²⁶⁰ If these conditions are not met then discrimination based on age is not acceptable.

From a rule-consequentialist perspective, if a rule is good, following the rule should lead to the greatest good for the greatest number of people. However, people who fall on the extremes of a continuum and do not fit in with the norm often suffer as their unique needs are negated by the greater number of people who would benefit from the foreseeable consequences of implementing the rule. Rules specifying minimum and maximum age limits in the Olympic Games raise the ethical issue of how much autonomy athletes ought to have to decide if they are physically and mentally prepared to compete if they meet all of the other eligibility requirements. The Olympic ideals of fairness and equality are challenged by rules stipulating athletes of certain ages are not welcome to compete. For younger athletes, minimum age limits serve a protective function to prevent children from overtraining and harm. Maximum age limits, on the other hand, cannot be justified similarly. The negative consequences associated with restricting athletes' autonomy, and preventing them from deciding when they should retire from competition, seem too great to justify imposed maximum age limits. Athletes who can consent to participate should be able to do so if they qualify, and the IOC should

not grant IFs permission to set maximum age limits for participation at the Olympic Games.

Fostering Positive Change

In the analysis above, several ethical issues emerged that one must consider in evaluating the moral acceptability of eligibility rules for competing at the Olympic Games. Rules that hinder the attainment of the ideals of fairness, equality, and ethical behaviour in sport must be addressed. Similarly, rules that limit athletes' autonomy and fail to respect athletes as human beings require revision. Conceptual distinctions are present in the difference between "the way a practice is legislated and the way a practice *ought* to be legislated."²⁶¹ Breaking rules that are not justifiable in an attempt to foster positive change differs considerably from breaking rules with the intent to cheat or gain an unfair advantage over one's competitors. As Debra Shogan argues, "there may be justification for breaking proscriptive rules when they prevent certain people from being participants."²⁶² Using the example of Katherine Switzer's illegal entry in the Boston Marathon to protest the exclusion of female runners, Shogan shows that rules contradicting athletes' beliefs and values leave athletes with the options of abandoning their pursuit of competing at the Olympic Games or violating their beliefs and personal moral codes in order to participate. The latter option renders athletes complicit in perpetuating exclusionary and possibly discriminatory practices if they opt to ignore their beliefs and participate despite their concerns.

A collective is a group of agents who are all responsible or accountable for an action due to their involvement in bringing about that act. Difficulty lies in moving from acknowledging the collective nature of a rule to holding anyone other than the

organization mandating the rule responsible for any resulting injustices. Yet one can be complicit in an action without being causally responsible for a harm produced.²⁶³

Margaret Gilbert's description of group acts involves actions performed by social groups who form plural subjects, where plural subjects are groups of people whose "wills are bound simultaneously and interdependently," and can refer to themselves as 'we' rather than 'I' or two individuals.²⁶⁴ In the case of perpetuating negative stereotypes or discrimination by abiding by exclusionary rules, athletes condone the rules by agreeing to follow the letter of the rule despite their unease.

To promote the Olympic values and ideals some rules contained within the *Olympic Charter* require removal, alteration and further specification. The nature of rules in sport is that changes will be necessary because rulemakers "do not and cannot wholly anticipate the ways in which their legislative action will be interpreted by game-players and by coaches."²⁶⁵ In this vein, the IOC cannot predict exactly how each IF will interpret and execute the rules contained within the *Olympic Charter*. Rulemakers' attempt to predict the consequences of the rules they implement but often unanticipated consequences also arise. Rule changes are thus often the culmination of interpretations of existing rules.²⁶⁶

Mandated sex and gender discrepancies must not privilege men's sport above women's sport, and IFs should be required to justify to the IOC why the events included on the Olympic program are not equitable. Indeed, a criticism of the IOC is that "despite rhetoric on inclusion and emancipation, it continues to entrench notions of gender difference and plays an important role in constructing men's sport as the "real" version against which women's sports should be measured."²⁶⁷ Exclusive and gender-biased

language is problematic and unacceptable because it trivializes women and treats female athletes as less welcome and respected athlete rather than as autonomous athletes.

Moreover, an Olympic program that includes single-sex events and competitions that prevent women from demonstrating levels of fitness, skill, and mastery equal to men's levels violates the *Olympic Charter's* statement that discrimination is intolerable in the Olympic movement. When violations of a rule are so common that one no longer expects anyone to follow the rule, violations take over as the norm of behaviour. If this situation arises, appealing to the behaviour of others fails to justify a rule.²⁶⁸ Arguments relying on appeals to tradition invoke fallacious reasoning, are not convincing, and do not justify continuing unjust practices associated with the Olympic Games. Sports organizations need to eliminate all instances of unnecessary sex and gender exclusive and biased language and policies from their rulebooks. Furthermore, changes should be made with the intent of treating all competitors fairly rather than for organizations to appear politically correct.

Rules restricting athletes' freedom to make their own choices, such as rules that set upper and lower age groups, require athletes to wear specific uniforms, and oblige athletes to agree to codes of ethics, are intrusive, paternalistic, and restrict athletes' autonomy and privacy. To promote fairness and practice tolerance for other people's religious customs, rules should allow athletes to compete wearing any attire that does not pose a risk for their opponents' safety. For younger athletes, minimum age limits serve a protective function to prevent children from harm; however, maximum age limits cannot be justified using soft paternalism and do not serve to promote the Olympic ideals. The negative consequences associated with restricting athletes' autonomy and preventing

them from deciding when they should retire from competition seem too great to justify imposed maximum age limits. Athletes who can consent to participate should be able to do so if they qualify, and effort should be taken by the IOC to establish a minimum age for participation that all IFs must respect.

Progress made in eliminating and modifying outdated rules regarding women's participation shows that the IOC has taken steps to work toward eliminating morally questionable practices in sport. Additional modification must take place to ensure the rules that the IOC implements through the *Olympic Charter*, and authorizes the IFs to put into practice at the Olympic Games, are morally sound and help realize the Olympic values and ideals. Competitors agree to the constitutive rules of sport in order to allow the competition to occur and these rules are not open to change. Regardless of how arbitrary constitutive rules may be, competitors must agree to abide by them in order to participate. On the contrary, auxiliary rules do not require that competitors maintain a lusus attitude of acceptance in order to play the game. Problematic auxiliary rules that are not morally acceptable thus require revision.

Summary

As the history of the IOC's implementation of eligibility rules demonstrates, almost all of the rules that the IOC implements are to help perpetuate the goals of the Olympic movement, and considerable discussion informed each rule addition and modification. In order to keep the size of the Olympic Games to a manageable number of athletes some sort of eligibility criteria must be used. Selection of the criteria to limit the number of participants at the Olympic Games cannot rely solely on traditions that are resistant to reinterpretation. Thus relying on the original IOC members' judgments and

rationale for eligibility rules is dangerous because doing so fails to take into account today's social context where the Olympic Games represents more than the conservative ideas of the wealthy, European men who worked with Coubertin to organize the modern Olympic Games and form the International Committee of the Olympic Games, which eventually became known as the IOC.

Inequality exists in the Olympic Games not only because of rules limiting who can participate but because not all nations have access to the same resources. Finding a practical or pragmatic way of equalizing the resources available to all athletes is likely impossible without addressing the larger social problems that cause the inequalities present in the world that trickle down to the Olympic Games. Variables that affect eligibility that athletes are mostly able to control and modify include their decisions to engage in doping or respect anti-doping rules, their weights, their current citizenship in certain circumstances, and the equipment and attire they use if given the option. Variables mostly beyond an athlete's control include his or her age, height, nationality at birth, and sex at birth. Each variable can act as a source of inequality at the highest level of sport, yet it does not seem reasonable to allow variables beyond an athlete's control to restrict his or her eligibility to participate. Rules that restrict competition based on age, nationality at birth, and sex at birth must not discriminate unnecessarily. Through an analysis of the moral acceptability of eligibility requirements several rules were found to be problematic.

As the next generation of guardians appointed to continue the work of Pierre de Coubertin and his colleagues, the current members of the IOC were co-opted into the organization to facilitate and protect their predecessors' work. Yet rules set by the IOC

are malleable and modifiable. In abandoning the amateur rules that preserved the spirit and intention of Coubertin's vision, the IOC "proved that no principle or formal rule – no matter how central or sacrosanct to the Movement – is immutable."²⁶⁹ There is room for change. In discussing the aim of the Olympic movement at a meeting of the IOC Executive Board and delegates of the NOCs in 1961, Belgian IOC member Victor Boin put forth a motion to rid the Olympic movement of discrimination, stating:

We have now come to the turning point of history. Big problems confront us and we must give up utopian ideas. Baron de Coubertin's work must go on but we must find new methods based in human and honest formulas more adapted to our modern times.²⁷⁰

Boin's request for positive change, based on human rights, equality, and fairness, should reinvigorate current IOC members to take action to address outdated rules and prevent IFs from applying problematic rules in determining eligibility to compete at the Olympic Games.

In summary, of the six themes of auxiliary rules pertaining to eligibility identified in chapter three, three themes contain problematic rules that hinder the attainment of the Olympic values and ideals. Rules regarding uniforms and competitive attire, age limits, and sex inequality require immediate revision. While the enforcement of rules limiting participation based on doping, citizenship, and dispute resolution involve infringements on autonomy and privacy, from a rule-consequentialist perspective greater good arises from maintaining the rules and accepting the infringement than modifying or abandoning the rules at this time.

Endnotes

¹ The fourth component of conceptions of Olympism, education, is not relevant in the comparison between Olympic ideals and auxiliary rules and will not be discussed further.

² Rules not identified as morally problematic can be considered morally neutral or acceptable.

³ Debra Shogan and Maureen Ford, "A New Sport Ethics: Taking König Seriously," *International Review for the Sociology of Sport* 35, no. 1 (2000): 49.

⁴ Shogan and Ford: 51.

⁵ Further, Shogan and Ford argue, "once aware of how both rules and demands shape engagement with sport, it may then be possible for participants to consent only to those rules and demands that affirm one's values while refusing the others. In those instances in which an athlete refuses, an opportunity may be opened to create other ways of understanding the rules and demands of high performance sport and, perhaps, other ways of participating. It should be kept in mind that a refusal of rules of a sport would commit an athlete to not participating in the activity." Shogan and Ford: 52-53. See also Angela Lumpkin, Sharon Kay Stoll, and Jennifer M. Beller, *Sport Ethics: Applications for Fair Play* (Boston: McGraw-Hill, 2003), 43-46.

⁶ For a detailed description of each step, see chapters two and three of David Cruise Malloy, Saul Ross and Dwight H. Zakus, *Sport Ethics: Concepts and Cases in Sport and Recreation* (Toronto: Thompson Educational Press, 2003).

⁷ Angela J. Schneider, "On the Definition of 'Woman' in the Sport Context," in *Values in Sport: Elitism, Nationalism, Gender Equality and the Scientific Manufacture of Winners*, ed. Torbjörn Tännjö and Claudio Tamburrini (London: E&FN Spon, 2000), 123-138.

⁸ See Louis M. Guenin, "Distributive Justice in Competitive Access," *Studies in Philosophy and Education* 16 (1997): 347-348.

⁹ Larena Hoerber, "Gender Equity for Athletes: Multiple Understandings of an Organizational Value," *Sex Roles* 58 (2008): 58.

¹⁰ Furthermore, the IOC consisted of 15 men in 1896 and in 2004 was made up of 112 male and 12 women. Karl Lennartz, "Main tendencies in the Development of the Sport Programme of the Olympic Games," in *Langlauf durch die olympische Geschichte Band 2: Selected Writings on Olympic History*, ed. Karl Lennartz (Köln: Carl und Liselott Diem-Archiv, 2005), 406. See also Kevin B. Wamsley and Gertrud Pfister, "Olympic Men and Women: The Politics of Gender in the Modern Games," in *Global Olympics: Historical and Sociological Studies of the Modern Games*, ed. Kevin Young and Kevin B. Wamsley (New York: Elsevier, 2005), 103.

¹¹ Data from the 1988 Olympic Winter and Summer Games show that women made up only 21% of the competitors in Calgary and 26% of the competitors in Seoul, and twenty years later women account for just over 40% of the athletes participating at the Olympic Games. See Laura F. Chase, "A Policy Analysis of Gender Inequality within the Olympic Movement," in *Proceedings: First International Symposium for Olympic Research*, ed. Robert K. Barney and Klaus V. Meier (London, ON: Centre for Olympic Studies, 1992), 28.

¹² Even more troubling is that several NOCs were represented by male athletes only; for example, 41 out of the 159 delegations at the summer Games in Seoul and 16 of the 57 delegations at the winter Games in Calgary were comprised exclusively of male athletes. Chase points out that a contributing factor among nations sending male-only delegations is the restrictions placed on women based on religious traditions. In many countries where women do not compete in the Olympic Games, women are often denied the right to own property, appear in public in tight-fitting athletic wear, and exercise in the presence of men. A complete analysis of the role of religion in women's participation in elite sport is beyond the scope of this dissertation. Chase: 31.

¹³ Jennifer Hargreaves, *Sporting Females: Critical issues in the history and sociology of women's sports*, (London: Routledge, 1994), 210.

¹⁴ Lennartz: 441.

¹⁵ Allen Guttmann, *The Olympics: A History of the Modern Games* (Champaign, IL: University of Illinois Press, 1992), 823.

¹⁶ In response, IOC member de Clary argued, "the strong women make our mankind strong and there are many women who can compete with us men already." See "Minutes, 19th IOC Session, Antwerp – 1920," in Wolf Lyberg, ed., *The IOC General Session Minutes Volume II 1920-1947* (Lausanne: International Olympic Committee (hereafter cited as IOC), 1994), 97.

¹⁷ Wamsley and Pfister: 121.

¹⁸ Kevin Wamsley, "Laying Olympism to Rest," in *Post-Olympism? Questioning Sport in the Twenty-first Century*, ed. John Bale and Mette Krogh Christensen (New York: Berg, 2004), 235.

¹⁹ Bruce Kidd, "The Women's Olympic Games: Important Breakthrough Obscured By Time," *CAAWS Action Bulletin* (Spring 2004): 1. See also Mary H. Leigh and Therese M. Bonin, "The Pioneering Role of Madame Alice Milliat and the FSFI in Establishing International Trade [sic] and Field for Women," *Journal of Sport History* 4, no.1 (1977): 82.

²⁰ Joanna Davenport, "The Role of Women in the IOC and the IOA," *Journal of Physical Education, Recreation & Dance* 59, no. 3 (1988): 42.

²¹ Lennartz: 443.

²² Lennartz: 445.

²³ Geoff J. Hart, "Editorial: Binary thinking," *The Exchange* 12, no. 3(2005): 9.

²⁴ Rules 'permitting' male athletes to compete did not exist and were not considered necessary. IOC, *The Olympic Games: Fundamental Principles, Rule and Regulations, General Principles* (Lausanne: IOC, 1964), 20. See also IOC, *The Olympic Games* (Lausanne: IOC, 1958), 20.

²⁵ IOC, *Olympic Charter* (Lausanne: IOC, 1979), 17.

²⁶ Chase points out the problems the word 'allowed' creates as the rule suggests women's participation is a privilege that the IOC or an IF could revoke. Chase: 35.

²⁷ Jane English, "Sex Equality in Sports," *Philosophy and Public Affairs* 7, no. 3 (1978): 277.

²⁸ Iris Marion Young, "The Exclusion of Women From Sport: Conceptual and Existential Dimensions," in *Philosophic Inquiry in Sport*, 2nd ed., ed. William J. Morgan and Klaus V. Meier (Champaign, IL: Human Kinetics, 1995): 262-266.

²⁹ Michael A. Messner, *Out of Play: Critical Essays on Gender and Sport* (Albany, NY: State University of New York Press, 2007), 2.

³⁰ Eileen McDongagh and Laura Pappano, *Playing with the Boys: Why Separate Is Not Equal in Sports* (New York: Oxford University Press, 2008), 258.

³¹ See English. In response to English's article, Raymond Bellioti argued that empirical evidence does not demonstrate a link between women's self-esteem and opportunities to excel to the highest level of sports.

See Raymond A. Belliotti, "Women, Sex, and Sports," *Journal of the Philosophy of Sport* 6 (1979): 67-72. However, a lack of evidence surrounding a link between self-worth and sports achievement does not refute English's claim that not providing equal opportunities in sport is harmful and wrong.

³² IOC, *Press Release: IOC approves consensus with regard to athletes who have changed sex*. May 18, 2004, http://www.olympic.org/uk/news/media_centre/press_release_uk.asp?id=855 (accessed 02 July 2006).

³³ In 1977, Chaplin first asked whether "being a transsexual alter[s] one's status in athletics" yet academic discussion of the implications of transgender athletes participating in elite sport did not begin until after the turn of the century. See Nathaniel Chaplin, "Are Sports Methodic?" *Journal of the Philosophy of Sport* 4 (1977): 107.

³⁴ Prominent athletes subjected to speculation included Stella Walsh and her competitor Helen Stephens at the 1936 Olympics in Berlin, former 800m world-record holder Zdenka Koubwoka, and Russian sisters Tamara and Irena Press, who were suspected of not only being men but of using steroids. See Carolyn Kraus, "Sports: Transgender Issues," in *GLBTQ: An Encyclopedia of Gay, Lesbian, Bisexual, Transgender and Queer Culture*, http://www.glbtc.com/arts/sports_transgender_issues.html (accessed 20 June 2006).

³⁵ The primary focus of the IOC Medical Commission was doping, but sex testing was a close second.

³⁶ *Press Release*, 27 September 1967, Avery Brundage Collection, Box 86, Reel 47, ICOSA; See also *Medical Committee Minutes and Reports* January 25-26 1969, Avery Brundage Collection, Box 86, Reel 47, ICOSA.

³⁷ Berit Skirstad, "Gender verification in competitive sport," in *Values in Sport: Elitism, nationalism, gender equality and the scientific manufacture of winners*, ed. Torbjörn Tärnsjö and Claudio Tamburrini (London: E&FN Spon, 2000), 116.

³⁸ *Press Release*, 27 September 27 1967, Avery Brundage Collection, Box 46, Reel 47, ICOSA.

³⁹ *Medical Commission of the Olympic Games Reports: 1 Grenoble 2 Mexico*, James Worrall Collection, Box 25, Red Folder, ICOSA. In the same report, Thiébault justified the need for sex testing, noting "it is inevitable that sooner or later, the representatives of the weaker sex should feel persecuted and ask that the feminine records be awarded to them."

⁴⁰ *Medical Commission of the Olympic Games Report: 2*.

⁴¹ The term 'investigation of femininity' quickly replaced the more paternalistic phrase 'controlling women,' and eventually the committee settled on 'gender verification' as the term of choice to describe the sex testing process. However, the term gender verification was inaccurate because what the test determined was a competitor's biological sex not his or her gender.

⁴² Arne Ljungqvist, "Gender Verification," in *International Encyclopedia of Women and Sports Volume 1*, ed. Karen Christensen, Allen Guttmann, and Gertrud Pfister (New York: Macmillan Reference USA, 2001), 450. The move from visual exams to chromosomal analyses changed the requirements for competing in the women's division. No longer was the presence of female genitalia sufficient to ensure a competitor was a woman; evidence at the genetic level showing each cell in an athlete's body contained XX chromosomes was required to enter a women's event. A competitor's ability to bear children was also excluded as a mode of demonstrating one was a woman in the sex testing era because of the possibility of passing off an adopted child as a uterine child. See *Medical Commission of the Olympic Games Report: 3*.

⁴³ Schneider, 2000: 131.

⁴⁴ For example, the 1971 edition bluntly noted "Female athletes may be subjected to medical proof." IOC, *Olympic Rules and Regulations* (Lausanne: IOC, 1971), 22.

⁴⁵ Schneider, 2000: 127.

⁴⁶ IOC, *Press Release: IOC approves consensus with regard to athletes who have changed sex*. 18 May 2004, http://www.olympic.org/uk/news/media_centre/press_release_uk.asp?id=855 (accessed 02 July 2006). Legal recognition of the athlete's gender is problematic for transgendered athletes living in countries that will not update legal identification documents following sexual-reassignment surgery. See Elizabeth Fee, Theodore M Brown, and Janet Laylor, "One Size Does Not Fit All in the Transgender Community," *American Journal of Public Health* 93, no. 6 (2003): 899-900.

⁴⁷ Competitor's genitals are also observed in the process of collecting urine samples for doping tests, and competitors who raise suspicions are reported to the IOC Medical Commission. Had these criteria for womanhood been introduced earlier, it is likely that several female athletes with ambiguous genitalia or Y chromosomes could have been spared the trauma of having their self-identified classification as women taken away from them; however, additional violations of privacy may have resulted. See Ljungqvist: 451.

⁴⁸ Jean-Loup Chappelet and Brenda Kübler-Mabbott, *The International Olympic Committee and the Olympic System: The Governance of World Sport* (London: Routledge, 2008), 63-64. Despite being open to both men and women, Chappelet and Kübler-Mabbott do not include the doubles luge as a mixed event but instead list it as a men's event. Consequently, they tabulate the breakdown of events at the 2006 winter Olympics to include 45 men's events, 37 women's events, and 2 mixed events (the pairs and ice dancing figure skating events). The IOC does not include statistics of this nature anywhere on its website.

⁴⁹ The change from mixed shooting events to separate men's and women's events followed the tie between Margaret Murdock and Lanny Basham for the gold medal in Montreal at the 1976 Olympic Games. Mixed shooting events were not replaced with an equal program of men's and women's events; men compete in nine events while only seven women's events are offered. In addition, the men's shooting events include more targets and shots, rules mandate different equipment must be used, and women shoot from 25 m away while men shoot from 50 m away from the target. See McDongagh and Pappano: 12-13.

⁵⁰ The FIG offers six men's artistic events but only four women's artistic gymnastics events, but includes two rhythmic gymnastics events for women only in addition to the men's and women's trampoline events. Due to the number of competitors involved in the team rhythmic gymnastics event, the total number of female gymnasts competing at the Olympic Games is higher than the number of male gymnasts who qualify to compete despite the FIG including eight events for both sexes at the Olympic Games.

⁵¹ B.C. Postow, "Women and Masculine Sports," *Journal of the Philosophy of Sport* 7 (1980): 51-58. See also McDongagh and Pappano: 12.

⁵² In contrast, the FIVB organizes a volleyball tournament for 144 men and 144 women and a beach volleyball tournament for 96 women and 96 men; similarly, the ISU offers figure skating events for 74 men and 74 women, while the FIG offers events for 98 women and 98 men and an additional 96 female rhythmic gymnasts.

⁵³ A rare example of a women's event that is longer than the equivalent men's event is the artistic gymnastics floor exercises, organized by the FIG, where the women's routines must last 70 to 90 seconds while the men must complete their routines in 50 to 70 seconds. However, the length is not the only difference between these events. Women's longer events are not designed to showcase a female gymnast's endurance but serve to allow time to demonstrate the rhythmic, spatial, and aesthetic elements of her routines as well as her ability to choreograph her movements to music. In contrast, men's floor exercises are completed in silence and an outstanding routine demonstrates continuous explosiveness rather than grace. The emphasis on graceful movements in women's events that does not reward explosive power similarly to the men's events contributes to belief systems that erroneously presume "females are naturally

inferior to males, males are naturally superior athletes, and when females do play sports they are not as exciting to watch because they do not match male performance standards." McDongagh and Pappano: 247.

⁵⁴ See, for example, Robert L. Simon, *Fair Play: The Ethics of Sport* (Boulder, CO: Westview Press, 2004), 122.

⁵⁵ McDongagh and Pappano: x.

⁵⁶ See Peter. S. Wenz, "Human Equality in Sport," in *Sport Inside Out: Readings in Literature and Philosophy*, ed. David L. Vanderwerken and Spencer K. Wertz (Fort Worth, TX: Texas Christian University, 1985), 209.

⁵⁷ McDongagh and Pappano: x and 7.

⁵⁸ Other contributing factors that create gender inequality and inequity, according to most liberal feminists, include the division of labour into men's and women's jobs, vertical segregation within employment, and a lack of affordable childcare in a society that considers raising children to be primarily women's responsibility. Most liberal feminists also believe that to rectify the prejudice, not only must discrimination be removed but programs that encourage women to pursue their interests must exist and equal wages and rights must be mandated by law.

⁵⁹ Offering an equitable program of events is only one part of the solution. Educating the public on the harm caused by negatively stereotyping female athletes would also contribute to eliminating unwarranted claims about women athletes.

⁶⁰ At a press conference following the sixth Vancouver Coordination Commission inspection of the Vancouver Organizing Committee for the 2010 Winter Games, IOC president Jacques Rogge answered a reporter's question on whether or not allowing women's ski jumping events contravenes Canada's *Charter of Rights and Freedoms*. In response, Rogge stated: "Let me be very clear even before I start discussing. There is no discrimination whatsoever. The decision of the International Olympic Committee not to include women's ski jumping was taken on technical grounds not on gender issues, and there is no more discrimination in not having them on the program today than there would be on not having other competitions in the Summer Games where only women compete. Synchronized swimming is an example. The technical nature of the sport and the universality of the sport have drawn us into that conclusion [...] Respect of essential technical rules that say that to become an Olympic sport must be widely practiced around the world, universal, and have a big appeal. This is not the case for women's ski jumping so there is no discrimination whatsoever." Rogge's response can be viewed at <http://www.youtube.com/watch?v=XvoTC5s72lg&feature=related>. See also Jeff Lee, "Women ski jumping would 'water down' Olympic medals, Rogge says," *The Vancouver Sun*, 28 February 2008, <http://www2.canada.com/vancouver/sun/news/story.html?id=77f736fe-8b73-4d38-b809-55bc49a29b8&k=86940> (accessed 10 January 2009).

⁶¹ Klaus V. Meier, "Triad Trickery: Playing with Sport and Games," *Journal of the Philosophy of Sport* 15 (1988): 11-30.

⁶² Robert L. Simon, "Gender Equity and Inequity in Athletics," *Journal of the Philosophy of Sport* 20-21, (1993-1994): 6-22.

⁶³ The IOC does not act independently in modifying the disciplines or events included on the Olympic program. To be considered for inclusion, an IF must develop an event and submit an official request for inclusion on the Olympic program to the IOC. The onus for providing an equitable program of events within each discipline thus falls on the IFs in conjunction with the IOC. See Chase, 30.

⁶⁴ Torbjörn Tännsjö, "Against Sexual Discrimination in Sport," in *Values in Sport: Elitism, Nationalism, Gender Equality and the Scientific Manufacture of Winners*, ed. Torbjörn Tännsjö and Claudio Tamburrini (London: E&FN Spon, 2000), 101-115.

⁶⁵ Schneider, 2000.

⁶⁶ IOC, *Olympic Charter* (Lausanne: IOC, 2007), 11.

⁶⁷ IOC, *Olympic Charter* (Lausanne: IOC, 1968). See also IOC, *Olympic Rules and Regulations* (Lausanne: IOC, 1971), 11 and IOC, *The Olympic Games* (Lausanne: IOC, 1958), 9.

⁶⁸ International Association of Athletics Federations, *Competition Rules 2008* (Cedex: International Association of Athletics Federations, 2008), 13.

⁶⁹ Association Internationale de Boxe, *Statutes* (Lausanne: Association Internationale de Boxe, 2007c), 4.

⁷⁰ Fédération Internationale de Gymnastique, *Statutes Edition 2007* (Switzerland: Fédération Internationale de Gymnastique, 2007a), 2.

⁷¹ International Biathlon Union, *IBU Handbook* (Salzburg: International Biathlon Union, 2006), 1.

⁷² International Skating Union, *Constitution and General Regulations* (No location: ISU, 2006) and International Skating Union, *Special Regulations & Technical Rules – Speed Skating and Short Track Speed Skating* (No location: ISU, 2006c), 1 and International Skating Union, *Special Regulations & Technical Rules – Single & Pair Skating and Ice Dancing* (International Skating Union, 2006b), 1.

⁷³ The IIHF's statement says: "The masculine gender used in relation to any physical person (for example, names such as member, leader, official, participant, competitor, athlete, judge, referee, member of a jury, candidate, personnel, or pronouns such as he, they, them) shall, unless there is a specific provision to the contrary, be understood as including the feminine gender." See International Ice Hockey Federation, *IIHF Statutes and Bylaws 2003-2008* (Zurich: International Ice Hockey Federation, 2003), 2.

⁷⁴ Fédération Internationale de Luge de Course, *International Luge Regulations Artificial Track* (Berchtesgaden: Fédération Internationale de Luge de Course, 2006), 4.

⁷⁵ A consequence is that organizations' official documents address only half of the population directly. Feminist philosopher Deborah Cameron points out that the most frequent instance of sexism is the use of 'man' and 'he' synonymously with humanity. She cites "an English grammatical rule that all generic or indefinite referents are of the masculine gender" as the motivation for uncritical acceptance and widespread use of generic references in scholarship. See Deborah Cameron, "Introduction: Why is Language a Feminist Issue?" in *The Feminist Critique of Language: A Reader*, ed. Deborah Cameron (London: Routledge, 1990), 15.

⁷⁶ In French, as well as in Russian, Polish, Hebrew, Spanish, and German, the word 'sport' is masculine. See M. Ann Hall, *Sport and Gender: A Feminist Perspective on the Sociology of Sport* (Calgary: University of Calgary, 1978), 2. Cameron contends that many languages include "underlying semantic or grammatical rule whereby male is positive and female negative, so that tenets of male chauvinism are encoded into language" and that women had very little input in decisions about grammar and proper usage. See Cameron: 13.

⁷⁷ IOC, 2007: 9.

⁷⁸ George B. Cunningham, "Creating and Sustaining Gender Diversity in Sport Organizations," *Sex Roles* 58 (2008): 13.

⁷⁹ Cheris Kramarae and Paula Treichler, "Words on a Feminist Dictionary," in *The Feminist Critique of Language: A Reader*, ed. Deborah Cameron (London: Routledge, 1990), 150.

⁸⁰ Ann Bodine, "Androcentrism in Prescriptive Grammar: Singular 'They', Sex-Indefinite 'He', and 'He or She'," in *The Feminist Critique of Language: A Reader*, ed. Deborah Cameron (London: Routledge, 1990), 170.

⁸¹ Bodine: 171.

⁸² Cameron: 19.

⁸³ See Article 8.1 in International Biathlon Union, *IBU Handbook* (Salzburg: International Biathlon Union, 2006), 8.

⁸⁴ See Rule 113 in International Association of Athletics Federations, 2008: 81, 83-88.

⁸⁵ Association Internationale de Boxe, *Rules for International Competitions or Tournaments* (Lausanne: Association Internationale de Boxe, 2007b), 11. On the same page of the rulebook, the AIBA refers to less respected roles as he/she rather than exclusively he. For example, the next rule states, "A decision on dispensation for a longer period than the ongoing competition shall be made by the AIBA Executive Committee and before the decision is made the defendant shall be given the opportunity to express his/her opinion and secure a fair trial." Note in this case the gender-inclusive subject is not in a position of power but is a defendant.

⁸⁶ Kramarae and Treichler: 150. In a similar vein, Muriel R. Schulz explains how titles traditionally given to women lose their value and esteem faster than those given to men. For example, the term 'lady' was once reserved for a specific subset of women who were equivalent to 'lords'. Now, the term 'lord' still connotes esteem and is not used to describe athletes, and a sporting event divided into categories of ladies skating and lords' skating seems outlandish and comical. The debasement of women's terms of respect is also evident in the way the terms 'sir' and 'master' still command respect, while the once corresponding terms 'madam' and 'mistress' are now used as euphemism for prostitutes. See Muriel R. Schulz, "The Semantic Derogation of Woman," in *The Feminist Critique of Language: A Reader*, ed. Deborah Cameron (London: Routledge, 1990), 134-147.

⁸⁷ International Skating Union, 2006: 112. The ISU also uses sexist language with respect to rules applying specifically to ice dancing and figure skating pairs. Rules 302 and 303 require participants in these events to be "one Lady and one Man" and skaters are advised in the official rulebooks that "attention should be paid to the selection of an appropriate partner." See International Skating Union, 2006b: 13, 91. Similarly, the AIBA awards the Val Barker Cup to the most stylish and proficient boxer at the Olympic Games, which automatically eliminates the possibility of female contenders for the award since women's events are not contested at the Olympics.

⁸⁸ Dale Spender, "Extracts from Man Made Language," in *The Feminist Critique of Language: A Reader*, ed. Deborah Cameron (London: Routledge, 1990): 106.

⁸⁹ Cameron: 14.

⁹⁰ Cameron: 11-12.

⁹¹ Trudy Govier, *A Practical Study of Argument* (Toronto: Thomson Wadsworth, 2005).

⁹² Alison Jaggar, "On Sexual Equality," *Ethics* 84, no. 4 (1974): 275.

⁹³ Jaggar: 277.

⁹⁴ One should not expect an initiative to address sex inequality to be met without resistance. As the feminist literature repeatedly demonstrates, initiatives intended to increase equality among groups face a

complex interaction of environmental forces, organizational culture, and the biases of the people involved. See Cunningham: 137.

⁹⁵ As doping rules contribute to the pre-event requirements and eligibility standards athletes must meet in training and before, during, and after competition, the function of doping rules seems auxiliary in nature. However, the auxiliary status of doping rules is not exact in light of arguments forwarding the idea that doping rules apply during competition and thereby change the competitive nature of a sport similarly to constitutive rules. This point was argued at the International Association for the Philosophy of Sport annual conference in 2007 in Olomouc, Czech Republic, in the discussion following my presentation. Furthermore, Laura Morgan makes a case for considering doping bans regulative rules on this basis that regulative rules "promote safe and fair play," which is the same intention motivating doping rules. However, according to the literature cited in chapter 1, regulative rules apply when constitutive rules have been broken, which is not the case when banning performance-enhancing drugs in order to promote fair and safe sport. See Laura Morgan, "Enhancing Performance in Sports: What is Morally Permissible?" In *Sport Ethics: An Anthology*, ed. Jan Boxill (Malden, MA: Blackwell, 2003), 183. Citing examples of the difference between drug-free or 'clean' weightlifting competitions and bodybuilding competitions where rampant drug use is part of the culture of the sport, proponents of viewing doping rules as constitutive to a sport apply a formalistic interpretation of the rules in contending that an athlete participating in a competition where doping is allowed is not participating in the same sport as an athlete competing in an event where doping is prohibited. In this view, the acceptance of using steroids (and other substances banned by the WADC) as legitimate methods of attaining success changes the skill set tested in the competition, which renders sports with and without doping different events. In this view, an athlete competing in a long jump event where doping is knowingly condoned or overlooked is not participating in the same sport as an athlete participating in the long jump event of a competition where the WADC is in effect and doping detection tests are used. Drugs are believed to increase the strength and explosiveness of athletes causing them to rely more on brute strength than skill to achieve success, which changes the skill set a competition tests. I do not dispute that doping often provides an advantage to athletes who choose to break a sport's anti-doping rules, but I contend that the nature of the rule is auxiliary rather than constitutive to the sport being played. An athlete participating in doping-basketball plays the same sport as one participating in doping-free-basketball even though the former may be playing with a disadvantage. The actions of a non-doping athlete are the same whether an opponent has used banned substances or not.

⁹⁶ Canadian Centre for Ethics in Sport, *Doping Control at the Beijing Games*, May 26, 2008, http://www.cces.ca/forms/index.cfm?dsp=template&act=view3&template_id=194&lang=e&news_id=79 (accessed May 27, 2008). Also new this year is that athletes can face doping infractions based on 'non-analytical positive' results stemming from the testimonials of witnesses, photographs, and other forms of evidence. The doping sanction imposed on American cyclist Kayle Leogrande set a precedent in banning an athlete who had not failed a doping detection test. See Alan Abrahamson, *Leogrande doping case proof of cultural shift*. December 3, 2008, <http://www.thespec.com/Sports/article/476657> (accessed December 3, 2008).

⁹⁷ Michele Verroken, "Drug Use and Abuse in Sport," *Ballière's Clinical Endocrinology and Metabolism* 14, no. 1 (2000): 1.

⁹⁸ Ancient Egyptian athletes and Roman gladiators relied on stimulants to fuel their performances, and the use of concoctions believed to be ergogenic, such as ground up hooves combined with roses, was not discouraged. See Charles E. Yesalis and Michael S Burke, "History of Doping in Sport," *International Sport Studies* 24, no. 1 (2002):43. See also Verroken, 2005: 29.

⁹⁹ Verroken, 2000: 2. Amphetamines were used in World War II to combat fatigue and increase mental alertness.

¹⁰⁰ Jensen and two of his teammates were rushed to the hospital during the 100 km team time trial cycling event after falling ill. Jensen's teammates recovered, but Jensen died. His autopsy revealed high levels of amphetamines and nicotinylnitrate in his body. Yesalis and Burke: 51.

¹⁰¹ Verroken reports that in 1896, British cyclist Arthur Linton possibly died as a result of his doping practices, but he could have succumbed to typhoid. His coach was subsequently banned from coaching. Marathon runner Thomas Hicks nearly died at the St. Louis Olympic Games in 1904 from ingesting a combination of strychnine and alcohol. Verroken, 2000: 2.

¹⁰² Patrick Mignon, "The Tour de France and the Doping Issue," *International Journal of the History of Sport* 20, no. 2 (2003): 227, 231. Mignon also reports that the Tour de France is the most challenging sporting event in the world, and that doping was a standard practice for the majority of participants throughout its history, despite drug testing in the Tour de France commencing in 1966.

¹⁰³ Verroken, 2000: 2. The case that Tommy Simpson died from doping became stronger when officials revealed that he had amphetamines in his luggage and in the pocket of his jersey at his time of death. See also Yesalis and Burke: 51. The death of Yves Mottin further solidified the public's negative view toward doping in 1968.

¹⁰⁴ "Minutes, 37th IOC Session, Warsaw – 1937," in Wolf Lyberg, ed., *The IOC General Session Minutes Volume II 1920-1947* (Lausanne: IOC, 1994), 97.

¹⁰⁵ "Minutes, 57th IOC Session, San Francisco – 1960," in Wolf Lyberg, ed., *The IOC Sessions 1956-1988 Volume II* (Lausanne: IOC, 1994), 46.

¹⁰⁶ "Minutes, 59th IOC Session, Athens – 1961," in Wolf Lyberg, ed., *The IOC General Session Minutes Volume IV 1956-1988* (Lausanne: IOC, 1994), 64.

¹⁰⁷ Brundage nominated the following IOC members to sit on the IOC Medical Commission: Sir Arthur Porritt (New Zealand), Dr. Josef Gruss (Czechoslovakia), Ryotaru Azuma (Japan), and Ferreira Santos (Brazil).

¹⁰⁸ Rob Beamish and Ian Ritchie, "From Chivalrous 'Brothers-In-Arms' to the Eligible Athlete: Changed Principles and the IOC's Banned Substance List," *International Review for the Sociology of Sport* 39, no. 4 (2004): 360-361.

¹⁰⁹ "Minutes, 60th IOC Executive Board Session, Lausanne – 1962," in Wolf Lyberg, ed., *Executive Committee Part 1 1921-1969 Meetings 1-84* (Lausanne: IOC, 1994), 157.

¹¹⁰ The doping committee consisted of Sir Arthur Porritt of New Zealand, Dr. Josef Gruss of the former Czechoslovakia, Ryotaro Azuma of Japan, and Agustin Sosa of Panama.

¹¹¹ "Minutes, 63rd IOC Session, Tokyo – 1964," in Wolf Lyberg, ed., *The IOC Sessions 1956-1988 Volume II* (Lausanne: IOC, 1994), 99-100.

¹¹² *Doping Committee Report*, 3 March 1966, Avery Brundage Collection, Box 82, Reel 45, ICOSA.

¹¹³ Porritt reported that the Medical Commission continued to study doping, sex testing, and anabolic steroids, and would have a list of drugs that they felt should be banned in sport soon. Following his report, Porritt resigned the post of committee chair and passed the leadership responsibilities on to Prince Alexandre de Merode of Belgium. See "Minutes, 66th IOC Session, Tehran - 1967," in Wolf Lyberg, ed., *The IOC Sessions 1956-1988 Volume II* (Lausanne: IOC, 1994), 127. Furthermore, Prince Merode was an avid cyclist and had been investigating doping in sport since the 1950s. See Michele Verroken and David R. Mottram, "Doping Control in Sport." In *Drugs in Sport*, 4th ed., ed. David R. Mottram (London: Routledge, 2005), 310. A consistent factor in the IOC Medical Commission and Doping Committee from 1967 until the transfer of power to WADA in 1999 was the presence of Prince Merode, who remained the chair of the IOC Medical Commission until his death in November 2002. During Prince Merode's tenure as chair, the IOC Medical Commission evolved into five Subcommissions: Doping and Biochemistry of Sport, Biomechanics and Physiology of Sport, Sports Medicine and Co-ordination with the NOCs, Harmonization

of Rules in Doping Control, and Out-of-competition Testing. See IOC, *International Olympic Committee Olympic Movement Directory* (Lausanne: IOC, 1996). In Merode's first meeting as chair of the Medical Commission in 1968, at the Chateau de Vidy in Lausanne, the committee decided to test the top six competitors at the Olympic Games for banned drugs, two athletes drawn at random from the rest of the field, and two athletes from each team participating in a team sport. See *Medical Committee Minutes and Reports*, 25 January 1969, ABC, Box 86, Reel 47, ICOSA. This decision followed the unofficial drug testing performed at the 1964 Olympic Games in Tokyo, Japan. See *Annex 11*, no date, ABC, Box 86, Reel 47, ICOSA.

¹¹⁴ Drug testing at an international sporting event first took place at the 1966 World Cup in England, which was organized by the Fédération Internationale de Football Association (FIFA). The following year the Union Cycliste Internationale (UCI) included drug testing rules in its rulebook. Also in 1967, the Committee of Ministers of the Council of Europe drafted a resolution that classified doping as a form of cheating that was hazardous to athletes' health and moral development. Included in the resolution were the recommendations that governments promote doping-free sport by implementing regulations and penalties for doping and that governments seize the power to disqualify or ban athletes if sports organizations failed to address doping in sport. As a result of the resolution several European countries established anti-doping rules and legislation. While initiatives by FIFA, the UCI, and the Committee of Ministers of the Council of Europe were underway, the IOC remained in the planning stages of developing a position on doping in sport. See Verroken and Mottram, 2005: 310 and Verroken, 2005: 56.

¹¹⁵ Avery Brundage to General José de J. Clark, 9 August 1968, ABC, Box 86, Reel 47, ICOSA.

¹¹⁶ Brundage bluntly informed both parties: "I regret that there is any misunderstanding on the subject of testing, but I have been dealing with this matter for twenty years and I am positive that the I.O.C. has never had any intention whatsoever of undertaking such an enormous task. Our responsibility is to have intelligent regulations, to see that the adequate facilities are provided and that correct methods are used, and that is all!" Avery Brundage to Prince Alexander de Merode and Avery Brundage to the IOC Executive Board, 29 August 1968, ABC, Box 86, Reel 47, ICOSA.

¹¹⁷ Prince Alexandre de Merode to Avery Brundage, 10 September 1968, ABC, Box 86, Reel 47, ICOSA. Despite his strong disagreement with Brundage, Prince Merode remained the chair of the IOC Medical Commission throughout the many changes it underwent; for example, the disbanding of the Medical Commission shortly after its conception and its re-creation as the Subcommission on Doping and Biochemistry of Sport in 1980 at the 83rd Session of the IOC in Moscow, Russia, and the transfer of doping control responsibility in 1999 to the World Anti-Doping Agency. See "Minutes, 83rd IOC Session, Moscow – 1980," in Wolf Lyberg, ed., *The IOC Sessions 1956-1988 Volume II* (Lausanne: IOC, 1994), 286.

¹¹⁸ "IOC Steps up Drugs Campaign," *The Times*, 03 January 1994, *IOC Press Review - Doping Volume 1*, ICOS.

¹¹⁹ "FIFA snubs IOC over drug Rules," *Herald International Tribune*, 02 September 1994, *IOC Press Review - Doping Volume 1*, ICOS.

¹²⁰ Terrill Jones, "IOC adopts Unified Doping Sanctions," *Associated Press*, September 1994, *IOC Press Review - Doping Volume 1*, ICOS.

¹²¹ Verroken, 2000: 5.

¹²² Stephen Wilson, "Limited Blood test to be used for 1st Time," *Associated Press*, January 1994, *IOC Press Review - Doping Volume 1*, ICOS.

¹²³ James Christie, "Drug tests criticized Wide-open groups," *Globe and Mail*, 13 September 1994, *IOC Press Review - Doping Volume 1*, ICOS.

¹²⁴ Stephen Wilson, "Anti-Doping Campaign in State of Confusion," *Associated Press*, 08 March 1996, *IOC Press Review - Doping Volume II*, ICOS.

¹²⁵ Beckett was not the only doping expert to publicly disparage the IOC Medical Committee's work. French doping expert Dr. Jean-Pierre de Mondenard accused the IOC Medical Commission of being hypocritical and deliberately ineffective, claiming testers advised athletes of when they would be tested and gave them ample time to ensure they would test clean. Moreover, Mondenard estimated approximately 50-60% of Olympic competitors participated in some form of doping, but that the IOC's acknowledgment of such rampant drug use would tarnish the reputation of the Olympic Games and alienate the fans, which motivated IOC members to keep quiet. Statistics on the prevalence of doping in sport are inconsistent and range from estimates of less than 1% of Olympic athletes using banned substances or methods to more than 90% of athletes breaking anti-doping rules. "Specialist: IOC anti-doping a farce," *United Press International*, 08 July 1996, *IOC Press Review - Doping Volume II*, ICOS. See also David R. Mottram, "Prevalence of Drug Misuse in Sport," in *Drugs in Sport*, 4th ed., ed. David R. Mottram (London: Routledge, 2005), 357.

¹²⁶ Stephen Wilson, "IOC's top Medical Official Wants Flexible Bans," *Associated Press*, 02 February 1996, *IOC Press Review - Doping Volume II*, ICOS. During the 18-month probationary period, Merode proposed random, unannounced dope tests be carried out. Due to some courts considering athletes to be labourers, imposing a long ban on their exclusion from participating in athletic competitions constituted a violation of labour laws. See Steve Keating, "IOC says long doping bans no longer enforceable," *Reuters*, 06 March 1996, *IOC Press Review - Doping Volume II*, ICOS. Merode was not the only IOC member in the spotlight making unknowledgeable statements about the state of doping in sport. In 1995, mere weeks before reports of several Chinese swimmers' positive doping tests flooded the sports news, IOC president Juan Antonio Samaranch publicly stated, "I think today that doping is less important than it was some years ago, but we still have some problems." See David Brough, "IOC President Samaranch says drug Use declining in Sport," *Reuters*, 04 November 1995, *IOC Press Review - Doping Volume I*, ICOS. Furthermore, Samaranch also suggested to the Spanish newspaper, *El Mundo*, amidst the Tour de France doping scandal in 1998, that taking harmless performance-enhancing drugs should not constitute doping. He justified his statement with the argument "doping now is everything that, firstly, is harmful to an athlete's health, and secondly, artificially augments his performance. If it's just the second case, for me, that's not doping. If it's the first case, it is." See Adrian Warner, "Tour Scandal prompts World Doping Conference," *Reuters*, 27 July 1998, *IOC Press Review - Doping Volume V*, ICOS. In response, Merode told the French newspaper, *Le Figaro*, "Samaranch, who is Spanish, is backing the philosophy of many doctors in Spain... [who] reject the ethics of their profession. One must not forget that Spanish Sport for a long time has had tendencies toward doping." Merode's comment sparked a flurry of protest from Spanish citizens and Spain's IOC members, which then caused a public relations nightmare for Merode. To combat his statement, which provoked the Spanish Olympic Committee to request that Merode either retract his accusation or resign from the IOC Medical Commission, the IOC issued a Press Release ten days later stating: "Spain is not behind the rest of the world in doping and is committed to fighting doping." IOC, "Press Release," 30 August 1998, *IOC Press Review - Doping Volume V*, ICOS. While the Spanish IOC members were appeased, the damage done in airing internal squabbles in the press was irreversible and contributed to the public's decreased confidence in the IOC Medical Commission's ability to enforce its own doping rules.

¹²⁷ IOC, "Press Release," 27 July 1998, *IOC Press Review - Doping Volume V*, ICOS.

¹²⁸ For information on the creation of the World Anti-Doping Agency and transfer of power from the IOC Medical Commission to WADA see Sarah Teetzel, "The Road to WADA," in *Cultural Relations Old and New: The Transitory Olympic Ethos*, ed. Kevin Wamsley, Robert Barney, and Scott Martyn (London, ON: International Centre for Olympic Studies, 2004), 213-224.

¹²⁹ See Angela J. Schneider, "Drugs in Sport: The Straight Dope." PhD diss., The University of Western Ontario, 1993. See also Michael Burke, "Drugs in Sport: Have They Practiced Too Hard? A Response to Schneider and Butcher," *Journal of the Philosophy of Sport* 24 (1997): 48.

¹³⁰ Sigmund Loland, *Fair Play in Sport: A Moral Norm System* (New York: Routledge, 2002): 18.

¹³¹ For a thorough analysis, see Kenneth W. Kirkwood. "Out of the Olympic Closet: Abandoning Prohibitions on Doping in Favour of a Harm Reduction Approach." PhD diss., University of Western Ontario, 2004.

¹³² See W. M. Brown, "As American as Gatorade and Apple Pie: Performance Drugs and Sport," in *Ethics in Sport*, ed. William J. Morgan, Klaus V. Meier, and Angela J. Schneider (Champaign, IL: Human Kinetics, 2001), 142-168.

¹³³ World Anti-Doping Agency, *World Anti-Doping Code* (Montreal: WADA, 2008), 16.

¹³⁴ For example, the IBU notes that "doping contravenes the fundamental principles of an Olympic winter sport federation, as well as of fair play and sports and medical ethics, and is forbidden." See International Biathlon Union, *IBU Handbook – IBU Anti-Doping Rules* (Salzburg: International Biathlon Union, 2006b), 109. Similarly, the IAAF includes among its objectives "to play a leading role in the fight against doping, both within Athletics and externally in the wider sporting community" as well as "to develop and maintain programs of detection, deterrence and education which are aimed at the eradication of the scourge of doping within sport." See International Association of Athletics Federations, 2008: 35. The FIG's rulebook adds "Anti-Doping Rules, like Competition rules, are sport rules governing the conditions under which sport is played. Athletes accept these rules as a condition of participation." Fédération Internationale de Gymnastique, *Anti-Doping Rules* (Switzerland: Fédération Internationale de Gymnastique, 2007), 3. However, the IFs for gymnastics, wrestling, volleyball, handball, and modern pentathlon remain on WADA's watch list for failing to conduct an adequate number of unannounced drug tests each year. See Nicole Jeffery, "Interpol agreement increases WADA's intelligence," in *The Australian*, 25 November 2008. <http://www.theaustralian.news.com.au/story/0,25197,24700832-5013449,00.html> (accessed 25 November 2008).

¹³⁵ Angela J. Schneider, "Privacy, Confidentiality and Human Rights in Sport," *Sport in Society* 7, no. 3 (2004): 438.

¹³⁶ Several countries require athletes receiving funding to sign an agreement that they will consent to drug testing. Schneider, 2004: 445-446.

¹³⁷ Angela J. Schneider, "Harm, Athletes' Rights and Doping," in *Proceedings: First International Symposium for Olympic Research*, ed. Robert K. Barney and Klaus V. Meier (London, ON: International Centre for Olympic Studies, 1992), 165.

¹³⁸ Arnold Beckett, "The Future of the Olympic Movement," in *Drug Controversy in Sport: The Socio-Ethical and Medical Issues*, ed. Laura, Ronald S. and Saxon W. White (Sydney: Allen & Unwin, 1991), 25-37. For a thorough evaluation of the arguments that justify drug bans, see Angela J. Schneider and R. B. Butcher, "Why Olympic Athletes Should Avoid the Use and Seek the Elimination of Performance-Enhancing Substances and Practices from the Olympic Games," *Journal of the Philosophy of Sport* 21 (1994): 64-81.

¹³⁹ Loland, 2002: 79

¹⁴⁰ Laura S. Ronald and Saxon W. White, "The Price Athletes Pay in Pursuit of Olympic Gold," in *Drug Controversy in Sport: The Socio-Ethical and Medical Issues*, ed. Laura, Ronald S. and Saxon W. White (Sydney: Allen & Unwin, 1991), 14. Ronald and White's expertise comes from Ronald working as a professor of Education in addition to being an international bodybuilding judge, and White working as a professor of cardiorespiratory physiology at University of Newcastle.

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- ¹⁴¹ Warren Fraleigh, "Intentional Rules Violations – One More Time," *Journal of Philosophy of Sport* 30, no. 2 (2003): 168-175.
- ¹⁴² S. K. Wertz, "The Varieties of Cheating," *Journal of the Philosophy of Sport* 8, (1981): 23.
- ¹⁴³ Angela J. Schneider, "Olympic Reform, Are We There Yet?" in *Bridging Three Centuries: Intellectual Crossroads and the Modern Olympic Movement*, ed. Kevin Wamsley, Scott G. Martyn, Gordon H. MacDonald, and Robert K. Barney (London, ON: International Centre for Olympic Studies, 2000b), 227.
- ¹⁴⁴ Associated Press. "Rogge sees long battle against drugs in sport," 25 November 2008, http://ca.news.yahoo.com/s/afp/081125/sports/oly2008_rogge_doping_1 (accessed 25 November 2008).
- ¹⁴⁵ See World Anti Doping Agency, "Remarks by WADA President Richard W. Pound at AAAS Annual Meeting," 2004, <http://www.wada-ama.org/en/t3.asp?p=41275&x=1&a=88937> (accessed 10 May 2004).
- ¹⁴⁶ Merode relied on the same faulty reasoning in denying religious groups opposed to the use of blood tests exemptions from blood testing protocols, telling reporters from *The Guardian*, "No one is forced to compete... We have our rules and it is also in the constitution that they must take the test. If they don't they are out." As cited in Simon Boyles, "The International Olympic Committee, Transnational Doping, Policy and Globalisation," in *Drugs and Doping in Sport: Socio-Legal Perspectives*, ed. John O'Leary (London: Cavendish, 2001), 173.
- ¹⁴⁷ I will discuss the fourth component in more detail in the section on age in order to focus on doping in this section.
- ¹⁴⁸ See Gerald Dworkin, *The Theory and Practice of Autonomy* (Cambridge: Cambridge University Press, 1988), 34.
- ¹⁴⁹ Dworkin: 10.
- ¹⁵⁰ Carolyn McLeod, "How to Distinguish Autonomy from Integrity," *Canadian Journal of Philosophy* 35, no. 1 (2005): 108.
- ¹⁵¹ Isaiah Berlin, *Four Essays on Liberty* (New York: Oxford University Press, 1969), 136.
- ¹⁵² Dworkin: 20.
- ¹⁵³ Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics, Fifth Edition* (New York: Oxford University Press, 2001), 57.
- ¹⁵⁴ Schneider, 2000b: 228.
- ¹⁵⁵ See Angela J. Schneider and Robert B. Butcher, "An Ethical Analysis of Drug Testing," in *Doping in Elite Sport*, ed. W. Wilson and E. Derse (Champaign, IL: Human Kinetics Publishers, 2001).
- ¹⁵⁶ Samuel Warren and Louis D. Brandeis, "The Right to Privacy," *Harvard Law Review* 193, no. 4 (1890).
- ¹⁵⁷ Adam D. Moore, "Privacy: Its Meaning and Value," *American Philosophical Quarterly* 40, no. 3 (2003): 223.
- ¹⁵⁸ M. Alfino, and G. R. Mayes, "Reconstructing the Right to Privacy," *Social Theory and Practice* 29, no. 1 (2003): 3.
- ¹⁵⁹ Ludvig Beckman, "Democracy and Genetic Privacy: The Value of Bodily Integrity," *Medicine, Health Care and Philosophy* 8 (2005): 98.

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- ¹⁶⁰ Judith W. DeCew, "Alternatives for Protecting Privacy while Respecting Patient Care and Public Health Needs," *Ethics and Information Technology* 1 (1999): 249.
- ¹⁶¹ Beauchamp and Childress: 283.
- ¹⁶² M. Hayray and T. Takale, "Genetic Information, Rights, and Autonomy," *Theoretical Medicine* 22 (2001): 403-405.
- ¹⁶³ Adam D. Moore, "Owning Genetic Information and Gene Enhancement Techniques: Why Privacy and Property Rights May Undermine Social Control of the Human Genome," *Bioethics* 14, no. 2 (2000): 105.
- ¹⁶⁴ See Schneider and Butcher, 2001. See also T. Buti and S. Fridman, "Drug Testing in Sport: Legal Challenges and Issues," *University of Queensland Press Law Journal* 20 (1999): 1-5.
- ¹⁶⁵ Privacy Commissioner of Canada, *Drug Testing and Privacy* (Ottawa, Minister of Supply and Services Canada, 1990), 22.
- ¹⁶⁶ Privacy Commissioner of Canada, *Genetic Testing and Privacy* (Ottawa, Minister of Supply and Services Canada, 1992).
- ¹⁶⁷ Privacy Commissioner of Canada, 1990: 3.
- ¹⁶⁸ Colin Farrelly, "Genes and Social Justice: A Rawlsian Reply to Moore," *Bioethics* 16, no. 1 (2002): 73.
- ¹⁶⁹ Christian Munthe, "Ethical Aspects of Controlling Genetic Doping," in *Genetic Technology and Sport: Ethical Questions*, ed. Claudio Tamburrini and Torbjörn Tännsjö (New York: Routledge, 2005), 107-126.
- ¹⁷⁰ Bruce Kidd, "Athlete's Rights, the Coach, and the Sport Psychologist," in *Coach, Athlete, and the Sport Psychologist 3rd edition*, ed. Peter Klavara and Juri V. Daniel (Toronto: School of Physical and Health Education University of Toronto, 1984): 30.
- ¹⁷¹ Kidd, 1984: 30.
- ¹⁷² Beauchamp and Childress: 297.
- ¹⁷³ C.D. Herrera, "The Moral Controversy Over Boxing Reform," *Journal of the Philosophy of Sport* 29 (2002): 166.
- ¹⁷⁴ Barrie Houlihan, *Dying to Win* (Strasbourg: Council of Europe, 2002), 124.
- ¹⁷⁵ IOC, 2007: 81.
- ¹⁷⁶ Normally athletes who have represented a country at an international competition recognized by an IF must wait three years after obtaining citizenship in a second country to compete under the flag of the second country internationally. See IOC, 2007: 82.
- ¹⁷⁷ As cited in Ben Carrington, "Cosmopolitan Olympism, Humanism and the Spectacle of 'Race'," in *Post-Olympism? Questioning Sport in the Twenty-first Century*, ed. John Bale and Mette Krogh Christensen (New York: Berg, 2004), 81.
- ¹⁷⁸ IOC, 1958: 10. The 1958 edition of the *Olympic Charter* also stipulated in rule eleven that members of the IOC were elected for life unless they changed nationality, failed to pay subscriptions, or failed to attend meetings for four years.

¹⁷⁹ "Minutes, 19th IOC Session – Antwerp, 1920," in Wolf Lyberg, ed., *The IOC General Sessions 1920-1947 Volume I* (Lausanne: IOC, 1994), 95.

¹⁸⁰ The IOC followed a decree of the United Nations in allowing athletes from Yugoslavia to compete as individuals. See Bill Mallon, "Qualification for Olympic Games of the 21st Century," *Citius, Altius, Fortius* 1, no. 2 (1993): 10.

¹⁸¹ IOC, 2007: 19.

¹⁸² For example, Kenyan track star Bernard Lagat had his silver medal from the 2004 Olympic Games in Athens revoked because he had been granted American citizenship three months prior to the Olympic Games, and Kenya does not recognize dual citizenship. Kenyan laws automatically revoked Lagat's Kenyan citizenship when he became an American citizenship, so despite the NOC of Kenya entering Lagat he did not meet the standards set out in the *Olympic Charter*; in August 2004 he was no longer a citizen of Kenya, and he had not been a citizen of the US long enough to satisfy the IOC's conditions. Consequently, the IOC deemed Lagat ineligible and revoked his medal. Lagat's case demonstrates the injustices that citizenship rules can create for individual athletes. However, someone might argue that Lagat should have known the citizenship rules in force and followed them if he planned to compete.

¹⁸³ For example, South African runner Zola Budd was granted British citizenship in an expedited fashion so she could compete for Great Britain at the 1984 Olympic Games in Los Angeles. As a South African runner, the IAAF would not recognize Budd's performances due to anti-apartheid rules in effect at the time. Budd's British citizenship allowed her to compete at the Olympic Games immediately because she was not recognized to have competed internationally for South Africa prior and was considered to be representing a second country. Lumpkin, Stoll and Beller: 95. See also, Peter Donnelly, "Sport and Human Rights," *Sport in Society* 11, no. 4 (2008): 390.

¹⁸⁴ Wray Vamplew, "Playing with the Rules: Influences on the Development of Regulation in Sport," *International Journal of the History of Sport* 24, no. 7 (2007): 853.

¹⁸⁵ David Miller, "Against Global Egalitarianism," *The Journal of Ethics* 9 (2005): 68.

¹⁸⁶ Peter Singer, *One World: The Ethics of Globalization* (New Haven, CT: Yale University Press, 2002), 4.

¹⁸⁷ Mallon provides the example of the IAAF's qualifying rules preventing reigning world champion and world record holder Dan O'Brien from competing in the decathlon at the 1992 Olympic Games because he performed poorly in the pole vault at the United States Olympic Trials. O'Brien passed in the early rounds and then uncharacteristically failed at his first three attempts resulting in a score of zero. According to Mallon's proposal, O'Brien should have qualified to compete at the Olympic Games based on his past performances. Mallon argues that "Rule 49.3 of the Olympic Charter [sic] states that 'The NOCs shall send to the Olympic Games only those competitors adequately prepared for high level international competition.' Yet many nations flaunt this rule flagrantly. While I have no problems with all nations being allowed at least token representation, how can the IOC allow Lebanon 12 athletes at Barcelona, none competitive, while keeping out a Dan O'Brien or the 4th best Russian hammer thrower, who is in the top ten in the world in his event?" The parameters Mallon sets out allot automatic qualifying spots to the top athletes in the world (which allows a top ranked athlete who false starts or performs poorly in an Olympic qualifying event to still participate) and do not limit the number of athletes who can qualify for an event from a country. The remaining positions in an event should be filled by representatives from countries not already represented by the athletes who automatically qualified based on their world rankings. See Mallon: 10-12.

¹⁸⁸ IOC, 2007: 30-31.

¹⁸⁹ IOC, 2007: 84-85, 104.

¹⁹⁰ For more information on the inclusion of women's chaperones on early Olympic rosters and the eventual replacement of chaperones with nurses and other medical personnel, see Sarah Teetzel, "Sports, Medicine, and the Emergence of Sports Medicine in the Olympic Games: The Canadian Example," *Journal of Sport History* 34, no. 1 (2007): 401-413.

¹⁹¹ Mark Dyreson, "Icons of Liberty or Objects of Desire? American Women Olympians and the Politics of Consumption," *Journal of Contemporary History* 38, no. 3 (2003): 452.

¹⁹² John A. Lucas and Ian Jobling, "Troubled Waters: Fanny Durack's 1919 Swimming Tour of America Amid Transnational Amateur Athletic Prudery and Bureaucracy," *OLYMPIKA: The International Journal of Olympic Studies* 4 (1995): 93.

¹⁹³ McDongagh and Pappano: 170-172.

¹⁹⁴ Amanda Schweinbenz, "Not Just Early Olympic Fashion Statements: Bathing Suits, Uniforms, and Sportswear," in *Bridging Three Centuries: Fifth International Symposium for Olympic Research*, ed. Kevin Wamsley, Scott G. Martyn, Gordon H. MacDonald, and Robert K. Barney (London, ON: International Centre for Olympic Studies, 2000), 137.

¹⁹⁵ Wamsley and Pfister: 104.

¹⁹⁶ Wamsley and Pfister: 122. The Olympic Games is not the only sporting event where players' behaviour before and after the game affects their eligibility to participate in the actual competition. National Hockey League commissioner Gary Bettman's decision to suspend hockey player Sean Avery for derogatory and misogynistic remarks made to reporters in a pre-game interview demonstrates that behaviour unrelated to the playing of the game can be invoked to render a player ineligible for subsequent participation. See Matthew Coutts, "Crossing the Blue Line: The NHL relishes bloody noses, but won't tolerate Sean Avery's mouth," *The National Post*, 04 December 2008.

¹⁹⁷ The *Olympic Charter* also addresses the issue of advertising and logos on athletes' attire and equipment in considerable depth. The IOC's decision to regulate the size and frequency of logos appearing on sportswear seems reasonable as the purpose of the Olympic Games is not to generate revenue for sporting apparel companies.

¹⁹⁸ Simon, 2004: 191.

¹⁹⁹ Anita Lonsbrough, "USA Swimming official calls for restrictions on radical Speedo suit to end 'unfairness'," *The Telegraph*, November 25, 2008. <http://www.telegraph.co.uk/sport/othersports/swimming/3521354/Official-calls-for-restrictions-on-radical-Speedo-swimsuit-to-end-unfairness-Swimming.html> (accessed 26 November 2008).

²⁰⁰ Former 100m freestyle world record holder Pieter van den Hoogenband attests to the performance-enhancing qualities of Speedo's LZR Racer swimsuit. Van den Hoogenband's world record 100m freestyle time set at the Sydney Olympics in 2000 stood for just under eight years, then less than a year and a half after the appearance of the swimsuit, and the onslaught of world records that followed, Van den Hoogenband's former world record time now ranks as the 26th fastest time achieved in competition. Moreover, world-class swimmers are dropping multiple seconds from their best times in events that used to take months of intensive training to improve by hundredths and tenths of seconds. Also problematic is that Speedo, the leader in cutting edge swimsuit technology, is an official partner of FINA – the IF for swimming which sets the rules. See Rob Schoof, "In post-Beijing era, the Swimsuit makes the Swimmer." *NRC Handelsblad*, 04 May 2009, http://www.nrc.nl/international/article2231301.ece/In_post-eijing_era_the_swimsuit_makes_the_swimmer (accessed 04 May 2009).

²⁰¹ Sigmund Loland and Per Sandberg, "Realizing Ludic Rationality in Sport Competitions," *International Review for the Sociology of Sport* 30, no. 2 (1995): 225.

²⁰² Christine M. Brooks, "Using Sex Appeal as a Sport Promotion Strategy," *Women in Sport & Physical Activity Journal* 10, no. 1 (2001): 1. See also, Charlene Weaving, "Buns of Gold, Silver, and Bronze: A Critical Analysis of the State of Olympic Women's Beach Volleyball," in *The Olympics and Philosophy*, edited by Heather Reid and Mike Austin (Lexington, KY: University Press of Kentucky, In press).

²⁰³ As cited in Brooks: 1.

²⁰⁴ Fédération Internationale de Volleyball, *Rules of the Game Casebook* (Lausanne: Fédération Internationale de Volleyball, 2007b), 5.

²⁰⁵ Fédération Internationale de Volleyball, 2007: 43, 56.

²⁰⁶ Fédération Internationale de Volleyball. Games of the XXVIII Olympiad Athens – 2004 Olympic Beach Volleyball Tournaments Specific Competition Regulations (Lausanne: Fédération Internationale de Volleyball, 2004), 37-40. Alternatively, women can opt to wear a one-piece bathing suit as long as it clings to the body and has an open back and upper chest. Men's requirements include a tanktop and shorts.

²⁰⁷ See Canwest News Service. "C. hockey coach banned for wearing turban." *The Ottawa Citizen*, 27 November 2008, <http://www.canada.com/ottawacitizen/news/story.html?id=54ac8a3a-b24d-40e4-a370-0e7f82866967> (accessed 27 November 2008).

²⁰⁸ An obvious potential violation of this suggestion is the proposal that the uniforms worn by the Canadian Olympic Team at the opening ceremonies of the Vancouver 2010 Winter Games contain seal fur in support of the seal hunt. The infringement on an athlete's autonomy to wear what he or she wishes is exacerbated when components of the uniform violate an athlete's moral convictions. As an outcome of the discussions on including seal parts in the Canadian uniforms has not determined, I will not address this particular issue in more detail.

²⁰⁹ M. I. Finley and H. W. Pleket, *The Olympic Games: The First Thousand Years* (Toronto: Clarke, Irwin & Company, 1976), 62.

²¹⁰ "Minutes, 36th IOC Session – Berlin, 1936," in Wolf Lyberg, ed., *The IOC General Session Minutes 1920-1947 Volume II*. (Lausanne: IOC, 1994), 197.

²¹¹ IOC, 1958: 19.

²¹² IOC, 1987: 18.

²¹³ This modification, with the exception of minor word changes, has been in effect since the 1980 edition of the *Olympic Charter*. Rule 43 is one of the shortest rules in the *Olympic Charter* and does not have a by-law appended. IOC, 2007: 83. See also *Olympic Review* 169 (November 1981): 642.

²¹⁴ International Olympic Committee, *Youth Olympic Games* (Lausanne: International Olympic Committee, 2007b), 3-7. Approximately 3200 athletes and 800 officials will take part in the first Youth Olympic Games while the Winter Youth Olympic Games will involve 970 athletes and 580 officials in 2012.

²¹⁵ IOC, 2007b: 3.

²¹⁶ Donna Spencer, "Scope of Olympic Games for Teenagers Murky to Canadian Olympic Committee," *The Canadian Press*, 01 December 2008, <http://www.canadaeast.com/sports/article/498178> (accessed 01 December 2008).

²¹⁷ See Spencer. Rudge also noted the strain that the Youth Olympic Games places on the budgets of NOCs. As there was no indication in 2006 that Youth Olympic Games would take place in 2010, NOCs did not anticipate and allot money to fund sending a team of young athletes to Singapore when preparing their budgets for the next quadrennial.

²¹⁸ IFs must select one age range per discipline and ensure all events include the chosen age group. For example, an IF could restrict entries to athletes who are 14 and 15 years old or to athletes who are 17 and 18 years old, but cannot stipulate one event for 14/15 and another for 15/16 at the same Olympic Youth Games. IOC, 2007b: 6.

²¹⁹ Tom Daley became the youngest male diver at the Olympic Games at 14 years and 80 days old. The previous youngest diver was Fred Hodges who competed in Berlin in 1936 at 15 years and 94 days. Alexi Mostrous, "Tom Daley, 13, in at the Olympic deep end." *The Times Online*, 28 February 2008, http://www.timesonline.co.uk/tol/sport/more_sport/article3427995.ece (accessed 28 February 2008). Moreover, to ensure Tom Daley receives proper care during the Olympic Games, he was assigned a "designated child protection officer" and provided with a male and female support staff member from Team Great Britain. Conveniently, another diver on the Great Britain Olympic team is a teacher who agreed to tutor Daley during Olympic preparations. See Ollie Williams, "GB Ready for Teenage Olympian." *BBC News Online*, 25 February 2008, <http://news.bbc.co.uk/sport2/low/olympics/7197205.stmh> (accessed 26 February 2008).

²²⁰ Swimmers tend to achieve success at the Olympic level at a relatively young age. In 1992, Japanese swimmer Kyoto Iwasaki won the 200m breaststroke as a 14 year old, and at the subsequent Games in 1996 American swimmer Amanda Beard won three medals at the same young age. Similarly, Michael Phelps was 15 years old when he competed in his first Olympic Games in 2000 and set his first world record in the 200m butterfly.

²²¹ Hans Lenk, "Toward a Social Philosophy of the Olympics: Values, Aims, Reality of the Modern Olympic Movement," in *The Modern Olympics*, ed. Peter J. Graham and Horst Ueberhorst (Cornwall, NY: Leisure Press, 1976), 133. Other examples of child Olympic victors include fourteen-year-old American gold medalists gymnast Dominique Moceanu who was a member of the American women's "magnificent seven" that won the team competition at the 1996 Olympic Games and figure skater Tara Lipinski who won the women's singles figure skating event two years later in Nagano, as well as archery bronze medalist Denise Parker who was 14 when she competed at the Olympic Games in Seoul. See Gabriela Tymowski, "Rights and Wrongs: Children's Participation in High-Performance Sports," in *Cross Cultural Perspectives in Child Advocacy*, ed. Ilene R. Berson, Michael J. Berson, and Barbara C. Cruz (Charlotte, NC: Information Age Publishing, 2000), 58.

²²² As cited in Tymowski, 2000: 63.

²²³ Christopher C. Grenfell and Robert E. Rinehart, "Skating on Thin Ice: Human Rights in Youth Figure Skating," *International Review for the Sociology of Sport* 38, no. 1 (2003): 79.

²²⁴ Siri Farstad, "Protecting Children's Rights in Sport: The Use of Minimum Age," *Human Rights Law Commentary* 3 (2007): 1-20, The University of Nottingham Human Rights Law Centre http://www.nottingham.ac.uk/shared/shared_hrlcpub/Farstad.pdf

²²⁵ Farstad: 3.

²²⁶ Light work is permitted for children 12 years of age or older in developing countries and 13 years or more in developed countries as well. Farstad argues that training at an intensive level for more than 30 hours per week far exceeds the conditions of light work. See Farstad: 4.

²²⁷ Andy Miah, "Doping and the Child: Ethics for the Most Vulnerable Group," *The Lancet* 366 (10 September 2005): 874.

²²⁸ Tymowski, 2000: 61.

²²⁹ Gabriela Tymowski, "Pain, Children and High-Performance Sport: A Justification of Paternalism," *Professional Ethics* 9, no. 3-4 (2001): 124.

²³⁰ Tymowski, 2001: 124.

²³¹ Prior to 1972, it was less common for teens to qualify to compete in the Olympic Games. Even in women's gymnastics almost all competitors were in their twenties. However, after 17-year-old Russian gymnastics sensation Olga Korbut's stunning performance at the Olympic Games in Munich, where she wore her hair in pigtails and was said to exude girlish charm, coaches realized that younger gymnasts were smaller and more flexible and could thus perform rotations and movements impossible for taller and more developed competitors to achieve. Women's gymnastics quickly became a sport where "younger, shorter, and skinnier" became the norm and gymnasts were encouraged to take measures to remain as small as possible. By 1996, the average age of female Olympic competitors had dropped to just over 15 years of age. See John Barry, "Prepubescent Pixies: Should There Be A Higher Minimum Age For Olympic Gymnasts?" *Los Angeles Times*, 09 January 2001, http://www.speakout.com/activism/issue_briefs/1387b-1.html (accessed 10 June 2008). After the Olympic Games in Atlanta, where the world watched numerous young teens compete in the women's events, and in response to perceptions that women's gymnastics was a breeding ground for extreme training practices that encouraged anorexia and bulimia, the FIG imposed a minimum age of 16 for competing at subsequent Olympic Games in gymnastics. The FIG's rule prevented top Canadian gymnast Peng-Peng Lee from competing in Beijing because she was a few months too young. She cannot make her Olympic debut until 2012. See Robin Brown, "Olympic Age Minimums Not Always Fair" *CBC Radio One Blog* 29 January 2008, http://www.cbc.ca/sports/brown/2008/01/olympic_age_minimums_not_alway.html (accessed 22 February 2009). Many people consider gymnastics one of the most grueling sports. Athletes train for upwards of eight hours per day and face pressures to stunt their growth using drugs and diet manipulation to achieve the appearance of a "pixie-like waif" yet retain the strength and endurance to execute flawless, demanding performances. Conversely, FIG president Bruno Grandi told reporters, "[s]ports like gymnastics should not be there for kids. Gymnasts should only be allowed to compete on the international stage when they are mature physically and mentally." See Williams. Alluding to the harm that stems from competing as an elite-level athlete at a young age, Grandi's comments show his intent is not to punish child athletes but to protect their well-being. Legendary Romanian-turned-American gymnastics coach, Bela Karolyi, who produced some of the smallest, lightest, and most determined gymnasts ever, including Nadia Comaneci and Kerri Strug, was a vocal opponent of the FIG's minimum age rule. In objecting to the rule, Karolyi fumed to reporters that the decision involved "crazy discrimination" and that the Olympics should let the best athletes win regardless of their ages.

²³² Schneider, 1992: 169.

²³³ Tymowski, 2000: 81.

²³⁴ Other rights Tymowski endorses include the rights to knowledge, to equal opportunity, to participate at a suitable level, to work with qualified leaders and coaches, to have fun, and to be treated with respect always. Correspondingly, young athletes have a duty to be respectful to other athletes, coaches, and officials. Tymowski, 2000: 82-85.

²³⁵ As cited in Tymowski, 2000: 55

²³⁶ As cited in Peter Donnelly, "Child Labour, Sport Labour: Applying Child Labour Laws to Sport," *International Review for the Sociology of Sport* 34, no. 4 (1997): 389-406.

²³⁷ Donnelly, 2008: 381-394.

²³⁸ Tymowski, 2000: 59.

²³⁹ For example, 14-year-old British diver Tom Daley trains 30 hours per week while attending school. Daley is quoted as saying, "I do miss my friends but it's something I have to sacrifice to be a top diver." See Mostrous.

²⁴⁰ Howard L. Nixon, "A Social Network Analysis of Influences on Athletes to Play with Pain and Injuries." *Journal of Sport and Social Issues* 16, no. 2 (1992): 127-135.

²⁴¹ Tymowski, 2000: 57.

²⁴² Jay Coakley, "Moral Ethical Issues in Youth: Beyond Anecdotes and Indignation," in *Children, Sport, and Physical Activity: Philosophical Dimensions Conference Proceedings*, ed. Angela Schneider, Sarah Teetzel, Michael Capobianco and Geoffrey Bardwell (London, ON: University of Western Ontario, 2007), 21.

²⁴³ Coakley, 2007.

²⁴⁴ If a young athlete turns to banned methods or substances to increase his or her level of athleticism and opts to breach agreed upon doping rules, additional implications and impediments arise in comparison to traditional cases of doping in adults. The stigma of a positive doping test can haunt a child athlete for the rest of his or her life because a doping conviction often surrounds an athlete in controversy, and more often than not results in the athlete being branded a 'cheater' in public forums. After Ben Johnson tested positive for steroids at the 1988 Olympics in Seoul, his reputation never recovered and his name is now synonymous with cheating. While Johnson was 27-years-old when he was caught doping, he is speculated to have started using performance-enhancing drugs many years before he was eventually caught, and the ramifications of cheating have followed him and impacted his opportunities for employment. Johnson recently stooped to what some consider a new low when he became a spokesperson for Cheetah Power Surge sports drink. The disgraced star athlete is featured in two Cheetah Power Surge television commercials; one involves an interview with the president of Cheetah Power Surge and the other a race against a cheetah. In the former the interviewer asks, "Ben, when you run, do you Cheetah?" to which Ben replies, "Absolutely, I Cheetah all the time." In the latter, Johnson races a cheetah and tells consumers to "go ahead and Cheetah." Both commercials seem to promote the message that cheating in sports is acceptable and humorous.

²⁴⁵ Christopher Bodeen, "China Warns Basketball Players to be Honest about their Ages," *The Associated Press*, 28 November 2008, <http://sports.canadaeast.com/front/article/article/495339> (accessed 28 November 2008).

²⁴⁶ Bodeen.

²⁴⁷ Brown.

²⁴⁸ Christine Brennan, "Age Requirement could Keep Stars from Rising," *USA Today*, 31 May 2008, http://www.usatoday.com/sports/columnist/brennan/2008-01-24-young-skaters_N.htm (accessed 31 May 2008).

²⁴⁹ Brennan.

²⁵⁰ Farstad: 10.

²⁵¹ Farstad: 12.

²⁵² Loland, 2002: 59.

²⁵³ There are always exceptions to the norm. At 46 years of age, and more than a decade beyond the cut-off for Olympic boxing, Japanese boxer Kazumi Izaki seeks to become the oldest boxing champion recognized by the World Boxing Association. However, her last planned match was cancelled due to concerns about her age and the impact the fight might have on her health despite Izaki's trainers and medical advisors confirming she is fit to fight. See Nikki Jecks, "Japanese Mother Seeks Boxing Record," *BBC World Service*, 06 May 2009. <http://news.bbc.co.uk/2/hi/asia-pacific/8034421.stm> (accessed 06 May 2009).

²⁵⁴ The IOC Eligibility Committee strongly opposed the age limit imposed by FIFA on the Olympic football tournaments noting the IOC's preference is that "the Games remain open to all elite athletes who conform to the eligibility criteria and do not become a second-rate sports event" See "Report From The Commissions – 94th Session" *Olympic Review*, 616.

²⁵⁵ Lenk: 134.

²⁵⁶ Lenk: 134. Lenk also adds that in the Helsinki Olympics in 1952, two of the competitors in the track and field discipline were grandmothers and a female competitor he does not name competed in a dressage equestrian event at 63 years of age.

²⁵⁷ Uwe Jentzsch, "Shooting," *Olympic Review* 49 (October 2003): 57.

²⁵⁸ John Harris, "The Age-Indifference Principle and Equality," *Cambridge Quarterly of Healthcare Ethics* 14 (2005): 93.

²⁵⁹ Harris: 96.

²⁶⁰ Harris: 96.

²⁶¹ Debra Shogan, "Rules, Penalties, and Officials: Sports and the Legality-Morality Distinction," *Canadian Association for Health, Physical Education, Recreation and Dance Journal* 54, no. 6 (1988): 6.

²⁶² Shogan: 10.

²⁶³ Christopher Kutz, *Complicity: Ethics and Law for a Collective Age* (Cambridge: Cambridge University Press, 2000), 17.

²⁶⁴ Margaret Gilbert, "Walking Together: A Paradigmatic Social Phenomenon," *Midwest Studies in Philosophy* 15 (1990): 8.

²⁶⁵ Francis Kew, "Contested Rules: An Explanation of How Games Change," *International Review for the Sociology of Sport* 22, no. 2 (1987): 125.

²⁶⁶ Kew: 131.

²⁶⁷ Jason Laurendeau, "Jumping Like A Girl. Women's Ski-jumping, Risk Discourses and Discursive Silence," in *Pathways: Critiques and Discourse in Olympic Research, Ninth International Symposium for Olympic Research*, ed. Robert K. Barney, Michael K. Heine, Kevin B. Wamsley, and Gordon H. MacDonald (London, ON: International Centre for Olympic Studies, 2008), 382.

²⁶⁸ See David M. Holley, "Breaking the Rules When Others Do," *Journal of Applied Philosophy* 14, no. 2 (1997): 165.

²⁶⁹ Beamish and Ritchie, 2004: 367.

²⁷⁰ *Minutes of the Executive Board of the I.O.C. with the delegates of the National Olympic Committees.* 17 June 1961, James Worrall Collection, Box 25, Folder 1, International Centre for Olympic Studies Archives. See particularly page three.

CHAPTER V

Summary, Conclusions, and Recommendations for Future Study

Summary

The purpose of this project was to determine whether rules governing participation in the Olympic Games function to facilitate the attainment of the values and ideals associated with the Olympic Games. Rules that impede the realization of the Olympic values were analyzed from a philosophical perspective to determine whether the rules are morally acceptable and if greater good for the Olympic movement would come from modifying or eliminating rules that contradict the Olympic ideals. To address problematic areas in the organization of the Olympic Games and argue that change is necessary, evidence that highlights the tensions involved is required because “policymakers demand data to prove that there is a problem.”¹ The data required to show that change is warranted and needed comes from the research described in Chapters II, III, and IV, which is guided by the theoretical perspectives described in Chapter I. In addition to describing the framework of the study, Chapter I included a review of the literature informing the analysis of rules and values in sport.

My analysis of the Olympic ideals and Olympic eligibility rules utilized a rule-consequentialist framework that emphasizes equality, justice, and desert, and is framed by a liberal feminist perspective. While rule-consequentialism is an effective theory to use to evaluate the consequences of rules in force in the Olympic movement, relying exclusively on consequentialist considerations fails to take into account the motivations of the athletes, the nature of sport, concerns about desert, and athletes’ rights to privacy and autonomy. Basing the moral acceptability of decisions in sport solely on the consequences produced fails to address several key factors and considerations that seem

too important to ignore. Consequently, I opted to employ a mixed ethical framework that included these considerations.

In the second chapter I examined the Olympic movement, Olympic values, Olympic ideals, and conceptions of Olympism. I consulted the philosophical, historical, and sociological literature on the development and specification of Olympism and determined that four ideas are common amongst most conceptions of Olympism and represent what people refer to when they speak of the Olympic ideals. The four ideas include an emphasis on fairness and fair play, expectations of equality and non-discrimination, a focus on ethical behaviour, and the belief that the Olympic Games offers educational prospects for youths worldwide. The ideals discussed in Chapter II represent the perfect realization of Olympic values. However, actual practices prevent the ideal of Olympism from being achieved because "in the real world, winning may be overemphasized, rules may be broken, athletes may be exploited, and unfair conditions for competitions may preclude genuine challenges."² I examined the notions of fairness and equality in depth and discussed the philosophical literature informing the major ideas related to each ideal. In doing so I demonstrated why fairness and equality in particular are worthy of being considered Olympic ideals for members of the Olympic movement to strive towards attaining.

In the third chapter I examined the eligibility requirements for competing at the Olympic Games to determine what methods the IOC and IFs employ to delimit and restrict participation. Thematic analyses of the *Olympic Charter* and the rulebooks of the eight IFs included in the study provided a list of conditions athletes must fulfill to take part in the Olympic Games. Auxiliary rules contained within the documents were

grouped together and presented as themes of rules that require moral scrutiny and justification. Six themes of eligibility rule requirements emerged from the analysis. The six themes included rules regarding: 1) sex and gender categories; 2) anti-doping; 3) citizenship; 4) behaviour and dispute resolution; 5) uniforms and competitive attire; and 6) age limits. Each theme of rules required critical evaluation to determine if the differences that exist between the *Olympic Charter* and rules of the IFs are justifiable and morally acceptable from a rule-consequentialist, liberal feminist perspective that emphasizes equality, justice and desert.

In the fourth chapter I compared the data established in Chapters II and III to determine how eligibility rules hinder or support the attainment of the Olympic values and ideals. I analyzed how the six themes of auxiliary rules identified in Chapter III affect the realization of the Olympic ideals determined in Chapter II. For each theme of auxiliary rule related to eligibility, I examined the history of the rule development and modification processes to determine when the rules came into effect and what motivated the IOC to adopt each rule. I discussed the implications of the rules currently in effect and I identified the ethical issues and tensions created by the rules. The ethical issues included sex inequality, autonomy, privacy, and paternalism.

In this chapter I discuss how equality and fair play can be increased through the modification of auxiliary rules, and how auxiliary rules that foster inequality can be revised or eliminated to help align the Olympic Games with the Olympic ideals. The spirit of sport and the ethos of sport contribute to the attitudes and discrepancies associated with implementing and actualizing rules set out in charters, documents, and policy papers. I conclude my examination of auxiliary rules in the Olympic movement

by drawing conclusions from the analysis in the previous three chapters and providing recommendations for future areas of study.

Conclusions

Methods of limiting the number of athletes that compete in the Olympic Games are warranted to ensure the size of the festivals does not exceed the capacities of OCOGs to organize and host the events. Equality in the simplest sense is impossible in a competition like the Olympic Games, which has a set limit of 10,500 participating athletes but attracts the interest of billions of people worldwide. The majority of the countries in the world have at least 10,500 aspiring Olympic hopefuls training in various sports, so the set quota could be filled several times over with athletes from just one country if auxiliary rules pertaining to eligibility were not in place. Eligibility criteria are needed to regulate and manage the number of participants and officials taking part in the Olympic Games for practical, environmental, and economic reasons. However, the rules that specify precise eligibility requirements must be fair, just, and consistently applied to all aspiring Olympians if the Olympic Games are to achieve the values associated with the movement.

The majority of Olympic scholars' work consulted included four ideals that collectively encompass what the IOC refers to as Olympism. As I demonstrated in Chapter II, the components of Olympism emphasized by the IOC and scholars studying the Olympic movement included a notion of fairness (which includes fair play, justice, and respect for the rules, traditions, opponents, and one's self), a call for equality, non-discrimination, or understanding (that respects human rights, athletes' rights and autonomy), a focus on ethical behaviour (including the embodiment of virtues such as

honesty, courage, excellence, and honour), and the use of education to promote peace and understanding through sport. Together these four components of Olympism represent the Olympic ideals associated with the Olympic Games. These ideals are unique to the Olympic Games and are not associated with world championships or other elite-level competitions. Watching the Olympic Games on television is a family affair and interest in the Olympic Games spans across all demographics. Arguing that "the Olympic Games are not just multi-sport world championships," Schneider points out the popularity with fans and attractiveness to sponsors that the IOC enjoys is a result of the ethics and values attached to the Olympic Games.³ Failing to discourage the attitude that success involves the number of medals won, rankings achieved, and records broken,⁴ rather than the pursuit of the Olympic ideals, is dangerous for the continued success of the Olympic Games.

This project shows that while most rules are acceptable and do not contradict an athlete's pursuit of the Olympic ideals, there are rules in force at the Olympic Games that are not justified from a rule-consequentialist perspective. Three areas that require revision emerged. The first involves rules that mandate the differential treatment of women and men. The second involves paternalistic requirements toward adult athletes that limit their options in choosing for themselves when they are too old to compete safely. The third involves the requirement that athletes wear uniforms that may fail to respect their beliefs and values. Other areas of contention include the mandatory requirements that Olympic athletes provide blood or urine samples for doping detection tests on demand and use the Court of Arbitration for Sport to settle disputes connected to the Olympic Games. Doping and dispute resolution rules limit athletes' autonomy and impinge upon their right

to privacy. However, alternative rules that will lead to more acceptable consequences are not readily available. The violations of athletes' autonomy and privacy that drug testing creates seems justifiable at the Olympic Games in order to promote fairness and fair play. In an ideal world athletes could trust that their competitors would not break the rules without relying on verification from anti-doping labs, but current attitudes and practices require testing as a necessary component of upholding the rules if the IOC continues to promote doping-free sport.⁵

The IOC can veto rules set by the IFs as it is the main stakeholder in the administrative and organizational aspect of the Olympic Games. While the IOC has little to no influence in the way an IF organizes and administers its sport's rules, world championships, and general operations, the IOC does have input about how the sports contested at the Olympic Games are governed. Indeed, the IOC includes in the *Olympic Charter* that the final "authority of last resort on any question concerning the Olympic Games rests with the IOC."⁶ While the events contested at the Olympic Games follow the technical regulations of the IFs, invoking rule 6.3 quoted in the previous sentence would allow the IOC to require that IFs change rules that do not support the Olympic values. When rules set by an IF, such as AIBA's upper age limit of 35 to compete at the boxing events at the Olympic Games, contradict the IOC's general rules, the IOC must not cater to the preferences of individual IFs. It should instead require an IF to make exceptions to its general rules in order to remain on the Olympic program. As the plight of the IFs for rugby sevens, roller sports, squash, softball, and baseball to gain a position on the Olympic program demonstrates, there is a waiting list of sports seeking to be added to the program that likely would agree to abide by the IOC's rules. Currently

contested events that fail to follow the IOC's rules, regardless of the sport's history in the Olympic Games or popularity, should be replaced with events that offer equitable offerings to both male and female athletes.

There is a tension between the words printed in the *Olympic Charter* and the subsequent actions on the part of IOC members with respect to sex equality. One could accuse the IOC of including empty words in the *Olympic Charter* in its fifth fundamental principle that states "any form of discrimination with regard to a country or a person on grounds of race, religion, politics, gender or otherwise is incompatible with belonging to the Olympic Movement."⁷ The IOC is complicit in tolerating sex inequality at the Olympic Games by failing to require that IFs include equal opportunities for female and male athletes. A program of events that offers an additional 45 events for men in which a comparable women's event is not contested is not acceptable.⁸ Furthermore, claiming to prohibit gender discrimination in a document that uses masculine language exclusively with the justification that "the masculine gender used in relation to any physical person [...] shall, unless there is specific provision to the contrary, be understood as including the feminine gender"⁹ is unconvincing. The note of explanation is not sufficient and functions to perpetuate negative attitudes and stereotypes that view women as inferior athletes and human beings.

Another problem that emerged through the analysis of the rules governing participation at the Olympic Games involves the interpretation of official documents. In setting eligibility criteria in formal documents, the IOC and IFs risk people interpreting the rules incorrectly or in ways unforeseen by the rulemakers. There is no way to avoid using formal documents in sport as the codification of rules is a necessary component of

global sports contested around the world.¹⁰ However, organizations using rulebooks and documents to convey information about the nature of competitions and the rules in effect must be aware that variation in the interpretation of the rules contained within the documents will occur among groups of people. In addition, the literal meaning of each word contained within a rule may not capture the meaning behind the rulemakers' intentions and motivations. Similarly, translations of the *Olympic Charter* and rulebooks of the IFs can influence competitors' interpretations of the rules because miniscule alterations and regional customs can effect how people interpret and understand words, concepts, and ideas.

A formalistic reading of a rulebook interprets rules "according to the literal meaning of words or phrases or sentences or paragraphs on a printed page," which can lead to interpretations that "seem to frustrate the purpose behind those words."¹¹ The spirit of the rule, also known as the spirit of sport in this context, has to precede the actual rules that appear in the rulebooks that govern sports. This is in part due to the fact that in writing a rulebook or charter the authors' intentions motivate the words they choose to use to explain that sport.¹² Formalism requires adherence to the letter of the rule whereas the intention behind the rule that the rulemakers sought to convey constitutes the spirit of the rule.¹³ Following the letter of the rule can allow acts not explicitly banned by the rulemakers in rulebooks to go unpunished in sport. In many cases, had the rulemakers considered that athletes might attempt dubious and unsporting acts within competitions it is likely that rules would have been added that would prohibit such actions.¹⁴ It is important for organizers, and all people who interpret rulebooks, to focus on the spirit of the sport rather than the letter of the rule.

An ideal version of the *Olympic Charter* would not include rules that tolerate discrimination against female competitors by permitting IFs to legislate unjustified sex differences. Yet the past and present culture of sport makes it unclear whether all members of the IOC would seek to eliminate remnants of sex inequality in the Olympic movement barring considerable pressure from sponsors and fans, although it is likely some members recognize and oppose the continued unequal playing field women continue to face. Indeed, as Schneider has argued, "the IOC is still very much an 'old boys' club'. Despite much-vaunted gender equity proposals by the IOC [...] there has not been nearly enough done."¹⁵ The IOC must make greater efforts to rid the Olympic movement of unjustified exclusion and discriminatory practices based on sex, gender, age, and other variables beyond athletes' control. Acting in response to cases of blatant discrimination is not sufficient; pro-active initiatives, such as the actions taken to develop the *Stockholm Consensus*, need to become the norm for the IOC rather than the exception.

The IOC must set a strong example for other organizations and individuals to follow because of its power and influence. Sport philosophers Carwyn Jones and Mike McNamee argue that the majority of football players know and understand that discrimination based on sex is wrong and unacceptable in sport; however, the current ethos in sport that does not challenge sexist and misogynistic attitudes toward female athletes allows discriminatory attitudes to persist. Without impetus or encouragement to modify unacceptable biases and beliefs about women's sport, "as long as such an ethos prevails these values will dominate."¹⁶ Accordingly, actualization of the values associated with the Olympic Games would be more effective if the IOC served as a role

model for the equitable treatment of all athletes rather than as a facilitator of continued male dominance in sport. Treating all athletes as individuals who are equally valuable and respected promotes the Olympic values and helps perpetuate this attitude as a new norm for sport.

Rules that require revision must be challenged not only by academics but by athletes, IOC members, Olympic sponsors, and consumers who support the sponsors and athletes at the Olympic Games. John Rawls argued that all people are "always entitled to reconsider the correctness of a rule and to question whether or not it is proper to follow it in a particular case."¹⁷ Engaging in critical reflection would help but does not seem like an activity prevalently engaged in by most members of the Olympic movement.

Fostering positive change in the Olympic movement requires a cohesive effort by everyone involved. Like other social justice initiatives that attempt to protect "the rights of all people and especially those less fortunate, those lacking in power and dispossessed of the requisite strength to claim what is rightfully and rationally theirs,"¹⁸ continued reforms in the Olympic movement will not be easy. But as a global event that attracts widespread interest around the world, the IOC has a built-in mode of setting a good example.¹⁹ Rule changes in sport, even ones that cause considerable impact on how a sport is played or defy traditions associated with a sport, are not uncommon or forbidden.

Upon occasion warranted by unpredicted situations, IFs and sports leagues have changed constitutive and regulative rules in order to achieve or help emphasize a new or modified goal of the sport. For example, Major League Baseball changed a constitutive rule of baseball in 1973 when the league added the position of the designated hitter to bat for the pitcher in the American League. In changing a long-standing rule in baseball, the

American League attempted to make the game more exciting for fans by increasing the number of homeruns hit and runs scored. A second example includes the National Basketball Association's decision to give referees greater leeway in applying regulative rules by calling fewer penalties for traveling with the ball. The change allowed teams to score additional points and provided more action and excitement for the fans. The resulting rule change minimized the skills and tactics required to play competitive basketball but increased ticket sales and profits.²⁰ Furthermore, rule changes that allowed pauses in the action of a sport to facilitate commercial breaks on television were implemented quite easily. Changing or modifying constitutive and regulative rules is not unheard of in sports; changing problematic auxiliary rules that promote unjustified exclusion in sport should not be considered impossible either.

Recommendations for Future Study

To draw additional conclusions on Olympic eligibility rules, other sports governed by IFs not included in the representative sample could be added to a future study to increase the scope of the project. Removing the delimitation that restricted the study to the rules contained within the rulebooks and policy documents of eight IFs would allow for additional rules to be considered in the ensuing analysis. By expanding the scope of the project, a researcher could include more data in the analysis and possibly identify additional themes of rules implemented by IFs other than the eight included in the representative sample. Alternatively, to generate more information a researcher could focus on the historical aspects of one IF's rule changes and modifications by visiting the archives of the IF and performing an in depth case study on how one IF's rules support or hinder an athlete's pursuit of the Olympic ideals.

Other possibilities for future study include using qualitative research methods to consult stakeholders in the Olympic movement. Discussing the effects of rules and rule changes with Olympians, IOC members, and people who have worked within the Olympic movement would add another perspective to the research and help clarify how contentious issues remained entrenched in the culture of the Olympic Games for so long. Interviews could also help determine whether elite-level athletes perceive and acknowledge that participating in the Olympic Games restricts their freedom to make autonomous decisions about how they live their lives.

Throughout this dissertation I sought to establish the philosophical grounds to argue that there are rules in place in the Olympic Games that hinder the attainment of the Olympic values. I conclude that several imposed auxiliary rules pertaining to an athlete's eligibility to compete at the Olympic Games are in opposition to the goal of promoting equality, fairness, ethical behaviour and education through sport. The most pressing rules that require the most immediate attention restrict women from competing in a program of events equitable to the men's program.

Endnotes

¹ Alison Doherty and Aniko Varpalotai, "Theory-Policy Interface: The Case of Gender Equity in Sport," *Avante* 7, no. 1 (2000): 32.

² Robert L. Simon, *Fair Play: The Ethics of Sport* (Boulder, CO: Westview Press, 2004), 39.

³ Schneider also argues that it is in the IOC's best interest to act ethically and eliminate unethical issues in sport in order to retain the high level of sponsorship the Olympic Games currently attract as a result of its association with ethics and values. See Angela J. Schneider, "Olympic Reform, Are We There Yet?" in *Bridging Three Centuries: Intellectual Crossroads and the Modern Olympic Movement*, ed. Kevin Wamsley, Scott G. Martyn, Gordon H. MacDonald, and Robert K. Barney (London, ON: International Centre for Olympic Studies, 2000), 225

⁴ Kidd describes the Canadian Olympic Association's (which is now known as the Canadian Olympic Committee) view that "top athletic performance, as measured by medals, rankings, and records set in international competition, should be the overriding goal for the Olympic Movement, and that all athletes, coaches, and administrators should devote themselves to this goal." See Bruce Kidd, "The Philosophy of

Excellence: Olympic Performances, Class Power, and the Canadian State," in *Philosophy of Sport and Physical Activity: Issues and Concepts*, ed. Pasquale J. Galasso (Toronto: Canadian Scholars' Press, 1988), 12.

⁵ See Angela J. Schneider and Robert B. Butcher, "An Ethical Analysis of Drug Testing," in *Doping in Elite Sport*, ed. W. Wilson and E. Derse (Champaign, IL: Human Kinetics, 2001), 129-152. See also Sarah Teetzel, "Respecting Privacy in Detecting Illegitimate Enhancements in Athletes," *Sport, Ethics and Philosophy* 1, no. 2 (2007): 159-170. For a discussion of whether doping rules should be abandoned entirely, see Kirkwood.

⁶ International Olympic Committee, *Olympic Charter* (Lausanne: IOC, 2007), 19.

⁷ IOC, 2007: 11.

⁸ See Appendix B. The Olympic programme includes 165 men's events at the summer Games and 44 men's events at the winter Games while offering only 127 summer and 37 winter events for women.

⁹ IOC, 2007: 9.

¹⁰ See Wray Vamplew, "Playing with the Rules: Influences on the Development or Regulation in Sport," *International Journal of the History of Sport* 24, no. 7 (2007): 843-871.

¹¹ Frederick Schauer, "Formalism," *The Yale Law Journal* 97, no. 4 (1988): 538.

¹² See Sigmund Loland and Mike McNamee, "Fair Play and the Ethos of Sports: An Eclectic Philosophical Framework," *Journal of the Philosophy of Sport* 27, no. 1 (2000): 65.

¹³ See Warren P. Fraleigh, *Right Actions in Sport: Ethics for Contestants* (Champaign, IL: Human Kinetics, 1984).

¹⁴ Recent examples include hockey player Sean Avery's attempt to distract goaltender Martin Brodeur by waving his arms to block Brodeur's view, and members of the Catania men's soccer team dropping their pants to distract the opposing goalkeeper and block his view of the ball during an incoming free kick in the Italian professional football league. Had rulemakers imagined that athletes would stoop to these tactics, surely the tactics would have been banned in the rulebook. However, both actions may be attributed to different ethos of sport.

¹⁵ Schneider, 2000: 227.

¹⁶ Carwyn Jones and Mike McNamee, "Moral Reasoning, Moral Action and the Moral Atmosphere of Sport," *Sport, Education and Society* 5, no. 2 (2000): 144.

¹⁷ John Rawls, "Two Concepts of Rules," *The Philosophical Review* 64, no. 1 (1955): 23.

¹⁸ Francis W. Keenan, "Justice and Sport," *Journal of the Philosophy of Sport* 2 (1975): 11.

¹⁹ Undoubtedly, the initiatives taken as part of Olympic Aid and the work of the Olympic Solidarity Committee set a good example, but the scope of injustices these initiatives address could be expanded to include inequalities within the Olympic Games.

²⁰ Both examples were described by Robert Simon. See Simon, 2004: 172-173.

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Appendix A

**English Names of the International Federations Included
on the Olympic Programme**

Summer Olympic Games:

1. International Association of Athletics Federations
2. International Rowing Federation
3. International Badminton Federation
4. International Baseball Federation
5. International Basketball Federation
6. International Boxing Association
7. International Canoe Federation
8. International Cycling Union
9. International Equestrian Federation
10. International Fencing Federation
11. International Football Association Federation
12. International Gymnastic Federation
13. International Weightlifting Federation
14. International Handball Federation
15. International Hockey Federation
16. International Judo Federation
17. International Federation of Associated Wrestling Styles
18. International Swimming Federation
19. International Softball Federation
20. World Taekwondo Federation
21. International Tennis Federation
22. International Table Tennis Federation
23. International Shooting Sport Federation
24. International Archery Federation
25. International Triathlon Union
26. International Sailing Federation
27. International Volleyball Federation
28. International Union of the Modern Pentathlon

Winter Olympic Games:

1. International Biathlon Union
2. International Bobsleigh and Tobogganing Federation
3. World Curling Federation
4. International Ice Hockey Federation
5. International Luge Federation
6. International Skating Union
7. International Ski Federation

* See Jean-Loup Chappele and Brenda Kübler-Mabbott, *The International Olympic Committee and the Olympic System: The Governance of World Sport* (London: Routledge, 2008), 60-61.

Appendix B

**Events Contested at the 2008 Summer Olympic Games and
the 2006 Olympic Winter Games**

International Federation, discipline	Men's Events	Women's Events	Mixed Events
Aquatics, swimming	17	17	0
Aquatics, diving	4	4	0
Aquatics, water-polo	1	1	0
Aquatic, synchronized swimming	0	2	0
Archery	2	2	0
Athletics, track events	12	12	0
Athletics, field events	8	8	0
Athletics, combined events	1	1	0
Athletics, road events	3	2	0
Badminton	2	2	0
Baseball	1	0	0
Basketball	1	1	0
Boxing	11	0	0
Canoe-kayak, flatwater	9	3	0
Canoe-kayak, slalom	3	1	0
Cycling, track	7	3	0
Cycling, road	2	2	0
Cycling, mountain bike	1	1	0
Cycling, BMX	1	1	0
Equestrian, jumping	0	0	2
Equestrian, dressage	0	0	2
Equestrian, eventing	0	0	2
Fencing	5	5	0
Field Hockey	1	1	0
Football	1	1	0
Gymnastics, artistic	8	6	0
Gymnastics, rhythmic	0	2	0
Gymnastics, trampoline	1	1	0
Handball	1	1	0
Judo	7	7	0
Modern pentathlon	1	1	0
Rowing	8	6	0
Sailing	4	4	3
Shooting, rifle	3	2	0
Shooting, pistol	3	2	0
Shooting, shotgun	3	2	0
Softball	0	1	0
Table Tennis	2	2	0
Taekwondo	4	4	0
<i>continued</i>			

Tennis	2	2	0
Triathlon	1	1	0
Volleyball, indoor	1	1	0
Volleyball, beach	1	1	0
Weightlifting	8	7	0
Wrestling, freestyle	7	4	0
Wrestling, Greco-Roman	7	0	0
Totals:	165	127	10
Biathlon	5	5	0
Bobsleigh	2	1	0
Bobsleigh, skeleton	1	1	0
Curling	1	1	0
Ice hockey	1	1	0
Luge	1	1	1
Skating, figure skating	1	1	2
Skating, speed skating	6	6	0
Skating, short track speed skating	4	4	0
Skiing, cross country	6	6	0
Skiing, ski jumping	3	0	0
Skiing, Nordic combined	3	0	0
Skiing, Alpine skiing	5	5	0
Skiing, freestyle skiing	2	2	0
Skiing, snowboarding	3	3	0
Totals:	44	37	3

* See Jean-Loup Chappele and Brenda Kübler-Mabbott, *The International Olympic Committee and the Olympic System: The Governance of World Sport* (London: Routledge, 2008), 63-64.