

Li-Hong (Leo) Hsu**REVISITING FAIR PLAY: CHEATING,
THE »GOOD FOUL« AND SPORTS RULES****ŠE EN POGLED NA FAIRPLAY: GOLJUFANJE,
»DOBER PREKRŠEK« IN ŠPORTNA PRAVILA****Abstract**

Cheating and the "good foul" are important issues in sport ethics. Over the past several years, the issue on cheating in sport has received scant philosophical attention. While many authors are against the practice of cheating, some still argue that cheating is inseparable from sporting activities. The moral intuition in relation to "rule formalism" is often that cheating is wrong because to cheat is to break the rules and to cheat is no longer to play the game. In a previous work I argued that this intuition is right on one account and wrong on the other. Although cheating is morally wrong, it cannot be defined merely as "breaking the written rules". In other words, breaking rules is often related to cheating but not necessarily. In addition, cheating often is associated with the "good foul". If cheating is morally unacceptable, then what about the "good foul"? In order to have a better understanding on the relationship between cheating, the good foul and sports rules, a few questions still need to be clarified: Is the "good foul" related to the rules? Is the good foul the same as cheating? Is the good foul morally acceptable? This paper aims to answer those questions.

Key words: fair play, cheating, the good foul, sports rules

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Izvleček

Goljufanje in "dober prekršek" sta pomembni vprašanji športne etike. V preteklih letih je bilo le malo filozofskih razprav namenjenih goljufanja v športu. Mnogi avtorji goljufanju nasprotujejo, vendar pa nekateri trdijo, da je goljufanje neločljivo povezano s športnimi aktivnostmi. Z vidika moralne intuicije, ki se navezuje na "formalizem pravil", je goljufanje prekršek, saj dejansko pomeni kršenje pravil in izničenje pravega pomena igre. V prejšnji študiji sem trdil, da je ta intuicija po eni strani pravilna, po drugi pa ne. Čeprav je goljufanje moralno sporno, pa ga ne moremo opredeliti zgolj kot "kršenje napisanih pravil". Z drugimi besedami, kršenje pravil je pogosto vendar ne nujno povezano z goljufanjem. Poleg tega je goljufanje pogosto povezano z "dobrim prekrškom". Če je goljufanje moralno nesprejemljivo, kako je potem z "dobrim prekrškom"? Da bi bolje razumeli odnos med goljufanjem, dobrim prekrškom in športnimi pravili, moramo razjasniti še nekaj vprašanj: Je dober prekršek povezan s pravili? Je dober prekršek enakovreden goljufanju? Je dober prekršek moralno sprejemljiv? Namen tega prispevka je odgovoriti na ta vprašanja.

Ključne besede: fairplay, goljufanje, dober prekršek, športna pravila

I. Introduction

Cheating and the "good foul" are important issues in sport ethics. Over the past several years, the issue on cheating in sport has received scant philosophical attention. As Roberts (1996) observes that although there have been several books in sport philosophy published in the past 5 years (e.g., Hyland, 1990; Kretchmar, 1994; Morgan, 1994; Simon, 1991; Wertz, 1991), in the main, scant attention has been paid to cheating. While many authors are against the practice of cheating (e.g., Arnold, 1997; Delattre, 1988; Feezell, 1988; Johnston, 1991; Rosenberg, 1995; Suits, 1973), some (e.g., Leaman, 1988; Lehman, 1988) still argue that cheating is inseparable from sporting activities. Leaman (1988, pp. 280) mentions that cheating is acceptable because "the fact that people may cheat is part of the structure of sport and is taken into consideration in the rules of sport, so that cheating in a sport can be built into audience and player perceptions of the game". Lehman (1988, pp. 287) also suspects that "no argument that makes deliberate violation of rules a sufficient condition for unsportsmanlike conduct is likely to apply to many of the sports we know". The moral intuition in relation to "rule formalism" is often that cheating is wrong because to cheat is to break the rules and to cheat is no longer to play the game. If we refer to Morgan's (1995, pp. 50) clear statement: "According to formalism, the various derivative notions of a game are to be defined exclusively in terms of its formal rules. What it means to engage in a game, to count as legitimate instance of a game, to qualify as a bona fide action of a game, and to win a game is to act in accordance with the appropriate rules of that game. All instances and actions that fall outside the rules of the game, therefore, do not count as legitimate instances or actions of a game".

In a previous work I argued that this intuition is right on one account and wrong on the other (Hsu, 1999). Although cheating is morally wrong, it cannot be defined merely as "breaking the written rules". In other words, breaking rules is often related to cheating but not necessarily. In addition, cheating often is associated with the "good foul". If cheating is morally unacceptable, then what about the "good foul"?

In order to have a better understanding on the relationship between cheating, the good foul and sports rules, a few questions still need to be clarified: Is the "good foul" related to the rules? Is the good foul the same as cheating? Is the good foul morally acceptable? This paper aims to answer those questions.

II. The concept of the "good foul"

Firstly, a foul normally takes place when one commits an act that is not in compliance with the rules and, therefore, a prescribed penalty is meted out in punishment for that act. Fraleigh (1988) gives a more detailed account of fouls. According to him, (written) rules have three functions:

- (a) They have a positive prescription. Everyone in the game "must" have and is "allowed" to perform certain skills and use certain tactics under the rules.
- (b) They serve to identify the within-the-contest goal. The players know what to do in order to achieve the goal (e.g. winning).
- (c) They serve also to proscribe certain illegal actions.

In other words, the rules of the game must include the spirit of fair play. One who competes in a game agrees to follow the rules of the game and each participant can fairly test his/her skills and tactics. If anyone does not obey the rules of a game, then that person's action is generally deemed a foul or an infringement. Secondly, a foul can generally fall into three categories:

- (a) unintentional or inadvertent violation of rules,
- (b) intentional but attempting to avoid a penalty, and
- (c) intentional but willing to accept the penalty.

It has to be emphasized that this is just the simplest way to distinguish between the three types of foul. In fact, different sports have their own unique distinctions.

In the first instance, a player unintentionally violates the rules or is "set up" by an opponent, i.e. by accident or by not knowing the rules of a game. Given the example from Fraleigh, a basketball defensive player, attempting to attain or maintain a good defensive position against an opponent who feints and then dribbles toward the basket to score, trips the attacker unintentionally. If this player really has "unintentionally" violated the rules (which is much more closely related to personal motivation and cannot always be easily judged by the referee), we can only say that s/he should not be accused of being morally bad. Whether or not s/he is penalized will depend on the rules of the game in question. Some sports rules do consider athletes' "intentions" in this matter; some do not.

In the second instance, a player who intentionally violates a rule to gain an advantage but skilfully attempts to do so while avoiding a penalty is an unsportsmanlike person. This may happen when, for example, a soccer player commits an off-the-ball foul without being detected. S/he cheats because s/he has broken the rules intentionally by deception and tried to gain an unfair advantage. But as the referees do not see the "real illegal action" on many occasions, they cannot give any penalty for it. This is unethical behaviour in sport and it is to be regarded more seriously in sports because the player destroys the playing spirit of a game, and treats the game merely as an instrument to win or gain an unfair advantage.

In the third instance, a player violates the rules whilst expecting and willingly accepting a penalty. According to Fraleigh, this is called "good foul" (or professional foul or strategic foul). It seems that there are "good" fouls in different kinds of sports, but what do we really mean by "good"? Consider the following two interpretations of a good foul, from basketball and soccer.

A "good" foul in basketball occurs where a defensive player, moving behind an offensive player with the ball who is dribbling for an easy lay up shot, intentionally holds the player, forcing him to shoot two free throws to make the same number of points. Such acts are called *good* because it is in the prudent self-interest of the fouling player to force the opponent to shoot twice from a greater distance to make the same number of points as would have been made by shooting once for a lay up. Violating the rules intelligently occurs, if we consider only the self-interest of the offending player and team (Fraleigh, 1988).

In soccer, when a player running for goal is fouled with the intention to stop him from scoring, the offending player obviously knows the rules but intends to violate them because of his/her own self-interest. This, no doubt, is in breach of the agreement (consent) of all participants and is against the purpose of the sport.

Following the examples above, we can conclude that good fouls, such as intentional holding, tripping, and so on, are not part of the game or within the rules of the sport. They are only related to one's own benefit and do not respect the rules of the game. Thus, a good foul is normally described as when a sports player commits a foul (breaking explicit rules of the game) deliberately so as to expect and be willing to accept the penalty in order to win the game or gain unfair advantage.

Technically, such an athlete may be said to be a bad player, and further consider his/her action morally wrong. Consequently, a good foul as discussed above, meets criteria of an unethical act in sport, which a participant:

1. deliberately interferes with the rules of the game without an ethical reason;
2. does not present an equal opportunity for mutual contesting of relative abilities;
3. is not agreed and accepted by all relevant agents in the game.

III. Cheating and the "good foul"

However, the question remains: Is the "good foul" a kind of cheating? I want to contend that it is not. It is evident that not all misconduct in sport is cheating, thus violence, sexual harassment and child abuse in sport are not examples of cheating but they are examples of unethical behaviour in sport.

As previously argued, cheating is not necessarily related to "breaking the rules" of the game. Rather it has to do with an athlete's intention to deceive in order to gain an unfair advantage. Since we can tell that the concept of the good foul does not entail one's intention to deceive, it can be assumed that the good foul is importantly different from cheating. Leaman (1988, pp. 278) addresses this point clearly: "A player may commit a professional or tactical foul in front of the referee or umpire because he considers that it is better to break the rules and suffer the penalty rather than not to commit the foul at all. Of course, such a player would prefer the offence to be unobserved, but cannot reasonably expect it in those circumstances to be overlooked. It is not obvious whether this sort of case is an example of cheating or not. If the intention to deceive is a necessary condition of cheating, then obviously such a case is not one of cheating, for not only did the player not tend to deceive, but he could not even reasonably have expected such an intention to be realized. Yet the rules of the game have been broken, and it might well be argued that it is the intention to break the rules rather than the intention to deceive which will do as a necessary condition of cheating."

Simon (1991) also argues that "strategic fouling" should not be seen as cheating and he addresses this by relating to penalties. He writes (Simon, 1991, pp.48): "Once we distinguish between two kinds of penalties, sanctions for prohibited acts and prices for options, we can see that it is far from clear that strategic fouling is cheating. This is because the penalties for the fouls can be regarded as prices for exercise of a strategy rather than the sanctions for a prohibited violation of the rules. Indeed, this does seem to be the common understanding of intentional fouling to stop the clock in basketball".

Simon uses the example of "intentional fouling to stop the clock in basketball" as a price for the exercise of a strategy rather than the sanction for a prohibited violation of the rules. He seems to accept this behaviour as long as the penalty is fair. Yet, Simon somehow overlooks the purpose

of sport in his example. If we agree that the purpose of a penalty is to keep the game fair and keep the game moving smoothly, then in this case we can dispute whether there is real fairness. According to Simon (1991, pp. 208): "A penalty is a fair price for the violation of a rule, if skilled competitors would be indifferent between two situations: first, in which the rule was violated and the penalty imposed, and second, in which the rule was not violated". Two questions, therefore, can be asked.

Firstly, in the case of athletes' intention and action:

Intentional fouling to stop the clock in basketball is the same as "breaking rules with intention (deliberately)" in order to gain a personal or team advantage. Are both intention and action acceptable?

Secondly, a penalty might become advantage:

Intentional fouling to stop the clock in basketball which calls for the "penalty" (two foul shots) might bring more "advantage" for the fouling side since they might take advantage from an opponent's weakness in shooting fouls. It could produce the counter-effect. Is this really fair for the non-fouling side?

In answer to the first question, both intention and action are unacceptable because they not only deliberately against the written rules of basketball but also the purpose of sport in general and it should not be accepted independently of the penalty.

Concerning the second question, although "intentional fouling to stop the clock in basketball" calls for penalties, one might find certain difficulties in assuring real fairness in this case, since there would be a counter-effect of securing an advantage for the offending party. The problem might be related to the "deficiency of the rules of basketball" and sometimes it is possible to see the weak side of a team or an athlete acting in the manner described above in order to win the game or gain an advantage. According to my knowledge, international basketball rules do not deal with this matter. They only proscribe technical infringements which are deliberate, or unsportsmanlike, or which give the offender an unfair advantage, and are penalised immediately with a technical foul ("Knowing the Game: Basketball," 1995). A player shall not disregard warnings by an official or commit unsportsmanlike actions such as:

- delaying the game by preventing the ball from being put promptly into play
- baiting an opponent or obstructing the opponent's vision by waving his hands close to the opponent's eyes
- using profanities or disrespectfully addressing an official
- changing his number without informing the scorer and the referee
- entering the court as a substitute without reporting first to the scorer and then to an official
- grasping the ring in a manner that may damage the equipment.

Similar situations can be found in other sports.

In short, since the good foul only aims at the "breaking the rules with the intention to accept the penalty" without necessarily entailing deception, it can hardly be seen as a form of cheating (see Table 1).

Table 1: Cheating and the good foul in sport

Cheating	Good foul
1. Breaking the rules (written or implicit) Deliberately and; 2. Intending to deceive opponent(s) and referee(s) or relevant agents; 3. In order to win or gain advantage	1. Breaking the written rules deliberately and; 2. In order to win or gain the advantage.
<i>Trying to avoid the penalty</i>	<i>Expecting and willing to accept the penalty</i>

So far, the essential element of a good foul is quite clear. Athletes' intentions, motivations or attitudes towards sports rules play an important role in a good sports contest. As Fraleigh (1984, pp. 69) says: "The attitudes of participants toward the rules are of great significance to the good sports contest. The attitude that is most significant is one of complete respect, and it grows out of several realizations by the sports participants."

Yet, having a good intention to compete in a sports contest is not a sufficient condition for being a good athlete. In contrast, a player is good not only because s/he has a good intention to play a game but also because s/he is willing to act rightly, in accordance with the rules and their spirit, in participating in that game.

IV. Concluding summary

In conclusion, a "good foul" means that a sports player commits a foul (breaking explicit rules) deliberately so as to expect and be willing to accept the penalty in order to win the game or gain unfair advantage. A "good foul" can hardly be seen as a form of cheating, as it only aims at the "breaking the rules with the intention to accept the penalty" without entailing deception. A "good foul" is inappropriate behaviour in sport because it shows that a player does not respect the purpose of sport in general.

Good fouls may be "good" because they are desirable but it is not morally "good" on account of it being desired. In other words, the "good" of a good foul is not morally "good" as it is not universally good for all the participants in a game, but only good from the perspective of the rational self-interest of the violator or of his team. A "good foul" might also indicate a deficiency in the sports rules. Rule makers in this respect need to constantly revise inappropriate features of the rules of the game. As a good foul violates the spirit of the rules, it is a morally wrong act.

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