

Deception in Sport: A Conceptual and Ethical Analysis

Adam Pfleegor

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Supervisor: Dr. Danny Rosenberg

Faculty of Applied Health Sciences

Brock University

St. Catharines, Ontario

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Abstract

In 1973, Kathleen Pearson offered a pivotal first step into understanding deception in competitive sport and its many intricacies. However, the analysis falls short of truly deciphering this widespread phenomenon. By creating a taxonomy based on Torres (2000) understanding of various types of skills in an athletic contest, a wider array of deceptive practices are encompassed. Once the taxonomy is put forth, weighing the categories against the three-pronged ethical permissibility test established utilizing elements from formalism, conventionalism and broad internalism sheds lights on what deceptive practices should be deemed ethically permissible for use and which tactics should not be a part of an athlete's repertoire. By understanding which categories of deception are permissible, the most fair and athletically excellent contest can be created between the opposing players of teams.

KEY WORDS: deception; ethical permissibility; gamesmanship; competitive; sport

Chapter I: Introduction

Introduction & Overview

It was the fifty-first minute of the 1986 World Cup quarter final soccer match between England and Argentina on June 22 when Diego Maradona, perhaps the greatest soccer player of all time, scored the infamous 'hand of God' goal in front of more than one hundred and fourteen thousand fans at Azteca Stadium in Mexico City. Maradona's teammate, Valdano, passed him the ball into a crowd of players. Maradona then passed the ball back to Valdano hoping to speed past the defenders. As Valdano received the pass, pressure was put on him quickly from the English opponents and he kicked a high cross back toward Maradona who was driving toward the English net. Due to intense pressure put on by the defenders, the cross to Maradona soared high above his head and looked to be almost unplayable. However, he leapt toward the ball at the same moment the English goalkeeper did, raised his fist behind his head, and punched at the ball making solid contact. The ball came off his outstretched fist and went directly by the English goalkeeper into the net. Because the play had occurred at such a fast and furious pace, combined with the fact that Maradona hid the fist behind his head to the best of his ability, neither the English defenders nor the officials noticed the handball and the goal was allowed.

After a few moments of Maradona celebrating near the sideline stands, where his father was sitting, the English started to protest a handball. None of the defenders or coaching staff had actually seen Maradona use his hand to punch the ball into the net, however the closest defender deemed it impossible for Maradona to jump that high to head the ball over the English goalkeeper. One player on the field who did see the use of

the hand was Valdano. During the celebration Valdano looked over toward Maradona and placed a finger over his lips as if to say “shhh, we are getting away with this, don’t say anything.” After the game was over, Maradona faced a flurry of media scrutiny. He answered all of the world’s questions by saying that it was the ‘hand of God’ that had put the goal in for Argentina (Maradona, 2007).

A year later the now infamous Argentinean soccer star was interviewed by the British Broadcasting Company (BBC). During the interview Maradona (2007) stated, “At the time I called it ‘the hand of God!’ Bollocks was it the hand of God, it was the hand of Diego! And it felt a little bit like pick pocketing the English...(however) It was one hundred percent legitimate because the referee allowed it and I’m not one to question the honesty of the referee” (p. 130).

This incident is perhaps the most well known act of deception by an athlete in contemporary elite sport that is ethically questionable. There are many facets of the Maradona ‘hand of God’ goal that are applicable to studying and understanding forms of deception in competitive sport. Maradona acted as if he had scored a legitimate goal and celebrated near the sideline. Was the jubilation part of deceiving the English players, his teammates and the fans into thinking he scored a legitimate goal, as well as the officials who let the goal stand? Should Maradona have told the officials immediately the goal was illegal because he used his hand? Perhaps Valdano should have informed the officials the goal was illegitimate? Had the Argentineans earned a deserved and fair win, or was the outcome of the game a tainted victory? Was Maradona right in accepting the official’s decision?

Only recently has another soccer goal, which was scored in similar fashion, come under so much scrutiny. On November 18, 2009 in a World Cup qualifying match being played in Paris, France, the ‘hand of God’ seemed to make a return to the sport. France and Ireland were opposing each other on the pitch for the right to qualify, and be a part of, the 2010 World Cup in South Africa. The French side was down one to nil with extra time ticking away when their star, Thierry Henry, scored on a blatant handball. When the goal was scored, Henry celebrated with his teammates as he has done hundreds of times after scoring a goal (Ogden, 2009). In the minds of the dejected Irish players, coaches and fans the celebration likely brought up visions of Maradona scoring an illegitimate goal many years earlier. Not until after the match was over and the French were on their way to the World Cup did Henry acknowledge that he utilized an illegal action to score the game tying goal. Again we must ask, was Henry trying to hide the fact that he “cheated” from the officials, fans and opposing players? Was his normal looking celebration an act put on in order to deceive others? Who was at fault for the goal going in? Many questions can be asked from these two similar incidences in soccer matches. This provides an initial insight that deception in sport may not be a clear cut and definitive concept and the idea likely deserves further study to understand its nature and composite parts.

On June 14, 1998, another famous act of deception in competitive sport took place. It was game six of the 1998 National Basketball League (NBA) finals in Salt Lake City, Utah between the Utah Jazz and the Chicago Bulls and more people were watching this game than any other game in league history. Michael Jordan of the Bulls, who is widely regarded as the greatest basketball player in history, led his team to a three games

to two lead in the best of seven championship series. The Bulls were down by one point, 86 to 87, and had possession of the ball with 16 seconds remaining. Jordan was usually exceptional in these dramatic moments that showcased his superior skill, and with the ball in his hands, so too was the fate of this particular game. The Jazz chose to guard Jordan with Brian Russell, who was one of the team's best one on one defenders. Jordan dribbled the ball to the top of the three point arc and began to drive hard to the right side of Russell. After three or four power steps, he planted his right foot hard and crossed the ball over from his right hand to his left. At this point, Russell was caught completely off guard as Jordan took one giant step left and pulled up for a jump shot near the top of the key. The ball rolled effortlessly off his fingers, dropped into the basket with 5.2 seconds remaining in the game and earned him his 45th point. This shot was one of the most famous of Jordan's illustrious career (Wise, 1998).

The example of a famous fake and score during an important NBA game exemplifies another form of deception similar to, yet different from, Maradona's 'hand of God' goal. Both actions involved intention, stealth and the creation of circumstances where expectations, appearances and beliefs were manipulated. Yet no one considers Jordan's feint and game winning shot ethically questionable or morally impermissible. One reason for this is that such deception is directly related to the prescribed skills of basketball, and by staying within the rules of the game while deceiving an opponent, the validity of such moves is acceptable. This was not the case in the Maradona example, where a cardinal rule of the game was violated in a deceptive manner leading to a questionable outcome. Therefore, even though the Maradona and Jordan examples both involve deception, the elements of deception in each contest are decidedly different.

In order to research deception, and certain deceptive acts in sport, it would be helpful to first identify what deception is. The Oxford English Dictionary (OED) offers the following two definitions of deception; 1. *The action of deceiving*, and 2. *A thing that deceives*. Because the OED uses the root word deceive in defining the word deception, the root must also be defined to understand its meaning. The OED defines the root word deceive as either *deliberately mislead into believing something false or to give a mistaken expression* (OED, 2009). There are a few pertinent points that can be acknowledged from these simple definitions. The first is that deception is most often a human action performed by one or more people in relation to another person or group of people. Although there is such a phenomenon called self-deception, this type of deception will not be a focus of the present study due to the internal, self-referent nature of such deception and the lack of a clear relational dimension to such deception pertinent to competitive sport. Another important dimension to consider is that deception must be deliberate. Therefore one must act with the intention to deceive another person or persons, or else the behavior cannot by definition be considered a deceptive act. The third important point noted by the OED definitions is that what is believed by the *victim* (the person or persons being targeted by a deceptive act) of deception must be counter to the truth or actual intended event or thought. In other words, what is believed is *something false* or is a *mistaken expression*.

Deception in general is often discussed and examined as a topic in philosophy, religion, literature and art (Boldt-Irons, Frederici & Virgulti, 2009). Yet the idea of deception and deceptive acts are integral features of competitive sport, both on and off the field of play. Deception is a widespread phenomenon in many sports that provides a

strong indication as to how well an individual or team is playing. Disguising movements, shots, throws, passes and the like to throw off one's opponents and/or create competitive opportunities is part of learning specific sport skills and knowing when to execute them in contests. Competitive sport includes deceptive acts of many kinds that can influence almost everyone involved in a sporting contest. A teammate, opposing player, fan, referee, coaches and others can all be affected in some manner by deception in the course of a sporting contest. They can come into contact with this phenomenon before a contest begins, while competition is underway, and even after the contest has come to completion. For example, a coach may deceive the media and opposing team before the contest begins by disclosing false information about a player's injuries or the tactics his team may utilize during an upcoming contest. During a contest, every time a player fakes out, feints or jukes an opponent, elements of deception occur. After the contest, a player or coach may deceive the media and the other team about an act that previously took place. This can be seen quite vividly through the "lie" that Maradona initially told the world after he had scored the goal against the English squad.

Despite the ubiquitous presence of deception in competitive sport, little attention has been given to this phenomenon in the literature by sport scholars. Pearson's (1973) early attempt to understand the idea of deception is a starting point to study this topic. Although Pearson's research shows many limitations, such as concentrating on the intentional foul, in-contest deception only and viewing deception from a strict formalist perspective, her work offers a useful first attempt at understanding the complexity of deception in competitive athletics. The formalist account of games can be summed up as defining a game solely by the written (formal) rules that define a specific game. This

strict way of viewing sport will eventually be discounted due to the fact that “formalism lacks the resources to evaluate rules and that any theory precluding critique of rules must have limitations, because the rules of the game might themselves have limitations” (Davis, 2006, p. 61).

Nevertheless, Pearson (1973) begins by stating a rule of thumb that she believes should be used to decide whether or not different forms of deception are ethically permissible. Her rule states that “If an act is designed by a willing participant in an activity to deliberately interfere with the purpose of that activity, then that act can properly be labeled unethical” (p. 115). For Pearson the purpose of competitive sport is to determine which athlete or team is more skillful in a rule-defined activity. But there are two major problems with employing rules of thumb in this manner. The first refers to employing the rule of thumb approach itself. A rule of thumb like the one stated above is limited by only stating what is unethical. Therefore if a particular situation or occurrence does not fall directly in the stipulated and defined parameters of the rule of thumb, then according to Pearson, it must be considered ethical. Using a rule of thumb approach in sport is particularly difficult because of the dynamic and ever-changing nature of most sports. In sport contests one may experience or observe new happenings, situations, or occurrences that are novel and peculiar which may then be deemed as either ethical or unethical, yet a rule of thumb may tend to prejudge such distinctions when it comes to deception.

One notable example of this phenomenon may have occurred in the “Pine Tar Game” in Major League Baseball (MLB). On July 24, 1983 the Kansas City Royals were playing the New York Yankees at Yankee Stadium in the Bronx. Kansas City was

trailing four to three when George Brett came up to bat against Yankees relief pitcher Rich “Goose” Gossage. With a teammate already on first base, Brett hit a two-run homerun and Kansas City appeared to take a five to four lead. Right after Brett crossed home plate, Yankee Manager Billy Martin came out and argued that Brett’s bat had pine tar, a substance used on the bat for a firm grip, too high on the barrel of the bat. Umpire Tim McClelland measured and ruled the bat was illegal, Brett was called out and his home-run nullified which ended the game in favor of the Yankees. Had Brett intentionally and deceptively tampered with the bat? The Royals protested the call leading to a number of ejections and later appealed the win which the League President upheld by stating that even though the bat was technically illegal it did not violate the “spirit of the rules.” The remainder of the game was then rescheduled and resumed at the point after the Brett home run under fierce protest by the Yankees and Martin. The Royals eventually won the game five to four after starting 25 days earlier (Flanagan, 2000). This famous incident shows that not every possible occurrence can be accounted for by a rule book or be encompassed by a rule of thumb and that rules can be interpreted by officials during and after contests. In the preceding MLB example an episode arose in an athletic contest that may or may not have involved the intent to deceive, yet Pearson would judge Brett’s actions unethical.

The second issue with Pearson’s rule of thumb is that she utilizes a strict formalist approach when establishing her claims. This approach, which will be described and critiqued in greater depth later in the chapter, basically defines a game only by its written rules. Although some elements of formalism need to be utilized in examining deception in competitive athletics, to fully understand the complexity of deception, I believe a

broad internalist approach must be utilized. The broad internalist approach, also to be explained later in the chapter, acknowledges that there are some conventions in sport, such as taking into account the “spirit of the rules,” that must be considered when viewing aspects of sport, as seen in the MLB example above.

After stating her rule of thumb, Pearson (1973) begins her examination of deception by proposing two broad categories: strategic deception and definitional deception. She first analyzes strategic deception and defines it as “when an athlete deceives his opponent into thinking he will move right when he actually intends to move left-that he will bunt the baseball when he intends to hit a line drive-that he will drive the tennis ball when he actually intends to lob it” (p. 115). I believe that Pearson’s examination of strategic deception is sound due to her reference to skills. She explains this type of deception through analyzing the juke, a move whereby a player tries to convince the opponent he will go one way when he intends to go the other, as in the Jordan example. Pearson feels that strategic deception is in fact a skill in itself that “separates the highly skilled athlete from the less skilled athlete, and therefore, is a sort of activity that makes a significant contribution to the purpose of the athletic event” (p. 116).

In her brief, yet informative, analysis of strategic deception, Pearson highlights two important features. The first is that her definition of strategic deception refers to intention. Athletes who carry out strategic deceptive acts give the appearance of and want their opponents to believe they are intending to do one thing but their designs are on doing something else. This characterization is directly tied to the OED definition (OED, 2009) presented earlier. The second important quality is the way strategic deception is a

crucial aspect of the repertoire of sport skills athletes possess. For example, in some situations batters in baseball will hold a stance before a pitch to make the pitcher believe they will attempt a line drive, but just before the ball leaves the pitcher's hand, the batters drop the head of the bat to bunt. The idea that certain forms of in-contest deception is directly related to specific skill sets athletes possess is supported by Torres (2000) in his research on sport skills. Despite the critique of Pearson's rule of thumb discussed earlier, she concludes, rightly so, that strategic deceptive acts are ethically permissible. Furthermore, she believes that this type of deception is essential to a good contest in elite sport.

Pearson (1973) then considers a second major category of deception, which she calls definitional deception. This type of deception "occurs when one has contracted to participate in one sort of activity, and then deliberately engages in another sort of activity" (p. 116). This notion of contracting to play a certain activity is associated with the logical incompatibility thesis (Morgan, 1987, 2004). This thesis states that when players deliberately break the written rules of a game, they are no longer engaged in that specific activity. For example, in soccer if an athlete intentionally picks up the ball with her hands, it is logically impossible to claim she is still playing soccer. Moreover and by extension, use of the hand to throw the ball in the net cannot result in a goal as established in soccer. As one can tell, the thesis derives from a formalist account of games as defined by the rules. Intentionally violating rules also means that any outcome a competitor achieves like a score, win, loss or tie is invalid. In the Maradona case, deception hid the fact a hand was intentionally used to put the ball in the net, and made almost everyone believe a goal had been scored.

Yet instead of clearly explaining what definitional deception entails, Pearson relates this notion directly to the idea of the intentional foul in basketball. An intentional foul is a rule violation committed on purpose by a player who is willing to get caught by the referee in order to stop the clock to try to regain possession of the ball. Sometimes this strategy changes the task of the opposing player. In basketball the altered task might go from an easy lay-up from right under the basket to shooting free throws from the foul line. The intentional foul is often seen in the waning moments of a basketball game when one team is trailing the other by more than three points (one possession) but close enough to possibly win the game. In most cases, the intentional foul does not involve deception of any type because the player committing the infraction does so openly so that the referee of the contest calls the foul and changes the victims' task.

Pearson's (1973) examination of definitional deception and her reference to the intentional foul is flawed in a few pertinent ways. The first is that she does not offer any additional concrete examples of definitional deception other than the intentional foul and other possible cases of deception. Utilizing the formalist approach limits the scope of clear instances of definitional deception because all rule violations invalidate game-playing and outcomes that may not be the case. Moreover, the intentional foul, in basketball at least, is an expected and acceptable rule-violating act that almost always does not involve deception (Simon 2004). Her second flaw refers to the kinds of activities included in the category. Because Pearson proposes only two different types of deception, she combines all deceptive acts that do not directly involve athletic skills (e.g., novel moves or strategies, lying to an official) into this category. Non-athletic acts of deception may or may not fall under the formal rules of sport, although they may be

questionable with regard to the spirit of the rules. This may have been the case in the aforementioned Brett example. Finally, a third flaw occurs when she examines the ethical permissibility of these types of deception. She employs the formalist idea of the logical incompatibility thesis and comes to the conclusion that all forms of definitional deception should be deemed unethical. However, sport rules whose violation results in the acceptance of penalties, do carry provisions for rule violations to occur and the game to resume.

By providing two distinct categories in her analysis of deception, Pearson (1973) declares that deception from a moral point of view is a clear cut matter. This may be so in some cases yet other examples may demonstrate otherwise. Maradona's 'Hand of God' goal is a clear example of definitional deception which is unethical, whereas Jordan's feint involves strategic deception which demonstrates superior skill. In the first case, the win was undeserved, while in the second the resultant victory was well deserved. However, the Brett example is unclear from a number of perspectives. Brett violated a rule but he may not have intended to place too much pine tar on his bat in a deceptive manner. The umpire assessed and applied the rules as written but a higher authority overruled the umpire's decision claiming the "spirit of the rules" was not breached. Pearson's account of definitional deception has no independent means to judge the Brett example ethical or unethical. Her explanation offers an initial understanding of deception and its composite parts in competitive athletics; however it falls short by not entertaining other possibilities where deception may occur in sport.

For example, Kretchmar (2008) briefly discusses the idea of deceiving an official, particularly a catcher moving his glove to frame a pitch in baseball. A catcher will often

catch a ball from the pitcher that is slightly outside the strike zone and immediately move his glove toward the strike zone in order to deceive or fool the umpire into thinking the pitch was actually a strike. Kretchmar (2008) deems this type of deception a “substitute for skill or other game-relevant virtues” (p. 334) and links the notion to game flaws (Kretchmar, 2005). The latter refers to the idea that all games have internal weaknesses and involve less than perfect participants which athletes sometimes exploit in a deceptive manner. Therefore he refers primarily to a negative form of deception in sport or non-sport skills as opposed to a positive characterization, such as sport skills, that can create a more fluid and aesthetic game (Hemphill, 2005). While Kretchmar’s (2008) analysis provides a logical understanding of a particular form of deception in sport, it is important to entertain many other forms of deception, both advantageous and detracting to the game, which may occur in a contest.

In addition to deceptive actions that manipulate officials, Kretchmar (2008) also believes that only certain types of games are at high risk to display negative forms of deception. He states that sports with a “fast physical-interactive-refereed” nature are at risk, but sports such as swimming, track and field, and gymnastics are “relatively immune from this game flaw” (p. 334). He considers deceptive practices that may not be good for sport and detract from skills and virtues, however not all forms of deception in sport operate in this manner. It is also important to consider that Kretchmar believes only certain types of games are open to deception that detract from the purpose of games and reveal flaws in games. Thus when analyzing deception in this study, it will be paramount to separate different forms of deception and apply them to various types of games in

which they can occur. These forms of deception will be delineated in a classification scheme as will be explained later in the thesis.

Kretchmar (2005), as well as Davis (2006), recognize that all games cannot be subsumed into a single category. Both authors present ways of categorizing games in terms of elements that regulate game play, time or events. Time-regulated games, or T games (e.g. soccer, ice hockey, basketball and American football), have a set amount of time whereby participants engage in the activity. It does not matter how many shots on goal, saves, baskets, or plays that a team or player run or make, the game ends when the pre-determined amount of time runs out. By contrast, event-regulated games or E games (e.g., tennis, baseball, diving, or track and field) have no set or predetermined time associated with the completion of the game. These forms of games are concluded when the participants have completed the events assigned to each individual game such as innings in baseball, winning sets in tennis, or finishing 100 meters in a track event. Considering that T games and E games are very disparate in nature, it makes sense that different forms of both positive and negative deceptive movements (non-sport skills versus sport skills) are utilized and take place in these respective games.

Theoretical Foundations

To support a cogent understanding of deception in sport, the theoretical basis of this study will address three prominent philosophical views in sport philosophy, namely, formalism, conventionalism, and broad internalism. I have chosen to focus solely on these three views due to the fact that I believe by utilizing these prominent views, the conceptual and ethical analysis of deception can best be described and understood. I will analyze each approach by examining the literature and prominent scholars in each

philosophical camp. These three distinct perspectives will offer insights on the meaning of deception in sport either directly or indirectly, and will assist in the development of a classification scheme related to the different ways deception emerges in competitive athletics. The three theoretical approaches will also inform the determination of the ethical status of the various forms of deception established in the taxonomy. Although all three outlooks will be examined, this study will argue that broad internalism provides the strongest theoretical basis for connecting the idea of deception to the skills of games from a realist perspective, which takes the current state of competitive athletics into consideration. Moreover, the research here will be supported by elements of an account of games as introduced by Suits (1967, 1978). Comprehending the nature of games, and by extension sport, will further contextualize the analysis. The theoretical backdrop of my study will therefore link games with skills, games with deception, and skills with deception.

Each of the theoretical approaches mentioned above requires further elaboration. Even though Pearson (1973) was discussed earlier as a proponent of formalism, Simon (2000) explains the perspective more fully and states,

Formalism is the name given to a position, or more accurately, a family of positions that characterize games and game derivative notions primarily in terms of their formal structure, particularly their constitutive rules. Thus, in a narrow sense, formalism has been characterized as the view that such game derivative notions as a move or play within a game and winning a game are definable by reference to the constitutive rules of the game. In a broader sense, formalism may be thought of as the view

that games (and sports to the extent that sports are games of physical skill) can be defined primarily by the reference to the idea of constitutive rules and goals or obstacles designed by the rules themselves, which are unintelligible apart from them. (p. 2)

In simpler terms, the essence of a formalist account is that games are solely defined by the rules that govern it in a strict legalistic sense. The use of an exclusive formalist approach when examining deception in competitive athletics will prove to be detrimental, as was shown in the critique of Pearson (1973). Further, under formalism the ethical permissibility of different types of deception is not clear cut in all instances. Some forms of deception, excluding those described as sport-specific skills utilized in a contest, are not necessarily covered by the constitutive rules of games. The Brett case exemplifies this point. It was unclear if Brett intentionally violated a rule in a deceptive manner and although his bat was illegal he apparently did not undermine the “spirit of the rules.” Formalism cannot reach such judgments due to its legalistic structure and it therefore has limited value in understanding the meaning of deception in sport and how it operates.

In addition, the formalist perspective does not take into consideration the dynamic and ever-changing nature of sport. New forms of jukes, feints, skills, moves and ultimately deceptive acts are performed in many sport contests. Officials, as well as players, must have the ability to adjust to the ever changing nature of sport (Russell 1999). Therefore not all of these instances can possibly be addressed by the constitutive rules. Russell (1999) believes that due to the complex and dynamic nature of sport, officials (and I will argue players, fans and coaches) need to understand not only the

written rules of the game, but also the virtues, unwritten rules and conventions of the game as well. Deception and bodily deceptive acts (non-verbal forms) play a vital role in developing new ways to outwit, outthink and outplay one's opponent.

The second philosophical theory that will be introduced and critiqued is the conventionalist approach. Conventionalism refers to the unwritten rules and social atmosphere which are invoked when games are played. These features of athletic contests are completely ignored in the formalist approach (Simon, 2000). D'Agostino (1981) recognizes that conventions in sport play an important role in understanding the way that contests are played. He coined the term "ethos of games" to refer to these conventions and all the parts and aspects of a particular sport that have become, for lack of a better term, "part of the game." An example of this would be body checking a goaltender in ice hockey. In the written rules of ice hockey, it is legal to body check opposing goaltenders if they are outside the blue crease area. However, the game has evolved in such a way that an unwritten rule, accepted by players and officials alike, tries to ensure that goaltenders not be touched, bumped or hit inside or outside the crease, and if contact is made, goaltender interference or a roughing penalty is usually called. Those unfamiliar with the conventions of ice hockey would fail to comprehend this dimension of the way the sport is actually played.

Conventionalism therefore takes into consideration the social and historical nature of the way sport evolves and the fact that written rules cannot explain all the occurrences that may happen during a particular contest. An example of a conventionalist perspective is advanced by Leaman (1995) in his discussion of cheating and fair play in sport where the topic of deception figures prominently. In fact cheating in sport is one area in sport

philosophy where the notion of deception is a central concept and will therefore be analyzed to some extent in this study (cf. Lehman, 1981; McIntosh, 1979; Rosenberg, 1995; Wertz, 1981). According to Leaman, cheating in sport must involve the intention to deceive and deception is a sign of a competent cheater. However, rather than condemn cheating practices, the following quote shows that Leaman (1995) argues that certain deceptive actions in sport can be tolerated under the banner of conventionalism,

What I am suggesting is the fact that people may cheat is part of the structure of sport and is taking 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 may morally 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, yet if cheating is recognized as part of the skill and strategy of the game, then A's advantage is merely as aspect of his being a better player than B. (p. 196)

Leaman's conceptual point that many forms of cheating, and hence deception, are related to skills athletes possess is relevant to my investigation. This line of thought, together with Torres's (2000) examination of sport skills, will shed light on what it means to be an effective strategic deceiver. As I will argue, the execution of strategically deceptive moves in competitive sport helps determine who the more skilled and better athlete is in a particular contest. On the other hand, those who subscribe to conventionalism like Leaman, Lehman, and D'Agostino tend to accept the moral status quo and are reluctant to engage in ethical reforms. As the quote above demonstrates,

Leaman champions cheating and sees it as a genuine possibility in sport where fair play can be maintained. Without going into too much detail, there are a number of ways to argue in favor of the wrongness of cheating. For example, cheaters make an arbitrary exception of themselves not to follow rules and relate to opponents as means and not as ends. Both these points are ethically unjustifiable and cannot be recommended as sound guidelines for human interaction. The acceptance of conventionalist positions often leads to conclusions, like those endorsed by Leaman, which most recognize as being untenable and intuitively wrong.

The third theoretical perspective that will be discussed and addressed is known as broad internalism. Simon (2004) states that “broad internalism claims that in addition to the rules of various sports, there are underlying principles that may be embedded in overall theories or accounts of sport as a practice” (p. 7). Two important ideas that I will utilize from the broad internalist perspective are connected to the nature of competition and the type of relationship athletes ought to have with their opponents. The first idea is Simon’s notion that competition should be considered “a mutually acceptable quest for excellence through challenge” (Simon, 2004, p. 27). When one views competition in this way, deceptive actions are related to the repertoire of skills athletes develop and execute. It will become clear that not only are all of the skill-based deceptive acts permissible, but they are required for an athlete to be successful concerning the outcome of the challenge, or competition, at hand. Therefore when utilizing broad internalist ideas, it may become plausible to say that the best athletes are the best skill-based deceivers and vice versa. The second idea involves the attitude towards and relationship with opponents. Fraleigh (1984) states that in good contests

opponents should be considered facilitators rather than obstacles to be merely overcome and defeated. When athletes adopt this positive way of thinking about and treating opponents, certain deceptive acts are justifiable and lead to mutually desirable contests. Competitors viewed as enablers seek excellence by demonstrating superior athletic skills. Fraleigh (1984) would argue that a one-sided contest in which the winning team is far superior skill wise and demonstrates that with a lopsided victory, excellence is not being shown on behalf of the victorious team or player. When deception is linked to such requisite sport skills in strategic ways, athletes and the sport community at large recognize and appreciate many more creative and novel moves that make for a good and fair contest, as well as a more entertaining contest to observe or participate in.

A deeper analysis of the main philosophical ideas addressed above will be taken up later in this study. Each of the different theoretical frameworks requires further analysis and critique and their relevance for examining deception in sport will become explicitly apparent. Given the information presented thus far, I will now turn to the main questions of the thesis.

Main Questions

The most important question this research will answer is, what is the nature of, and what counts as, deception in competitive athletics? Several related questions will also inform this study, namely; are there different categories of deceptive acts that occur in athletic contests? How do individuals other than the direct participants in a sport experience deception and what types of deception are applicable to them (i.e., coaches, fans, officials, and media)? What theoretical frameworks provide the best foundation to

determine the ethical permissibility of various forms of deception in relation to cheating, sportsmanship and gamesmanship?

Rationale and Need for the Study

As previously mentioned, deception is a widespread phenomenon in sports. Everyone involved in athletic contests can be influenced by a deceptive act at some point, whether you are a direct or indirect participant. Despite the influence that deception and deceptive acts have in sport contests, it is a concept not widely examined in the sport philosophy literature. Suits (1978) briefly discusses the idea that game players can initiate maneuvers “to mislead in order to gain an advantage” (p. 152). Additionally, Pearson (1973) offers a preliminary and incomplete account of deception in sport. Her delineation of definitional and strategic deception is useful, but falls short in several respects as discussed previously. Other scholars such as Lehman (1981), Rosenberg (1995), Leaman (1995), and Simon (2004) have briefly discussed certain notions of deception, but only through analyzing other aspects of sport such as cheating, fair play, and the ethics of competition. Kretchmar (2008) considers certain forms of deception in the context of game flaws. These limited references to deception will augment the research in this study to develop a more robust account of deception in sport. Perhaps the results here will better inform these topics and reveal how and what sort of deception is involved in other areas of sport. Therefore, the gap in the literature is one important impetus for conducting this research.

Another source of inspiration for carrying out this study is my personal interest in deception in competitive athletics which stems from many years of playing sports at various levels (from youth leagues to college athletics). I have always been fascinated by

the development of skills and what makes for exceptional sport skills as displayed by superior athletes. From my experience, better athletes incorporate deception, disguise and stealth in their play which often gives them the opportunity to elicit creative challenges against their opponents. Such play usually requires intelligent movement characterized by anticipating a whole range of conditions and the execution of quick and effective responses. As a young scholar, eager to explore this topic further, I hope to make a modest contribution to the sport philosophy literature by examining deception in the depth and giving the subject the attention it deserves.

The final, and perhaps most important reason for carrying out this study, is that deception is an important human practice exemplified through sport that needs to be better understood through an ethical lens. By examining certain deceptive acts that manifest themselves in competitive sport, I believe that the ethical permissibility of certain instances and acts in sport will arise. Thus, if we work to eliminate acts that are ethically unjustified, a fairer and better athletic contest can be produced on a more consistent basis.

Limitations & Delimitations

In carrying out this research I will have to accept a few limitations that put restrictions on the end product. The first limitation is that I will only read and research literature and works written in English. Although some academic information most likely exists in languages other than English, I am not proficient enough in any other language to properly access or utilize this material. Another limitation I will encounter is the lack of actual literature on the subject of deception in competitive athletics. Other than Pearson (1973), the overwhelming majority of works concerning deception in sport

deals primarily with cheating, the intentional foul, game flaws, sportsmanship and gamesmanship (cf. Fischer, 2002; Feezell, 1999, 2004; Kretchmar 2008; Pawlenka, 2005). In mainstream philosophy, the concept of deception is mostly investigated in relation to language and the spoken word, and its relevance to sport is minimal (Galasinski, 2000). One possible example of verbal deception may be found in cadence calls and pre-snap routines in American football. This kind of deception will be discussed when a taxonomy of various types of deception in sport is developed. The work of Galsinski will be significant when examining the work of philosopher Harry G. Frankfurt. Frankfurt's (2005) treatise *On Bullshit* will expand the notion of deception in relation to the ideas of cheating, gamesmanship, and lying.

In addition to limitations, this study contains delimitations that will establish more defined parameters so the topic under investigation is examined with greater precision and depth. The first delimitation is a focus solely on deception in "head to head" sport contests (Kretchmar, 1975). These types of games have clear cut offensive and defensive roles and skills. In a head to head contest you are directly matched against your opponent in a physical manner. The simultaneous tests allude to the idea that you and your opponent have opposing tests whereby one can directly thwart, hinder, or frustrate the advances of one side to succeed in the test. Examples of these types of games are American football, baseball, soccer, ice hockey, tennis, rugby, basketball, and any other games where offensive and defensive skills are required in order to achieve game purposes. This eliminates games such as track and field events, aesthetic sports such as diving, figure skating and gymnastics, as well as games with clear parallel tests such as swimming, golf and bowling. In the games not being considered a struggle exists

between competitors, yet direct oppositional or adversarial physical challenges do not occur. Thus, performance does not directly influence your opponent's performance. This is not saying that through the use of gamesmanship and other various tactics that performances cannot be affected, but it is in an indirect manner, and the types of deception that could occur in these games are much different than those occurring in head-to-head contests. An example of this could include players taunting an opponent in order to psychologically affect their performance in a negative manner.

The second delimitation that I make is the omission of any discussion of self-deception. The idea of self-deception is extremely interesting and research in this area can provide a significant contribution to philosophy, however the work of Culbertson (2005) has sufficiently covered self-deception pertaining to sport. In addition, self-deception, in my opinion, plays only a minimal role in competitive sport and only affects a few athletes who are struggling with certain identity issues.

The third delimitation in this thesis is the omission of discussion surrounding performance enhancing drugs (P.E.D's). P.E.D's have not only been sufficiently covered and examined in the sport philosophy literature, they also fall outside the scope of the deception I wish to undertake in my analysis of acts occurring in head-to-head contests. Although I do agree that the use and implementation of P.E.D's involves a form, or perhaps forms, of deception; By discussing P.E.D's in depth, the deception pertaining directly to the sporting aspect of a contest will suffer in depth and clarity.

Chapter Development

The thesis will be constructed using five chapters, each of which will examine a slightly different aspect of deception in competitive sport. It will become obvious that

although the chapters discuss different elements of deception and its occurrence in sport, this study will unfold in a logical and coherent way to fully grasp the phenomenon of in-contest deception.

Chapter two will describe and critique in greater detail the theoretical frameworks and philosophical approaches that contextualize the concept of deception in sport. The three specific views that manifest themselves in contemporary sport philosophy literature, formalism, conventionalism, and broad internalism will be unpacked and examined.

I will base my formalist discussion around the work of Pearson (1973), Suits (1967), and Morgan (2004). Morgan's (1987) earlier contribution to research on formalism is included in his critique and explanation of the logical incompatibility thesis. The strengths and weaknesses of a strict formalist understanding of deception in sport will be examined and assessed. Conventionalism is the second philosophic lens that will be analyzed and discussed in chapter two. My discussion will be based on the research of D'Agostino (1981) and Leaman (1995). D'Agostino stresses that the conventions within sport must be acknowledged for one to understand how sport is carried out beyond adherence to the formal rules. Leaman assumes a conventionalist approach in his account of cheating in sport and the ethical permissibility of certain forms of deception. The advantages and shortcomings of conventionalism in the works of D'Agostino and Leaman as they pertain to deception in sport will be addressed. The final framework that will be discussed in chapter two is broad internalism. I will refer to the works of Dixon (1992, 1999), Fraleigh (1984), McIntosh (1979), Russell (1999, 2004) and Simon (2000). Simon's work introduces an overall ethic of sport known as the mutual quest for excellence that serves as a yardstick to judge the character and ethical nature of sport.

Broad internalism recognizes the value and limits of a formalist approach and the conventionalist perspective, but frames these views within a realist context which is less polarizing and avoids extreme positions and conclusions.

Chapter three will be devoted to producing an expansive classification scheme of different forms of deception that can occur in various sport contests. In order to develop this taxonomy, I will utilize Suits's (1967, 1978) account of the nature of games and Torres's (2000) study that examines the importance of skills in games. These works will serve as the starting point to divide deception into distinct categories. By starting off with broad categories such as intra-lusory deception (deception occurring during the contesting period of a competition) and extra-lusory deception (deception occurring outside the contesting period of a competition) further sub-categories will become evident and relevant. I will analyze types of deception that are directly tied to athletic skills and forms that are not connected to sport-specific skills. By connecting the skill based acts of deception to the different types of rules and skills of contests, it will become obvious that deception has many different elements and can take many different forms. While attempting to establish a thorough and detailed taxonomy, it must be acknowledged that not all acts of deception in sport contests may fit neatly into these distinct categories. The classifications will group different deceptive acts together and characterize differences by way of examples and not strictly through definitional efforts. Through the use of examples it will become clear to the reader that many types of deception are implicated in sport contests and that within a particular contest these forms can be drastically different.

Chapter four will consider how the philosophical frameworks apply to the taxonomy of deception to disclose the ethical status of deception in sport. I will assess all the deceptive acts in the taxonomy and explain why they should or should not be ethically permissible during a competitive contest. I anticipate that some forms of deception will prove not to be so clear cut, especially when they are examined through the different philosophical lenses. Relationships between different participants will be examined (Drewe, 2003) and the effect of deception in these relationships will be analyzed (Hyland 1978). The discussion will then turn to a number of specific ethical areas mentioned earlier like sportsmanship (Dixon, 1992, 1999) to disclose other features related to deception in sport.

The fifth and concluding chapter will summarize the findings and critically assess the answers to the research questions. In addition to my main points, the relevance of the investigation will be reiterated and suggestions for further study will be offered. The concluding chapter should provide the reader with a comprehensive understanding of deception in sport.

Chapter II: Theoretical Foundations of the Philosophy of Sport

Introduction

Chapter two of this thesis will play a pivotal role in laying the ground work by introducing the theoretical foundation for which I will determine the conceptual and ethical status of the various forms of deception that will be brought up in chapter three. In this chapter I will attempt to define and critique three theoretical perspectives that are commonly used in sport philosophy literature by examining several prominent sport scholars associated with each position, as well as integrating my own interpretations and examples. The three philosophical camps I will formally address are formalism, conventionalism, and broad internalism. It is important to note that not all sport scholars would classify themselves strictly into one of these three foundations, however the vast majority find themselves working generally in one of these three areas, or a similar offshoot of them. Therefore, I deem it appropriate to concentrate on these three particular foundations.

By examining and critiquing formalism, conventionalism and broad internalism it is not my goal to judge which theoretical foundation is best for sport research as a whole. Rather, I hope that by fully understanding the three foundations and their many facets, that the advantages and disadvantages of each foundation will surface when attempting to study deception, its composite parts and its ramifications in sport. In order to achieve the task of creating a solid backdrop to view deception, I feel that it is necessary to leave out any discussion directly related to deception when explaining and conceptualizing the three aforementioned foundations. By doing this, no personal bias will influence the analysis. On the contrary, I do not feel it is possible to fully develop a proper

understanding of the philosophical foundations without including the discussion on how each camp views cheating. Although reference to cheating as compared to deception will not be discussed until chapter four, to omit any discussion of cheating in this chapter would be negligent on my part.

Another important distinction that will become clear in this analysis is the various ways that formalism, conventionalism and broad internalism view the rules of particular contests. Since I plan to connect (either significantly or loosely) the specific rules of a contest to various forms of deception, this also will play a prominent role in my discussion of the foundations. Although one of the three foundations might prove to be the most beneficial in studying and understanding deception, I believe that a more well-rounded study of deception may include some pivotal points from more than one theoretical framework. Focusing this chapter on solely finding “the best” philosophical foundation to research from would essentially derail me from my ultimate goals of both thoroughly examining deception and also producing some idea of what forms of deception may be acceptable practices in competitive sport, and what forms may detract from the overall purpose of the activity at hand. Although this chapter as a whole may seem more like “housekeeping” in a sense it sets the stage for further analysis and it will play a vital role in producing a base to continue the discussion as a repeated reference point. Fraleigh (1984) agrees that before any ethical discussions take place, a moral foundation needs to be firmly in place. He states that before most sporting questions can be answered, there is a “need for a moral basis to ascertain which actions are best. To provide a firm base for dealing with thousands of situations in sport contests” (p. 10). I

will begin my explication with formalism and then take up conventionalism, followed by broad internalism.

Formalism

Formalism, which perhaps could be considered the first philosophical lens through which sport was studied, is often viewed as the most “strict” or “confining” theoretical foundation associated with sport philosophy literature. Formalism, in essence, is defining a game solely by the rules of that particular game. Therefore, if all rules are not obeyed, respected and followed, then an athlete or participant is not actually engaged in the original activity that he or she previously set out to participate in. Fraleigh (1984) describes one of the tenets of formalism as “complete respect for and observance of the rules are essential for the sports contest, and specifically for the good sports contest” (p. 71). Some philosophers go even further with this claim and believe that one cannot logically participate in games without adherence to the rules. Delattre (1976) states that “both morally and logically, then, there is only one way to play a game. That is, by the rules” (p. 139). It becomes glaringly obvious that formalism has a strong criterion to make all claims based on adherence to the rules of a particular contest.

This idea that games and rules are unintelligible from each other can be associated with Suits’s (1979) claim that rules in a game are inseparable from the ends of a game. The ends of the games can easily be summed up as the result of the contest, which can include either a victory, loss or a tie. Suits (1979) states that “Rules in games... seem to be in some sense inseparable from ends. To break a rule is to render impossible the attainment of an end. Thus, although you receive (a) trophy by lying about your...score, you have certainly not won the game” (p. 12). Therefore according to a formalist

perspective, it is impossible to both cheat at a game and be considered a winner. This conclusion will later be challenged by a conventionalist train of thought and be discussed and reinforced in the broad internalist perspective.

Another important claim that Suits (1979) makes directly relates to what has become known as the incompatibility thesis. Suits states that, “if the rules are broken the original end becomes impossible of attainment, since one cannot (really) win the game unless he plays it, and one cannot (really) play the game unless he obeys the rules” (p. 12). This idea of games being solely defined by their rules and the fact that if one does not obey a rule, they are no longer participating in the activity at hand, is one of the cornerstones of the formalist perspective on sport. Fraleigh (1984) elaborates further; “...logically, the cheater is not even competing (contesting). Since cheating destroys the contest, it clearly prevents the good sports contest” (p. 73). For my purposes, I will utilize Rosenberg’s (1995) concept of in contest cheating. He states that “In contest cheating refers to unexpected, undetected competitive acts in the game where either constitutive and/or regulative rules are violated to create favorable conditions for one side or the other in a game, and where such gains are immediately realized and can also produce overall favorable consequences such as winning” (p. 6). Drewe (2003) describes the incompatibility thesis in a succinct manner: “The incompatibility thesis suggests that a player cannot be playing the game if he or she resorts to cheating since a condition for playing a game is following the rules” (p. 122). This idea was critiqued by Morgan (1987) with his explanation of the logical incompatibility thesis: “The logical incompatibility thesis holds that one cannot win, let alone compete, in a game if one resorts to cheating. This is so, it argues, because in an important sense the rules of a

game are inseparable from its goal. That is, the goal of golf is not simply to put the ball into the hole, but to do so in a quite specified way – by using the fewest number of strokes possible” (p. 1). Morgan (1987) also draws a further connection between the logical incompatibility thesis and formalism, “The supposed logical incompatibility between winning and cheating is not only a thesis but is the linchpin of a widely held theory of games that is known as formalism. According to formalism, the various derivative notions of a game are to be defined exclusively in terms of its formal rules” (p. 1).

The main ideas of the formalist approach seem to be logical and establish a well thought out theoretical position. Formalism offers a specific conceptualization and understanding of sport based on the written rules of a contest that have implications for making moral decisions. Although I do not wish to argue the fact that games and sports in many ways are ‘defined’ by the rules, scholars have brought up some interesting and important criticisms of the various tenets of the formalist approach.

By presenting the counter claims to formalism, I do not wish to dismiss it as a viable option to study ethical issues in sports. Rather, I wish to consider the implications of such theories to later judge the ethical permissibility of certain forms of deception that I will include in my taxonomy in chapter three. Lehman (1981), later to be seen as a proponent of conventionalism, states that,

Undoubtedly, following some ‘framework’ of rules is essential to playing any particular game as we know it, and even violation of rules covering ‘finer points’ may in some cases lead us to say that no game worthy of the name has taken place, no real winner been determined. But

counterexamples to the unqualified incompatibility thesis advocated by

Suits and others are not hard to come by (p. 41)

One such counterexample that Lehman (1981) raises is that formalism cannot account for the ever changing and dynamic nature of athletic contests. Morgan (2004) notes that “the problems with formalism are that many of the ethical issues that arise in sport fall outside the scope of its formal rules” (p. 2). Therefore, all new and novel feints and jukes that an athlete practices and places into their repertoire that are not accounted for in the formal rules of the game must be discounted as legitimate tactics and therefore assumed to be cheating. By using a formalist approach to decide on the permissibility of certain skills, a limit on the creativity of the participating athletes could occur because it cannot account for novel moves that are not specifically laid out in the written rules. A prominent example in sports history comes to mind when attempting to demonstrate this idea, which is a form of high jumping that has become to be known as the Fosbury Flop. The Fosbury Flop is a style of high jumping in which athletes go over the bar with their back facing the ground. It was invented and debuted by American Olympian, Dick Fosbury, in the 1960’s. This form of high jumping had not been seen at elite levels prior to this decade due to the traditional ways of high jumping (the straddle technique and the western roll). The Fosbury Flop is not specifically permitted in the written rules of high jumping, yet does not break any rules. Viewed through a formalist lens, this move that changed the sport of high jumping would have to have been discounted as cheating and against the rules. Sport would also prove to become more mundane and less aesthetically pleasing if exciting new occurrences ceased to exist in contests (Hemphill 2005). Russell (1999) asks, “Why sacrifice the aims or purposes of the game, or in effect its integrity, to

blind rule worship... (especially because) the language of rules is vague” (pp. 33-34). The idea that a highly skilled athlete is always working to get better, become closer to achieving excellence, creating new moves, practicing new tactics and attempting new feats is the very reason that sports and games are such a worldwide phenomenon of popularity.

Two possible solutions to this formalist shortcoming that have been offered in order to allow for greater freedom of skill use and creativity, are the expansionist and reductionist approaches (Kretchmar 2001). The expansionist approach would increase the number of written rules of a contest and perhaps allow for more actions to take place. However, as Kretchmar (2001) states, the “more constitutive rules there are, the more likely that one or more of them will be broken either intentionally or unintentionally...Trivial violations of constitutive rules automatically turn game A into something else” (p. 164). In contrast, a reductionist approach would decrease the number of formal, game defining rules (constitutive rules) and then perhaps allow for greater expression from the participating athletes. The issue with this view from a formalist perspective is that the foundation resists the changing and evolution of the game. Kretchmar (2001) elaborates:

Formalists appear to encounter a dilemma from which there is no easy escape. On the one hand, artificial problems are the product of an indefinite number of constitutive rules – rules that carefully describe the objective of the activity and then the various means that are prescribed, proscribed and permitted. Logically, if ‘any’ of these means are changed, one would no longer be playing that precise game (pp. 163-164)

This idea that formalism resists the changing of rules is strengthened by Simon (2004) when he states, “Formalism...has problems with the ethics of rule change and rule formation” (p. 48). Taking all of this into consideration, along with knowing that sport is an extremely dynamic and ever changing enterprise; it becomes obvious that some of the main philosophical ideas that seem to make formalism a strong foundation can be questioned. Since the dynamic features of sport are crucial to advancement and progress in most games and activities, I feel that it is necessary to look elsewhere in order to gain a better conceptual and ethical base to determine the nature of and the permissibility or prohibition of certain actions. Simon (2004) agrees; “Formalism lacks the normative resources to address many of the moral problems that arise in connection with sport” (pp. 46-47). These problems generally stem from the changing and advancement of the games as well as certain practices that have become “part of the game.” This now brings my discussion of theoretical foundations to the conventionalist perspective.

Conventionalism

The second philosophical foundation from which I will utilize aspects in my thesis is conventionalism. Conventionalism came about from scholars who became “dissatisfied with formalism” (Simon, 2000, p 4). A conventionalist’s main claim is that formalists tend to ignore conventions that have become part of particular sports over the years. These conventions are what D’ Agostino (1981) refers to as “the ethos of games.” Summed up, the ethos of the game involves the conventions and actions that have become integrated into the game at hand and yet are not necessarily explicitly mentioned

as permissible in the formal rules of that game. D'Agostino (1981) uses the example of contact in American professional basketball to exemplify his point. According to the rules, basketball is considered to be a "non-contact" game in which fouls should be given when players physically engage one another. However, any basketball fan, or someone who watches a contest at most levels, realizes that multiple forms of intense physical contact are taking place on the court. This contact has become part of the game of American basketball and is accepted by players, officials, coaches and fans alike. Another example that is prominent in elite athletics is physical body contact in women's hockey. According to the formal rules of women's hockey, body checking and full body collisions are illegal and a penalty of two minutes is given to the offending player. However, over the years, officials have let more contact slide, and this is now viewed as a judgment call by the officials that is made by considering the severity of the contact. Non-violent forms of contact in women's hockey is now viewed as a convention that has become "part of the game" and therefore an acceptable practice.

D'Agostino (1981) claims that by utilizing a conventionalist approach and the ethos of the game, a more effective decision making basis is set for officials who are refereeing the contest:

The ethos of the game in effect provides the basis for making two distinctions where the formal rules of that game provide the basis for making only one such distinction. Thus, the formal rules of a game distinguish between behavior which is permissible (in that game) and behavior which is impermissible. On a formalist account of games, this distinction is interpreted as a distinction between behavior that is part of

the game and behavior that is not part of the game at all. But the ethic of a game distinguishes between behavior that is permissible, behavior that is impermissible yet acceptable, and behavior that is unacceptable. (p. 14)

From the quote, it becomes obvious that what D'Agostino wishes to convey is that formalism lacks the power to judge whether an action should be allowed in the context of the game, even if it may slightly go against the formal rules of a game. What conventionalism seems to have created is a gray area between formalism's clear cut, black and white distinction of right and wrong within a contest, especially when considering elements of cheating. It leaves room for the interpretation and flexibility of certain rules and their implementation. Zimliuch (2009) states, "so it seems that some forms of cheating are looked at as simply wrong, while others fall into a gray area" (p. 6). This is exemplified when referring back to the examples in chapter one. The 'hand of God' performed by Maradona is viewed as a clear cut example of cheating, whereas the infamous 'pine tar incident' involving George Brett may involve elements of cheating, yet may be difficult to determine the actual ethical permissibility of the act that was performed.

My main reason for discussing the strengths and weaknesses of the conventionalist theoretical approach is due to its unique stance on certain forms of cheating within a contest. Both Leaman (1995) and Lehman (1981) examine the connection between conventionalism and cheating in depth. After taking a look at a few prominent definitions of cheating in sport from Luschen (1976), and McIntosh (1979), Leaman (1995) asks the question, "what is wrong with cheating?" (p. 195). Luschen (1976) states,

Cheating in sport is the act through which the manifestly or latently agreed upon conditions for winning such contest are changed in favor of one side. As a result, the principle of equality of chance beyond differences of skill and strategy is violated. (p. 67)

McIntosh (1979) attempts to improve on the definition and states,

Cheating...need be no more than breaking the rules with the intention of not being found out...Cheating, however, implies an intention to beat the system even although the penalty, if the offender is found out, may still be acceptable. (pp. 100-101)

At first this may seem like a simple question to ask, however, with the discrepancies over what actually constitutes cheating in certain games and sport, and then it may become unclear of what is actually morally impermissible about these actions.

Leaman (1995) goes as far as suggesting that if we employ a conventionalist approach, it may become clear that some forms of cheating are in fact good for sport in that they create a more entertaining and more highly skilled contest, and furthermore, when implemented in a proper manner, cheating should not change the fairness of the contest at hand. These observations and claims were noted in a quote by Leaman (1995) previously in chapter one. Leaman (1995) therefore argues that cheating should be recognized as an acceptable "skill" to use and employ in order to gain a fair advantage within a contest.

Although it is unclear whether he has identified clear cases of cheating, this portion of conventionalist thinking will prove to be useful when examining the ethical permissibility of certain forms of deception that may not fall directly under the permissible acts clearly stated in the constitutive rules of a contest.

To a lesser extent, Lehman (1981) argues for the possible inclusion of minor instances of cheating in games, which I would tend to call rule violations rather than cheating. His main purpose for producing this argument is to critique the aforementioned logical incompatibility thesis. Lehman (1981) states that, "I would have no quibble with the assertion that the rules of a game define that game; my point has only been that in certain contexts, breaking the rules that define a game will not entail that one is not playing that game" (p. 45). This conclusion reached by Lehman (1981) provides a valid response to discount the rigidity that formalism views rules and games. Perhaps Lehman is providing a middle ground so that rules must still be followed for the most part, yet it may be appropriate to allow certain conventions (that may contain rule violations) in a game to occur. Although his view is not as radical as Leaman's (1995), they both fear that discounting all games when cheating takes place is not only absurd, but not a logical way of thinking about sport in a "real life" context.

A vivid example that Lehman (1981) utilizes to emphasize his point is directed at former major league baseball pitcher, Gaylord Perry. Perry was a prominent pitcher in the big leagues who played for eight different clubs over his career. He is perhaps most famous for being accused of throwing "spitballs." A spitball is simply a term used to describe a pitch in which the pitcher doctors the ball by spitting on it and rubbing it into the leather before throwing it to the batter. This spit is supposed to create a better grip for the pitcher, and therefore increase the amount of rotation and movement on the ball as it approaches the batter in the batting box. So even though Perry may have not been completely within the rules by utilizing a spitball pitch, can you consider him to not be playing the game? Lehman (1981) asks,

Does anyone seriously want to say that no baseball game is ever played when Perry pitches? Should Perry be ineligible for the Hall of Fame on the grounds that he has never won a game, let alone competed, in baseball? Yet this seems to follow if we accept the unqualified thesis that cheating and competing are incompatible. And, of course, cases like Perry's – many of them more elaborate, some of them legendary – can be multiplied indefinitely. (p. 42)

Another example I would like to raise is the utilization of illegal hockey sticks in professional ice hockey. It is common knowledge (by fans, coaches, players and referees) that a large number of players utilize sticks that are outside the parameters of the exact listed stick measurements. These measurements, which are clearly listed in the written rules of ice hockey, determine the maximum and minimum length of a stick, the maximum and minimum weight of a stick and also the maximum amount of curve one can place on the blade of the stick. If a player is caught with an illegal stick, a two minute minor penalty for delay of game is then assessed. Any casual fan of ice hockey would be able to note that this is one of the least called penalties in the game. If you take the fact into consideration that most players acknowledge that many illegal sticks exist, then a large number of hockey players are breaking the written rules of the game. Utilizing a strict formalist approach, these players not only could not win a contest, but also would have to be considered not to have played the game. I believe that logically, this should not be the case when viewing minor infractions

such as the use of an illegal stick, especially when placed into the context of heightened pressure situations such as the playoffs.

Employing a conventionalist approach has instances in which I deem it helpful when studying competitive athletics. Simon (2004) notes that “conventionalists have made a contribution to our understanding of sporting practice by exploring the role of the ethos and cultural context of games” (p. 48). As previously mentioned when examining the shortcomings of formalism, many skill-based deceptive tactics, jukes, fakes, feints and moves are novel and creative ideas that may not be explicitly legal according to the written rules. If this is the case, conventionalism would perhaps allow these exciting tactics to occur in a contest, where formalism strictly prohibits them from taking place. When players have more “freedom” on the field, court, ice or pitch, positive aspects of the conventionalist approach and deceptive acts come to light. Because more actions are allowed through the conventions of the game and the officials, the creativity and ingenuity of the elite players become more visible. Players can conjure up new, exciting and creative ways to skillfully defeat their opponents, and in the long run, get closer to achieving excellence within a game.

It is a truism that the best players at a particular sport are often the most creative, and therefore they would be further rewarded for obtaining the elite athletic status that they possess. Hemphill (2005) discusses the beauty of truly elite athletes having the opportunity to be creative and novel. He states, “Highly talented soccer players are thought to magically or mystically create space or openings, slip and weave smoothly through defenders at will, and appear out of

nowhere to take possession of the ball” (p. 105). Perhaps by utilizing this approach, more exciting and aesthetically pleasing events, contests, and games would be produced. The fact that players are inventing new ways to beat an opponent, would all but guarantee that new novel ideas would be featured in almost every contest. This would create a visually appealing and exciting brand of sport, both for the producers and the consumers. This exciting brand of sport and games that could be produced due to conventionalism’s ability to respond to novel moves could advance the popularity and effectiveness of sport.

Despite its positive qualities, conventionalism also contains some major pitfalls that will prove to be detrimental in determining the validity of certain deceptive acts in my thesis. The main question, which has been posed in various ways by scholars multiple times, is “how much is too much?” Lehman (1981) utilizes vague language when attempting to determine a line associated with violating acts:

So, although I concede that at some point, excessive rule violations become incompatible with playing a given game, and that there also may be certain ideal cases in which exacting conformity to rules is essential, I maintain that, it is not in general necessary to the playing or winning of games that every rule of those games be obeyed. (p. 44)

As mentioned above, I stated that conventionalism seems to create a sort of gray area of what is right and what is wrong in a sporting situation, and Lehman’s (1981) quote only emphasizes my point. The question is who determines this, and if it is the umpires as Russell (1999) believes it should be, would all umpires reach similar conclusions to the situation they observed? This would in fact create a much less

standardized idea of the validity of certain acts and moves in sport. In addition, if we take the advice of Lehman (1981), and to a great extent Leaman (1995), and allow certain forms of cheating to integrate themselves into the ethos of the game and become legal, where is the line drawn? Again, this would create too large of a gray area that would perhaps harm the integrity of the game by creating a very unstandardized way of thinking, playing, coaching and officiating. Morgan (2004) sums up his argument against a strict conventionalist approach by claiming that “despite its descriptive acumen in capturing the actual manner in which sport is played and conducted at any given time, because the dominant views of the practice community that are supposed to inform our evaluations of sport are themselves often suspect and at the very least deserving of critical scrutiny” (p. 162).

Another possible criticism of conventionalism lies within the possibility of the implementation of gamesmanship tactics. Howe (2004) describes gamesmanship as “a strategy for winning regardless of athletic excellence” (p. 212). Accepting the idea that the outcome of the game, a league or championship could be determined not by who was the most skilled athlete or team, but rather by who was the better manipulator is a tough idea to swallow. Howe (2004) continues;

...It would seem that the decisive element in gamesmanship is an attempt to gain a competitive advantage either by artful manipulation of the rules that does not actually violate them or by the psychological manipulation or unsettling of the opponent (or sometimes the officials), whether this be by intimidation, nondisclosure of information...or the instrumental use of the rules. (p. 213)

I believe that Howe's (2004) last point is extremely important. She states that gamesmanship can include the manipulation of various rules in a game in order for an athlete to gain an advantage that is most likely not deserved. When applying a conventionalist lens, it would be extremely hard to combat the use of non-skill-based tactics like gamesmanship. If an unfair advantage is gained, then cheating and character questions are possibly introduced. Feezell (1988) believes that "it is reasonable to assume that the concept of cheating will have a great deal to do with breaking the rules, the intention to gain an unfair advantage...and issues of character" (p. 58). Feezell (1988) continues and states that "it is certainly part of the conventional wisdom surrounding sport that cheating is wrong, period" (p. 57).

Although conventionalism takes a step in the proper direction by attempting to include certain conventions and traditions in sport, I believe it falls far short of truly being a stable base to view a wide array of ethical issues. It lacks the ability to determine "how much is too much" and where to draw the line in many instances. Simon (2004) elaborates on the failures and shortcomings of conventionalism, as well as formalism, as a valid philosophical approach:

It is unclear whether conventionalism can respond any better than strict formalism to the evaluation of proposed changes in rules or conventions of a sport...Both pure formalism, a narrow version of internalism, and conventionalism, a form of externalism, lack the intellectual resources to deal with the important ethical issues that arise in sport. (p. 49)

Now that the possible advantages and disadvantages of formalism and conventionalism have been discussed, a third theoretical approach, known as

broad internalism, may shed new light on conceiving the nature and ethical status of sport.

Broad Internalism

Broad internalism, which is considered to be an expansion of the formalist approach, is sometimes referred to as interpretive formalism. It is a widely utilized and followed philosophical foundation by contemporary sport philosophers. Before beginning my analysis and discussion of broad internalism, it will be helpful to understand how it is defined. Simon (2004) states,

Broad internalism is the view that in addition to the constitutive rules of sport, there are other resources connected closely – perhaps conceptually – to sport that are neither social conventions nor moral principles imported from outside. These resources can be used to adjudicate moral issues in sports and athletics. (p. 52)

Four important ideas form the basis of Simon's (2004) basic explanation of broad internalism that I will utilize in my discussion. These are a) there is a relevant connection to the rules of a particular contest, b) social and game conventions are included and intertwined with the formal rules, c) it is an internalist theory which means that sport has a certain degree of autonomy from society as a whole, and d) that opponents are viewed in a positive and respectful manner.

The first point indicates there is a significant connection to the rules of a contest. As formalism harps on, there cannot be a competition in the first place without constitutive rules being followed and adhered to. Howe (2004) states that “in fact, it is the structure, and the rules defining that structure, that make each sport a sport, its own

recognizable sport” (p. 216). By showing the strong connection to rules, you can easily see how broad internalism has developed out of a formalistic point of view. Yet, it will be shown that broad internalism views adherence to the rules less strictly and is more open to change than formalism. The next point demonstrates where broad internalism diverges from formalism by incorporating elements of conventionalism.

The inclusion of the possibility of conventions in sport and acknowledging that sports do contain an ethos is an extremely important facet of broad internalism.

Recognizing the importance of context may explain how elite athletes are creative and develop new and novel moves and tactics that are easily viewed through a conventionalist lens. However, the difference with conventionalism is that broad internalism still adheres to formal rules rather strictly, as previously mentioned. This combination of formal rules and conventions perhaps brings us closer to what Fraleigh (1984) describes as the good sporting contest. He states that,

The characteristics of the good sporting contest are that the opponents are of relatively equal ability as determined by previous performance, and that the opponents play well in the contest...that the contest is completed and designates a winner and a loser...that the rules are adhered to by all participants, that the personal ends intended by all participants are congruent with or consistent with the purpose of the sports contest, and that opponents relate to one another as facilitators (p. 97)

Loland and McNamee (2000) state that “fair play must incorporate both formal and informal dimensions in a way that gives appropriate weight to both” (p. 64). These authors expand on this idea and include the possibility of interpretations to certain rules

in a contest; “The idea of an ethos takes seriously the diversity of sports and accounts for different interpretations of one set of game rules in different socio-cultural settings” (p. 67). Not only do they not ignore the formal rules, but also allow for the interpretation of them due to the ever changing nature of sport. Being so dynamic in nature, broad internalism may allow for the advancement of sport with the times as needed, yet retains its connection to the formal discipline and history of various games. D’Agostino (1981) further exemplifies this combination; “Any particular game has an ethos as well as a set of formal rules. The ethos of a game refers to those conventions determining how the formal rules of that game are applied in certain circumstances” (p. 7).

The next important facet of broad internalism is the focus on the distinctive, unique features of sport. In essence this means that sport generates to some extent its own set of values that can include, but are not limited to; perseverance, sportsmanship, hard work, dedication, and fair play. Broad internalism provides a valuable base to judge certain values and actions where a certain level of autonomy from everyday life and society is acceptable. Butcher and Schneider (1998) acknowledge that,

...If one honors or esteems one’s sport,...one will have a coherent conceptual framework for arbitrating between competing claims regarding the fairness...of actions...The idea of the interests of the game provide a means for judging one’s own action in relation to the sport...Taking the interest of the game seriously means that we ask ourselves whether or not some action we are contemplating would be good for the game concerned, if everyone did it. (pp. 7-11)

Butcher and Schneider (1998) demonstrate this internalist nature by claiming that the sport and participants in sport have the ability to determine what actions are right and wrong, permissible and impermissible, ethical and unethical in certain situations by respecting the internal values of sport.

The final important distinction that broad internalism makes, for my purposes, is the way in which opponents and competition are viewed. Drewe (2003) explains this point by examining the root word of competition, *competiitio*, which basically means ‘to strive together.’ This idea of striving together is not a typical understanding of competition. The mainstream understanding of a competition or a sporting event is that you are directly engaged in a ‘battle’ against another person or team. Most would infer that the ultimate goal, and only goal, is winning the contest and being on top when the particular game or competition has come to an end. Although I do not wish to deemphasize competition and winning, it needs to be noted that winning is not the only way to achieve greatness or excellence, and that competition can be viewed in a much more positive manner. Drewe (2003) continues, “It is in the notion of togetherness wherein lies the opportunity provided by competitive activities for the participants to grow and develop, which cannot be experienced without an element of completion” (p. 57). Drewe (2003) also believes that the pursuit of excellence must come from a combination of everyone involved in the particular event or competition. This idea is similar to Simon’s (2004) normative view of competition as a mutual quest for excellence. He writes,

Competitive sports as a mutual quest for excellence not only emphasizes the cooperative side of athletic contests and the acceptance of the

challenge from the point of view of all competitors but also explains much of society's fascination with competitive sports. (p. 27)

Simon's (2004) mutual quest for excellence, Drewe's (2003) pursuit of excellence together with what Fraleigh (1984) deems the good sporting contest are examples of broad internalism. To apply these perspectives in concrete terms, basketball greats Larry Bird and Magic Johnson come to mind. Both athletes were fiercely competitive and had hard fought battles for supremacy over countless years in the National Basketball Association (NBA). However, there always was a mutual respect of each other's skills that both of the athletes admired greatly. Some of both Bird's and Johnson's best athletic performances against one another occurred when they were mutually pushed to achieve and exemplify what it meant to be great or excellent on the court on a particular day. Fraleigh (1984) believes that "regarding the opponent as a facilitator helps to make the sports contest a human event wherein the mutual respect and regard of opponents is evident" (p. 91).

As a spectator watching the contests between these two elite basketball players, it was difficult to deem one a winner and one a loser at the end of the game, perhaps because winning had become less important to Bird and Johnson than the display of excellent skill, talent and perseverance. Certainly one of the men's teams scored more points than the other, but the real winners were those who witnessed greatness on the court. Fraleigh (1984) comments on winning and states that "winning means winning the contest that was produced by all – not defeating an opponent" (p. 85). I would be naïve in saying that Bird and Johnson liked each other, or were great friends. Bird and Johnson were rivals on the court, however the mutual respect they carried for each other's

repertoire of skills produced outstanding athletic performances. In this regard, broad internalism differs from formalism and conventionalism. The latter two perspectives view opponents as either too cold and rigid or prone to exploiting one another's vulnerability. Broad internalism on the other hand sees oppositional relations in respectful, humane terms where overcoming the challenges of competitors fairly is paramount.

The main criticism that is placed against a broad internalist approach is that it is presumptive in nature in situations that it cannot come up with a clear idea of right and wrong. In these cases, such as the use of performance enhancing drugs, broad internalism automatically refers to the decision that was, or will be, reached by the governing body of that particular sport. When a presumptive approach is taken, one would have no grounds to argue a decision made by the governing body of a sport that you may deem ethically wrong.

Broad internalism seems to have many positive qualities. It combines some of the prominent features of conventionalism together with important aspects of formalism. It also creates a valid and acceptable basis to comprehend the nature of sport and render ethical judgments in certain athletic circumstances. Kretchmar (2001) boldly states, "I will argue that this approach carries potential advantages over more formalistic understandings of the fate of games when their rules are not followed" (p. 160).

Concluding Remarks

After analyzing and discussing the possible advantages and disadvantages of the three theoretical frameworks, it becomes clear that broad internalism is a reasonable and sound basis by which to analyze deception in sport. That being said, it must be

acknowledged that this perspective may not satisfy every deceptive instance and situation in sport, and that other viewpoints may reveal different aspects of sport deception.

However, because broad internalism considers both formal and informal dimensions of sport it will provide a comprehensive means to develop the taxonomy of deceptive practices in sport, the subject of the next chapter, and gauge the ethical status of sport deception in chapter four. This approach will also ensure that the analysis proceeds with a consistent theoretical view in mind and one that has been extensively discussed and critiqued in the literature.

Chapter III: A Taxonomy of Deception in Competitive Sport

Introduction

As discussed in chapter one, deception in sport and its composite parts are not as conceptually clear cut and easy to define as previous literature may suggest. The various accounts of deception that may take place in an athletic contest, which will be outlined in this chapter, are so vividly different from one another that to place these acts under one category, deception, is not sufficient for a thorough examination of sport. All deception does indeed share common elements that will be highlighted throughout chapter three, but the differences in the acts are vast and need to be accounted for. In developing a taxonomy of deception in sport I aim to first explain the common threads that exist in all deceptive practices in sport, secondly, create distinct broad categories, thirdly, create different types within the broad categories and finally present a plethora of examples of each type of deception so that most practices can easily be identified.

I have based the following taxonomy on two main tenets in the sport philosophy literature, Suits's (1967) idea of the lusory attitude and Torres's (2000) introduction and explanation of different types of skills in sport. Utilizing these features, and building on the preliminary work that Pearson (1973) presented, a useful and descriptive taxonomy of deception will be produced. It is important to note (and it will become increasingly evident) as I advance through the taxonomy, that not all deceptive acts fit neatly in a single category that I present. It is not my aim to squeeze every instance of sport deception into a single category nor would it be a feasible task. Rather, I wish to set out a basic structure and network of the various forms of deception so that I can apply the chosen ethical perspective to it in order to determine the permissibility of certain acts.

I also would like to note that an equal amount of attention will not be given to all branches of the taxonomy. Some branches I have previously delimited in the introductory chapter for various reasons and in addition, I wish to concentrate on in contest deception. The reasoning behind this delimitation is that I believe the greatest misunderstanding, lack of literature and “gray area” exists in this area of deceptive practices. In focusing my approach, a greater contribution can be made to identify deceptive practices and the understanding of their constitutive features and purposes. In addition to the unbalanced time spent on the various categories of deception, I will also reserve any judgment on the ethical or moral permissibility of each category until the following chapter. This chapter’s purpose is to create distinguishing characteristics and examples of each different form of deception so that I will afterwards be able to combine this taxonomy with the theoretical bases provided in chapter two. In this way I hope to determine which types of deception are permissible and which should be excluded in order for the most fair and just contest to proceed.

Deception in Sport

Deception in sport can occur anytime from before the contest begins until a time after the contest is played. Even though the time frame in which the act occurs and when it takes place varies greatly, deceptive practices contain and display certain characteristics. The main features are adapted and created by examining the Oxford English Dictionary (OED, 2009) definition that was put forth in the introductory chapter. The OED (2009) defines “deceive” as either *deliberately mislead into believing something false* or *to give a mistaken expression*. From this definition I deduce that all elements of deception will include two things. The first is that deceiving is a deliberate

act. Although some forms of deception, especially what I will eventually introduce as sport skill-based deception, seem to be second nature and engrained in an athlete's repertoire, there still is intention on the deceptive player's behalf. Intention is an elusive subject due to the unclear nature of determining it from an on-looker's perspective. That being said, I will argue that even though it is 'second-nature' and almost an automatic process or movement for elite athletes, intention still exists in some capacity. When a deceptive movement is taught to young athletes, it remains obvious to viewers that the move is intended and purposeful. Only years of practice, sometimes perhaps to a point of perfection, does the movement become 'second nature' as viewed from the outside.

Think of young tennis players learning two basic shot choices, a lob and a drive.

Coaches teach athletes to disguise the shot choice until the last second in order to deceive opponents into thinking they will choose the shot the performing athletes actually do not intend to use. When they first attempt this disguise, it most likely is obvious to onlookers as well as opponents that they are attempting to deceive them. As performing players perfect the disguised shot choice, the intention still remains, but this act becomes near impossible to see and determine.

The second commonality amongst all deceptive acts is that a false image is portrayed by one party, and is believed by another. The main idea of deception lies within the notion that most of the time, players will not deceive the opponent. You can relate this idea to lying as does Frankfurt (2005) in his book *On Bullshit*. The main premise of lying works because most people expect others to tell the truth. If everyone always lied, then telling the truth would in turn become the deceptive act or the lie. This is also relevant in sporting examples. The idea of deceiving opponents works because

they do not expect to be deceived or they anticipate an act or move one way and instead a different act or move the opposite way occurs. In essence opponents believe the antithesis of what actually takes place.

I will begin my delineation of deception in sport as a whole into two broad categories, extra-lusory deception and intra-lusory deception.

Extra-lusory Deception versus Intra-lusory Deception

The two main categories of deception for my purposes are extra-lusory and intra-lusory deception. Extra-lusory deception is any deception that occurs outside of the actual contesting period of an athletic contest or game. Therefore, it occurs during the time before the “opening whistle”, and the time after the “final whistle” has been blown to end the game in hand. In contrast, intra-lusory deception is any deception that occurs during the actual contesting period of a game. Therefore, it encompasses the time frame between the “opening whistle” and the “final whistle.” The only exception to this simplified explanation takes place during extended breaks in a contest. So, if the game in question takes an extended break between halves, quarters, or meets, then that time frame when the break occurs is considered to be extra-lusory.

The wording of the two categories is adapted from what Suits (1967) calls the lusory attitude. This attitude is the frame of mind that participants in an athletic contest or game must possess in order to participate in said game. There must be an acknowledgment by individuals that the activity being engaged in is relatively separate from everyday life activities and that they accept the rules that make the game possible in order to participate in it. If this attitude is not strictly adhered to, the peculiar logic of the game would make little sense. Why would someone choose to overcome unnecessary

obstacles if not to engage in a particular game? For example, trying to put a small ball in a cup from hundreds of yards away by hitting the ball with an oddly shaped club and utilizing the fewest number of hits rather than placing the ball in the cup with your hand is absurd unless one is playing golf. Therefore, my distinction between extra-lusory and intra-lusory deception becomes clearer. When an individual, or athlete for my purposes, is engaged in the activity and abides by the lusory attitude, the deceptive practices that he or she may utilize would fall under the intra-lusory deceptive category. If the individual in question is not engaged in a sport activity and therefore does not possess the lusory attitude, the types of deceptive practices at his or hers disposal would be of the extra-lusory variety. I will start first with an explanation and analysis of extra-lusory deception and then continue to intra-lusory forms of deception.

Extra-Lusory Deception

In order to understand the difference between the two categories, examples of each will demonstrate the qualities that the deceptive categories contain. I first begin with extra-lusory deception. As previously noted, extra-lusory deception is deception that occurs outside the actual playing period of a contest. There are countless instances of extra-lusory deception in sport (as there is in everyday life) and therefore I will categorize extra-lusory deception into two distinct forms, injurious extra-lusory deception (IELD) and destructive extra-lusory deception (DELD).

For my purposes, IELD should be considered as deception that occurs outside the actually contesting period of a game or sport, and harms the chances of a game occurring in a just and fair manner such that the more skilled athlete loses an advantage to non-skill related events. IELD will be exemplified by examining a situation that occurred in the

NFL later in this section. Forms of IELD do not stop the contest at hand from occurring; they just stop the contest at hand from occurring fairly. On the other hand, DELD has a much different outcome when it comes to the game taking place. For my purposes I will consider DELD to be deception that occurs outside the actual contesting period of a game or sport, and completely prevents the contest from taking place in order to induce forfeiture so that an automatic victory can be claimed by a team or individual that perpetrates the deception. This type of deception is completely destructive in nature as the contest in question has no chance of occurring.

Although the situation that is produced by utilizing these two types of deception is very different, there are two main similarities. The first, which was previously discussed, is the time frame in which they are able to be utilized. Both forms are utilized when the contest is not actually taking place. Therefore it could be before the contest, during a long break (half-time), or after the contest. The second major commonality that I draw between IELD and DELD is the overwhelming similarity each of them has with lying. Both instances include the perpetrating team or individual either blatantly lying to the opposing team or player, or completely omitting the truth and sidestepping any pertinent information. Frankfurt (2005) connects the two phenomena through deliberate use and intention. This idea of intention is pertinent in my discussion of deception because I claim that all forms of deception, especially the extra-lusory form which is related to lying, are purposefully preconceived to various extents. Even if a deceptive move is conjured up in the moment, there still remains a brief amount of time that is spent devising the act.

In order to fully understand the depth and intricacies of each type of extra-lusory deception, examples must be raised. IELD, which I believe to be far more utilized and commonplace in competitive sport, occurs on a weekly, perhaps daily, basis in professional football. Every week in the National Football League (NFL), team officials hold a press conference before their upcoming game. This press conference, which generally occurs on Thursdays if the upcoming game is played on Sunday, is a set period of time in which members of the media are allowed to ask questions pertaining to the team, the game, the opposing team and just about anything else they wish to acquire knowledge about. One section or question that inevitably arises at every press conference is related to the status of injured players. Coaches and players are asked about the injuries, how the recovery process is going, and whether or not certain athletes will play or not in the upcoming contest. Often times coaches utilize deception by not revealing the truth about a player's injury. This information is withheld in order to gain a competitive advantage over the opposition that raw athletic skill might not be able to produce. Suppose the player in question is a star running back. The opposing team's defensive coaching staff would have a much different game plan if the star player was participating in the game versus his being benched due to injury. By withholding knowledge of the injury or lying about the extent of the injury, the coaches make the opposing coaches' game plan far more complex. For example, game plans will alter if the injured player plays or if he does not participate. This requires extra preparation and more in depth game planning and could very well result in an advantage gained that has nothing to do with the superiority or inferiority of the players skill set and athletic ability.

At the end of the 2008 season (Mortensen, 2009), the San Diego Chargers were set to play the Indianapolis Colts in playoff matchup that was to feature two of the best offenses battling against one another for supremacy. The Chargers star running back and team captain, Ladainian Tomlinson, had a torn tendon that would put most players, and running backs in particular, out for the season and render them incapable of competing. However, when asked repeatedly in the days leading up the game, the Chargers' head coach Norv Turner confirmed to the media and opposing team alike that Tomlinson would be able to participate and would be doing so at close to 100 percent effectiveness. When game time approached, the star running back dressed for the contest but was only placed in the game for a few plays, none of which he was effective in. Turner knew that Tomlinson was not going to be able to participate in the contest fully, however by deceiving the media and opponents into believing he would play, the game plan for the Colts defense would have been centered on stopping the potent running attack that Tomlinson spearheaded. The back-up running back for the Chargers was a much different style of running back than Tomlinson. Therefore the offense was changed to utilize formations and plays that both would feature this different style and therefore the Colts were less prepared to stop the adjusted offense (Mortenson, 2009). Although at elite levels coaches are expected to have multiple plans, the structure of practice time can be influenced greatly depending on what individual athletes a defense is expected to face.

This example exemplifies IELD because the deception that occurred was manifested and utilized prior to the athletic contesting period of the game, and the contest was not suspended. The deception just influenced the manner of preparation and it perhaps changed the competitive balance. Head coach Norv Turner used this

misinformation in order to gain a competitive advantage over his opponent without the use of athletic skill or the demonstration of excellence or prowess. It was done intentionally and the Colts' players and coaching staff were misled into believing the contrary would take place. Even though some degree of deception may have been anticipated, the degree of truth being presented was ultimately unknown by onlookers.

To highlight cases of DELD, I will first utilize a type of example from a classic work in sport philosophy known as *The Grasshopper* by Bernard Suits (1967) and then provide a real life example. Adam and Erica are tennis foes. Over the years they have had countless battles on the tennis court for supremacy. The record of matches won all-time is tied and the upcoming match will determine once and for all, who is the more highly skilled tennis player. Adam challenges Erica to the match and prior to it taking place, they meet to discuss the details of the contest. Adam explains the number of games, the number of sets, who would officiate, where the match would take place and at what time it would take place. Erica is instructed by Adam that the competition would take place behind the school building at 3:00 pm sharp. After Erica leaves the detail-filled meeting, Adam calls the officials to secure the match, which he explains will start at 1:30 pm sharp. On the day of the contest, Adam shows up a few minutes before 1:30 pm and prepares for the contest, yet his opponent does not show up. After a grace period of a few minutes is given, the officials have no choice but to declare Adam the victor by forfeiture, because Erica has not shown up for the match. Because Erica was misled, and blatantly lied to, the match had an outcome but did not take place. By "winning" the contest in this fashion, Adam did not have to face his equally athletically talented opposition, and still is considered by most, the superior player due to the number of wins

he had accumulated. This example, although perhaps exaggerated, clearly demonstrates the tenets of DELD. By deceiving Erica into thinking the contest was going to take place at a different time, Adam was granted the victory without exhibiting any sport specific skills. The act of deception was preconceived, administered outside the actual contesting period of the tennis match, utilized in order to gain an advantage over an opponent that was not based on sport specific skill and in turn, rendered the contest completely impossible to take place.

A real life example of DELD occurred on January 6, 1994 in Detroit at the practice facility for the 1994 U.S. Figure Skating Championships. Rival figure skaters, Nancy Kerrigan and Tonya Harding were getting set to square off in the much anticipated event. While Kerrigan was finishing one of her final tune ups before the competition, she was attacked by Shane Stant, who had been hired by Tonya Harding, with a baton in an attempt to break her leg (Janofsky, 1994). Fortunately, her leg was only severely bruised, but Kerrigan was forced to withdraw from the championship. Harding went on to win the championship with ease due to her rival's glaring absence from the skating entries. As with the hypothetical example, the act was preconceived, administered outside the contesting period of the skating championship, and utilized to gain an unfair advantage without the use of sport specific skills and due to the inability for Kerrigan to compete, the contest was rendered impossible to take place.

The examples above demonstrate that IELD and DELD are very different in nature, yet contain common threads such as occurring outside the contesting period of a match, that can place them in a broad category. Because I previously delimited my discussion to in-contest deceptive acts, I will move on to intra-lusory deception and its

sub-categories. However, I felt it was necessary to explain the main features of extra-lusory deception in order to gain a better-rounded and complete understanding of the various forms of deception that could possibly take place in an athletic contest.

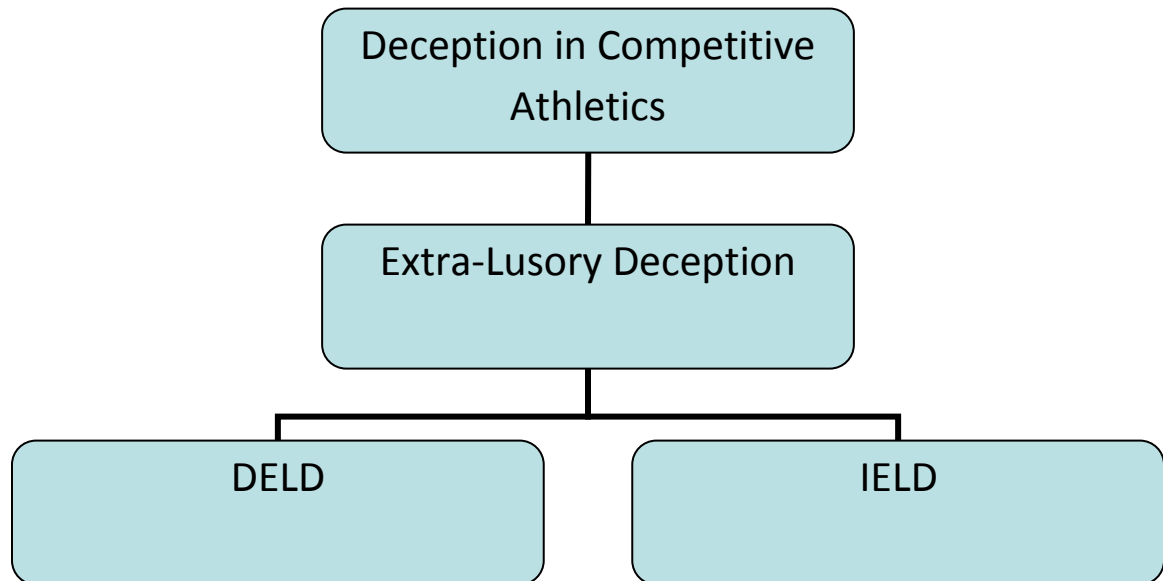


Table 1

Intra-Lusory Deception

Intra-lusory deception is a broad category that contains deceptive acts that occur during the actual contesting period of game or sport. These acts create a potential advantage for the player who uses deception in such a manner that sport-specific skills can, but do not necessarily have to be, used or integrated. This loosely defined intra-lusory deception is very broad for a few reasons. The first is that there are an extreme variety of deceptive practices or skills that could possibly be utilized in any given contest. This is due to the different tests and obstacles contained in each sporting contest. Because no two sports are the same, the instances of deception, although can be similar in the outcome produced, must be adapted in order to properly be utilized to the full advantage of the perpetrating player or team. The second instance behind the reasoning

for the broad categorization of intra-lusory deception is that many sports are by nature, dynamic. Team sports for example are extremely dynamic and ever-changing enterprises. Therefore the various forms of deception, tactics, and skills that a player or team can utilize to their advantage is ever-changing. New and novel moves, jukes and feints are always considered, thought up, practiced and executed in game situations. Therefore the next “generation” can improve on the excellence of athletic performances that are produced.

Before continuing on with my taxonomy and breaking intra-lusory deception down further into subcategories, I must note that one delimitation I earlier presented is very pertinent in this section. It must be considered that I am only discussing various forms of deception that pertain to head-to-head contests and not parallel or judged contests. Head-to-head contests are games or sports in which there is direct physical adversarial challenge. These types of contests contain distinctive offensive and defensive gestures in which you physically must overcome the challenges of your opponent in order to gain a favorable outcome or to win outright. Such sports that clearly exemplify head-to-head contests are American football, ice hockey, soccer, rugby, basketball, tennis, badminton, boxing and wrestling. The other types of games are games or sports that contain tests that are performed in parallel or judged in exhibitions such as golf, bowling, diving, and track & field. In these types of contests you compete against your opponent, however your performance does not directly impact, influence or affect your opposition's performance in any physical manner. I will concede that parallel and display performances in sport can influence the performance of opponents. However this influence is indirect, with no direct physical contact and challenge, and involves different

psychological factors and manipulations (Kretchmar, 1975). The breakdown of intralusory deception begins with the distinction between sport skill-based deception and non-sport skill-based deception. Each category further can be dissected into smaller, more detailed categories. I will first discuss sport skill-based deception.

Sport Skill-Based Deception

Sport skill-based deceptive acts are deceptive practices that occur within the actual contesting period of a particular game or sport and directly involve, or are related to, the legal sport-specific skills of the game in hand. This type of deception demonstrates athletic excellence and superiority by deceiving an opponent into believing one's body will move in a different fashion than one actually intends to move. This category of sport skill based deception is essentially what Pearson (1973) describes as strategic deception. Pearson (1973) defines strategic deception as "deception (that) occurs when an athlete deceives his opponent into thinking he will move to the right when he actually intends to move left – that he will bunt the baseball when he intends to hit a line drive – that he will drive the tennis ball when he actually intends to lob it" (p. 115). Her definition of strategic deception indicates the connection to the sport specific skills is extremely clear. Such movement, and the ability to do so fluidly and in a hastened fashion, could be considered a sport skill in all head-to-head contests previously described. For example, bunting or hitting a line drive is a sport specific skill within the game of baseball, lobbing or hitting a cross-court shot is a sport specific skill in the game of tennis. Both these actions often involve deception to disguise the movement or the direction of the ball. These instances of deception Pearson (1973) presents are essentially considered skills of the game. The only differentiation between these particular instances

of skills that involve deception and skills that do not is convincing one's opponent that you are going to perform a skill that you actually do not intend to perform or execute.

Due to the fact that there are different types of skills that a player may utilize in any particular game, there are different types of deceptive acts that are directly related and involve those different skill sets. Sport skill-based intra-lusory deception will be divided further into two subcategories, constitutive deception (CD) and restorative deception (RD) that coincide with Torres (2000) explanation of constitutive skills and restorative skills.

Constitutive Deception

The first subcategory of sport skill-based intra-lusory deception, is constitutive deception (CD) which directly relates to constitutive rules and skills. In order to enhance the discussion of CD, we first must fully understand what constitutive skills and rules are. According to Torres (2000), "constitutive rules prescribe the avenues of access permitted in the pursuing of the pre-lusory goal of a game" (p. 85). He continues further to explain the connection to skills:

I will call the skills that find their parentage in constitutive rules simply constitutive skills. These skills that are called upon during what may be labeled the constitutive phase of a game – that is, those periods during which no interruption occurs and consequently no need to invoke penalties arises – are the ones gamewrights presumably wanted to promote and, in terms of which, performers would test and distinguish themselves. (Torres, 2000, p. 85)

Constitutive skills therefore are the skills that allow you to participate in the game while it is free of stoppages. They are the most important skills that an athlete possesses because of the amount of time in a contest that is set in what Torres (2000) calls the constitutive phase. CD is intra-lusory, sport skill-based deception that is utilized during the contesting constitutive phase of the game and directly connects to the use of constitutive skills in a manner that does not violate any constitutive rules of a particular game. Simplistic examples would include a ball fake in basketball or a fake shot and pass in ice hockey. Therefore, I will make a case that forms of CD are indeed skills themselves. Two examples that show the intricacies of CD come from two of the most dynamic athletes of all time, star NFL quarterback Peyton Manning and current hockey superstar, Alexander Ovechkin.

The first act of CD comes in an NFL contest in the 2009 season between the Indianapolis Colts and the Arizona Cardinals. The Colts all-star quarterback, Peyton Manning, was driving the Colts offense down the field just before halftime. With only a few minutes remaining and 47 more yards to cover before the Colts would be able to record a touchdown, Manning utilized one of the most common, yet effective, acts of CD in football, the pump-fake. Colts wide receiver, Pierre Garcon was matched up one of one with the Cardinals best cornerback, Dominique Rodgers-Cromartie. As Manning took the snap from his center, he dropped back three steps as Garcon streaked down the field in a vertical fashion. After his three step drop, Manning planted his back foot and swung his arm forward to make it look like he was throwing the ball to Garcon. When Rodgers-Cromartie saw this action, he closed the gap on Garcon and got in position to jump to defend the pass. Garcon took full advantage of the deceived defender and raced

past him as Manning pulled his arm back and took two more drop steps. Garcon was now a few yards ahead of defender and Manning tossed up a perfect pass that was caught for a 47 yard touchdown (Trotter, 2009). The classic pump-fake, which is taught to quarterbacks at a very early age, was perfected and used by arguably the world's best quarterback. This situation exemplifies CD because Manning utilized a constitutive skill of the game in order to deceive the defender into thinking he was going to throw sooner than he actually intended to. The pump-fake is not only within the constitutive rules of the game, but its perfection by Manning shows an excellent skill level.

A second phenomenal act of CD occurred in a National Hockey League (NHL) game in January 2009 between the Washington Capitals and the Detroit Redwings. NHL and Russian superstar, Alexander Ovechkin, broke into Detroit's zone with the puck on the left hand side. He stick handled up to the Redwings defender and put the puck through his own legs to slip past him. As Ovechkin approached goaltender Jimmy Howard, he faked a backhand shot and Howard went down to the ice on his knees. As Howard dropped, Ovechkin seized his opportunity and fired a hard, high shot past the goaltender in the spot that Howard had just vacated to give the Capitals a three to two lead (McGrath, 2010). This is an interesting example because the one play contained two distinct constitutively deceptive moves. The first occurred as Ovechkin was driving down the left side of the zone and needed to beat to the Detroit defender. The defender skated alongside Ovechkin staying between him and the goal in order to prevent the Ovechkin drive that he was anticipating. Ovechkin pulled up and stick handled the puck between his own legs leaving the defender helpless and out of position. The second act of CD that Ovechkin executed was against goaltender Jimmy Howard. Ovechkin faked a

backhanded shot in order to make Howard believe the puck was coming toward him. When the fake shot occurred, Howard bit and dropped to the ice on his knees in the customary “butterfly” hockey goaltending position (McGrath, 2009). Ovechkin knew that he was not going to shoot the puck off the backhand, yet faked the shot in order to open up the top part of the net for a wrist shot. His preconceived plan and use of constitutive deception worked as he had hoped and he fired the tie breaking shot into the net. All the deceptive elements that are shown in the Ovechkin example are directly related to the use and perfection of constitutive skills like stick-handling and shooting. These fakes, jukes, moves and feints are taught to young athletes at a very early age in hopes that perfection can someday occur. In both the Manning and Ovechkin examples, the deceptive practice takes place in a matter of seconds. However, the thoughtful movement of the acts still exists to an extent. If viewing Manning or Ovechkin performing the same move the very first time they attempted it, this deliberate thought process would be much more noticeable to an onlooker, however their immense athletic prowess makes it hard to observe in real time speed.

CD is often an element of an excellent athletic contest, and is necessary for elite athletes in their quest for victory. CD possibly could be the difference between two elite athletes and therefore giving a noticeable edge to one side or the other. The second form of sport skill-based intra-lusory deception, restorative deception will now be addressed.

Restorative Deception

As with my discussion of constitutive deception, the examination of restorative deception (RD) must first begin with an understanding of restorative rules and skills. Restorative rules are the rules that gamewrights put into effect in order to return the game

to the competitive, constitutive and flowing phase of the game. They are important and required because sport is bound by time and space. Whenever there is a stoppage of play for any reason, there must be a way to restart the game action. This occurs when a time out is called, the end of a quarter, period or half, play is stalled, a penalty is called, a ball goes out of bounds or is ruled dead, a goal is scored, equipment fails, an injury occurs, inclement weather arises, or any other interruption that might arise during a contest. The skills that are associated with these types of rules are termed restorative skills.

Restorative skills include a foul shot in basketball, a penalty shot in hockey, a free kick in soccer or a kick-off in football. Obviously the examples given are nowhere near the amount of restorative skills that exist, however they seem to be representative examples of different respective sports. Torres (2000) claims that while restorative skills are important to both the game and athletes alike, they are less important than constitutive skills. This fact holds true when looking at RD as well. RD is intra-lusory, sport skill-based deception that occurs during the contesting period of a game but must be utilized in conjunction with restorative skills during a return to the constitutive, flowing phase of a particular contest. In order to provide a full understanding of RD, I will utilize two hypothetical examples.

The first example occurs in a soccer match. The match is tied two to two between two cross-town rivals. One of the team's best forwards, Jake, breaks by a defender using his blinding speed and dribbles the ball into the penalty box. Just as Jake is about to unleash a cannon from his right foot, a defender slide tackles and knocks the ball out of bounds past the end line. The restorative rule means that in this case Jake will execute a corner kick. The ball is placed on a designated spot in the corner connecting the sideline

and the end line. As Jake lines up behind the ball, he goes through how he wants to fool the goaltender and the defending players so that his team can score in an easy fashion. The way he lines up and runs at the ball, he is trying to make the defending team think he is kicking the ball long towards the back post. Just before he strikes the ball, the goaltender moves quickly toward the back post to defend a header attempt by Jake's teammate when much to his dismay, he sees Jake kick the ball short to a teammate at the near post. The act was preconceived by Jake in order to deceive the defending team into thinking he was going to kick the ball to the back side of the goal. The goaltender was fooled by this deceptive fake and left the short side of the goal wide open for Jake's teammate to hammer home the perfectly placed header. This deceptive action took place in the restorative phase of the contest and directly related to the restorative skill of taking a corner kick in the game of soccer.

The second example comes in a game of basketball. With four seconds left on the clock, Brandon's team is down by one point and they have the ball out of bounds under the opposing team's basket. The coach selects Brandon, the team's best passer, to inbound the ball to a teammate to take the final shot. The referee hands the ball to Brandon and blows his whistle. Two of his teammates cut, one to the right and one to the left. Just as they make their cuts, Brandon fakes a pass to the right and freezes the defenders on the floor. Just as the defenders bite on the fake, Brandon passes the ball back left to the wide open teammate for the game winning shot. The fake, and play as a whole, was a preconceived intentional act that was designed to make the defenders think the ball was going to be inbounded to the right hand side. As soon as the defending team believed Brandon was passing the ball right, he threw the ball left and they had lost the

game due to being deceived by Brandon's feint. The inbound pass is a pivotal restorative skill in basketball and is directly related to restarting the constitutive phase of the game. The fact that the deception took place during this timeframe and was directly linked to that particular restorative skill makes Brandon's pass an excellent example of RD.

Now that I have established the parameters and intricacies of the various forms of intra-lusory sport skill-based deceptive acts, I will delineate the various forms of intra-lusory non-sport skill-based deceptive acts.

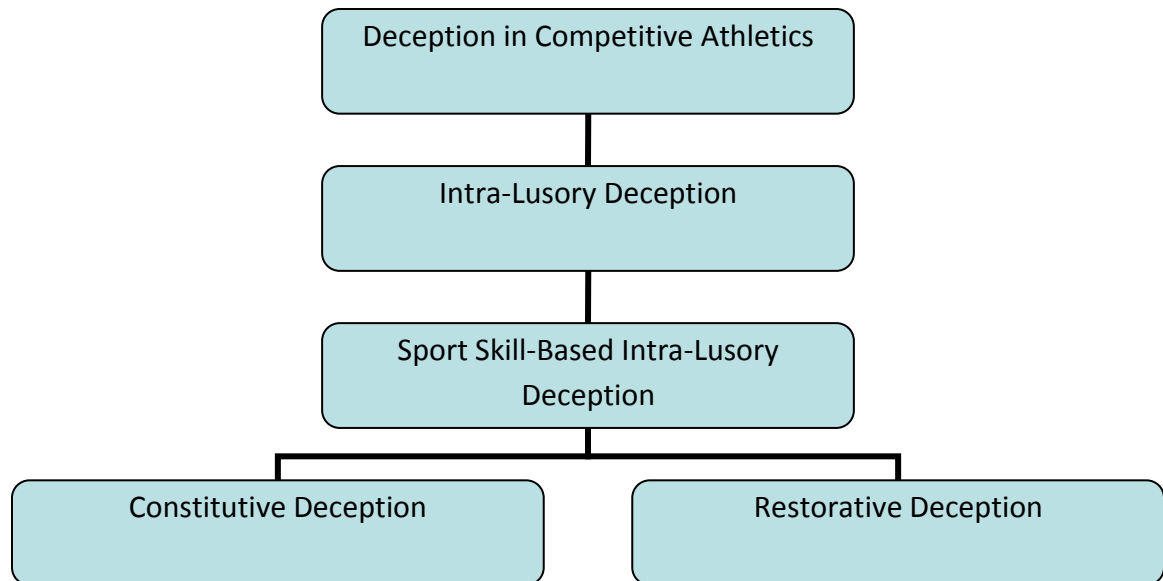


Table 2

Non Sport Skill-Based Intra-Lusory Deception

The second broad category of intra-lusory deception is non-sport skill-based deception. Non-sport skill-based intra-lusory deception occurs inside the contesting period of a particular game when a player deceives his opponent in order to gain an advantage that is not associated with the constitutive or restorative skills of that particular contest. Therefore, I will not consider these various forms of deceptive skills themselves as I did previously with sport skill-based deception. Within the category of non-sport

skill-based deception there are three subcategories that I have created. They are gamesmanship, verbal sport deception, and lastly non-athletic physical skill deception. I will examine the composite parts of each subcategory and provide examples for all types starting with gamesmanship.

Gamesmanship

The first subcategory of non-sport skill-based deception is gamesmanship. It is important to note that at this time I will not discuss the ethical status of various forms and uses of gamesmanship; rather I will set out certain parameters and tenets of gamesmanship so that it will become easily identifiable in sporting situations.

Gamesmanship has been thoroughly examined in sport literature and therefore I will use a definition from Howe (2004) which I believe encompasses gamesmanship in the most appropriate way. Howe (2004) states:

...it would seem that the decisive element in gamesmanship is the attempt to gain competitive advantage either by an artful manipulation of the rules that does not actually violate them or by the psychological manipulation or unsettling of the opponent (or sometimes the officials), whether this be by intimidation, nondisclosure of information, outright deception, or the first alternative (instrumental use of the rules). (p. 213)

The definition has two important parts that are relevant to my discussion on deception as a whole. The first is that Howe (2004) claims that the rules are artfully manipulated so that an advantage is gained, yet no specific rule is completely broken. For the purposes of my taxonomy, I will place this use of gamesmanship aside because of its connection with my third subcategory, non-athletic physical skill deception. If an athlete is

manipulating the rules of a particular contest for his or her gain, it seems to me that the individual's manipulation would include the referees or umpires and onlookers of the contest (media, fans, etc.). This could include a soccer player taking a dive in order to induce a penalty call or a tired tennis player faking an injury in order to get an extended break to recover. There are a few instances in which opponents can be affected by this manipulation, but the majority of the time they are only influenced due to someone else (e.g., referee) being deceived. Therefore gamesmanship, although presented as a category itself, can be used in conjunction with other various types of deceptive acts.

The second feature of the definition is the psychological manipulation or disturbance of your opponent. This feature is what I wish to discuss in greater detail due to the obvious direct impact on fellow competitors without the use of any sport related skills. Psychological manipulation of your opponent can occur in any sport or game that exists. From a simple board game to an extremely physical rugby match, opponents can be psychologically affected. The degrees to which this tactic can be implemented can range from mild to obnoxious, but they can play a pivotal role in determining the outcome in a particular contest. Often when players or teams know they are physically and athletically inferior to opponents, gamesmanship becomes a weapon in their repertoire in order to wear down or defeat the superior squad or player. Examples will help clear up the main tenets of gamesmanship.

The first example will show how artfully manipulating the rules of a particular contest could potentially directly impact the opposing team or player. It is common knowledge that in the NFL linemen hold defensive player's jersey's on almost every play. Although there is a rule in place that requires a player to keep his hands completely

open when blocking, the game has evolved to a point that a penalty is called only in egregious cases. The inside hold, although formalistically illegal, has become an accepted convention within the game and therefore still appropriately exemplifies gamesmanship. NFL linemen have developed a technique in which they hold the opposing rusher to some degree and not get called for an infraction. The lineman first places his hands in the proper and legal position, which is on the chest plate of the defender. As the defender gets in tighter to the lineman's body, the latter's fingers close on the jersey and the hold takes place. Although this maneuver is not legal, it is almost impossible to detect by an official due to the subtlety that the lineman utilizes and the overall chaos of an NFL play at the line of scrimmage. Therefore this tactic is implemented by the overwhelming majority of NFL linemen. They therefore manipulate the rules of the game in a deceptive fashion knowing they will not get caught very often and their team gains an advantage as a result. The gray areas with this feature of gamesmanship is the fact that most of the time, the opponents are not the ones being deceived. The opponents are directly affected, sometimes in an extremely detrimental way by the deception, but the deception is not directed at the opponents but toward the officials. This concept will be further elaborated on during my discussion on non-athletic physical skill deception.

A second sporting situation that clearly demonstrates the tenets of gamesmanship occurs often in professional tennis (Garber, 2007). In a hypothetical example, Steven and Gary are playing in a tennis match for the club championship. Gary is down two sets to one and is running out of steam. It is clear that Steven has prepared better for the competition and is in superior physical condition. Gary however, believes that he is a

better ball striker and if he is well rested, he can come back to defeat Steven in the match. Half-way through the fourth set, Gary falls to the ground and grabs his knee during a point. The official comes to Gary's aid and Gary explains that he injured his knee and needs a break in the match in order to have it tended to by the physician on hand. The gamesmanship in this situation comes into play in that Gary is not actually injured at all. He deceived the official, the fans and his opponent into thinking he has an injury in order to gain a few minutes of rest so that he can compete at a higher level. This action is not outside the rules of tennis, however Gary received an advantage through what Howe (2004) deems "artful manipulation" of the rules. The ethical permissibility of utilizing such strategy will be examined in depth in the following chapter.

Verbal Sport Deception

As discussed in chapter one, extensive literature exists on the use of deception in people's language and words. Verbal deception can also be implemented and utilized in a sporting context. For my purposes, verbal sport deception (VSD) is an act of intralusory deception that occurs when an individual uses language in a manner so that the opposition is manipulated to point that an advantage is gained without the use of sport specific skills. Therefore, the use of language results directly in a better chance of producing a positive outcome for the utilizing player. The words used directly influence the opposition to believe that something other than what actually is going to take place, will take place. Two prominent examples will further explain the possible uses.

The first example occurs in the NFL in every game. Before each play begins, the quarterback of the offense yells out a cadence call (usually consisting of coded numbers to relay information to his teammates) and then a snap count. The snap count is when the

quarterback yells “hut” or “hit” a set number of predetermined times and the ball is transferred from the center’s hands to the quarterback’s hands and the play begins. The verbal deception that occurs happens during what is called a “hard count.” A hard count is when the quarterback deliberately yells louder on a particular snap count number in order to attempt to draw the defense offside or out of position. The quarterback does so with no intention of the ball actually being transferred back to him at that count, yet he attempts to deceive the opponents with his verbal signals in order to gain an advantage (most notably a five yard offside penalty to the defense). Even though quarterbacks are taught this at an early age, it still must be considered non-sport skill-based because there is no direct connection to a sport specific skill of football.

A second prominent example of VSD came in a Major League Baseball (MLB) game between the New York Yankees and the Toronto Blue Jays. It was a tight contest in the ninth and final inning and Yankees all-star third baseman, Alex Rodriguez, was on the bases. The ensuing ball was popped up to the Toronto third baseman, Howie Clark and since there was already two out, Rodriguez started sprinting around the bases. Just before Clark caught the ball, Rodriguez screamed “I got it!” and Clark backed away and let the ball drop to the ground in front of him. Clark had assumed that the yell came from one of his teammates and therefore gave the space needed for one of them to catch the ball (Associated Press, 2007). An advantage was gained on the play which ended up determining the outcome of the game in favor of the Yankees. Rodriguez used his words deceptively, and not a skill specific to the game of baseball, in order to gain this advantage. This action by Rodriguez clearly demonstrates the power of words and the tenets of VSD.

Non-Athletic Physical Skill Deception

Non-Athletic Physical Skill Deception (NAPSD) is intra-lusory deception that occurs when a direct participant in the contest (player) deceives a non-direct participant of that same contest (e.g., coach, official, media, fans, etc.). This type of deception is carried out in a manner so that the outcome of the game is affected in some way or the view and reputation of the initiating player would be affected if the deception was uncovered. Therefore, I will not argue that opposing athletes are not affected, but they are only influenced because the initiating player has deceived a non-participant in the same contest. The outcome of the game can be changed without the use of excellent skill and without the deception of an opponent.

Two examples from the game of soccer that are excellent examples of NAPSD were mentioned in chapter one. Both handballs, one performed by Maradona and the other by Henry, deceived the officials during the contest in order to gain an advantage without using excellent, prescribed or acceptable skills. To further exemplify NAPSD, a commonplace occurrence in professional ice hockey will be analyzed. In the NHL, a player will often embellish or fake an infraction on the other team in order to draw a penalty and put their own team on a power play. Agitator Sean Avery of the New York Rangers is famous for his flops, dives and embellishments. In a hypothetical example, an opposing player is skating beside Avery as they proceed into the Rangers offensive zone. The opposing player taps Avery's skates with his stick and immediately Avery falls to the ice as if he was hooked down with authority. The official sees the out of the corner of his eye and puts his arm in the air indicating he will call a tripping penalty on the opposition.

Avery deceived the official into believing that he was actually hooked to the ice when in fact his skates were just nicked and no infraction took place. Although there is a two minute penalty for diving if a player is caught embellishing an alleged infraction, it is rarely used by the officials and is difficult to determine. Therefore by deceiving the official of the contest without the use of a relevant sport specific skill, Avery gained an advantage for his squad over the opposition.

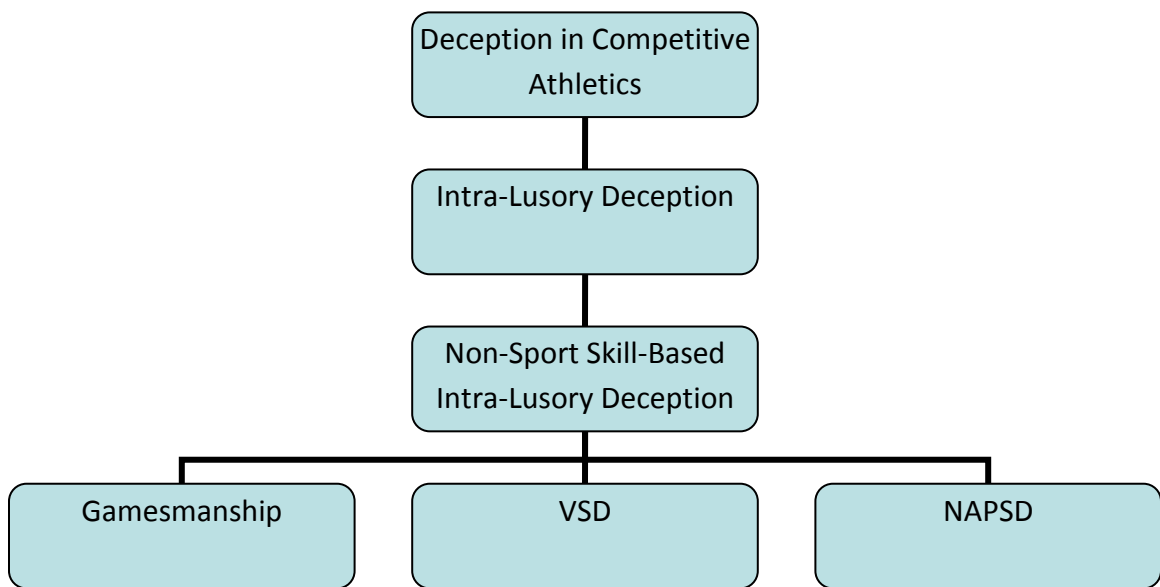


Table 3

Concluding Remarks

The taxonomy presented in this chapter gives a basic understanding of the different types of deception that are associated with sport. It demonstrates that the deception categories provided by Pearson (1973) were not sufficient enough to provide the necessary depth and detail that deception in sport needs. It is important to note that I cannot say for certain that every form of deception fits into one of my categories. Some forms may fit into multiple categories, such as various forms of gamesmanship, and some may not fit neatly into any, like the use of performance-enhancing drugs. The tennis

serve is a prime example of how an act may fit in more than one category. The serve requires constitutive skill in order to restart the game in a restorative phase. Therefore, a tennis player who utilizes a deceptive serve (i.e., disguising which side of the box he or she will serve to), could be considered both an act of constitutive deception and restorative deception. The extreme dynamic and ever changing nature of elite, head-to-head sport makes it impossible to account for every deceptive act that occurs, or may at some point occur. It is also important to notice my deliberate delimitation and non-inclusion of a discussion on performance enhancing drugs, equipment and field tampering, gambling and self-deception. As mentioned in chapter one, the discussion of the delineated topics, and perhaps categories of deception, have been analyzed to a point of saturation and the inclusion of them within my taxonomy would derail my efforts to produce the viability and permissibility of the deceptive categories I presented. Chapter four will now utilize this taxonomy in conjunction with the broad internalism perspective discussed earlier to examine the ethical status of various forms of deception in sport.

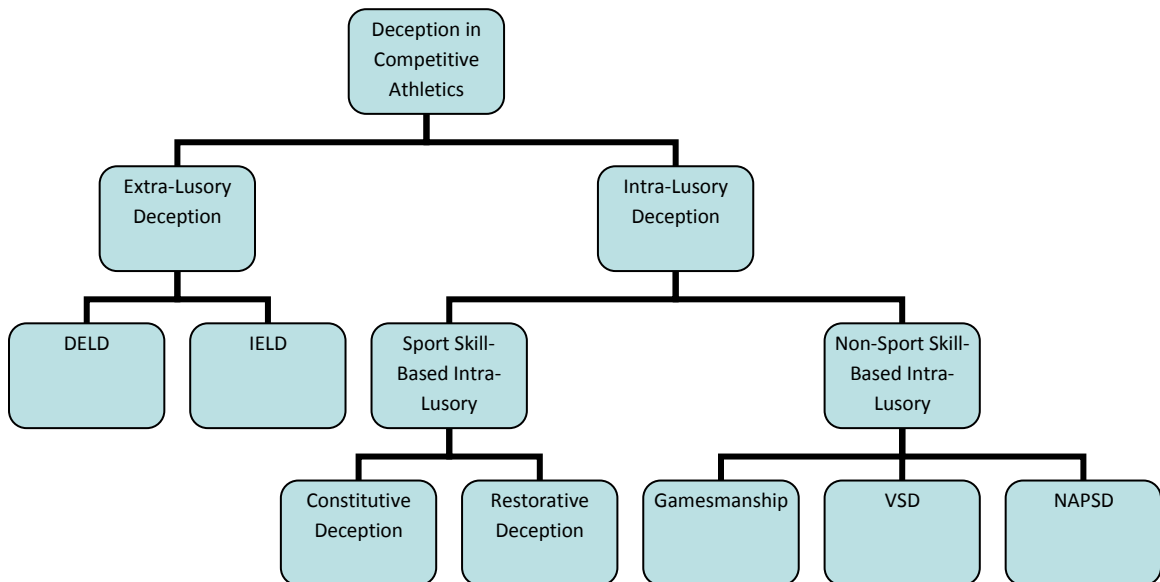


Table 4

Chapter IV: The Ethical Status of Deceptive Acts in Competitive Sport

Introduction

The previous two chapters lay out pivotal points in understanding a philosophical perspective of sport and the main tenets of various forms of deception that can take place in competitive sport. To be able to determine the ethical permissibility of the different types of deception described in the preceding taxonomy, they must be scrutinized with a philosophical and ethical foundation of sport research. This combination should produce a basic understanding of what should, and what should not, be permitted during a competitive athletic contest. I will progress through the taxonomy in the same manner as delineated in chapter three so that a basic right and wrong can be established for the various acts. I will weigh each form of deception against a three-prong test that I will adapt from Simon's (2004) definition of broad internalism and Fraleigh's (1984) understanding of opponents. I chose to model the three-prong test after these two sport scholars' ideals because they most closely align themselves with the philosophical perspective I established in chapter two.

The three prongs to scrutinize various forms of deception ask the following questions: 1) is there a relevant connection of the rules and skills of the particular contest to the type of deception being used?, 2) in addition to the written rules of a particular contest, is there a significant relationship to the social and game conventions of the particular contest?, and 3) are opponents viewed in a positive and respectful manner in such a way that deceptive acts do not violate Fraleigh's (1984) or Simon's (2004) ideas of how an opponent should be treated? If the deceptive act in question does not satisfy all three prongs, then it will be deemed unethical and unfit for use in elite competitive

athletics. If the act securely meets all three prongs, it will be deemed ethical in its use in sporting contexts. An act must meet all three due to the strong connection each prong has with the underlying philosophical perspective. In addition, I believe that the three concepts that are presented by each prong are all equally important in determining the ethical permissibility of the act being analyzed.

It is important to note a few things prior to beginning these ethical tests. The first is that determining ethical permissibility should not be considered either an easy task or a clear cut endeavor. The dynamic nature of sport creates exceptions to almost any “rule of thumb” approach, as my critique of Pearson’s (1973) rule demonstrates, and therefore not every instance of a particular category of deception can be accounted for. The second major point to consider is that I will be reaching the ethical status of the deceptive acts by utilizing a broad internalist perspective, which was described in chapter two. Finally, it must be noted that according to a broad internalist approach, sport has some autonomy from everyday life. Therefore, in some instances it may prove that a form of deception that most consider unethical outside of sport, could be considered ethical and a viable tactic within the competitive context of sport. I will now begin my ethical discussion with the extra-lusory deceptive categories.

Extra-Lusory Deception

As previously discussed, extra-lusory deception is deception that occurs outside the actual contesting period of a game. I will only briefly discuss the two branches of extra-lusory deception, namely, injurious extra-lusory deception (IELD) and destructive extra-lusory deception (DELD), so that a further concentration and analysis can be placed on deceptive acts occurring inside the contesting moments of an athletic event. I

will analyze each of the two branches separately so that wide-ranging blanket conclusions are not made on the group as a whole. The first category I will discuss is IELD.

Injurious Extra-Lusory Deception

To reiterate, IELD is deception that occurs outside the actually contesting period of a game or sport, and harms the chances of a game occurring in a just and fair manner such that the more skilled athlete loses an advantage to non-skill related events. To exemplify the tenets of IELD, an example pertaining to NFL press conferences was used in chapter three. The example must first meet the first prong of the test adapted from Simon's (2004) definition. The coach in question in the example is Norv Turner of the San Diego Chargers. In the press conference he confirmed multiple times that his star starting running back (Tomlinson) would be able to fully participate in the upcoming pivotal contest against the Colts. In doing so, Turner flat out lied about the situation however doing so does not seem to break any rules of football (Mortensen, 2009). According to the NFL rule, Turner only has to hold a press conference prior to the game. He is under no obligation to state the exact truth or reveal any specific information to the media. Therefore, by complying with league policy, Turner's deceptive practice (or in essence lie) fulfills the need of the first prong of the ethical permissibility test.

The second prong of the test is also met in the given example. The conventions of the NFL, and in particular the NFL press conference, say that this practice is legitimate. Many coaches do not tell the full truth in press conferences and therefore leave their words often open to interpretation by the media, fans and the opposition. Because of this, the Turner example firmly meets and upholds the conventional standards of the NFL pre-game press conference. It could be argued that this tactic is not deception at all since it is

widely utilized. However, the degree of non-truth the coach releases in reference to the information and how the listeners interpret the information has a wide range which contributes to the deceptive properties of the example.

The third prong of the test pertains to the view of the opponents in which Turner used while committing the act of deception in the press conference. In order for the entire deceptive practice to be deemed ethical and appropriate for use in a fair athletic contest, the opponents must be viewed as what Fraleigh (1984) deems “facilitators” (p. 91) and be complementary to Simon’s (2004) “mutual quest for excellence through challenge” (p. 27). By lying to the media and opposition, Turner is attempting to trick the other team into a preparation that will not be useful in the upcoming contest. Therefore, the maximum amount of preparation time will not be spent on adapting the game plan for the backup running back, Darren Sproles, who is much smaller and quicker than Tomlinson. More outside runs would be utilized by the Chargers offense with Sproles in the game. At first glance this may seem like it does not meet the third prong, however, I will explain why it does and therefore IELD should be considered appropriate for use. In no manner did Turner stop the opposing coaching staff from preparing for all possibilities. If he physically prevented them from preparing it would obviously be an unethical situation. By not revealing the truth behind who his starting running back actually would be, he challenged the Colts coaching staff and defense into preparing for multiple possibilities and therefore encouraged excellence through proper preparation and training. He did not hinder the fact that the contest could occur fairly and therefore when put to the three pronged broad internalist test, IELD should be considered ethical and legitimate deceptive practice that can be used in elite athletics.

Destructive Extra-Lusory Deception

The second branch of extra-lusory deception is DELD. To reiterate, DELD is deception that occurs outside the actual contesting period of a game or sport, and completely prevents the contest from taking place in order to induce forfeiture so that an automatic victory can be claimed by the team or individual that perpetrates the deception. In order to determine the ethical permissibility of DELD, I will put my previous hypothetical example of Erica and Adam planning to engage in a tennis match to the three-pronged test. It is important to note that the real life example looking at professional figure skating has the same ethical outcome. As would any deceptive act in which an individual utilizes a form of sabotage in order to prevent an opponent from participating.

In essence, what Adam did to receive the automatic victory in the contest was lie to his opponent. Even though there were elements of lying in the Turner example of IELD, the DELD example has a much different outcome when placed against the test. By telling Erica the wrong time of the match so that she would show up late and be disqualified, Adam does not break any sport specific rules of tennis. There is no rule in the rule book that forces Adam to tell the truth outside of the match, and therefore even though it may not be the right thing to do, Adam does not violate prong one of the test (recall, this is a hypothetical case). Where Adam's use of deception falls short is in failing prongs two and three.

The deceptive act does not pass prong two because Adam violates social and game conventions. In the record books, he receives a win for the contest; however, he did so by not having to participate in the contest whatsoever. It seems inherently obvious

that a convention of tennis, and any sporting competition for that matter, that lying to an opponent in order to receive an outright, automatic victory violates the conventions and ethos of the game. Such lying prevents the contest from ever taking place, whereas when NFL coach Turner lied, the contest was never threatened to take place.

The third prong of the test is also not met by the deceptive act utilized by Adam. By lying to Erica, not only does Adam hinder his competitor from competing to produce an excellent match, but he vitiates the competition altogether. Therefore, Erica is not treated as a “facilitator” (Fraleigh, 1984, p. 91) toward achieving excellence nor is there a “mutual quest for excellence” (Simon, 2004, p. 27) that the two players attempt to reach together through a physical confrontation. The lie makes it impossible for Erica to exhibit her athletic prowess and possibly defeat Adam in competition and this shows that Adam views Erica simply as a means to secure an undeserved victory.

As these examples demonstrate, DELD should be deemed unethical in competitive athletics. DELD includes the complete destruction of a pre-planned match, game, contest or engagement. By utilizing a form of DELD an athlete or competitor completely removes all obstacles in the way of seeking to win. Not only is no excellent athletic contest produced, but no contest is produced period and therefore if one wishes to engage in DELD, he or she should not be considered a worthy victor. Now that the ethical status has been determined for the extra-lusory categories, I will move on to analyze the categories of intra-lusory deception.

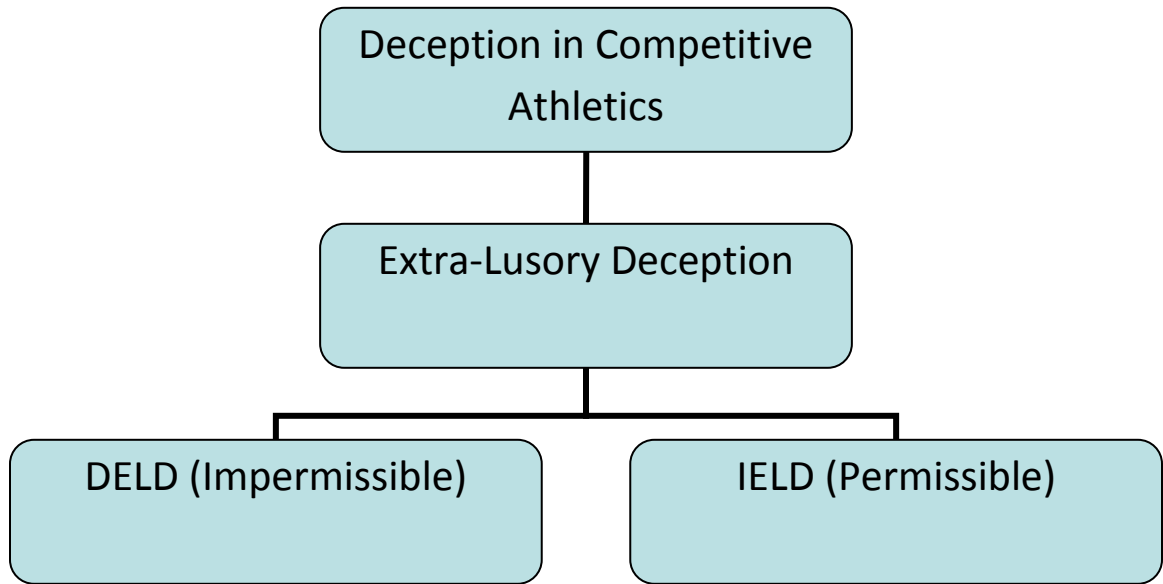


Table 5

Intra-Lusory Deception

As explained previously, intra-lusory deception is a deceptive act that creates a potential advantage for the performing player and is utilized during the contesting moments of a competition. The two categories of intra-lusory deception that are then further broken down into sub-categories, are sport skill-based and non-sport skill-based deception. Forms of sport skill-based intra-lusory deception are deceptive acts that occur within the contesting period of a competition and either directly involve, or are related to the sport specific skills of the contest in question. Non-sport skill-based deceptive acts also occur during the contesting time frame; however, they are not connected to either the constitutive or restorative skills of the particular contest. I will begin by analyzing the two sport skill-based categories, which are constitutive deception and restorative deception.

Constitutive Deception

Forms of CD are deceptive acts that directly involve the utilization of a constitutive skill. Constitutive skills are the permitted skills that allow a participant to engage in the activity or competition while it is flowing and free of stoppages. The two examples that I used to demonstrate the tenets of CD were performed by NFL superstar quarterback Peyton Manning and NHL superstar forward Alexander Ovechkin. It is no coincidence that the examples that truly exemplify CD are both from elite athletes in their respective sports. Acts of CD are basically skills in an elite athlete's repertoire and therefore the more perfected and practiced they are, the better and more skilled the athlete will become on their respective playing surface. Since the two examples show the same intricacies of CD and will have the same ethically permissible outcome, I will only refer to the first act, performed by Manning, to the three-pronged test.

The case refers to an important match-up against the Cardinals, Manning pump-faked pro-bowl defender, Dominique Rodgers-Cromartie (Trotter, 2009). Prong one is easily met by the Manning pump-fake. The pump-fake is a skill that is not only a legal and accepted action, but a skill that is taught to quarterbacks at a very young age in hope that one day they can perfect the skill. The pump-fake not only is related to the rules and skills of football, but is an important skill itself that needs to be learned in order for a quarterback to become an elite player.

The pump-fake also complies with the second prong. Even though the defender of a pump-fake is deceived, he is done so through use of a prescribed sport-specific skill and also through an accepted tradition in NFL football. The conventions of football

would include the disguising of certain moves and wide-receiver routes in order to gain an advantage. The opposing player not only expects this to occur from time to time in the contest, but has certainly practiced how to defend the deceptive act countless times. Therefore the combination of the pump-fake being a skill, and that skill being a legal and accepted practice in football makes the Manning pump-fake pass prong two.

Lastly, the pump-fake deception complies with the third prong of the ethical permissibility test. By using a sport specific skill to deceive the defender, Manning is treating his defender as a facilitator for an excellent athletic contest. Part of the duties of a cornerback is to not only cover the wider receiver streaking down the field, but also read the quarterback in such a manner that he can anticipate what the quarterback's action will be. Therefore in Manning's attempt to deceive Rodgers-Cromartie, he is challenging Rodgers-Cromartie to show his prolific defending skills against a deceptive skill that is commonplace in the NFL. This action also upholds Simon's (2004) idea of a "mutual quest for excellence through challenge" (p. 27). Rodgers-Cromartie is being directly challenged by Manning and has an opportunity to read the deceptive act and create a positive result for his team through the use of sport-specific skills. In addition, the defender has no ethical objection to the pump-fake. This simple, yet effective, deceptive act and skill shows that elite athletes' skill repertoires must include some elements of CD. Not only should CD always be considered an ethical practice to use in sport, but the teaching and implementation should begin at a young age. It is clear the best athletes are almost always the best constitutive deceivers, and vice versa, the best constitutive deceivers are typically the best athletes. CD is an important aspect of elite sport that should be encouraged and respected in all competition.

Restorative Deception

The second branch of intra-lusory sport skill-based deception is RD. As previously described, RD is deception that occurs during the contesting period of a game but must be utilized in conjunction with restorative skills during a return to the constitutive, flowing phase of a particular contest. Therefore, all instances of RD are directly associated with restorative skills, which are the skills that return the game to the free flowing state of competition. The two situations used to exemplify the intricacies of RD occurred respectively in a soccer match and a basketball contest. The soccer match example was that of the deception of the defending squad on a corner kick and the basketball example was that of deceiving the opposing team during a throw-in on the baseline. Since the two examples will have similar ethical outcome when placed against the three pronged test I created, I will only analyze the basketball game situation in greater depth.

The deceptive feint used in the basketball game involved many aspects. The first was that the player inbounding the ball, Brandon, had to convincingly fake a pass to his teammates in order to either freeze the defenders or get them to commit in the wrong direction. Secondly, Brandon's teammates on the court must break hard in either direction so that the defenders must attempt to guess what direction Brandon will inbound the ball. The play is executed to perfection and the winning shot is made by Brandon's wide open teammate because of the deception produced on the inbounding situations.

When placed up against the first prong of the test, RD clearly meets the requirement for ethical permissibility. The players on the court use basketball skills (e.g.

planting, breaking, running) to gain separation from the opponents. The inbound player uses a simple ball fake, or fake pass, to deceive the opposition into thinking the ball will be inbounded to the right side, while Brandon actually intends to inbound the ball to the left side for the shot to be taken. All of the actions performed by the deceiving players are directly related to rule-book rules of the game of basketball. Therefore, RD meets prong one of the ethical permissibility test.

Prong two, or the convention prong, also seems to be met easily by this act of RD. Again, it is important to note that oftentimes players use a ball fake on an inbound play, and therefore some opponents may be expecting it. However, in this situation, the fake was done so in a well-executed fashion so that the fake became believable to the opposing team. This also demonstrates that RD has become almost second nature to the game of basketball. A simple deception feint on an inbound pass to restart the free flowing contesting period of the game is not only an acceptable play according to the rules of the game, but also an accepted practice within the basketball community that is used in a widespread manner. The conventions of the game have adapted to this type of deception being used, which is praised and taught to young athletes early in their careers to improve their overall repertoire of skills.

Prong three, or the opponent's prong, is the final determination of ethical permissibility for RD. Considering that the deceptive act directly involves a skill that is inherent to the game of basketball, namely passing, and it is a widely accepted practice, it seems that no unfair advantage is taken from a worthy opponent. The inbound deception is simply a skill that is practiced, perfected and used so that the skill set of a player is improved. Therefore the advantage gained over an opponent by using RD is a

legitimate advantage that is rightfully earned and deserved. RD challenges an opponent not only physically, but also in a mental capacity as well. By allowing athletes to use forms of RD, a mutual quest for a better and fairer competition is achieved. In addition, even though the main purpose of RD is to fake out the defender so that a shot can be taken in a larger area of free space, the opponent is still viewed in a proper ethical light. The use of RD is giving the opponent an advantage to overcome a highly perfected skill by using his well-trained physical and mental skills. The test that is presented to the opposition is therefore heightened and in order to achieve greatness in that particular situation, the best possible effort and skill must be used. Taking all of this into consideration, combined with the easy passing of prongs one and two by RD, it is clear that acts of RD during an elite athletic contest should not only be viewed as an ethically acceptable practice, but be encouraged by athletes in order to produce a better gaming situation in which excellence can be shown.

Both forms of intra-lusory sport skill-based deception proved to be viable forms of skills and tactics that an athlete may utilize in the midst of competition. In addition to being ethically permissible, I will argue that both CD and RD are required in use by elite athletes and needed to create a good contest. The strong, direct connection to either constitutive or restorative skills make them skills in themselves and part of an athlete's skill repertoire. When looking at elite sport, all athletes are highly skilled at their specific sports internal skills. The best athletes at the most elite levels therefore turn to CD and RD to distinguish them as a more accomplished athlete than their highly skilled peers. It is easy to say that the best athletes in most cases are the best skill-based deceivers, and the same is true vice versa. CD and RD have the potential to stratify elite competitors

into more skilled and less skilled athletes. Now that all forms of sport skill-based deception have passed the three pronged test, the intra-lusory non-sport skill-based categories of deception will receive the same treatment to determine the ethical permissibility of each.

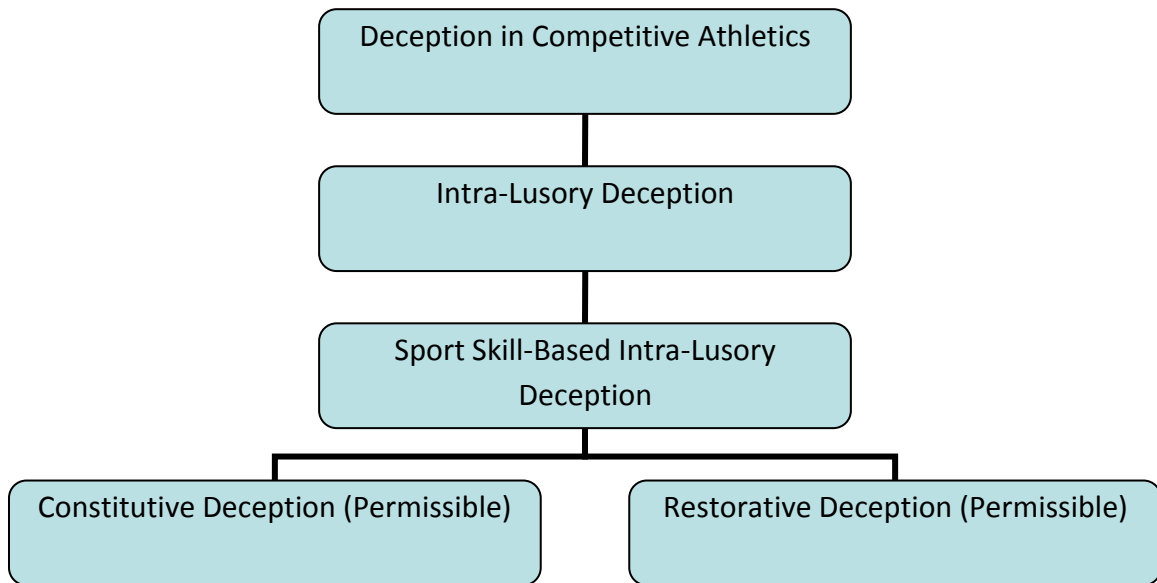


Table 6

Non Sport Skill-Based Intra-Lusory Deception

As described previously, non-sport skill-based intra-lusory deception occurs when an athlete fools his opponent with the purpose of gaining an advantage without the use of constitutive or restorative skills within the contesting period of a game. Therefore, when utilized properly, the perpetrating player gains an advantage over his direct opposition that he has not earned through the practice or implementation of sport-specific skills. This advantage may prove to be either earned or unearned depending on the circumstances in which the player performs the deceptive act. The three forms of non-sport skill-based intra-lusory deception, gamesmanship, verbal sport deception and non-

athletic physical skill deception will be ethically examined using the three pronged test approach.

Gamesmanship

When attempting to study the art of gamesmanship, the one thing that becomes clear is that gamesmanship is not a clear concept. Definitions that are presented by various sport scholars range in interpretation of what gamesmanship actually entails. I believe that the most comprehensive attempt to understand gamesmanship and its components comes from Howe (2004). She claims that the advantage gained through use of gamesmanship comes from either an “artful manipulation of the rules” or by the “psychological manipulation or unsettling of the opponent” (p. 213). What makes gamesmanship an unclear ethical concept is that the rules are sometimes never actually broken in plain sight, but they are manipulated, often times with the use of deception. In order for the ethical status of such actions to become clear, the three-pronged test will be applied to the NFL example used in the previous chapter in which the lineman holds with his hands tight to his chest in order to prevent the opposition from tackling his teammate as well as mask the deceptive act from the referee of the contest at hand. Although a rule of the contest is broken in this example, it is not done so in plain sight and therefore this case is still relevant to exemplify gamesmanship. There are also multiple forms of gamesmanship that do not involve the breaking of rules, such as the use of intimidation tactics, that have similar ethical outcomes as the example I will use.

The first prong asks whether or not there is an important connection to the sport specific skills of the contest. My initial reaction is to fail gamesmanship on this prong; however, further elaboration shows that the hold can be considered a relevant skill. The

hold, although not a constitutive skill of the game, is a judgment call according to degree by the game official. Therefore, the use of the strategic hold is accomplishing the sport specific skill of blocking, even though it violates a rule. When viewed through a formalist perspective, which solely defines a contest by the rules of a given sport, the example fails immediately because holding violates a rule in the game. However, with broad internalism offering a limited inclusion of conventions toward understanding how a contest unfolds, I believe the integrity of the game is not drastically changed. If a rule infraction is relatively minor and a consistent weak level of enforcement is maintained, then linemen using the strategic inside hold may be permitted and is ethical in some instances. Were the strategic hold to be so widespread and unjustly interfere with the flow of plays, then more stringent enforcement of the rules could curtail such practice. However in the limited sense analyzed here, the aforementioned example passes the first prong of the test.

The second prong of the test passes easily when applied to this case because the conventions within the NFL and the game of football as a whole allow this action to occur, and it may well be understood socially as part of the game. The inside hold is taught to linemen at a very young age in Pop Warner football in the United States for example. It is viewed as a skill by coaches and in turn is introduced to children learning the game of football. As linemen progress into more elite levels of competition, the inside hold becomes a deceptive and skillful move. Professional linemen, especially offensive tackles, are praised for the mastering of this specific skill-related act. The inside hold has become so entrenched and engrained in the game of football that referees often overlook this rule violation. In fact, officials typically make the holding call when

the hold occurs from the armpits and outward but not when it is tight to the opponent's body. It is clear that the conventions of sport support the inclusion of this form of deception.

As for the third prong, I will refer to Simon's (2004) and Fraleigh's (1984) views of how competitors should treat their opposition to determine the ethical status of gamesmanship in elite competition. I believe NFL offensive linemen who make use of the hold against defensive players fail on both accounts of oppositional views. Strategic holding fails to meet the "mutual quest for excellence through challenge" standard because it is mainly a one-sided advantage for the offensive linemen. The hold is a shortcut against quicker and stronger defensive players who follow the play and can often elude the offensive player. The lineman's task is to prevent the defender from getting to his running back or quarterback so that the offensive team can advance the ball down the field to score points. By holding, the offensive player makes this task easier without the use of sport-specific skill. Even though the conventions of the game of football have no ethical or strategic problems in holding the defender on the inside, the lineman has effectively changed the task at hand into a much easier one and therefore can no longer strive for excellence on the playing field.

The hold also prevents one's opponent a chance at mutually striving for excellence. Although holding is a rule violation that is accepted by the conventions of football to some degree, the defender is placed at a disadvantage. Whereas sport tries to encourage legal and accepted moves to challenge similar actions, the hold is an illegal but accepted behavior that counters legal and permitted acts. The hold therefore reduces the chances for excellent actions to be performed by defensive players under equitable

conditions. NFL linemen also fail to meet Fraleigh's (1984) recommendation on how to treat and view opponents as facilitators rather than as obstacles. By holding the defender, it is clear that linemen are only thinking of obtaining a specific outcome without regard to the means utilized to reach that result. With this intense focus on the ends of sport, linemen often view their opponents simply as obstacles standing in the way of one's team moving the ball down the field to score. Clearly defenders have their own techniques and skills to deal with offensive linemen who hold, by being quicker off the line of scrimmage or getting underneath and through or going around linemen, but their task of tackling a halfback or quarterback is made far more difficult due to a rule violation. If linemen were to view opponents as facilitators, they would remain within the rules and create conditions where both players have an equitable starting point by which to superior performance. Sport should test one's mettle against that of an opponent, but this cannot be accomplished if one player resorts to accepted but questionable behavior and one's opponent does not. In this sense, the deceptive holding behavior does not comply with the third prong in terms of the way opponents should be treated.

The gamesmanship example from the NFL complies with the first prong by showing that strategic holding has a significant connection to the blocking rules of football. The second prong is met by the fact that inside holding performed by linemen is an accepted, anticipated and taught as part of the game. However, strategic holding does not meet the third prong of the ethical test because players who hold treat opponents as means and obstacles to be overcome rather than facilitators. In sum, certain elements of gamesmanship can be accepted and tolerated to some degree in sport, but from a broad internalist perspective, it is ethically impermissible for use in competition and should be

discouraged. I will now use the three-prong test to evaluate the ethical status of verbal sport deception (VSD).

Verbal Sport Deception

VSD is an intra-lusory deceptive practice in which the perpetrating player gains a distinct advantage over his opponent by utilizing language and noises yet no sport-specific skills. In order to determine the ethical status of VSD, I will apply both the NFL cadence call and the A-Rod baseball examples from chapter three to the three prong test. I have decided to utilize both examples in this case because of the great degree in which the two vary from one another. The NFL cadence call will face the ethical test first.

The cadence call occurs in football prior to the snap of the ball when the quarterback yells out signals to his players and in particular, his center. When the predetermined word or number of “huts” has been yelled, the center hikes the ball and transfers it to his quarterback’s hands to start the play. As the example in chapter three points out, the quarterback will often scream during the cadence call, or change his rhythm to draw the defenders offside to gain a five yard advantage. When applied to the first prong of the test, the “hard count” passes due to the direct connection to a required verbal skill that is a paramount part of the game. The fundamentals of the game of football for a quarterback include calling out the cadence and receiving the ball smoothly from his center. This verbal training and physical exchange of the ball is taught at a very young age and practiced daily even at the most elite levels. The fact that a single offensive football play cannot start without this verbal indication and physical exchange, along with the fact that opponents are also expected to use this tactic, make it connected to the game in a fashion that satisfies the first prong.

The second prong of the ethical permissibility test also is met by the act of the cadence call deception. Not only the cadence call, but the “hard count” in itself has become a widely accepted and practiced tactic in the game of football. Elite quarterbacks such as Peyton Manning of the Indianapolis Colts, Tom Brady of the New England Patriots and Drew Brees of the New Orleans Saints are praised for their command over the cadence call and use of an effective “hard count.” Considering that the tactic is taught at a young age and practiced by an overwhelming majority, if not all, quarterbacks in football, it has become an institution in the game. Because of the vast integration of the tactic into the game, the ‘hard count’ passes the second prong of the ethical permissibility test.

Prong three of the test, when applied to the ‘hard count’ example, is difficult to assess. At first glance I am inclined to say that the practice should be disallowed due to the fact that the advantage gained over the opponent is from a verbal skill and not a sport-specific skill. However, after further analysis, the ‘hard count’ example complies with prong three making it an acceptable tactic for use in elite football contests. The ‘hard count’ is within the rules of the football as long as no movement is made by the quarterback prior to the snap. Since VSD only is concerned with the verbal aspect, this is a useful, and often effective deceptive move. In addition, it complies with both Simon’s (2004) idea of striving for excellence and Fraleigh’s (1984) view of opponents as a facilitator. The skill challenges a defender to employ all of his senses to concentrate on the movement of the ball rather than on the voice inflexion of the quarterback. This concentration is preached to defensive players from a young age and practiced, like the ‘hard count,’ up to elite levels. If the count was known and easy to detect from the

quarterback, then the offensive player would lose the strategically implemented advantage that is given to him by the constitutive rules of the game. The balance would then shift in favor of the defensive squad and the strive for excellence on a mutual level would be lost. In addition, if you want to produce the most outstanding result from your opponent, you should do everything within the rules and conventions of the contest using sport-specific or sport-based skills to gain an advantage. Although indiscriminate yelling cannot be considered a sport-specific skill, the ‘hard count’ still has an overwhelming connection to the preparation and start of an offensive football play. Although this form of VSD proves to be acceptable, the second example from the game of baseball shows that the context of a VSD episode can drastically change the ethical judgment.

The second VSD example, which is also a prime example of gamesmanship, occurred in MLB when New York Yankees star third baseman, Alex Rodriguez, yelled to distract his opponent during a pop fly. A-Rod was rounding the bases as his teammate popped the ball up and yelled “I got it!” so that the Toronto Blue Jays’ defender would stop approaching the ball in preparation to make the catch for the out due to his belief that a teammate had the play under control. The ball dropped to the ground and no out was recorded (Associated Press, 2007). When applied to the three-prong test, this form of VSD fails at all three levels.

The first prong is not met due to the lack of association to any particular baseball skill. Unlike the game of football where verbal cues are required to begin a play, verbal tactics beyond what is normally expected should not be employed. There are no rules that endorse or prohibit yelling at a player and therefore the example may not be against the rules in baseball, but no rule can account for Rodriguez’s action.

The second prong also fails in this situation because the conventions of the game call for the exact opposite of what A-rod did. It is a widely accepted and practiced courtesy to allow the defending player to catch the ball free of interference or distraction from the opponents. The deceptive, distractive tactic that A-Rod used does not display professionalism. The yell clearly violates the conventions and traditions of both MLB and the game of baseball.

The third prong in the test, as previously stated, is also not met. A-Rod violates both Simon's (2004) mutual quest for excellence and Fraleigh's (1984) view of opponents as facilitators. By yelling to distract his opponent, A-Rod uses a non-sport specific tactic to gain an advantage that produces an error on the part of the opponents. In this case, the opponents are exploited beyond typical expectations in the game. The mutual quest for excellence is instantly violated and lost in this case. In addition, A-Rod views his opponents as means and merely obstacles. By resorting to a verbal cue that defenders normally use to communicate with one another, A-Rod deceived his opponents by pretending to be a defender. Not only did his behavior violate the conventions of baseball, but he produced a situation where a mutual striving for excellence is precluded.

There are numerous examples of VSD and drawing a blanket ethical conclusion for all instances would be naive. Instead I contend that the context of how and when the VSD is performed is a major factor in determining the ethical status of any particular VSD. If the act is performed within the rules of the contest and the advantage gained over the opponent is an accepted practice, anticipated event and does not attempt to intentionally produce highly unusual errors or mistakes by the opponent, it should be

considered ethically permissible. If those qualities are not met, then it seems that the VSD utilized in those situations should be deemed ethically unfit for elite competition.

Non-Athletic Physical Skill Deception

NAPSD occurs when a direct participant in a contest deceives an individual who is not the direct opposition during the contesting period of the game in question.

Therefore, a player may deceive an official, a fan, a coach, the media, etc. in order to gain an advantage over his or her opponent. Use of NAPSD can have a major impact on the contest and on the opposing participant, however the opposition is not the one directly deceived. Along with referencing the two soccer examples from chapter one, performed respectively by Argentinean Diego Maradona and Frenchman Thierry Henry, a dive by NHL star Sean Avery of the New York Rangers was used to exemplify the tenets of NAPSD. I will now use the Avery example in comparison with the three-pronged test to determine the ethical permissibility of acts of NAPSD.

NAPSD seems to fall short of being an ethically permissible form of deception right from prong one. When Avery dives in order to deceive the official into calling a penalty, there is no direct use of hockey-specific skill. The act of diving, which players and fans may consider a skill, is not a necessary action for a hockey contest to take place without interruption or adaptation. It has grown into a skill that some players, generally referred to as agitators or pests, have honed, practiced and take every opportunity to display. Furthermore, diving, by definition, is against the written constitutive or regulative rules of the game of hockey. The lack of connection to any hockey relevant skill makes NAPSD, which includes the embellishment of a foul and deception of a game official, an unethical practice for use in competitive athletics.

Even though NAPSD has failed the first prong of the test, I will still weigh the example against the second and third prongs. The second prong is securely met by the deceptive hockey dive example. As mentioned in the explanation of the failure with compliance of the first prong, the dive has developed into a widely used and honed tactic by certain hockey players. Even though diving is against the rules, the call has turned into a “judgment by degree” call for the officials. The officials weigh the degree of the dive, along with the past record of the individual performing the action in regards to diving in order to determine whether or not the rule should be used and a penalty be given. The conventions of hockey allow for players to attempt to deceive the officials in order to draw a penalty and give their team a man-up, or power play, advantage. The act requires no hockey-specific skills, yet a great advantage still can be gained for the perpetrating players’ team.

The third prong of the ethical status test fails on both Simon’s (2004) and Fraleigh’s (1984) view of opponents. By attempting to achieve a “mutual quest for excellence,” no unfair advantage can be gained during the contest. The Avery flop clearly is an undeserved advantage for his team and therefore striving for excellence is violated for both squads participating in the contest. The team which gains the advantage in an unfair fashion has not demonstrated excellence in attempting to overcome adversarial challenges, and the opponents have been put at an unfair disadvantage and therefore cannot play at full strength and achieve the fullest potential in a given match. The dive also demonstrates a view of opponents as an obstacle rather than a facilitator, which Fraleigh (1984) warns against. Avery is viewing the opposing team as an object that must be overtaken by questionable and mostly unacceptable means. By utilizing this

behavior against opponents, Avery employs deceptive practices that stand outside the rules and perhaps ethos of the game to achieve victory. This clear failure of prong three, combined with the failure of prong one, makes the use of NAPSD unethical in competitive situations and unfit for use by elite athletes.

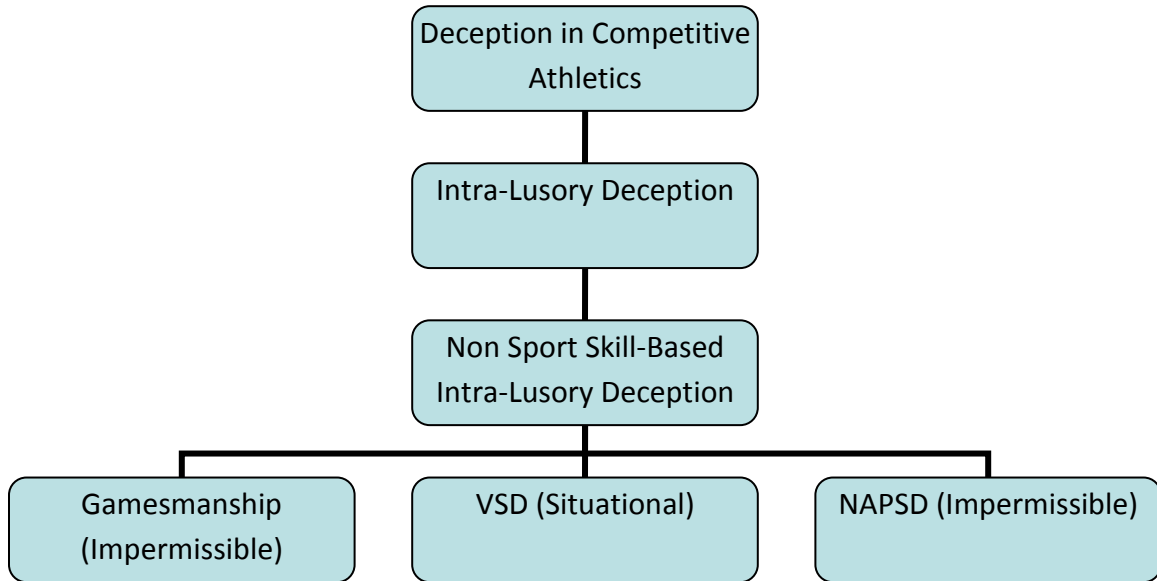


Table 7

Concluding Remarks

By applying the various forms of deception that I created in my taxonomy to the three-pronged ethical test based on the relations of rules and conventions combined with how opponents should be viewed, the ethical status of each category was evaluated. The two categories of extra-lusory deception drew different conclusions when applied to the test. IELD proved to be a legitimate tactic whereas DELD was shown to be an unethical attempt to gain an advantage that was not deserved. The two sport skill-based categories of intra-lusory deception, CD and RD, not only are completely ethical in practice, but should be encouraged due to the direct use of sport-specific skills in contests. The first

category of non-sport skill related deception, gamesmanship, was shown to be unethical because of the exploitive and negative attitude one must have of opponents to implement the tactic. VSD was the only category that did not produce a clear cut answer. The assessment of the two examples resulted in different ethical judgments and therefore the stipulation of a sport-specific skill had to be considered. Thus, if a game skill is part of VSD, then it can be deemed a legitimate action, if a game skill is not connected in any way, the VSD is unethical. The final category examined was NAPSD. NAPSD failed the three-pronged ethical test on multiple accounts. The advantage gained while using NAPSD was unfair because no sport-specific skill is employed, opponents are treated as vulnerable means, and one violates the ethos of the game.

While assessing the taxonomy with an ethical lens it is important to keep in mind two significant things. The first is that a broad internalist perspective was used to determine the ethical status of the categories. I believe that if a formalist approach was used, more of the categories would have proven to be unethical and the opposite would be true if a conventionalist approach was the basis for the three-pronged ethical test. Although I cannot claim that broad internalism is the best ethical perspective in every situation, I argued that viewing acts of deception through this lens is the most effective due to its strong relationship with sport-specific skills and conventions.

The second important item to notice is that not all examples in sport can be accounted for. Within each category there are exceptions that one may be able to think of that contradict the findings of the three-pronged test. The dynamic nature of sport does not allow a scholar to make blanket claims, and therefore even though I state that each category is either ethically permissible or ethically impermissible, this may not be the

case in every example from every sporting situation. The ethical permissibility conclusions should be used as a guide to start the discussion of a fairer contest, and not as an end point for ethical thought and considerations.

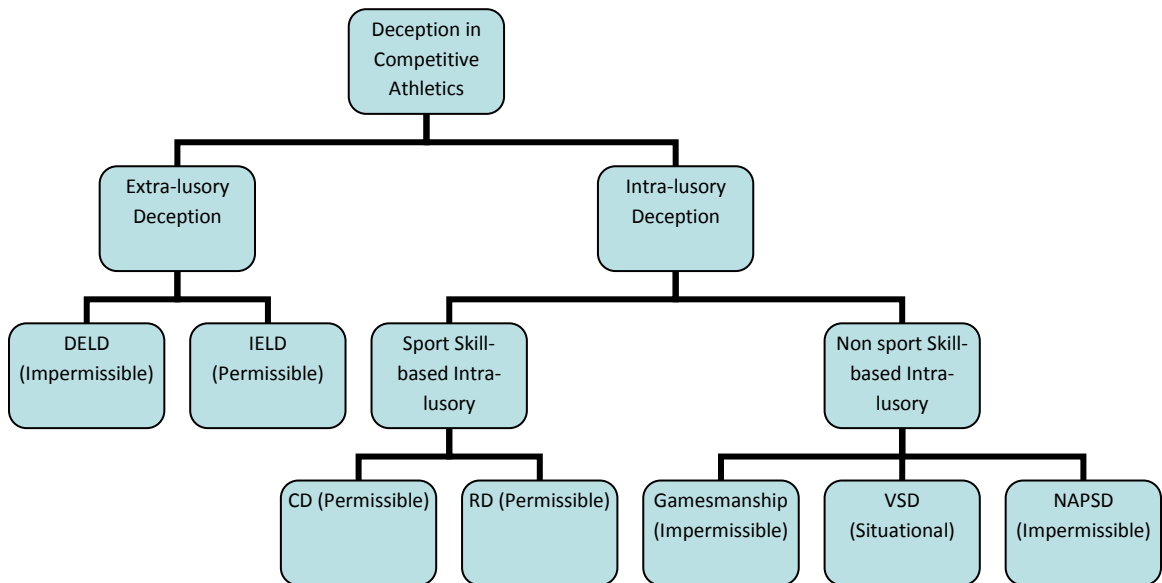


Table 8

Chapter V: Summary and Conclusions

Introduction

Thirty-seven years ago, Kathleen Pearson (1973) initially examined the nature of deception in competitive athletics. Her simple classification of deceptive acts into two broad categories, strategic and definitional deception, demonstrated that multiple forms of deception in competitive sport exist. She also related sport deception to different philosophical and ethical tenets. Pearson's understanding of strategic deception provides evidence that a relationship to different types of skills in sport is valuable in researching deceptive practices. In utilizing a deception-skill relation, her explanation of strategic deception established a solid foundation to further research both types of deceptive acts, and their important association, or lack thereof, to sport skills. However, Pearson's second category of deception, definitional deception, lacks credibility and ample depth due to the vague nature in which the practice is defined as well as its inability to explain the permissibility of certain actions like the intentional foul in sports like basketball. The intentional foul, although ethically debatable in certain circumstances, is performed openly with no expectation of not getting caught by the referee in the contest. It is executed for strategic purposes to stop the clock, create a new test for one's opponent, for example foul shots in basketball, and provide an opportunity to recover possession of the ball. In this instance, there does not seem to be any use of deception at all when initiating an intentional foul in a contest yet Pearson includes this as an example of definitional deception. This shortcoming of definitional deception, along with the simplification of deceptive actions in sport into only two categories, prompted the need for further study to

investigate a more complete conceptualization and characterization of deception in sport, as well as its ethical implications.

Following an examination of the literature on deception, cheating, and lying, both within and outside the sport studies genre, it became obvious that there was a gap in research on sport and deception. What constitutes cheating and lying, along with the ethical permissibility of each entity have been discussed in brief among scholars such as Kretchmar (2005), Frankfurt (2005), Simon (2004), Leaman (1995), Lehman (1981) and Rosenberg (1995). Understanding deception in sport without its relationship to sport skills and elements of cheating and lying establishes a superficial and insufficient comprehension of the topic under investigation. This wide-ranging study of deception in competitive sport will perhaps fill the aforementioned gap in the literature and offer greater insight into deceptive sporting practices that can heighten the impressive display of talent in sports and sometimes diminish quality and fair performance.

Summary

Before stating and discussing the conclusions reached in this study, a summary of how the thesis unfolded would be useful. The introductory chapter posed the main and secondary research questions of the investigation and provided the blueprint for the findings and discussion of the chapters that followed. The main question was, what counts as and is the nature of deception in sport? Additional questions were asked such as, is there a philosophical perspective that best explains the character of sport deception, are there different categories of deceptive acts in sport, are deceptive practices limited to certain sports and who do they influence, and what is the ethical status of deception in sport in terms of acceptability and unacceptability? To answer these questions in chapters

two, three and four, I first examined the strengths and weaknesses of three general philosophical approaches and then selected one I argued was the most appropriate framework to analyze deception in sport. I next developed and presented a taxonomy of various types of deception in competitive sport beyond the two categories introduced by Pearson. In the preceding chapter, I applied a three-pronged test together with the selected philosophical perspective to the taxonomy categories to determine the ethical permissibility or impermissibility of different types of deceptive sport actions. Features of lying, cheating, sportsmanship and gamesmanship informed the latter analysis.

In the process of deciding which philosophical lens to view deceptive sport practices, I took three considerations into account. The first was that the theoretical foundation needed to have a relevant connection to the constitutive rules of a particular contest as explicated by Suits (1967). Without this association, deceptive actions would not be situated in the peculiar way in which sport is demarcated as separate from everyday social spheres and thereby generates to some degree unique ethical standards. In this sense, there is a formal dimension to understanding the nature of sport and how deception figures into the distinctive character of certain sport skills.

The second consideration in deciding the preferred philosophical framework accounted for the ethos of games as described by D'Agostino (1981). The ethos of games, or social conventions that arise in sporting contests, contributes to understanding the changing contexts and cultural specificity of games. Competitive sport at its very core is dynamic in nature and is influenced by social surroundings and societal values. Ever-changing tactics, moves and strategies between opponents in a well-played sports contest create a compelling attraction for athletes and spectators. Avid sports fans

anticipate seeing spectacular performances in particular games in part because social situations in sport are vibrant and unpredictable. The type of league and quality of play are mediated by the conventions of a given sport, the tacit agreements between players, coaches and officials, and unwritten rules and accepted codes. For example, when a player carrying the puck is called offside in hockey, it is understood that the player not shoot at the goal. The evolutionary social dimensions of sport are also imprinted on a larger scale. For instance, soccer is the most global of team sports, but particular styles of play can be distinguished between countries and different regions of the world. The ethos of games, however, is not a consideration within a strict formalist account that understands sport to be defined solely by its rules and discounts the inclusion of social conventions that contour the character of sport. To better comprehend the various forms of deception in sport identified in this study, one must acknowledge the way these actions adapt to the ever-changing nature and style of game-playing. This is why I argued that a modified sense of formalism, one that accounts for the ethos of games and is known as broad internalism, is a superior theoretical approach to explain more fully the nature of deceptive acts in sport.

The third aspect taken into consideration was the way athletes should be required to view and understand opponents and their purpose in a contest. To effectively differentiate between ethically permissible forms of deception and those that are unfit within competitive sport, one's attitude toward opponents during the execution of deceptive actions is essential. A main tenet of broad internalism emphasizes Simon's (2004) ethic of competition as the mutual quest for excellence through challenge. This dictum offers a standard to gauge the production of excellent, fair and evenly matched

contests where competitors perform at their highest level toward seeking victory and reciprocate adversarial challenges within the rules. In this account of the good contest, the attitude toward opponents is a significant factor. Fraleigh (1984) introduces an important distinction between opponents as facilitators versus viewing them as obstacles. Opponents should be viewed as adversaries who facilitate and encourage the best possible personal performance rather than as obstacles one must overcome in order to achieve victory in a particular contest. Looking at opponents as obstacles increases the likelihood, either directly or indirectly, that competitors will adopt an unethical 'win at all costs' attitude and thereby treat others as means rather than as ends. In addition to properly identifying opponents as facilitators involved in a mutual quest for excellence, broad internalism incorporates my previous two considerations, namely, the formalistic nature of constitutive rules and prescribed skills of a given sport, and conventions that account for the numerous ways sport is expressed as a social practice.

Broad internalism offered a guide to develop a viable taxonomy of various forms of deceptive practices that are utilized in competitive athletics by elite athletes and in other areas of the sport enterprise. The taxonomy I developed is more comprehensive than the two categories of deception introduced by Pearson (1973). Her distinction between strategic and definitional deception is simple and fairly effective however it does not identify other types of deceptive actions typically seen in sport and it stresses a formalistic understanding of rule-breaking as always unethical. The taxonomy I presented begins by splitting deceptive acts into two broad categories, extra-lusory deception, which occurs outside the contest itself, and intra-lusory deception, which occurs within the contest. In Pearson's (1973) discussion of deception in sport, she does not

differentiate between deceptive acts that occur within moments of game-playing versus those that occur before or after the game is played. I believe that this distinction is an extremely important one to make. As was shown through my explanation of the separation into these two different categories, although they both contain elements of deception, the tactics utilized within each vary greatly and therefore should not be looked at ethically from a single standpoint or categorization.

Once deceptive acts were separated by the time or place in which they occur, the extra-lusory category was divided into acts that sometimes prevent a fair contest from occurring (injurious extra-lusory deception) and acts that completely render the contest impossible from taking place (destructive extra-lusory deception). This delineation is significant because it reveals that particular deceptive acts related to sport are numerous and come in varied forms and applying ethical standards to each category yield different types of analyses. Although extra-lusory deception exists in sport, this study focused primarily on intra-lusory deception because it implicates the constitutive features of sport and prescribed sport skills and is dependent on the intentions and actions of the primary producers of sport, namely, the athletes. Just like the category of extra-lusory deception, sub-categories emerged from intra-lusory deception, that is, those deceptive actions that take place during the contesting moments of a game.

Two main sub-categories of intra-lusory deception were identified, sport skill-based intra-lusory deception and non-sport skill-based intra-lusory deception. Due to the fact that I utilized a broad internalist perspective because of its strong, yet flexible connection to constitutive rules and prescribed skills, separating intra-lusory deception into acts that are associated with sport skills versus those that are not, was a necessary

step in this analysis. By associating each type of skill-based deception (constitutive deception and restorative deception) with a defined skill set in specific games (Torres, 2000), skill-based intra-lusory deception were shown to be permissible tactics that are necessary for elite athletes to compete at the highest levels. Because of the fact that at elite levels most athletes possess a high level of physical skill and have excellent sport sense, utilizing such additional appropriate means as constitutive or restorative deception could possibly be what differentiates elite from non-elite competitors. On the other hand, non-sport skill-based intra-lusory deceptive forms, which include gamesmanship, verbal sport deception and non-athletic physical skill deception, have marginal connections to Torres's (2000) understanding of skills or associated rules. All of these deceptive acts take place during the actual contest, yet they are not entrenched into the contest through an association to constitutive or restorative skills. Just as there is within extra-lusory deceptive practices, numerous types of deception exist in the intra-lusory category and therefore it was appropriate to create sub-categories within this umbrella grouping.

Once broad internalism was established as an appropriate philosophical perspective to study sport deception and a comprehensive taxonomy of deceptive acts was in place, the ethical permissibility or impermissibility of the taxonomy categories could be taken up and evaluated. The preceding was achieved by applying a three-pronged test that I adapted from the ideals of broad internalism. Three central questions formed the three prongs: 1) Is there a relevant relationship between the rules and sport skills of a particular contest and the type of deception involved?, 2) Is the deceptive act associated to the social and game conventions of a particular contest in important ways?, and 3) Are opponents viewed in a positive and respectful manner such that the deceptive

act does not violate Fraleigh's (1984) or Simon's (2004) ideals of how opponents and others should be treated? In order for a deceptive act to be deemed ethically permissible according to this three-prong test, all three questions had to be answered in the affirmative. Of the two strands in the extra-lusory category, one form of deception proved to be ethically permissible while the other failed on multiple prongs. Injurious extra-lusory deception was able to pass the three-pronged test and therefore was deemed ethical for use in elite sport whereas destructive extra-lusory deception failed prong two and prong three. Since the main thrust of this study examines the intra-lusory categories that also produced mixed results in terms of ethical permissibility, I will now summarize this part of the thesis.

Within the sub-category of sport skill-based intra-lusory deception, both forms, constitutive and restorative skills, passed all three prongs and therefore were deemed ethical and acceptable. In addition to proclaiming the ethical permissibility of both, I also argue that they are in fact necessary for superior athletes to utilize if they wish to achieve excellence in elite sport. The sub-categories within non-sport skill-based intra-lusory deception needed deeper examination because of the apparent lack of prescribed sport skills needed for this type of deception.

The first sub-category to be analyzed was gamesmanship and it failed prong three because it exploited inherent weaknesses in sport, such as the inability to call all rule violations to ensure a fair contest, and the frailties of opponents and officials who as human beings are less than perfect. In this sense, the attitude toward opponents is to treat them not as facilitators but as obstacles who must be manipulated within the written and unwritten rules of sport. Deceptive sport practices reinforce such a cynical posture and

may be judged ethically impermissible in competitive athletics. The second kind of non-sport skill-based deception was verbal sport deception (VSD). So many expressions of VSD can occur in competitive sport to distract and throw off one's opponents that a definitive conclusion could not be reached on the ethical permissibility or impermissibility of such acts. In some circumstances deceiving opponents through verbal means could be declared acceptable and in other instances unacceptable. The determining factor within VSD was that if the act is performed within the rules of the contest and the advantage gained over the opponent is not an outrageously unusual practice, but rather a reasonably anticipated event that does not attempt to intentionally produce unexpected errors or mistakes by the opponent, it should be considered ethically permissible. If the preceding conditions are met, then a specific type of VSD may be deemed ethically impermissible, otherwise VSD may be judged ethically questionable.

The final sub-category of non-sport skill-based deception was non-athletic physical skill deception (NAPSD). NAPSD failed prong one and prong three of the ethical test and demonstrated that deception used against individuals involved in the contest who may or may not be competitors should always be considered ethically impermissible. For example, athletes who take a dive or fake an injury so an official stops the clock or halts play or so opponents think they are hurt when they are not should not be tolerated in sport from a moral point of view. It was important for this study to examine the ethical permissibility or impermissibility of deceptive sport actions because some deceptive practices have a legitimate place in contests and attest to a high level of thoughtful skill and excellent play, while other deceptive behaviors are questionable and should be discouraged.

This summary presented an overview of the multifaceted approach I took to examine deception in sport. I will now state and discuss my conclusions based on the main and secondary research questions of this investigation and the theories, taxonomy and ethical assessment I presented in the body of the thesis. I will end this chapter with a few remarks about the modest contributions of the thesis to sport philosophy and sport ethics and indicate suggestions for further research.

Conclusions

In answering the question, what counts as deception in sport, I conclude that deceptive sport practices refer to conscious, intentional efforts by athletes to alter the movement expectations of opponents, and sometimes other contest participants, through sport-specific or non-sport-specific skills to acquire a competitive advantage. Some sport deception is carried out in secret, like tampering with equipment or breaking a rule, and other forms, like disguising a drop shot or faking a pass, are displayed openly. Deceptive actions arise in many specific situations during and outside the contesting moments of certain games. However, not all sports are structured to exhibit deceptive actions in the course of a competition. For example, deceptive behavior in high jump and diving competitions can only occur before and after the contest and not during the actual performances. What counts as deception in sport therefore involves a complex set of features that combines intentional athlete conduct, the constitutive parameters of particular sports, and specific temporal and spatial circumstances for such actions to be executed.

As for the nature of deceptive sport behavior, I conclude that deception in sport involves some kind of manipulation of opponents or other game participants. The

deceptive athlete must mislead others into believing something is the case, while performing something contrary or unexpected to that belief. For example, in soccer accomplished players feign their movement in one direction to catch a defender off guard and then move in a different direction to elude the defender. Pearson (1973) has rightly called this strategic deception and the idea of misleading opponents in this way is a sign of skillful performance within the rules. In fact, this sort of manipulation in certain sports is a necessary component to identify and declare an athlete is a superior performer or a league is an elite one. It also almost always requires the display of outstanding requisite sport skills needed to fulfill the objectives of a given sport. To develop such skills requires considerable training and experience in competitive sport and knowing how and when to respond to the challenges of one's opponents. As mentioned above, non-sport-specific skills like taking a dive or yelling at one's opponent may also be considered manipulative or distractive deceptive practices in sport that trick adversaries and game officials during the contesting moments of games.

Another conclusion related to the nature of sport deception is that deceptive actions take place and are effective in environments that in principle occur or should occur on a level playing field. That is, those participating in the contest are viewed as being equal before the rules and there is an expectation the rules will be enforced impartially throughout the contest. This sense of equality creates circumstances where athletes can reasonably anticipate certain actions or moves as legitimate and accepted and others are not deemed as such. Comparable to lying and cheating, the effectiveness of sport deception relies to some degree on situations where fairness is presumed and few out of the ordinary actions appear whether or not one is the deceiver or the one being

deceived. This semblance of a kind of “normal” environment in the contest often sets up the deceptive act. The tennis player who displays and fakes a cross-court forehand and then hits an irretrievable drop shot counts on normal conditions and behavior in the contest to make the disguise work and the winning shot a success. Such skillful performance is lauded when played within the rules, however similar circumstances are needed for athletes who break or bend rules when engaged in deceptive behavior. The Maradona example in the introductory chapter demonstrates how a deceptive act was executed in violation of a cardinal rule that at the time misled players and officials into thinking the action and goal were fair. Sport deception therefore requires the presumption of equitable conditions where normal patterns of movement and challenges are anticipated and this sets the stage for the deception to work.

Another conclusion about the nature of deceptive acts in sports refers to the idea that sport deception takes place either through the utilization of prescribed sport skills or actions that have little or no relevance to requisite sport skills needed in a particular sport. It is sometimes difficult to distinguish between these types of behavior. However, one way to do so would be to distinguish between particular actions needed to achieve the goal of given sport and those that do not fulfill such goals. For example, a legitimate score in hockey requires that the puck be shot into or toward the net with a stick. However, sometimes a player gets away with a score by concealing the use of her or his hand to throw or nudge the puck into the net. In this case the prescribed skill is the use of the stick to score a goal, even in ways that are deceptive, whereas use of the hand could only be counted as a score if it were part of a deceptive act. Other deceptive behavior like distracting opponents verbally or using non-sport-specific skills are techniques that are

not directly relevant to attaining the goal of given sports. For example, no victory can be achieved in sport through verbal effort alone. Similarly, if the majority of football players deceptively held their opponents throughout an entire game, it is unlikely touchdowns would be scored. The overall point of this conclusion is that deceptive actions in sport are either carried out through prescribed, relevant sport skills attached directly to the specific goal of a given sport, or they are non-sport-specific skills whose relation to the goal of a certain sport must be concealed or disguised.

The final conclusion regarding the nature of sport deception is that deceptive behavior in sport occurs either as adherence to or in violation of constitutive, regulative and/or auxiliary rules. As mentioned throughout this study, constitutive rules of games identify the peculiar logic of sport as the overcoming of unnecessary obstacles as well as demarcate one sport from another and from other social practices. In addition, these rules establish the permitted means by which to achieve the goal of a particular sport, namely, prescribed requisite physical skills needed to secure a victory. Violating constitutive rules in a competitive game consistently would likely vitiate the contest altogether. On the other hand, regulatory rules manage temporary stoppages of game playing through various types of penalties and systems of restoring play. For instance, a foul in basketball stops play and may result in a turnover or a foul shot and an in-bounds pass resumes play. All sorts of deceptive actions in sport are related to regulative rules. If one can hold or trip an opponent with stealth and not get caught by the official, the advantage may or may not be worth the effort. And if one does get caught in violation of such regulative rules, the penalty results in a temporary disadvantage. Although an empirical matter, one may reasonably conclude that most in-contest sport deception is primarily associated with the

violation of regulative rules. Unlike constitutive and regulative rules, auxiliary rules are those that govern non game-playing aspects of organized competitive sport. For example, eligibility rules are critical out-of-contest rules that determine which athletes are qualified to play in a particular organized league. Numerous deceptive acts, like lying about certain demographic information, violate auxiliary rules and can be quite serious, however, other violations of such rules, like being less forthright in divulging the severity of injured athletes may have less serious consequences.

In sum, the following conclusions were reached as to what counts as and is the nature of in-contest deceptive practices in sport:

- a) Sport deception refers to intentional actions by athletes to alter the movement expectations of opponents and other contest participants through sport-specific or non-sport-specific skills, and by adhering to or violating rules to acquire a competitive advantage.
- b) Sport deception involves the manipulation of opponents and/or other game participants.
- c) Sport deception is most effective when reasonably fair and normal game conditions are presumed to be in place.
- d) Sport deception occurs either through the utilization of prescribed sport skills needed to achieve the goal of a given sport, or actions that are not requisite sport skills that have little or no relevance to the goal of a particular sport.
- e) Sport deception occurs either as adherence to or in violation of constitutive, regulative and/or auxiliary rules.

Having drawn these conclusions, there are others that need to be stated. I conclude that broad internalism offers the best philosophical approach to explain deception in sport, create a taxonomy of several different types of sport deception, and evaluate the ethical status of deceptive practices in sport. This perspective is effective because it recognizes the formal features of sport as being somewhat separate from ordinary social practices, yet it also acknowledges the character of sport is influenced by social conditions or what is called the ethos of games. The tenets of broad internalism clarify how constitutive rules create particular physical skills that only make sense in a given sport. For example, the execution of a tennis serve or hitting a homerun only has meaning in the context of the game of tennis or the game of baseball. Carrying out these actions in a grocery store would make little or no sense. Yet, these behaviors can be disguised in a game to appear legitimate when they are not by replacing or tampering with the equipment. And by doing the latter, by acting deceptively, one has altered the meaning of prescribed sport skills elicited toward the goal of achieving victory in a contest.

Broad internalism also explains how non-sport-specific skills enter into games and are used to perform deceptive actions. For example, not too long ago hockey experienced a rash of clutching and grabbing that slowed the pace of the game and frustrated more talented and quicker players. Weaker players could often execute these non sport-specific skills deceptively. Although regulative rules existed to penalize players for such behavior the enforcement of such rules was lax. When game officials finally realized clutching and grabbing was detrimental to athletes and the game itself and not appreciated by fans new enforcement measures were implemented to reduce the level of

this sort of play. This is one example that shows how non-sport-specific skills appear in games and are sometimes carried out through deceptive means. It also demonstrates how social conditions have an impact on the way sport is played and how such conditions are regulated and can be changed.

That broad internalism can explicate the differentiation between prescribed sport skills and non sport-specific skills in terms of deception provides a superior guide by which to delineate several types of sport deception. This is the process I followed in developing the taxonomy of deceptive practices in sport. The two largest categories of sport deception occur either during the contest or outside of the duration of contesting. In the latter category, the one I named extra-lusory, one set of deceptive practices does not necessarily impede the contest from occurring, but in the other set, the competition cannot proceed. The second large category of sport deception, called intra-lusory and the one more pertinent to this study, is divided into two groups, those where sport-specific skills are executed and another where non-sport-specific skills are performed. In the first of these groups, the deceptive skills are either those prescribed by the constitutive structure of a given sport or restorative ones which are part of the regulative system in a particular sport. In the second grouping, non-sport-specific deceptive skills include those that violate or bend the regulative rules, ones deemed verbal “assaults,” and others that dupe officials and view opponents as means and not facilitators.

I also conclude that broad internalism offers the best philosophical perspective to establish standards in the evaluation of the ethical status of deceptive practices in sport. The three-prong test discussed above emerged by considering the relationship of rules, physical skills and deception; social and game conventions and deceptive acts; and the

attitude toward opponents as either facilitators or obstacles. Other criteria could have been adopted and utilized; however, an exhaustive list of benchmarks is not necessary to determine the ethical acceptability or unacceptability of most sport deception. Moreover, to declare a deceptive sport act is ethically permissible in the process I developed all three prongs must be affirmed, and in most instances this should suffice to reach a reasonable and thoughtful conclusion. Finally, sport is too expansive a field where the presence of deception can occur, that a completely thorough evaluation process may be unattainable. Having drawn several relevant conclusions of this study, I will now discuss at least two contributions this work makes in the sport philosophy and ethics literature.

Contributions

The first significant contribution may be the taxonomy of deceptive sport actions that was developed in chapter three. To my knowledge, prior to this study no other philosophical work besides Pearson (1975) examined and classified deceptive sports practices. Her discussion of strategic deception was and still is valuable in understanding the kind of sport deception I call intra-lusory and involves sport-specific skills. Her elucidation of definitional deception was less valuable because it claimed that all rule violations necessarily destroy the contest by not fulfilling the central goals of sport. Her account in this instance did not consider the ethos of sport and the acceptability of exploiting rules in some sports, as shown in the good or professional foul. As mentioned as a possible limitation in the introductory chapter, there is a lack of relevant literature dealing with deceptive practices in competitive sport. Therefore, the taxonomy went beyond Pearson's distinction and categorized sport deception in terms of being in or out of the contest, sport-specific and non-sport-specific skills, following or violating rules,

and gamesmanship actions, verbal distractions, and duping officials and opponents. In relation to the violation of rules, sport deception has a close relationship to cheating in sport. I will return to the latter point after discussing the importance of sport-specific and non-sport-specific skills.

Skills derived from the constitutive structure of sport are prescribed, define the basic nature of a particular game, and are required to fulfill the goals of a given sport. Torres (2000) examines the association of skills and rules and introduces an important class of skills he calls restorative. These are actions that arise from rules that regulate the various ways play is resumed after stoppages in various sports. This category is useful in developing the taxonomy of deceptive acts I establish because restorative skills often include deceptive techniques. For example, a good in-bounds passer in basketball fakes the pass one way and sends the ball in another direction. In addition to prescribed skills, the taxonomy also includes categories where non-sport-specific skills like holding are disguised to seek competitive advantages. Many of these skills are governed by regulative and auxiliary rules that are part of organized competitive sport. The taxonomy demonstrates that deceptive acts where non-sport-specific skills are featured sometimes involves the violation of rules and in other cases the bending of rules. By accounting for different types of skills in various sports, the taxonomy generates large groupings and several sub-categories and this expansive list is well beyond the two categories offered by Pearson (1973). The taxonomy also considers the dynamic nature of sport, differences in rule interpretation, verbal acts, gamesmanship tactics, various targets of deception, and other deceptive actions found in sport. Without an expanded classification scheme, I

believe it would be extremely difficult, if not impossible, to understand the ethical status of sport deception in relation to other questionable sport practices.

For example, cheating in sport has been examined extensively in the sport philosophy literature, and without going into detail, it is well understood that such cheating typically involves the intentional and deceptive violation of rules to seek a competitive advantage (Kretchmar, 2005; Leaman, 1995; Lehman, 1981; Rosenberg, 1995; & Simon, 2004). This characterization of sport cheating resembles and may in fact be identical to some of the sub-categories of deceptive sport practices identified in the taxonomy. On the other hand, the classification scheme includes deceptive actions that are not examples of cheating in sport. For example, intra-lusory sport-specific behaviors where no rule violations occur, also known as strategic deceptive actions, are not instances of cheating. Therefore, another value of a broader, comprehensive taxonomy is to demarcate sport deception identified as cheating and sport deception that appears so like in gamesmanship and verbal acts, and those behaviors that are not cheating examples.

A second contribution made by this study is the technique used to evaluate the ethical permissibility or impermissibility of different deceptive sport actions introduced in chapter four. The main goal of the three-prong ethical test was to produce an assessment that could be applied to all deceptive acts in order to understand whether or not particular tactics or strategies should be accepted or not within a sporting context. By providing and applying the same test to all of the forms of deception, it creates an impartial approach to the determination of an action's ethical status. And since the test was developed via the tenets of broad internalism as discussed above it provides a

sufficient though not exhaustive means to carry out this ethical analysis. The test itself may assist in determining the ethical permissibility or impermissibility of other areas of sport that may be controversial, such as cheating or lying in sport. Or, it may assist in the clarification of marginal cases like clutching and grabbing, to decide when these actions are ethically intolerable or are detrimental to the game itself. The test is useful because it considers the context of sport in broad terms by accounting for sport-specific and non-sport-specific skills, rule violations and no rule infractions, the goal of sport, the meaning of winning, aspects of rule enforcement, the deceiver and those deceived and whether or not deceptive conduct occurs in and out of the contest.

Finally, although I argued broad internalism is the best philosophical approach for evaluating the ethical standing of sport deception, the three-prong test may be useful in understanding how other philosophical perspectives like formalism and conventionalism view deceptive sport practices. Perhaps the test can be expanded or slightly modified to accommodate the positions of these other perspectives. Doing so may disclose further subtleties and nuances regarding sport deception or the way formal and social aspects of sport pressure and influence what is acceptable or unacceptable in a manner not revealed by broad internalism. Beyond the contributions of the taxonomy and the three-pronged ethical test, this study may encourage new research areas in sport philosophy and ethics.

Suggestions for Future Research

I believe four important areas for future study emerge from this investigation on deception in competitive sport. They are: 1) expanding the knowledge, understanding and taxonomy of extra-lusory deceptive acts, 2) assessing the possibility that some deceptive practices are acceptable in some sports and others unacceptable in other sports,

3) applying the three-pronged ethical test to instances of borderline cases, and 4) adapting the three-pronged test for both a formalist and conventionalist perspective in order to determine which categories of deception would have similar or different ethical outcomes under those theoretical perspectives. All four areas of potential future research would significantly add to the sport philosophy and ethics literature.

The first potential research opportunity lies within an expansion of understanding as well as the categorization of extra-lusory deception in competitive athletics. Although my taxonomy and study of deceptive practices included two different extra-lusory deceptive categories (IELD and DELD), I believe that these categories could potentially be broken down further so that a great depth of knowledge concerning this branch of the taxonomy could be obtained. For the purposes of my study, I chose to concentrate more thoroughly on intra-lusory deception due to the more immediate impact it places and creates directly or indirectly on contest participants. In addition to expanding and analyzing the tenets and possibilities of extra-lusory deception, researching its relationship to lying for instance may disclose other distinguishing features of deception. For example, the main characteristics of lying as discussed by Frankfurt (2005) may show that some extra-lusory deceptive acts in sport are simply indecipherable from lying. Whether or not instances of lying also contain certain deceptive elements is difficult to determine because lying often works due to the assumption most people tell the truth. Certain forms of extra-lusory deception might also have strong relation to what Frankfurt (2005) calls bullshit. This refers to the display and questioning of pretense and airs people put on when they pretend that what they are saying or doing is truthful beyond belief, hence bullshit. Although

lying and bullshit have similar characteristics, there are distinct differences between the two which also could offer new insights regarding extra-lusory deceptive practices.

The second research opportunity might examine different types of sport deception in terms of the varied structures of sport as tests and contests and the very possibility for deceptive actions to occur in some sports and not others. Kretchmar's (1975) analysis of games as tests and contests would be useful here to distinguish games with parallel tests and contests, such as bowling, diving, or track events, versus those designated as head-to-head tests and contests, such as football, soccer, baseball or ice hockey. It could be that sports structured as parallel tests are susceptible to different types of deception than head-to-head contests. By gaining a proper understanding of the categories of deception that can be utilized by an athlete in these various sport environments, may advance the conceptualization of not only deception, but the differences in athletic tests that athletes must overcome in order to produce excellence.

A third area for future research is the application of the three-prong ethical test to borderline cases, especially in cases where no rule violations occur. For example, in youth basketball there is a barking dog play whereby just before an in-bounds pass is made under the basket, an offensive player drops to the floor and barks like a dog. The behavior distracts and freezes the defense for an easy in-bounds pass and lay-up. This play does not violate a specific rule but it raises many questions related to fairness, the lengths taken to deceive opponents, respect for players and opponents, the role of the coach, and other dimensions of deception in organized competitive sport. Although it is naïve to suggest that applying the three-pronged ethical test to highly contentious examples would eliminate all disagreements, the test may be able to produce information

that would highlight the acceptability or unacceptability of marginal cases of sport deception. Even if all disputes could not be resolved in a reasonable manner, perhaps an overall enhanced understanding of borderline examples in competitive sport could be reached.

The last suggestion for continued research also involves the three-pronged ethical test that was developed primarily from the perspective of broad internalism. In this sense, some might claim the test is biased and fails to consider other features of sport deception. The suggestion here is that the test be reinterpreted or altered to create tests that reflect formalist and conventionalist perspectives. Perhaps by doing so comparative analyses of deceptive sport actions could be carried out that would reveal new similarities and differences of such behaviors. Perhaps consistent and inconsistent ethical outcomes may result from these comparative studies as well as novel distinctions and characterizations of deceptive sport practices. There may also be opportunities to reinterpret rules or introduce new rules, redefine sport-specific skills and non-sport-specific skills, and re-assess the relationship between opponents and other contest participants.

Together with the suggestions above, and as this thesis demonstrates overall, comparative investigations that apply ethical tests from alternative philosophical approaches would confirm that deception in sport is a rich and abundant area of study. A thorough understanding of deception in sport can play a vital role in gaining important insights related to other pertinent areas of sport research such as cheating and sportsmanship. Finally, this study has critically examined sport deception to encourage the production of contests where fair and excellent practices are exemplified.

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