

## Paternalism, Drugs & the Nature of Sport

W. M. Brown (1984)

KIN 161  
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## What is the Issue?

- In general – this argument is *not* about recreational drug use
- Centers on drug use that benefits performance
- Looks at both empirical and ethical considerations

## Empirical V. Ethical

- Empirical: Documented effectiveness & possible harm
- Ethical: Appropriateness of use, i.e., cheating of “breach of principles of fairness”
  - Incompatible with the nature of sport??

## Purpose

- To discuss issue from the moral perspective of “paternalism”
  - Youth: Seems to be more justified
  - Adults: Not so easy to make the case

## Paternalism

- Paternalism is the interference of a state or an individual with another person, against their will, and justified by a claim that the person interfered with will be better off or protected from harm. The issue of paternalism arises with respect to restrictions by the law such as anti-drug legislation, the compulsory wearing of seatbelts, and in medical contexts by the withholding of relevant information concerning a patient's condition by physicians. At the theoretical level it raises questions of how person's should be treated when they are less than fully rational. (Gerald Dworkin, 2005)

## Hard vs. Soft Paternalism

- Soft paternalism is the view that the only conditions under which state paternalism is justified is when it is necessary to determine whether the person being interfered with is acting voluntarily and knowledgeably.
  - To use Mill's famous example of the person about to walk across a damaged bridge, if we could not communicate the danger (we do not speak their language for ex.) a soft paternalist would justify forcibly preventing him from crossing the bridge in order to determine whether he knows about its condition. If he knows, and wants to, say, commit suicide he must be allowed to proceed.
- A hard paternalist says that, at least sometimes, it may be permissible to prevent him from crossing the bridge even if he knows of its condition. We are entitled to prevent voluntary suicide. (Gerald Dworkin, 2005)

## Paternalism

- Soft v. Hard Paternalism
- Soft – Restrictions are justified when such actions are not completely voluntary
  - Interference is sometimes justified
  - Justified because agent is not totally competent to make decisions
    - Kids and incompetent persons
- Hard – Restrictions are justified even when someone is in full voluntary control
  - Action is “voluntarily undertaken” & made by “weighing all information”
  - Upon reflection – we still act in ways that involve harm, risk, impairment of opportunity or liberty

## Soft Paternalism & Youth

- Paternalism is justified when actions are not fully voluntary because agent is not fully informed
  - Safety Cases: Safety equipment is often mandated
  - Health Cases: Medical exams, treatment, therapy, nutrition & rest
    - Kids often lack info to make these decisions

## Soft Paternalism & Youth

- Educational Cases
  - Attitudes, values, and learning to follow training
  - Correct unfair, dishonest, & unsportsmanship-like behavior

## Drugs & Youth

- Must differentiate between medical and Performance enhancers
- PED: Should be prohibited
  - Health & Safety: Same reason to ban rough contact and hard training. Must insure the well being of children in the care of adults/coaches

## Drugs & Youth

- Education: Over emphasis on winning, teaches objectionable values
  - Ability & achievement should be the reflection of hard work and character
  - Paternalistic limiting helps to nurture self-determination
  - Sport is not the only context but it is an important place where “learning happens”
  - PED skew values on this view

## Adults & PED

- Brown suggests it is easy to make the case for adults with limited ability to make informed choices – paternalism is justified in these cases
- What about rational, mature adults?
- Winning seems to be an important value
  - Many motives: fame, wealth, power, social mobility, patriotism, pride of ones class, race, ethnicity or gender

## Adults & PED

- Soft paternalist could argue that drugs ARE risky and thus should be prohibited
  - What about the inherent risk involved in many sports?
  - Boxing, wrestling, judo, and MMA
  - Football
  - Excessive training involved in endurance events
  - Disordered eating practices

## Adults & PED

- Hard Paternalism (for Adults)
- How can we ever justify intervention?
  - There is more risk (according to J. S. Mill) to limit rights than the risks associated with sporting (and doping) activities
- BUT: Aren't PED "inconsistent with the nature of sport"? Must ban PED to protect the greater good
  - Brown says: There is no ONE nature of sport that we can claim to be protecting by banning PED.
    - But coaches and athletes are secretive about training practices, equipment, and technology, etc.

## Conclusions

- Ultimately, the adult athlete, so long as they are informed, mature, and emotionally stable, have the right to use drugs according to Brown.
- Even if we say that "we know better than they do" and thus are promoting the values of a more "general good"...
 

"we deny the very attributes we claim to value: self-reliance, personal achievement, and autonomy"