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A functional analysis of cheating and corruption in sports

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ABSTRACT

My main goal here is to develop a functional analysis of cheating and corruption in sports, and to differentiate cheating within the broader category of corruption. Whereas officials can act corruptly, they cannot cheat. In contrast, sports participants, since they occupy two roles, can do both. I argue that although acts of cheating are acts of corruption, not all corrupt acts by competitors are acts of cheating. I also respond to some skeptical challenges and criticisms of the concept of 'cheating' by providing some opposing arguments and a provisional definition. I argue that cheating in sports occurs in the context of a complex institutional practice. It transpires due to some failing in the efforts and/or limitations of sports officials to prohibit it. In central cases it consists in both the functional and ethical violation of the constitutional norms of a sport in the service of obtaining unearned victory for the cheater.

KEYWORDS Cheating; corruption; adversarial ethics; process ethics; institution; constitution

'There are two kinds of racers - cheaters and losers.' - Smokey Yunick

'I made a game effort to argue but two things were against me: the umpire and the rules.' – Leo Durocher

Here we see the characteristic push-pull tension between the horizontal perspective of professional sports competitors and the vertical perspective of sports officials.¹ Each role and perspective generate its own distinct set of ethical norms, adversarial norms for competitors and process norms for officials. That sport is governed by these two kinds of norms speaks to its complex institutional structure, which incorporates but also extends beyond its constitutive rules. Further complicating matters is that the competitive design of sports is teleological. Although some have rejected this claim because different agents have different purposes (see, for example, Lehman 1981, 45), the games themselves have specific, designed-for ends, and participants agree as a condition of playing to follow the rules that serve those ends.² These ends extend beyond winning to include the socially desirable complementary externalities of winning. Sports norms, when they are designed well, promote this fuller range of values. When the pursuit of these values is ethical, then that sport is ethically and functionally good.³

I will build on this mainly functional analysis to further develop the reforming theory of cheating that I have previously begun to explain and defend (see MacRae 2018, 2019, and 2020). After considering some recent skeptical challenges to this sort of project, I argue that unlike the win-win outcome structure that guides the norms of cooperative ethics, the adversarial ethical norms of sports competitors are designed to maintain a specific win-lose outcome structure. By contrasting this win-lose outcome structure with the win-lose outcome structure of cheating, we will be led to that concept's distinctive conceptual core. Next, I consider the good functioning of the process ethics norms of officials and distinguish the wrongness of cheating from the wrongness of corruption.

Previously I argued that cheating should be understood as a general category or genus with several sub-categories or species (MacRae 2019, 351-352). By recognizing that cheating is itself a sub-category within the category of corruption, we can further differentiate it as a class of wrongdoing in sports. I will argue that whereas in-game officials can act corruptly, they cannot cheat. In contrast, competitors can commit both types of wrongs due to their dual status. Primarily they take the horizontal perspective as participants, but this focus can and should be tempered by the vertical-looking demands of good sportspersonship. Since they play these two different roles, competitors can and do commit both kinds of wrongs. I will argue that although in central cases acts of cheating are acts of corruption, the converse is not true: not all corrupt acts by competitors are acts of cheating.

In the final section I examine the convention of holding the ball at the end of basketball games. I argue that whereas this case may appear to illustrate J. S. Russell's skeptical view about the utility of the concept of 'cheating' (2014, 2017), that analysis leans on some peripheral and figurative uses of the term that the functional account of cheating that I develop directly contradicts. Russell infers from inconsistent and vague peripheral and figurative uses of the term to the unjustified conclusion that there is therefore no distinctive and useful conceptual core to the concept. This gets things backwards: the test of a good theory is not whether it consistently explains all peripheral, extended, loose, and figurative uses of a term but whether it explains central cases. The account I defend does that.

Russell's challenge

To some skeptics the idea of developing a consistent and useful theory of cheating in sports is wrongheaded. Two of the main recent complaints about the concept is that it is thoroughly vague, if not incoherent, and practically useless. These are among the charges levelled by Oliver Leaman (2007, originally published in 1981) and Russell (2014, 2017). Leaman's view 'that there are a good number of problems with defining cheating in sport' (2007, 195) is based on his claim that the concept is used inconsistently. Russell infers from his belief that there are several flaws in our current usage to the conclusion that 'there is no distinctive conceptual core to cheating' (2014, 304). Later he writes:

Perhaps the diversity of examples I have used to illustrate the deficiencies in the various accounts of cheating can help us to identify a more defensible concept of cheating, one that draws on the evidence presented here to identify a distinctive unitary phenomenon or, at least, distinctive family resemblances among phenomena. I am skeptical about the

prospects for such a project. Although I cannot claim to have shown beyond any doubt that there is no distinctive concept of cheating, the diverse nature of apparently compelling uses of the term 'cheating' is pretty overwhelming evidence against the idea that the term 'cheating' marks a distinctive moral category or concept. (2014, 318-319)

Russell argues that not only is our present concept 'thoroughly vague and imprecise' (2014, 304) but he also claims to have shown *on this basis* that the prospects of developing a superior reforming account of cheating are dim. I disagree and instead regard his skeptical discussion as presenting us with some useful challenges.

Before proceeding we should note a limitation and a methodological point. I am mainly focusing on professional team sports marked by varying degrees of direct and oppositional physical interaction, such sports as basketball, hockey, football, soccer, rugby, lacrosse, and baseball; what I call 'oppositional sports' (see MacRae 2021, 75), and hereafter simply 'sports'. As for methodology, my project is philosophical because it has an ineliminable normative dimension to it. We always have the option to revise the way we speak and any philosophical theory about how we should do this must respond to the skeptical demand for justification. This involves a request for a meta-theoretical criterion or set of criteria against which we might justify our altered use of a term. In the case of developing a theory of 'cheating' and other wrongful conduct in sports the main criterion for me is utility (see MacRae 2019, 339-341) because the best reforming theory will be the one that is most useful for understanding the ethical practicing of sport. This lines up with Russell's challenge. If my reforming account helps us to better understand this then that will be to its credit; insofar as it falls short by this standard, then it will be lacking.

The conceptual core of cheating

From the passage I just quoted, and considering the title of his article, 'Is There a Normatively Distinctive Conception of Cheating in Sport (or Anywhere Else)?', one would think that Russell believes that there is no 'distinctive unitary phenomenon, or family resemblances among phenomena' that 'cheating' denotes. However, at both the beginning and the end of his essay he argues that the problem is not that the concept denotes nothing but that it denotes too much. In these passages and elsewhere he argues that the term 'cheating' is 'thoroughly vague and imprecise' (2014, 304) because the 'range of wrongs the term covers is so vast' (2017, 93) and therefore it is, practically speaking, useless. One reason he thinks this is because after arguing that Bernard Gert's and Stewart Green's analyses of cheating are subject to various qualifications and exceptions, what remains is the idea that cheating consists in improper advantage seeking. Since this characterizes many kinds of immoral conduct, what, one might ask, is distinctive about cheating?

A range of wrongdoing, for example, various types of fraud and theft – identity fraud, embezzlement, extortion, and so on – embody the win-lose outcome structure of cheating. However, this neglects the different kinds of ethical norms, cooperative or adversarial, the violation of which makes each type of act wrong. This difference contributes to their correct identification, and whereas considerable attention has been paid to cooperative norms, much less has been paid to adversarial norms. Russell suggests that the reason why 'the concept of cheating has received no systematic discussion in the history of philosophy' (2014, 304) is because there was none to be had but a better explanation is that since cheating is part of the story of adversarial ethics, its neglect is part of the wider neglect of competitive ethics in general. Addressing this oversight will lead us to a better theory.

Citing work by Kurt Baier, Joseph Heath has observed that many ethical acts are defined by their win-win results (Heath 2007, 360). Morality is mainly useful for imposing constraints on us so that we can avoid the negative effects of the collective actions problems that would otherwise plague us. This is represented in the Hobbesian hypothetical state of nature – a war of all against all – where there are neither legal nor ethical prohibitions against wrongdoing. Thus although we might like to exploit others, our potential victims are likewise motivated, and in the absence of the constraints of law and ethics, our impulses for revenge when we are wronged will also be unconstrained, thereby propelling us to a vicious race to the bottom. We can avoid this dreadful state by accepting legal and moral norms that constrain our individual self-interest to our mutual (if individual sub-optimal) collective benefit. Not only do such norms save us from the negative effects of these collective action problems, but they are also beneficial. Not being self-sufficient we rely on others' cooperation for our survival and flourishing. Thus, cooperation is win-win; maintaining these win-win outcomes is the main purpose of cooperative ethical norms.⁴

This explains the ethical badness of the deviation of the win-lose structure of many wrongful acts from the win-win structure of constrained cooperation. Although such acts are at least partly defined by this difference, cheating is different. Heath argues that whereas cooperative ethical norms help resolve collective action problems, sports competitions are designed to *be* collective action problems. This means that they induce competitors to defect against each other to deliver win-lose outcomes. So unlike with cooperative ethics, both the designed-for results of competitions and their wrongful violation deliver win-lose outcomes. Not only does this distinguish acts of cheating from those other types of wrongs, contra Russell's complaint, but it also leads us to a more pointed question: what distinguishes the win-lose outcomes of ethical conduct in sport from the win-lose outcomes of cheating?

Sports contests are complex institutional constructs in which opponents engage in oppositional, physical striving for a rivalrous good. The rules are identity conferring and individuate each sport. They also guide the pursuit of victory. Setting aside the influences of such factors as luck and poor officiating, this involves playing by them better than one's opponent. Heath argues that the win-lose design structure of competition should transform the cooperative motivation of players that characterizes most of their interactions to the defecting motivation that marks the adversarial nature of sport. Thus, to take one of his examples, given the adversarial nature of football it would be functionally and ethically bad for a kicker to hesitate prior to kicking a game-winning field goal by recalling the Golden Rule and thinking 'How would I feel if someone else did this to me?' (Heath 2007, 365). He further observes that correctly shifting one's perspective from competitor to cooperator evidences the virtue of sportspersonship:

Thus a classic way to demonstrate good sportsmanship in a contact sport is for a player, after having knocked an opponent down, to offer him a hand up after the whistle is blown. The whistle that stops the play effectively signals a switch from adversarial to cooperative relations; a good sport is one who is able to make this switch without

allowing residual ill will from the competitive segment to poison relations in the cooperative. (2007, 366)

As admirable as this virtue is, its existence raises a logically prior question: why do we need it in the first place?

When they are designed and administered well, sports norms, together with good sportspersonship, guide the successful completion of competitions in a race to the top that generates positive externalities for third parties. Although there is a variety of these goods, providing a brief overview of them will suffice for our purposes now. They include interpersonal, comparative excellence – competitions test for superiority. As much as spectators admire winners, we also esteem the broad range of qualities, character traits, and virtues that help make winning possible, especially at the highest levels of human achievement. Many of these, such as endurance, strength, and finely honed and developed sport-specific skills, accrue over years of work and disciplined practice. They are built on the cultivation of such self-regarding virtues as industriousness, fortitude, and resilience. Other traits, such as poise, ingenuity, guile, and daring, though perhaps based on a foundation laid off stage, are tested in the moment and sometimes in unexpected, and for spectators, exhilarating ways.

There are also a number of admired social virtues and other excellences revealed in competitions, such as teamwork, involving the learning and application of intricate and creative coordinated strategies, various forms of self-sacrifice for one's teammates, and the display of several other-regarding virtues – patience, generosity, grace, and so forth. Competitions are also often compelling human dramas that generate a range of emotional responses that reveal to spectators how much they are invested in both process and outcome. Whereas we hope (a positive emotion) for the experience of other positive emotions – joy, gratitude, vicarious triumph, and so on – we fear (a negative emotion) that spectating will generate negative emotions in us – anger, sadness, hatred (sports trigger our System One cognition's propensity towards tribalism⁵), disappointment, and so on. Thus spectating comes with attendant risks and the realization of the potential benefits crucially depends upon the drama being unscripted. The generation of these race-to-the-top benefits depend on the fair conduct of sports and the integrity and competence of impartial officials.

There is no guarantee that these values will emerge out of any particular game but the adversarial structure of sport promotes their emergence. However, this same structure also requires ethical restraint in the form of good sportspersonship. Given the win-lose outcome design of sports, the emergence of many desired externalities is in constant tension with the defection-inducing motivations of the participants. Heath notes that one kind of race-to-the-bottom threat here is a direct consequence of this outcome structure. Competitors who are induced to defect against their opponents are motivated to engage in conduct that threatens to be self-defeating. Outside of competitions they have incentives to out train their opponents. This in turn motivates their opponents to ramp up their training, and so on. Spectators benefit from this dynamic because it results in higher quality competitions, but it also threatens to overtake competitors' lives.

Given this collective action problem, participants will be tempted to cheat to try to secure the instrumental benefits of victory without the requisite effort. When Rosie Ruiz joined the 1980 Boston Marathon less than a mile from the finish line, ahead of the legitimate competitors and undetected by race officials, she was able to secure victory (at least for a week or so) without having had to go to the trouble to train for the race. Her cheating defrauded spectators and wrongly harmed those who were deprived of the acclaim they had earned, her subsequent detection and public shaming notwithstanding.

Whereas officials who take the vertical perspective value the social benefits of sporting contests, participants adopt the horizontal perspective. Since this is marked by the motivation to defect against their opponents, a second set of norms is needed to ensure that competitions remain focused on their race to the top and do not degenerate into a second kind of race to the bottom. These are the norms of adversarial ethics in which the distinctive conceptual core of cheating is located, a core that has both functional and ethical elements. To help differentiate these consider the ambiguity in the sentence: 'Cheating is not wrong'. Two of the ways that the word 'wrong' can be interpreted here are ethically and functionally. When a teacher tells her student that one of his answers on the logic test was wrong, she is informing him of his error, which is evidence of a functional failing in his preparation and/or execution under the test conditions. But this need not reveal any moral failing. Informing someone that their actions were wrong in these and many other similar circumstances, such as telling someone that they made a wrong turn, is a functional evaluation rather than an ethical one.

Although we do use the word in these two ways, it is part of the definition of 'cheating' – not to mention well-established linguistic practice – that it is ethically wrong. But can the sentence 'Cheating is not functionally wrong' be true? Some have thought so. Here is Leaman:

What I am suggesting is that the fact that people may cheat is part of the structure of sport and is taken into consideration in the rules of the sport, so that cheating in a sport can be built into audience and player perceptions of the game. If it is true that cheating is recognized as an option which both sides morally may take up, then in general the principles of equality and justice are not affected. It may be that player A is a better cheater than player B ... (2007, 196)

When Leaman claims that one player is a 'better cheater' than another he is making a functional assessment. Players who conceal their otherwise penalty-invoking rule violations better than other players are, in this sense, better cheaters. So far, so good. However, he ventures beyond this to argue that functional success in cheating is just another aspect of displaying superiority in a sport as evidenced by winning in that sport. Russell dubs this 'Leaman's Challenge': the view 'that there is nothing incoherent in saying that even acknowledged types of cheating can be incorporated into a conception of fair play' (Russell 2014, 310).

Leaman's view is confused and false. The notion that being better at cheating can be a sport skill – a legitimate part of the 'structure of sport' – and that the resulting sport would exemplify fair play, is nonsense. Cheating may evidence qualities we prize in the race to the top – ingenuity, guile, daring, and so on – but when deployed in the service of winning they are not sports skills even if their elimination is not practicable. As we have seen, the constitutive norms of sport function not just to identify victory, but to ensure that competitions reveal the designed-for excellences. Adversarial ethical norms are needed to ensure that these constitutive norms are observed. Since cheating is not just ethically wrongful but also *functionally wrongful* norm violating, it is logically impossible for acts of cheating to be part of the good functioning of sport. Claiming further that they can constitute fair play is a futile attempt to defeat analyticity.

In claiming that cheating is functionally bad, I am, following Heath, drawing a distinction between success in sport understood as securing victory while frustrating the race to the top and earning victory while pursuing the race to the top. Prohibitions against cheating are prohibitions against the former. Good sportspersonship is helpful for realizing these benefits. Bad sportspersonship eschews them as is reflected in sayings such as 'If you are not cheating, then you are not trying' and 'Winning isn't everything, it is the only thing'. Critics who insist that there is not much that is new in this analysis, since others have identified the various elements of the story, overlook an important point. In identifying the conceptual core of 'cheating' I am arguing that some features commonly identified as definitional are not. For example, one potentially misleading consequence of my use of the Ruiz example is that it seems to also illustrate the view that cheating necessarily involves gaining an unfair advantage over one's opponents. However, on the functional analysis I have defended gaining an unfair advantage is a feature of many acts of cheating, but it is not necessary. This is true in Ruiz's case as well. What matters in her case, as with all other central cases of cheating, is whether one or more competitors have engaged in ethically and functionally wrongful norm violating in the service of obtaining a false or unearned victory, thereby frustrating the race to the top.

Leaman argues that if cheating occurs on both sides of an adversarial contest, then since there is no unfairness in this, it follows that such conduct is not wrong. But this overlooks a central point of my functional analysis. Fairness is one of the values that must be preserved but it is not the only one. We also care that players display excellence in their sport-specific skills, and the various other values I identified earlier, typically useful for obtaining victory. Thus if players on opposing teams each intentionally injure the (equally) best player on the other team, thereby removing them from play, then although the players on both teams may remain 'on equal terms in so far as the conditions for winning the contest are concerned' (Leaman 2007, 196), they have nonetheless frustrated the desired race to the top, and so their conduct is ethically and functionally wrongful norm violating, or cheating. Even if the conditions for winning remain unchanged, and so neither team is thereby cheated in this respect, since cheating is a complex institutional phenomenon, the impact on the opposing team of such conduct is not the only relevant matter. In this case not only are those excellent players who are intentionally injured cheated of the opportunity to compete and display their skills and abilities, but third parties are also cheated. Leaman's analysis presupposes that successful competing should be measured relative to the success of the opposing team, but the relevant sense of 'excellence' here is not comparative excellence but excellence *simpliciter*.⁶

Process ethics and corruption

'I never questioned the integrity of an umpire. Their eyesight, yes.' - Leo Durocher

One deficiency in this account is that it neglects the essential role of sports administrators and game officials who are charged with ensuring that contests remain on track to display the desired race to the top. Whereas athletes are governed by the norms of competitive ethics, sports officials are governed by norms of process ethics supported and driven by such values as fairness and impartiality. Much of the drama of sport, as we noted, depends on not requiring the willing suspension of disbelief but rather on sports being fair, unscripted contests. One of the main tasks

of in-game officials is to ensure the contest's functional integrity is as free as possible from the dysfunctional effects of cheating.

Since cheating is a violation of adversarial ethical norms and since officials assume the vertical perspective governed by corresponding norms of process ethics, it is conceptual confusion to accuse a referee or umpire of cheating. Wrongdoing by officials should be assessed relative to its role in the institutional practice. It involves either one or both defects alluded to by Mr. Durocher: incompetence or corruption. Roughly speaking, incompetence speaks to a failing in means: the perhaps inconsistent or limited ability of an in-game official to exercise functionally good professional skill and judgment. In contrast corruption can be conceived as a failing in ends, and an ethical failing as well. It speaks not to a referee's professional ability but rather to their corrupted motivation. For example, officials who accept bribes to influence the outcome of a game for the benefit of professional gamblers act corruptly because they violate their duties – to their sport, their profession, their league, the players, fans, and so on. The word 'corrupt' is derived from the Latin roots '*cor*' meaning 'altogether' and '*rumpere*' meaning 'to break', and so we see in the word's etymology the potential effect on a game from such behavior, and the corresponding sport's stakeholders' interest in, and dependence on, maintaining authenticity.

Whereas it is conceptual confusion to accuse a referee or umpire of cheating, it may not be a similar confusion to accuse a player of corruption. This nuance is explained by the functional role of competitors in sports, which is primarily understood in terms of taking the horizontal perspective, but also includes space for taking the vertical perspective, characterized by displays of good sportspersonship. Just as with promoting justice in ordinary life, where voluntary individual ethical conduct is needed to supplement the rule of law and its enforcement, so likewise good sports functioning requires that the rules enforced by game officials be supplemented by competitors' good sportspersonship. This is one aspect of the saying that players should honor the spirit of the game.

The corruption of authenticity by officials and players consists in the violation of their ethical and role-specific duties, but considering their different roles, these duties are different as well. Officials violate their duty of impartiality, players their duty of partiality. Furthermore, although cheating is a sub-category within the broader class of corrupt acts, some wrongful acts by competitors are corrupt but not usefully characterized as cheating. Consider an example in which racketeers bribe some key players to deliberately fail and thereby throw a game, resulting in the opposing team winning when they otherwise would have lost. This egregious failing of sportspersonship constitutes corruption. In failing to discharge their duty of partiality, they 'altogether broke' the competition. They did this by destroying the authenticity prized by supporters of their sport (including their non-bribed teammates), not by cheating.⁷ In the previous section I argued that in central cases cheating is ethically and functionally wrongful norm violating conducted in the service of obtaining false or unearned victory. However, in this example the bribed players secure unearned victory for the opposing team. This is not to say that the bribed players did not benefit from losing. Financially they did but they only turned losing into winning in a figurative sense. Literally, their team lost.

This case illustrates the point that in central cases cheating is ethically and functionally wrongful norm violating conducted in the service of obtaining false or unearned victory, or at least materially advancing the obtaining of such victory, *for* the cheater or cheaters. We can

further clarify the respect in which the bribed players' conduct constitutes corruption but not cheating by applying Gordon Reddiford's distinction between the constitution and the institution of a game:

The game, then, is a structure of constitutive rules that stipulate ends, constraints, and restraints; it is understood, but not stipulated, that the ends will be pursued. Outside the rules reside not only the techniques, procedures, skills, and tactics of the players, but also their commitments and attitudes. They do not, however, reside outside the *institution* that is the game ... (Reddiford 1985, 45)

Applying Reddiford's distinction we can usefully view the concept of cheating as an ethical and functional violation of a sport's constitutive norms. However, since the action of the bribed players was generated from a corruption of their motivation, which falls outside the constitution of a sport, this type of corruption falls outside the domain of cheating.

Reddiford argues that what he calls 'commitment', playing to win or playing competitively, is intimate to a game, part of the institution, but it is not a rule. It rather speaks to players' motivations, something that is up to them to determine. Since commitment is precisely what the bribed players lack, their wrongdoing consists in corrupting the institution of their sport, but not in violating its constitutive norms. In response a critic might argue that the principle 'Players should try their best', if not a constitutive rule, is at least a norm of good sportspersonship and can be viewed as a constitutive principle of sports. One might even argue that sports can and do incorporate penalties for unsportspersonlike conduct that formally codify this normative principle. Consequently, wrongly violating this rule would be cheating.

Although there is some appeal to this reasoning, there are at least two flaws with it. Firstly, the bribed players' conduct constitutes poor sportspersonship but no wrongful constitutive norm violating. The justification for imposing penalties in sports is based on trying to compensate the fouled team for unearned benefits which would otherwise be enjoyed by the transgressor in the absence of the application of the penalty. This is not the case here. So although the bribed players display poor sportspersonship, this is due to their non-cheating corrupt conduct rather than any violation of the constitutive rules or principles of their sport. In response one might ask: but what if a game official suspects that a player is throwing a game?⁸ Should they not be empowered to penalize such conduct? Before acquiescing in this, it is worth considering what game officials should be on the lookout for should they be regarded as policing this sort of wrongdoing, and it is also worth asking why, even if they can police this, it would render such conduct cheating instead of, or in addition to, corruption.

Given the difficulty of excelling in professional sports, it seems that concealing intentional and strategic imperfect play would not be that difficult for a player determined to lose. Correspondingly, it would be quite difficult for an official to detect such conduct. For short of a player saying 'I am throwing today's game' how could an official distinguish between corruption and deficient play (say due to injury, fatigue, a momentary lack of focus, and so on)? Moreover, how could an official penalize players for displaying inferior skills, or for not displaying their skills to their full ability, excepting specific types of penalty-invoking fouls, since this is precisely what the competition *itself* is designed to test for? Finally, and as we have noted, such wrongful conduct is not executed in the service of winning but rather losing, and so although it is wrong, it cannot be cheating. It seems that the only recourse for someone wanting to refute this argument would be to claim that all wrongful conduct by players is cheating. However, when we examine this notion more carefully, we can see that such reasoning evinces a confused understanding of the concept. For evidence of this consider the interesting convention in which players in the National Basketball Association (NBA) hold the ball at the end of games.

The holding the ball convention in professional basketball

It is common in the final possession of a decided game, and when the shot clock has been turned off, for a player on the leading team with possession of the ball to dribble past the time line at center court and then stand in place holding the ball or slowly walk about while dribbling until time expires. It is one of the 'unwritten rules' of the NBA that players in such circumstances should not disrespect or show up the losing team by trying to add to their score by running an offensive play. For their part players on the losing team honor this convention by not defending; rather than trying to steal the ball back, they simply let the offensive player run out the clock.⁹

The convention is incongruous with play in the rest of the game. When one first witnesses it one might think that these highly competitive athletes have all been mysteriously stricken by Golden Rule Syndrome, but this overlooks the justification for the convention. By shortening an otherwise unwinnable game, players slightly reduce their chances of being injured and they slightly reduce the effort needed for completing the game. Some players have stated that the convention also shows respect for one's opponent by not running up the score. More importantly, since this convention occurs at the end of an unwinnable game, it does not threaten authenticity. So although it is a convention, it is not collusion. There is no secret agreement maintaining it and undermining the fair conduct of play or the win-lose competitive dynamic of professional basketball.

Despite this, the continued existence of the convention raises an interesting question: what is the wrongness in violating it? Although some players believe that the convention should be abandoned, many others endorse it, so many, in fact, that it continues to be functional. Occasionally players unaware of the convention do violate it. Other times players interested in padding their statistics violate it intentionally, either by trying to steal the ball back while the player in possession is not focused on preventing this, or, more commonly, by scoring the ball when they have it and the opposing team has stopped defending. This violation of 'the code' usually occasions consternation by members of the opposing team and even members of the player's own team, who are vicariously embarrassed by such 'unprofessional' conduct. So clearly most NBA players believe that it is wrong to break the convention, even, I suspect, some who think it is a problematic convention to begin with.

There is an unhelpful and confusing figurative sense in which some might claim that intentionally violating the convention is wrong because it is cheating. In this case the word 'cheating' is being used as a synonym for 'acting dishonorably' or simply 'acting wrongly'. Notice, though, that in this example, this figurative or loose use of the term *contradicts* the literal meaning because unlike in literal cases of cheating, in this case not only does the offending player not break any basketball rule, but their action is in accord with the competitive spirit of the game, a spirit which normally abhors the sort of competitive holiday embodied by the convention. A player who breaks the convention leaves nothing for game officials to penalize or object to. Indeed, unlike with the normal conduct of play, the regulation of the convention is

managed by the other players and not the game officials at all.¹⁰ Although during the period in which it plays out, officials are still officiating the game by the rules, the players are regulating this conduct, this norm-governed activity within the somewhat contrasting official norm-governed game. The wrongness of violating the convention is not cheating; rather it mainly consists in breaking an accepted, albeit implicit, agreement. There are other reasons supporting it, as I have mentioned, but this is the main one.

This case throws into clear relief figurative and loose uses of the term 'cheating' and proper applications of it, and it nicely illustrates the utility in thinking carefully about this topic because such thinking leads us to insight. In contrast, the casual judgments are often a substitute for careful analysis, providing the illusion of insight based on assumed familiar usage rather than the substance of real insight. They depend on the false belief that all wrongdoing by sports competitors is cheating. Such casual judgments evidence a dearth of analysis, rather than useful insight, and function to limit our understanding of sports ethics, rather than advance it. In contrast, my interest in developing a better theory of cheating and other wrongful conduct in sports, such as corruption, works out from the concept's distinctive conceptual core and its central cases to help us better understand the nature and good functioning of sport, including the ethical practicing of it.

One way in which Russell errs in his skeptical critique is in inferring from the peripheral applications of the term, along with various figurative uses, to the unjustified conclusion that there is therefore no distinctive and useful conceptual core to the concept, that there are no central cases. This is akin to arguing that since common usage licenses saying such things as that people love strawberry ice cream and surprising plot twists, and since people are not dairy products and should not be used primarily as a source of other people's entertainment, that therefore there is no consistent and useful interpretation of the concept 'love' that might help us understand such things as the natures of friendship and marriage. This occurs when he cites examples of cheating in non-competitive contexts to call into question the notion that in central cases cheating involves obtaining an unearned and unfair advantage over others. For example, he argues that since the fellow who maintains a vanity handicap in golf, one that indicates that he is better than he actually is, is 'cheating at golf' and since 'there is nothing odd at all in saying he is cheating at golf, even if he is not cheating others' (Russell 2014, 314) that therefore there is no distinctive and useful conceptual core to 'cheating' that involves improper advantage gaining. He argues that a similar conclusion follows from the fact that people can cheat at one-person games, such as Solitaire. But not only do these examples employ figurative and peripheral applications of 'cheating', they only make sense at all because there are coherent and consistent narrower and literal uses upon which they are loosely and figuratively based. In other words, these examples, rather than showing that there is 'difficulty in working out a general concept of cheating in even a modestly plausible form' (Russell 2014, 315), support the contradiction of this claim. The sense in which these examples constitute cheating is peripheral. In central cases cheating should be understood in its institutional context. In this respect it is more like bribery and extortion rather than such wrongs as assault and homicide. Thus although you can cheat at Solitaire, just as you can bribe a five-year old to go to bed on time, these uses of these moral concepts, since they are divorced from their institutional framework, are peripheral and derivative rather than central.

Conclusion

Earlier I claimed that the neglect of the development of a theory of cheating in sports was part of the lack of attention showed to the study of adversarial ethics in general. However, a second reason is due to its surprising complexity, which we have begun to encounter here. Unpacking and analyzing this complexity will constitute much of the work of developing our desired theory, and much work remains to be done. Among the shortcomings and omissions in the present analysis are those raised by the following questions:

- 1. A theory of cheating and other wrongful conduct in sports depends crucially on developing a more nuanced account of the race-to-the-top benefits. How should that analysis impact the specific details of a better developed theory?
- 2. What are the specific sub-categories of cheating?
- 3. How should the sub-categories be differentiated?
- 4. Why do officials not simply prohibit cheating?
- 5. How should we locate concerns about rule gaming, gamesmanship, and strategic fouling within a better theory?
- 6. How should the concepts of deception and intentionality figure into our analysis?

This is only a partial list of unanswered questions. Although it is not difficult to identify limitations, we can conclude on a more positive note by taking stock of our progress. The foregoing analysis leads us further towards meeting our goal. It identifies the conceptual core of the concept 'cheating' and both places it within, and distinguishes it from, different kinds of corruption. Provisionally we can say that cheating in sports occurs in the context of a complex institutional and social practice. It transpires due to some failing in the efforts and/or limitation or limitations of sports officials to prohibit it. In central cases it consists in both the functional and ethical violation of the first-order norms of sport in the service of obtaining false or unearned victory, or at least materially advancing the obtaining of such victory, for the cheater or cheaters. Two kinds of ethical norms, the adversarial ethical norms of competitors and the process ethics norms of officials, are designed to counteract the threat from cheating by ensuring that the oppositional striving of the competitors remains focused on the desired race to the top thereby ensuring that conditions are optimal for producing the socially desirable positive externalities of the contest.

¹ I believe that Nagel (1979, 85) is the source of this directional metaphor which contrasts the perspective of the competitors, who face each other parallel to the plane of the field (or horizontally), with the non-competitive perspective of the officials who stand on the field (vertically) but rise above and are independent of the competing. This metaphor also reflects the right-angled contrast between contesting and officiating similar to the vertical (or y) axis and the horizontal (or x) axis of a two-dimensional graph.

 $^{^2}$ S.K. Wertz believes that players are 'not obligated not to cheat, only expected not to' (1981, 24). But this is too weak. Players agree to play by the rules, and this entails that they have an obligation not to cheat.

³ Does this mean that the ethical conduct of sport presupposes its good functioning? Oftentimes perhaps but not necessarily because frustrating the good functioning of immoral sports could be ethical. For more on this point see MacRae (2019, 343-344). The general point here is that perfectionist value and ethical value are different. However, ethical *compliance* with the norms of a sport presupposes its good functioning. Thanks to an anonymous reviewer or the editor for raising this matter.

⁴ There are a multiplicity of win-win ethical acts and outcomes. They can be classified in terms of the type of cooperation they embody. These include economies of scale, gains from trade, risk pooling, self-binding, and information transmission. See Heath (2006) for a wealth of examples.

⁵ On the distinction between System (or Type) One and Two forms of cognition see Kahneman (2011).

⁶ For an explanation of this distinction see MacRae 2021, pp.76-77.

⁷ Thanks to an anonymous reviewer or the editor for pointing out that in the sort of case I have just described, we can imagine that the conduct of play was functionally perfect despite the game being thoroughly corrupted, and so whereas cheating is a form of corruption that presupposes a functional failing in the conduct of a competition, this is not a necessary condition of corruption. This shows that some acts of corruption can 'altogether break' a competition in a way different than the ways in which cheating can 'altogether break' or corrupt one, that 'corruption' and 'cheating', in other words, are distinct concepts.

⁸ I owe this question to an anonymous reviewer.

⁹ Note that this convention is different than the strategy at the end of a close game where the leading team dribbles out, or tries to dribble out, most of the shot clock to limit the number of possessions their opponent might have to mount a comeback.

¹⁰ This point also explains why not all the conventions of a sport are part of what D'Agostino characterizes as that sport's ethos. See D'Agostino 1981, 14-15.

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