Philosophy on steroids: a reply

Oskar MacGregor · Mike McNamee

Published online: 13 August 2010
© Springer Science+Business Media B.V. 2010

Abstract Brent Kious has recently attacked several arguments generally adduced to support anti-doping in sports, which are widely supported by the sports medicine fraternity, international sports federations, and international governments. We show that his attack does not succeed for a variety of reasons. First, it uses an overly inclusive definition of doping at odds with the WADA definition, which has global, if somewhat contentious, currency. Second, it seriously misconstrues the position it attacks, rendering the attack without force against a more balanced construal of an anti-doping position. Third, it makes unwarranted appeals to matters Kious considers morally ‘clear’, while simultaneously attacking a position many others take to be equally morally ‘clear’, namely that of anti-doping. Such an inconsistency, attacking and appealing to the moral status quo as befits one’s argument, is not acceptable without further qualification. Fourth, his position suffers from a general methodological flaw of over-reliance upon argumentation by analogy. Moreover, it is argued that the analogies, being poorly selected and developed, fail to justify his conclusion that the anti-doping lobby lacks philosophical and moral authority for its stance. These issues are symptomatic of a more fundamental problem: any attempt at providing a blanket solution to the question of whether doping is morally acceptable or not is bound to run up against problems when applied to highly specific contexts. Thus, rather than reaching any particular conclusion for or against doping products or processes in this article, we conclude that an increased context-sensitivity will result in a more evenhanded appraisal of arguments on the matter.

Keywords Sports ethics · Doping · Moral methodology · Sports · Performance enhancement
Introduction

Brent M. Kious has recently argued in this journal that a general posture against doping in sports is difficult to morally justify [1]. He suggests, tongue in cheek, that the arguments themselves stand in need of steroids (whether as therapy or enhancement is not made clear). A number of the standard moral arguments against doping are, in his view, not sufficiently strong to establish the conclusion that doping is morally wrong. The arguments he critically reviews in the article pertain to (a) the importance of athlete safety; (b) the coercive effects of doping on non-doping athletes; (c) the Kantian claim that doping is inconsistent with the dignity of persons; (d) the unfairness of doping toward those athletes who have no access to the same doping substances; and (e) the athletes’ duties to protect children in light of their status as role-models. Following his refutation of these arguments, Kious concludes that we ‘do not have good reasons for thinking that doping is wrong’ [1].

Kious’s argumentative mode

Throughout the article, Kious’s arguments are structured in more or less the following form: he first outlines, at times both briefly and selectively, a specific anti-doping argument for a moral transgression that purportedly arises with respect to doping. Secondly, he contrasts the alleged wrong with an analogous case, where no moral transgression is typically believed to arise. Thirdly, he proceeds to argue that there is no morally relevant difference between the two cases. He sums up this anti-anti-doping posture in the form of a presupposition: ‘I rely heavily on the idea that we should not leap to the conclusion that doping is morally wrong if we cannot say why it is different, in morally relevant terms, from practices that are clearly morally permissible’ [1].

The major weakness in his method lies in the second step, with its reliance on analogous cases. Although analogies can be useful tools for understanding and explanation, a poorly chosen analogy may lead to bias, confusion, and invalid conclusions. This is particularly crucial when a given case may hold several potential analogies which lead to a variety of (potentially conflicting) conclusions. As in the complex case of anti-doping, our response is a precaution against a reliance upon analogical arguments.

In this article, we argue that Kious oversimplifies what is a complex issue to an extent that renders his attack on the anti-doping arguments unconvincing. Instead, we purport that the vast field referred to by the catch-all term ‘sports’ has such internal disparity as to render any attempts to turn the issue into a simple ‘yes to doping’ or ‘no to doping’ problematic. This is a criticism that could be equally well applied to certain proponents of anti-doping, and as such, this article does not ‘take sides’ in the doping debate so much as argue that any such ‘sides’ are mistaken oversimplifications from the outset.

Before proceeding with the main argument, however, an important conceptual clarification is called for. Kious defines doping as ‘the use of drugs and related biomedical technologies in sport for performance enhancement’ [1]. Such a
definition is intolerably broad, subsuming practices such as following a nutritional regimen or taking permitted supplements—practices considered morally acceptable even by many of the proponents of anti-doping whom Kious attacks. His arguments, however, do not hinge on the breadth of his definition, and would therefore be better accommodated by WADA’s more ostensive definition of *doping* as ‘one or more of the anti-doping rule violations set forth in Article 2.1 through Article 2.8 of the *Code*’ [2]. While defeasible, this definition is worth adhering to in light of its centrality to the general debate and specific world-wide policy governance of elite sports.

**Harm management**

Before discussing the role and adequacy of analogies in Kious’s argument, we consider two other issues with his account: (1) his construal of a general anti-doping position; and (2) his reliance on what he construes as morally ‘clear’ in the course of his argument. Both of these issues constitute problems for Kious prior to the more methodological concerns already mentioned, and as such, warrant critical attention.

In seeking to discredit the argument that concern for athlete safety provides a moral impetus to ban doping in sports, Kious offers as a contrast the apparent lack of concern for athlete safety in the very nature of some sports. In his view, sports like ‘automobile racing, downhill skiing, snowboarding, rock-climbing, and luge are all obviously dangerous, but this does not prevent people from pursuing them nor make us regard that pursuit as wrong’ [1]. Kious thus finds general concerns for athlete safety inconsistent, such that if we were consistent in relation to such concerns, we would be obliged to ‘limit our professional athletes to playing ping-pong, shuffleboard, and chess (not over-vigorously) in well-padded rooms’ [1]. Ignoring the obvious rhetorical flourish, it should be noted that table tennis at elite and sub-elite levels is an extremely demanding sport in terms of speed and agility and, therefore, renders participants liable to spinal and joint injuries like many other, prima facie demanding, sports.

The quotation, however, makes clear the intuitive difficulty of entertaining any position seeking to eliminate *all* risk of harm. It is equivalent to, e.g., parents requiring their children to wear cycle helmets when they walk lest they fall and bump their heads, or making the sale of sugar illegal given the possible detrimental health effects of its overconsumption. While such positions could perhaps be consistently held, they would face an immense uphill struggle in terms of general

---

1 This is further illustrated by the following: ‘A substance or method shall be considered for inclusion on the Prohibited List if WADA determines that the substance or method meets any two of the following three criteria: (1) Medical or other scientific evidence, pharmacological effect or experience that the substance or method, alone or in combination with other substances or methods, has the potential to enhance or enhances sport performance; (2) Medical or other scientific evidence, pharmacological effect or experience that the use of the substance or method represents an actual or potential health risk to the Athlete; (3) WADA’s determination that the use of the substance or method violates the spirit of sport described in the Introduction to the Code’ [2]. We recognize that insofar as WADA is the final arbiter, whether or not these criteria are fulfilled, critics may be skeptical about the objectivity of the process for creating the banned list. This issue is further discussed in [3].
incredulity (something no public policy can afford long to do). Taken as a description of a philosophically refined anti-doping position, however, this seriously misconstrues its target. A proper concern for the safety of participants, whether in sports or in other areas of life, does not necessitate a position demanding harm elimination.

On the contrary, it seems plausible to maintain that, as a general rule of thumb, risks are considered acceptable up to a certain (potentially arbitrary) degree above which the risk is sufficiently high for an agent to seek to abstain from continuing the action. There are constant risks when one is out for a walk of, e.g., losing one’s balance, suffering some form of medical emergency, or being mugged or attacked. To the extent that these risks are considered sufficiently mild or unlikely, they need not detract from our nevertheless enjoying a walk when we feel like it. And if the risks are more significant, such as if one lives in an area known for frequent muggings, they can, to at least some extent, be mitigated by proper preparation, such as letting others know where one is, avoiding dark alleys, having a personal alarm, or taking self-defense lessons, and so forth. And even if it is possible to draw the line of acceptable risk at very different places, this does not preclude the possibility of drawing such a line at all.

Let us consider a more pertinent example. Both caffeine and amphetamine can cause death if taken in sufficiently large doses [4, 5]. The fact that amphetamine carries significantly higher risks of (inter alia) death upon overdosing than caffeine may plausibly serve as (at least part of) the moral impetus to legally restrict usage of amphetamine but not caffeine. The point here is not to attempt to construct a defense of any such legal restriction on moral grounds but simply to illustrate that all risks, as it were, are not created equal. It is not prudent to argue for the legalization of recreational amphetamine consumption on the basis that recreational caffeine consumption, which can cause death upon overdosing just like amphetamine, is nevertheless legal. There may or may not be good reasons to legalize recreational amphetamine consumption, but citing disparate risks as if they were one and the same is not one.

In a similar manner, the risk of death or serious injury from using, e.g., erythropoietin (EPO) to gain a competitive advantage in one’s sport may be significantly higher than the risk of death or serious injury inherent in simply being a professional race-car driver or downhill skier. The greater oxygen-carrying capacity of the athlete using EPO renders her more liable to myocardial infarction (heart attack) because of the increased viscosity of her blood. The magnitude of risks entailed by EPO usage is an empirical question and not one to be answered here. But it does suggest the possibility, far more plausible than Kious’s construal of proponents of anti-doping measures as bent on complete harm elimination, of anti-doping sentiment relying instead on prudent harm management, where the risk of

---

2 EPO is a naturally occurring substance that can be artificially ingested by athletes to gain higher levels of red blood cells, which allows greater oxygen transport and facilitates greater speed endurance; i.e., athletes can sustain for longer periods of time (though not improve in absolute terms) their ability to compete at sub-maximal speed. Along with this boost, however, the increased density of blood brings with it potential for myocardial infarction. This risk is recognized in the sport of professional cycling, where competitors who are found to have elevated levels are suspended from competition.
harm forms an important part of the equation of what ought to be permissible or impermissible. Of course other factors also enter into the equation; Kious is correct in noting that physical well-being is not necessarily of more importance than psychological well-being. Nevertheless, accepting this does not force one to eschew all safety concerns. From the fact that we cannot eliminate all harms, it does not follow that we should not attempt to minimize or eliminate some.

**Appeal to the status quo**

Appeals to what is ‘clearly’ permissible or impermissible in moral argumentation are contentious, particularly where one is attempting to argue against the status quo. Moreover, if one is arguing against the status quo in a certain respect, say, regarding the general attitude toward doping in sports, then it may be problematic to rely on the status quo as a premise elsewhere in one’s own arguments. Kious errs precisely in this way.

Many people believe that doping is ‘clearly’ morally wrong for a variety of reasons. A challenge to such a stance, proceeding by scrutinizing the reasons advanced in favor of such a view, will, in other words, run up against what many people take to be morally ‘clear’. Of course, there is nothing wrong with moral reformism in itself—it has a long and venerable history. But if one espouses reformism in certain areas but not in others, then a further reason must be given for why such a mixed view is espoused. When Kious at the outset of his article maintains that ‘we should not leap to the conclusion that doping is morally wrong if we cannot say why it is different, in morally relevant terms, from practices that are clearly morally permissible’ [1; emphasis added], he already hints at the problem.

What are examples of practices that are ‘clearly morally permissible’ in Kious’s view? His use of analogies suggests that they comprise certain actions in sport which, like doping, ostensibly increase both risk of harm to self and competitive advantage, but which nevertheless are not typically considered morally wrong. He cites as examples ‘the decision to descend more or less aggressively [off of Le Col d’Izoard in the Tour de France]’, to ‘accelerate into a series of dangerous turns [in Formula-1]’, or to adopt ‘a very effective weightlifting program that increases my risk of knee injury’ [1]. The problem is that events such as the Tour de France are not ‘clearly’ morally permissible, particularly given a point of view seeking to argue against what many take to be equally ‘clearly’ morally impermissible actions, such as doping.

Kious is correct in noting that there are numerous (at least potential) inconsistencies in popular moral views on sport and doping. However, noting such an inconsistency does not in and of itself suffice to allow one to conclude without further argument which of the inconsistent views are to be jettisoned for the sake of the others. Stating that it is popular to believe that $A$ and not-$A$, an obvious inconsistency, does not allow us to conclude that, therefore, not-$A$ is wrong. In the interest of consistency, it is just as tenable (in the absence of further argumentation) to maintain that $A$ is the view to be abandoned. In this sense, we are not necessarily arguing against Kious’s broader point that there are potentially troublesome moral
conflicts between certain popular views on doping. Rather, we are drawing attention to the basic methodological observation that the existence of such conflicts does not preclude a choice of which inconsistencies to question.

This point can be put another way. Given the claims made on safety in the previous section, it is fully possible to consistently hold a philosophical position where one maintains not only that doping is morally wrong in light of the associated statistical risk of harm but that racing in the Tour de France is as well, for the very same reasons. There is, in other words, nothing impossible about biting Kious’ bullet, claiming not only that our concerns for the safety of athletes suffice to ban doping but that they suffice to also ban those sports deemed as overly risky, be they luge, rock-climbing, or BASE jumping. This is the same sort of challenge to the notion of what is ‘clearly’ morally permissible as Kious wishes to level at what many take to be the ‘clearly’ morally impermissible practice of doping, and, as such, render his position problematic in its haphazard acceptance of which moral actions are to be considered ‘clearly’ morally permissible or impermissible and which ones are not.\(^3\)

Kious’s use of analogies

We turn now to the substance of our critique of Kious’s argument. Our examination of his claims thus far undermine his position, but the further matter of his methodological reliance on analogies to invoke certain intuitive support for his claims renders him open to decisive objection. The major problem with his strategy, as already noted, is that reliance on intuitively appealing analogies are problematic in that they mask differences crucial for the success of his argument.

Kious argues that even if doping makes non-doping athletes feel the need to dope in order to stand a chance in competition, there is nothing inherently wrong with it since an imposed decision does not necessitate that it is morally wrong to be required to make such a decision.\(^4\) He writes, ‘[w]hen you and I travel to the same vacation spot and I take the last room at the quaint little inn you like so much, I have imposed an unwanted choice on you: now you must choose between staying at the cheap motel or the expensive resort when you would have preferred the room I am occupying. But this does not make my taking the room wrong’ [1]. Such an analogy is intuitively compelling insofar as it paints a picture in which the reader easily sympathizes with the agent who imposes the unwanted choice on others—surely she need not worry about every other agents’ potential discomfort that arises as a result of her choice? And if this is similar to the case of doping in sports, then it becomes difficult to see why the latter would give rise to any greater moral problems than the former.

\(^3\) While it would be interesting and worthwhile to investigate what a more responsible project than Kious’s would look like—for instance, examining what a prudent methodological approach, when faced with a group of internally inconsistent moral views, would consist in—a further essay in its own right would be needed.

\(^4\) Here he effectively repeats an argument laid out by Robert Simon against the view that the use of doping coerces others to do the same even if they have a first order desire not to [6]. Simon argues that the pressure is not coercive—that sufficient space for voluntary action to the contrary remains.
Equally compelling analogies, however, can be constructed toward an opposing conclusion. A great number of professional athletes would prefer to compete with the knowledge that their competitors are not doping. A great number of people would prefer to fly as safely as practically possible with the knowledge that their fellow travelers are not going to hijack the flight or detonate an explosive device. And even though anti-doping regulation and enforcement, like lengthy airport security checks, may range anywhere from the disconcerting to the infuriating, many people would nevertheless find it a morally acceptable means of achieving those respective goals. And if anti-doping is just like airport security checks, then why not?

Or, to avoid the charge that a notion of potential harm to others is being smuggled into the discussion, we may consider another example: extreme paternalism, like ordering individuals which religious views they must have, or what music they must listen to, is widely presumed (at least in the West) to not be a good thing. On the other hand, that does not imply that all paternalism is necessarily morally objectionable. For instance, if we know from experience that there is a rough and general correlation between age and wisdom, then there may be the seed of a moral reason for not allowing individuals under a certain age to wed, or drink, or vote, regardless of how maturely they may act. But if a limited weak paternalism is morally agreeable in such a case, then why not in the case of doping in sports, whether with minors or indeed those deemed incompetent to evaluate uncertain risks and hypothetical benefits?

Note that these analogies are not meant to convince that doping should be banned. They are, ostensibly, too weak to support such an end. On the contrary, they are meant to illustrate how apparently morally obvious intuitions may be pulled in different directions by invoking certain contexts, emotions, or connotations. All of them are, however, sufficiently dissimilar from the case of doping to render further argument necessary. Paternalism toward children is not the same as paternalism toward adult athletes in standard cases. Hijacking an airplane arguably harms others while doping arguably does not, depending on (e.g., a variety of factors regarding dosage and frequency) the robustness of the evidence. But that is the nature of the analogy: contrasting with a dissimilar case for the sake of highlighting relevant factors.

The methodological point here is this: analogies, with their potential for strong intuitive pull in one direction or another are sometimes a useful source for illustration or explanation. But it is quite a different thing to expect them to bear the weight of an argument by functioning as one of its premises. To do so, at least without further qualification, is to forego a solid foundation for one’s argument. Without such qualification, it becomes difficult to see whether the dissimilarities between the original case and the analogy are relevant to one’s argument or not.

This, of course, applies also to Kious’s aforementioned analogy: taking the last room at the quaint little inn is dissimilar from doping in sports in that the former has nothing (or sufficiently little) to do with competition, while the latter is centered almost wholly on it. Does this difference in emphasis on the competitive nature of each respective case really constitute an irrelevant difference?

---

5 See [7] for a qualitative study of elite athletes’ attitudes to doping practices.
6 For an elaboration of this point, see [8].
Consider the following thought experiment. Imagine one’s son or daughter is trying to gain entry to a top university in a given field of interest. In order to pass the stringent entrance examination, they must study long and hard. Although they do this, they fail to gain admission, largely due to the fact that several of the other students against whom they were competing were aided by taking large doses of Modafinil (a narcolepsy and sleeping disorder drug that increases alertness and attention spans), which they had no particular medical need for, and which enabled them to stay not only awake but also mentally focused and collected for unusually extended periods of time.

In fact, the analogy could be potentially extended, insofar as there are further similarities with sport. For one, access to both elite sport and high-ranking universities is an important social good. They are both limited in nature—both in the sense of the number of available places, and in terms of the potential harms of achieving only lesser awards, or indeed none. This may well suggest that the case of drug-assisted university entrance exam results would provide a much more reliable indication of morally relevant intuitions, when considering the case of doping in sports, than would cases about vacationing and room availability.\(^7\)

It seems plausible to assume that many people would find such a practice morally objectionable, suggesting that it may be a mistake to contrast cases from competitive sports with non-competitive analogies about vacations. Or, more generally, reliance on analogies to support one’s argument is a methodological device fraught with difficulties and requires significant qualification in order to fulfill any such supporting duty successfully. Without such qualification, there is little merit in its application to an argument, other than for purely illustrative or explanatory purposes.

**Conclusion**

Kious’s attack on the aforementioned anti-doping arguments thus suffers from problems fatal to its intentions: apart from an overly inclusive definition of doping, Kious misconstrues the anti-doping position he attacks, makes unwarranted appeals to what he takes to be ‘clearly’ morally permissible, and rests too much of his argument on weak analogies. These problems, however, all point in a similar direction, namely, toward an oversimplification of what is a highly complex and multifaceted issue. In misconstruing the position of the general anti-doping proponent, we saw that athlete safety can conceivably play at least a limited role in moral declarations regarding what is and is not acceptable in sports. But given the diverse natures of different sports, any such emphasis on safety will presumably be relative to the specific sport at hand. If safety issues in curling and safety issues in downhill skiing look very different, then one might expect doping issues in the two different sports to look very different as well, at least to the extent that it is acknowledged that there is some level of concern over athlete safety in sports in general.

\(^7\) For further discussion of such a case, see Elster [9]. Kass argues similarly [10] but does not refer to Elster’s more extended, and empirically informed, treatment of the issue.
Likewise, the (at least potential) inconsistency in arguing against the moral status quo with respect to doping while simultaneously seeking to maintain the moral status quo regarding the permissibility of certain sports again points to an oversimplification of the vast family of sports. Membership in that family, to whatever extent, does not guarantee consensus on a specific sport’s moral permissibility. Some sports, such as billiards or curling, are presumably more ‘clearly’ morally permissible than are some others, such as BASE jumping, rock-climbing, ultra-distance running, or even professional cycling races like the Tour de France. Sensitivity to the various salient differences between such disparate members of the family of sports suggests the difficulty of providing a one-size-fits-all solution to the issue of doping, whether arguing for or against it. This, of course, applies equally to Kious as it does to WADA’s own ‘harmonized’ anti-doping code for all sports.

Finally, the deployment of analogies—deciding which characteristics of an original case to maintain and use when comparing and contrasting (i.e., the characteristics of aspects relevant to one’s argument) and which ones to sacrifice for illustrative or other purposes (i.e., those irrelevant to one’s argument)—will belie most attempts to draw universal conclusions about the moral permissibility of doping in sports. Contrary to one of the arguments discussed, the choice to dope is not like the choice to stay at a specific inn, particularly insofar as the former is far more susceptible to contextual variations potentially resulting in radically differing moral judgments (is the competition professional or not? is it at regional, national or international level?). Doping, as one of the most contentious issues in contemporary sports ethics, does not admit of any simple answers nor simple analogies.

This is not to maintain that analogies are never useful, nor to make the substantive point that by using analogies Kious’s argument does not merit further discussion. Rather, it is simply to clarify the methodological limitations inherent in arguments which rely on analogies to attain their conclusions as opposed to, for instance, using analogies for merely illustrative purposes. Some analogies are, of course, stronger or more convincing than others. But given the potential lack of agreement on what constitutes a strong analogy, their utilization as a constituent part of a philosophical argument requires some form of further justification.

References