

1. Introduction

This handout is based on chapter 2 (“Bionic Athletes”) of Michael J. Sandel’s 2007 book *The Case Against Perfection: Ethics in the Age of Genetic Engineering*. This book was based on an essay by Sandel that appeared in a 2004 issue of the *Atlantic Monthly*. Sandel’s principal thesis has been taken to be that the use of enhancement technologies (ETs) is morally wrong. He thinks it is wrong **not**

- (i) because the use of ETs creates unfairness in sport (the argument from unfairness)
- (ii) because they are dangerous (the argument from harm)
- (iii) because they promote negative social-political consequences, e.g. discrimination toward women or the poor (the argument from bad social consequences)

Rather, Sandel thinks that the design, use, development of ETs in sport is morally wrong because it is indicative of (i) a strong desire to master (human) nature in a way that satisfies our purposes, one aiming to take ownership over everything in life, that (ii) acting on this desire expresses a lack of appreciation for the natural capacities we have been given by nature and (iii) that acting on this desire is erosive to the telos (purpose) of sport.ⁱ

2. Argument from the Degradation of Human Agency

Before analyzing Sandel’s position, it is important to consider an argument *against* ETs that is similar to, but not identical with, Sandel’s position (this will help us clearly distinguish what Sandel is saying). This is the argument from the **degradation of human agency**.

ARGUMENT AGAINST PEDS FROM THE DEGRADATION OF HUMAN AGENCY

- P1** One aspect of our human nature is the capacity to choose freely, **to take ownership of our choices (they are my choices)**, and to live our lives in a way that we think best accords with who we want to become.
- P2** Enhancement technologies degrade human agency by diminishing our capacity to take ownership for the things that we do.
- P3** Anything that would degrade human agency / ownership is wrong and should be prohibited
- C** Therefore, the use of enhancement technologies is wrong.

But why is **P2** true? That is, what is it about enhancement technologies that degrade our capacity to choose freely or to take ownership of our own actions? One answer is that when athletes use enhancement technologies, they can no longer say that *they are responsible* for their actions.ⁱⁱ Although MLB slugger Mark McGwire broke Roger Maris’ single-season record by hitting his 62nd home run in 1998, he does not deserve the credit. He was not fully responsible. Rather, it was the androstenedione and the steroids that were responsible.ⁱⁱⁱ Although track star Marion Jones won five medals in the 2000 Summer Olympics, she cannot rightfully take ownership of them for she won by using PEDs. Similarly, Alex Rodriguez is not responsible for being a 12x-time AL All-Star, for his 2-time AL MVP, and so on. Rather, it is the following drug and supplement regimen:

ALEX RODRIGUEZ'S ALLEGED DRUG REGIMEN^{iv}		
Phase 1 – Aug 2010		
<i>Subcutaneous</i>		
hGH	1.5 units	Morning (6 days on, 1 day off)
GHRP 2/6	1.5	Evening (6 days on, 1 day off)
CJC 1295	1.3	Monday (Noon
CJC	1.3	Friday (noon)
<i>Intramuscular</i>		
Fat Burning / Energy Cocktail	1.5ml	Monday
Amino Acid Therapy Cocktail	1.5ml	Friday
<i>Transdermal</i>		
Testosterone Cream		Daily (evening)
L-Glutathione Cream		Daily (morning)
<i>Sublingual</i>		
Melatonin	3mg	Evening
Testosterone Troche	1-3mg	Prior to game as needed
<i>Oral</i>		
Vitamin C		Daily / Orthomolecular Dosages
Omega 3, 6, 9		Daily / Orthomolecular Dosages
DHEA		Daily / Orthomolecular Dosages
Pregnenolone		Daily / Take as directed
Multi-Vitamin / Zinc		Daily / Take as directed
Clomiphene (10 day)		Daily / Take as directed
<i>Diet</i>		
Sports Nutrition & Performance Diet		Playing Days
Water Loss Diet		Non-Playing Days
<i>Chelation</i>		
Amino Acid		
Free Radical		
Mitochondrial Repair		
Testosterone / Estrogen Balance		
Phase 2 – Sep 2010		
<i>increase treatment to:</i>		
hGH	1.8 units	Morning (6 days on, 6 days off)
GHRP 2/6	1.8	Evening (6 days on, 6 days off)
CJC 1295	1.4	Tuesday (noon)
CJC 1295	1.4	Saturday (noon)
Phase 3 – Oct 2010		
<i>increase treatment to:</i>		
IGF-1	1.1 units	Morning (5 days on, 2 days off)
hGH	1.9	Evening (5 days on, 2 days off)
Phase 4 – Nov 2010		
<i>increase treatment to:</i>		
hCG	1.6 units	Morning (5 days on, 2 days off)
hGH	1.6	Evening (5 days on, 2 days off)

One consequence of **P2** (the re-situation of ownership) is that it makes sport less about hard work, courage, and training, and more about obtaining *high quality drugs*. It is a pharmaceutical race to the finish, not a footrace. In Australia, where greyhound racing is a multi-billion-dollar industry, dog-trainer Christos Arletos laments that “eighty per cent of greyhound trainers are looking for

something to dope their dogs [...]. I can't compete with the high quality of drugs when they use them.”^v

CDQ: If it is the *not the athlete* that deserves the credit for a particular athletic feat, who does deserve the credit? Should the credit go to the drug designers?

One piece of evidence given in support of **P2** is that it best explains a certain fact:

There is a correlation between how much an athlete is improved by enhancement technologies and how much we admire that athlete. Namely, the more an athlete is enhanced by ETs, the less we admire them for their accomplishments.

What best explains the above fact? **P2** says that what explains the above fact is that we admire an athlete's accomplishments when the *athlete can take ownership for that accomplishment*, but the use of ETs diminishes the athlete's capacity to take ownership for an accomplishment and so our admiration is lessened. In other words, it is PEDs flowing through the athlete that allowed them to win those medals. No doubt the athlete is talented and hard working, but the athlete can no longer be said to be fully responsible for his/her accomplishments.

ARGUMENT FOR THE DEGRADATION OF HUMAN AGENCY IN SPORTS

- P1** There is a correlation between *enhancement* (drugs, genetic improvements) and *achievement* such that the *more* an individual *x* is enhanced by *y* the *less* we admire *x* and more we admire *y* for *x* performing that achievement.
- P2** What explains this correlation is that **we admire human agency** (the “capacity to act freely, for ourselves, by our own efforts, and to consider ourselves responsible [...] for things we do and the way we are”, Sandel, p.25)^{vi}
- C** The use of enhancement technologies degrades human agency and responsibility.^{vii}

O1: The argument is explosive. If what corrodes human agency (or our appreciation for it) is anything that diminishes our perception that an individual's achievements are the result of something that is his/her own doing, then we ought to scorn the athlete's coaches, family, and even God as well. For surely athletes are not *totally* responsible for their success. Athletes do not develop their abilities in isolation, but rather take advantage of state-of-the-art training facilities, coaching, rehabilitation centers, teammates, derive inspiration from their family, and so forth. Athletes themselves are cognizant that much of their accomplishments are not their own doing as they routinely credit sources other than themselves for their success.

2. Sandel's Three Arguments

But the above argument is not Sandel's (he does not say why he disagrees). Sandel has a master argument and two sub-arguments for why he thinks athletes should not use ETs. These are:

- Central Argument: Sandel's Master Argument from HyperAgency
- Sub Argument: Sandel's Argument from the Nature of Sport
- Sub Argument: Sandel's Argument Against Turning Sport into a Spectacle

Rather than argue that ETs undermine sport by degrading an athlete's capacity to take ownership for his/her performances, Sandel claims that an athlete's use of ETs reflect the opposite problem. Namely, the athlete suffers from **hyper-agency**:

The deeper danger [with enhancement technologies] is that they represent a kind of hyper-agency, a Promethean aspiration to remake nature, including human nature, to serve our purposes and satisfy our desires. The problem is not the drift to mechanism but the drive to mastery. And what the drive to mastery misses, and may even destroy, is an appreciation of the gifted character of human powers and achievements (*Against Perfection*, pp.26-27).

The problem with ETs in sports is that the *desire* to obtain the *enhanced* capacities that ETs allow for come with a corresponding *ingratitude* toward the *natural* capacities that are the result of our natural situatedness. With ETs we no longer care about the gift nature has given us (in terms of natural talents). Since we control the administration of ETs, we now take ownership for *everything we do*.

Rather, Sandel thinks that the design, use, development of ETs in sport is morally wrong because it is indicative of (i) a strong desire to master (human) nature in a way that satisfies our purposes, one aiming to take ownership over everything in life, (ii) acting on this desire expresses a lack of appreciation for the natural capacities we have been given by nature and (iii) that acting on this desire is erosive to the telos (purpose) of sport.^{viii}

SANDEL'S MASTER ARGUMENT FROM HYPERAGENCY

- P1** The *desire* to obtain the *enhanced* capacities in sports through ETs expresses an (i) *ingratitude* toward the *natural* capacities given to us by nature and (ii) the aim to take ownership over everything in life and leave nothing to chance.
- P2** To act on such a desire is to (i) display an ingratitude toward our natural capacities, (ii) to degrade the aim of sport, and (iii) to destroy something valuable, i.e. human nature and sport.
- C** Therefore, our desire to obtain enhanced capacities through ETs in sport is morally wrong.

Why is **P2** true? One way that Sandel argues for **P2** is by making use of what I will call "Sandel's Argument from the Nature of Sport." This argument says that the essence of sport is to test the natural talents of human beings, that ETs undermine this test, and so ETs undermine the essence of sport.

SANDEL'S ARGUMENT FROM THE NATURE OF SPORT

- P2.1** There is an essence, telos, point, or purpose to competitive sports.
- P2.2** One of the key points of competitive sports is excellence, not striving or effort
- P2.3** Excellence consists of the display of *natural* talents (capacities that we acquire through nature).
- IC** Enhanced bionic athletes "corrupt athletic competition as a human activity that honors the cultivation and display of natural talents" (Sandel, p.29).
- P2.4** Any *corruption* of the point of sports should be avoided. In other words, the genuine display of natural talents and gifts is an integral feature of sport that should not be altered.
- C** Therefore, to alter sport by introducing enhancement technologies is to (i) display an ingratitude toward our natural capacities, (ii) to degrade the aim of sport, and (iii) to destroy something valuable, i.e. human nature and sport.

Let's examine parts of this argument in a step by step way.

P2.1 says the following: *There is an essence, telos, point, or purpose to competitive sports.* Sandel recognizes that this premise is controversial as some have argued that there is no *point* to sports (*Against Perfection*, pp.42-3) and so he considers both an *objection* to **P2.1** and offers an argument supporting **P2.1**.

O1: Scalia’s Objection (p.42-3). The PGA sponsors professional golf tournaments where participants are allowed to use a cart during the first two stages but required to walk during the third stage. Casey Martin was a talented golfer suffering from a degenerative circulatory disorder (a recognized medical disability) that prevented him from walking a golf course. Upon turning pro, Martin made a request to use a golf cart during the third stage, the PGA refused, and Martin pursued a legal case under Title III of the Americans with Disabilities Act. Title III of the ADA says that entities make accommodations “when ... necessary to afford such ... accommodations to individuals with disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of such ... accommodations.”^{ix} One reason for denying Martin a cart in the third stage would be because *walking* is an *essential* part of the golf, i.e. it induces fatigue and potentially compromises one’s ability to make a shot.

Justice Scalia, however, argued that the Court cannot say what is *essential* to sport. He writes

Either out of humility or out of self-respect (one or the other) the Court should decline to answer this incredibly difficult and incredibly silly question. To say that something is “essential” is ordinarily to say that it is necessary to the achievement of a certain object. But since it is the very nature of a game to have no object except amusement (that is what distinguishes games from productive activity), it is quite impossible to say that any of a game's arbitrary rules is “essential.” Eighteen-hole golf courses, 10-foot-high basketball hoops, 90-foot baselines, 100-yard football fields—all are arbitrary and none is essential. The only support for any of them is tradition and (in more modern times) insistence by what has come to be regarded as the ruling body of the sport—both of which factors support the PGA TOUR’s position in the present case. (Many, indeed, consider walking to be the central feature of the game of golf—hence Mark Twain's classic criticism of the sport: “a good walk spoiled.”)^x

R1: Implausible View of Sport. Sandel rejects Scalia’s argument, claiming that Scalia’s “view of sport is far-fetched” (*Against Perfection*, p.43). According to Sandel, the rules of a sport have a purpose and that purpose is to “call forth and celebrate certain talents and virtues worth admiring” (*Against Perfection*, p.43).

CDQ: Do you agree with Sandel that sports have a *telos* (some essential purpose or goal, something that they all aim to test) or with Scalia that they don’t have a point, i.e. that *all* of the rules are subject to revision (they are just games that can be revised by the game-makers)

P2.2 is supported by a thought experiment.

SANDEL’S EXPERIMENT FOR TESTING EXCELLENCE AS PART OF THE TELOS OF SPORT

Let’s suppose there are two athletes SP and MJ. These two athletes are identical in every way except for two characteristics: SP is the hardest working boxer, but not very talented (SP lacks the natural gifts necessary to succeed in professional athletics) while MJ is endowed with an amazing amount of natural talent but does not work as hard as SP. Finally, MJ and SP agree to fight, and MJ triumphs with a third round knockout.

If we thought effort and striving were all that mattered, we ought to say that SP and MJ are equals and MJ ought to be admired no more than SP. But, according to Sandel, we do admire MJ more than SP and we regard SP as the better boxer. Why? Because we think that the point of sports involves *not only hard work* but also *excellence*.

CDQ: I don't really have an objection to **P2.2**. Do you? Does the premise need any refinement? Is there more to sport than performance through hard work? Is it ever the case that excellence isn't a key feature of competitive sport?

P2.3 says that *excellence consists of the display of natural talents (capacities that we acquire through nature)*. That is someone is **excellent** at a sport if and only if they develop their **natural** talents and put them on display in some form of sporting competition. In other words, part of what it means to be excellent is that an individual has certain *natural talents* (capacities that they acquired through nature and cultivated through training).

O1: **P2.3** begs the question (it presupposes what it is supposed to prove). Let's assume that the nature of sport does involve *excellence*. Let's also agree that **traditionally** much of excellence in sport has been the result of the *cultivation of natural talents*. But, it does not follow that the traditional ways of excelling constitute what it means to be excellent at a sport. We might say that what it means to be excellent is the *cultivation and display of (natural or non-natural) talents and hard work*. Whether the source of the talent is natural, the result of a particular upbringing, or the result of an enhancement technology is irrelevant.

O2: **P2.3** is problematic as natural talents play a very small role in excellence. Consider that many sports (e.g. gymnastics, ice hockey, speed skating) are expensive and individuals who excel at these sports tend to begin their training at a very young age. In these sports, while natural talents play a role, the role they play is significantly small in comparison to other factors. For example, excellence in gymnastics is (i) *cultivated* by coaches, expensive indoor training facilities, expensive equipment and insurance premiums, etc. and (ii) due to the *luck* of being born into a semi-wealthy family who enlisted their child in sport where training must begin at a young age. In other words, *champions are made not born*.

O3: **P2.3** is indefensible. Consider that natural enhancements (diet, exercise equipment) are morally acceptable. But, there is no way to distinguish between natural and artificial enhancements. Thus, there is no practical way to say that artificial enhancements like ETs are morally wrong.

In a little more detail, the argument is as follows:

ARGUMENT AGAINST DRAWING A LINE BETWEEN NATURAL AND ARTIFICIAL ENHANCEMENTS

- P2.3.1** Athletes alter their bodies with training, special diets, surgery, vitamins, etc. Call these *natural modifications*.
- P2.3.2** All natural modifications are morally acceptable.
- P2.3.3** Athletes alter their bodies with PEDs, genetic enhancement, and various other enhancement technologies. *Call these artificial modifications*.
- P2.3.4** There is no principled distinction between *natural modifications* and *artificial modifications*.
- C** Therefore, artificial enhancements are morally acceptable.

R1: Sandel rejects **P2.3.2**. In rejecting **P2.3.2**, he contends that what's important is not the **means** by which enhance ourselves (whether by a strict all organic diet or by daily injections of the latest PEDs). What matters is whether or not the use of an enhancement technology (be it artificial or natural) is “more likely to perfect or to distort the talents and skills” that the sport “at its best is meant to test” (Sandel, p.31), whether or not it is “degrading to the game” (p.35), and whether it “cultivate[s] athletic excellence” or “overrides it in favor a bone-crushing spectacle” (p.35).^{xi}

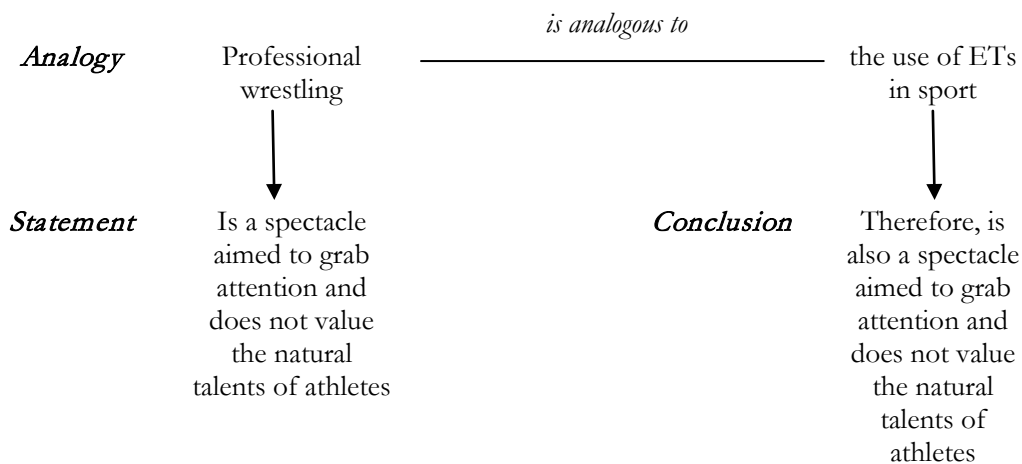
CDQ: Do you think a key element of sport involves the cultivation and display of *natural* talents or is this part of sport somewhat irrelevant?

P2.4 is the normative claim that says we ought not *corrupt* sport by turning away from its point (its telos). **P2.4** seems to be supported by our intuition that there is something important about the *traditional* way in which sport has been played and against turning sport into some kind of *spectacle*. Sandel's argument is something like this:

ARGUMENT AGAINST TURNING SPORT INTO SPECTACLE

- P2.4.1** If an activity depreciates the natural talents and gifts of the participants by “isolating and exaggerating through artifice an attention-grabbing feature of a sport”, then it is a spectacle and not a sport.
- P2.4.2** ETs depreciate the natural talents and gifts of the participants in just this way.
- IC** Therefore, sports that involve ETs are spectacles.
- P2.4.3** There is something valuable about sports such that they should not be turned into spectacles.
- C** Therefore, any *corruption* of the point of sports should be avoided. In other words, the genuine display of natural talents and gifts is an integral feature of sport that should not be altered.

CDQ: Consider televised wrestling or any activity that Sandel might say is a “spectacle.” Do you agree with him in saying that such an activity is not a sport? Sandel's argument is by analogy. He argues like this:



What is one criticism you might make to the above argument?

Notes

Against Sandel's claim that the development of ETs is indicative of a Promethean desire to control: Harvard professor of cellular biology, Takao Hensch, notes that his interest into drugs like donepezil—a drug capable of rewiring a brain to help process visual stimuli—and valproate (an epilepsy drug that can also help adults differentiate drugs) “is not really to create super humans but to help with developmental disorders or brain injury in adulthood.”^{xii}

ⁱ Sandel writes that the use of ETs in sport degrades humanity as it “corrupts athletic competition as a human activity that honors the cultivation and display of natural talents” (p.29).

ⁱⁱ This argument might also be extended to non-human athletes. For example, five Belgian racing pigeons tested positive for Mobistix. Horse trainer Gerard Butler was given a five-year ban from the world of horse racing after nine of his horses tested positive for banned anabolic steroids. For more on PEDs in pigeon racing, see Gallagher, Paul. 2013. World of Pigeon Racing Rocked by Doping Scandal. *The Independent*. 25 October 2013.

<http://www.independent.co.uk/news/uk/home-news/world-of-pigeon-racing-rocked-by-doping-scandal-8904394.html>
For more on PEDs in horse racing, see Gerard Butler” Trainer given five-year racing ban over doping. *BBC* 4 December 2013. <http://www.bbc.com/sport/0/horse-racing/25211486>

ⁱⁱⁱ “McGwire Apologizes to La Russa, Selig” 2010. ESPN MLB. 12, Jan, 2010.
<http://sports.espn.go.com/mlb/news/story?id=4816607>

^{iv} Ashkenas, Jeremy, Ford Fessenden and Karen Yourish. Jan 13, 2014. Alex Rodriguez's Alleged Drug Regimen. *New York Times*. http://www.nytimes.com/interactive/2014/01/13/sports/baseball/alex-rodriguez-alleged-drug-regimen.html?_r=0. Accessed 30 March, 2014.

^v Rubinsztein-Dunlop, Sean. Greyhound racing industry hit with doping, cruelty, collusion allegations. *ABC News*. 16 Oct 2013. <http://www.abc.net.au/news/2013-10-15/greyhound-racing-industry-hit-by-doping-cruelty-allegations/5024714>

^{vi} www.bioethics.gov/reports/beyondtherapy/index.html

^{vii} For more on this argument, see Beyond Therapy: Biotechnology and the Pursuit of Happiness. A Report from The President's Council on Bioethics. Washington, D.C., October 2003.
<https://bioethicsarchive.georgetown.edu/pcbe/reports/beyondtherapy/>

^{viii} Sandel writes that the use of ETs in sport degrades humanity as it “corrupts athletic competition as a human activity that honors the cultivation and display of natural talents” (p.29).

^{ix} " §12182(b)(2)(A)(ii)

^x *PGA Tour, INC. v. Martin*, 532 U.S. 661 (2001)

^{xi} In rejecting **P3.2**, Sandel is open to the possibility that *some* natural modifications are not acceptable, e.g. contact lenses or carrot juice, and *some* artificial modifications are *acceptable*. One problem with Sandel's claim is that it depends upon *what talent* existing games / sports are meant to test. But let's create a new sport that does not test our natural, unaided, un-steroided capacity to lift weights, but tests our natural capacity to withstand ingestion of a mostly artificially-developed diet along with routine injections of steroids in the course of heavy weight training. When put in this way, Sandel would have to say that individuals who *did not use the artificial diet or the steroids* but instead opted for an organic diet with no steroids are degrading the sport s they are engaging in a practice that distorts the talents and skills that the sport at its best is meant to test. In short, Sandel's argument fails because it depends upon the point of the existing sports that are currently practiced.

^{xii} Khazan, Olga. Toward a Pill That Helps Us Learn as Fast as Kids. *The Atlantic*. March 28, 2014.

<http://www.theatlantic.com/health/archive/2014/03/toward-a-pill-that-helps-us-learn-as-fast-as-kids/359757/>