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17 **From Olympian to Paralympian and from Nichomachean to Cyborgian: The Un-**
18 **Bio-Ethical Dimension of Elite Sport and What Role-models Society Needs**
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43 Abstract

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2 The essence of the Paralympics is “the pursuit of human excellence through the
3 dedicated perfection of each person’s natural talents”. In the realm of health, disability,
4 law and bioethics, scholars have sought to explore the impact that disability has on legal,
5 medical and social structures, and with the Paralympics being a socially structured
6 phenomenon it is fair play for such applications of scholarly endeavor. Can body
7 alternations ever be justified? Does society accept bodies that are more than just
8 biological? Accepting that cheating is fundamentally contrary to that spirit of sport, then
9 why is it that those Olympic rings are tarnished by a plethora of negative examples and
10 un-sports-person-like behaviors which permeate the very fabric of Paralympic sport, while
11 society blatantly ignores all these un-ethical challenges in the sacrificial temple of
12 spectacle, record breaking and revenue making broadcasting marvels pursuant to the
13 need for a creation of modern day heroes?

14

15 Keywords: Olympism, Paralympics, Ethics, Doping, Disability Sport, Human Dignity

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17 With the hopes and dreams of a plethora of current and aspiring Olympians and
18 Paralympians running wild and the 2028 Los Angeles Olympics and Paralympic Games
19 looming high and large in the horizon, TEAM USA as the Olympic or Paralympic team
20 has always been called respectively, will now be one and the same for respective able-
21 bodied and non-able-bodied athletes alike. On June 20 of 2019, the United States
22 Olympic Committee (USOC) underwent a significant and historic transformation (USOPC,
23 2019). With unanimous approval by its board of directors and with the aim to show a

1 dedicated commitment by becoming more inclusive of the Paralympic athletes and
2 movement in the USA, a name change and subsequent rebranding happened for the first
3 time since 1961 in Colorado Springs, a reality that is only true for three other countries
4 the world over: South Africa, Norway and the Netherlands. The United States Olympic
5 Committee (USOC) as was previously known now rests, as a name or acronym, in the
6 annals of history as the new, all -or at least more- inclusive name is currently the United
7 States Olympic and Paralympic Committee (USOPC).

8 Was the latter, one might wonder, a decision that sprung out of the goodness of
9 the hearts of the board of directors, or perhaps a sudden urge to act more ethically
10 towards the 'least of their brethren'? The answer is probably neither of the two, but one
11 made on legal grounds or rather in order to avoid legal battles of settlements and in all
12 actuality the name change grew out of a need for equity in monetary rewards, or rather
13 the lack thereof. The reversal of this inequity was indeed the goal, a phenomenon that
14 had been going on for years, and in terms of the dollar amount that medal-earning athletes
15 at the Olympics versus those the Paralympics were being awarded across the board or
16 fields, gymnasia and stadia. To illustrate the stark contrast and chasm between the two
17 realities, the resulting increase was manifold and reached 400 percent in some cases.
18 Retroactive payments were also transmitted to Paralympians who had been on podia for
19 performances achieved at the 2018 PyeonChang Winter Games. One (inequality) down,
20 (so) many to go!

21 Within its constitution, the International Paralympic Committee stipulates that a
22 basic aim is to lead the Paralympic movement in order to promote inclusion in society
23 through Para sport (2019). Its Code of Ethics outlines three essential pillars that are: a)

dignity, b) integrity, and c) equality. Associated with the latter is an expectation that athletes and all members of the Paralympic family shall adhere to all ethical standards, eleven in total, including the safeguarding of the dignity of the individual and of the sport, and which I am using below verbatim:

“1) Safeguard the dignity of the individual and of the sport.

2) Fight against any discrimination on the basis of race, gender, nationality, ethnic origin, religion, philosophical or political opinion, marital status or sexual orientation. In particular, discrimination on the basis of impairment or disability is forbidden by the Paralympic ideals. Athletic classification, which promotes sport participation of athletes with disabilities, is not discrimination but empowerment.

3) Work for the benefit of the entire Paralympic Movement and all its athletes and not just for a particular constituent such as an NPC, IOSD, Sport or Region.

4) Safeguard the athletes’ interests, priorities and opportunity to participate in fair competition and excel in sport.

5) Safeguard the athletes’ physical and mental health and equilibrium.

6) Contribute to the creation of a drug free sport environment for all Paralympic athletes in conjunction with the World Anti-Doping Agency (WADA).

7) Not tolerate any practice constituting any form of physical or mental injury. All forms of harassment including physical, mental, professional, or sexual, are prohibited. Behaviors that are humiliating, intimidating, or insulting will not be tolerated.

1 8) Conduct business with integrity, maintain a high standard of personal conduct
2 and avoid any behavior or action that would tarnish or give the impression of
3 tarnishing the reputation of the Paralympic Movement.

4 9) Refrain from being involved with any firms, organizations or persons whose
5 activity is inconsistent with the IPC Constitution, bylaws, codes and policies.

6 10) Abstain from participating in, supporting, or promoting betting related to
7 Paralympic Games or any other IPC sanctioned event.

8 11) Refrain from using the Paralympic Games and the Paralympic Movement to
9 promote any political agenda, other than the advancement of sport for persons
10 with an impairment and democracy, empowerment, equality, and the protection of
11 human rights.”

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13 *IPC Handbook, April 2016, IPC Code of Ethics, Chapter 1.1,*
14 *Section 2 (pp. 2-3)*
15

16 Furthermore, within its Anti-Doping code there is an analysis of the fundamental
17 rationale for the aforementioned code, namely with regard to emphasizing the pursuit of
18 preserving “what is intrinsically valuable about sport”, which is in turn synonymous to “the
19 spirit of sport”. Among those values that reflect that spirit are health, character, respect
20 for rules and laws, as well as respect for self and other participants. Those other
21 participants be they from the same team or not, should never be seen as adversaries in
22 the same way an enemy in battle might be, but rather as antagonists respecting and
23 remembering also that any sport and especially elite sport at the Olympic and Paralympic
24 level is an *agón*, in its original sense and in what Johan Huizinga would call ludics, or
25 games in the same sense in which humans are what he famously called ‘*homo ludens*’

1 or 'man (human, I prefer) the player' in his homonymous masterpiece (Huizinga, 1944).
2 He goes on to analyze this notion further, in that the idea of winning is closely connected
3 to play, which presupposes a partner or opponent who will enable the winner and allow
4 this 'nike' or 'νίκη' as a phenomenon to happen, for "solitary play knows no winning".

5 "Athlon" or "άθλον" is the word for 'prize' in Greek, which is the root for the word
6 athlete. Borrowing Huizinga's words (I will try to use it in the context of the Olympics):

7 "Here, the ideas of contest, struggle, exercise, exertion, endurance and suffering
8 are united. If we remember the intimate connection between agon or 'αγών' and
9 'αγωνία' (which latter word originally meant simply "contest", but later "death-
10 struggle" and "fear"), we shall see that in athletics we are still moving in that sphere
11 of serious competition {...} Competition is not only "for" something but also "in" and
12 "with" something. People compete to be the first "in" strength or dexterity {...} They
13 compete "with" bodily strength or force of arms, and finally with cunning and
14 deceit."

15 *(pp. 51-52)*

16 And the most essential point that Huizinga is making and that I wish to accentuate
17 here is that "cheating as a means of winning a game robs the action of its play-character
18 and spoils it altogether, because for us the essence of play is that the rules be kept that
19 it be fair play."

20 The very essence of the Paralympic Movement, similar to that of the Olympic
21 Movement, is "the pursuit of human excellence through the dedicated perfection of each
22 person's natural talents". If it is indeed true that the spirit of sport is a celebration of
23 humanity, and of the human spirit, mind and body, and a reflection of the values found in

1 and through sport, starting with ethics, fair play, and honesty, and accepting that doping
2 is fundamentally contrary to that spirit of sport, then why is it that those Olympic rings are
3 tarnished by a plethora of negative examples of purity, ethics, and un-sports-person-like
4 behaviors which permeate the very fabric of Olympic and Paralympic sport, while society
5 blatantly ignores all these un-ethical challenges in the sacrificial temple of spectacle,
6 record breaking and revenue making (or generating) broadcasting marvels pursuant to
7 the need for a creation of role models and modern day heroes?

8 My hypothesis here is that Aristotle would probably roll around in his grave should
9 he be able to witness the reality of today's societal trends and pursuits, that are far from
10 noble, and whose objectives or goals are myopic or blindfolded and therefore neglecting
11 to see the 'highest good' or virtuous prize that he discusses in his *Nichomachean Ethics*,
12 an excerpt of which is cited below and is much representative:

13 "Every art and every inquiry, and similarly every action and pursuit, is thought to
14 aim at some good; and for this reason the good has rightly been declared to be
15 that at which all things aim. But a certain difference is found among ends; some
16 are activities, others are products apart from the activities that produce them.
17 Where there are ends apart from the actions, it is the nature of the products to be
18 better than the activities. Now, as there are many actions, arts and sciences their
19 ends also are many {...} the end of medical art is health" (*Book 1, p. 1*)

20 And he goes on to say that virtue is of two kinds, intellectual and moral:

21 "Intellectual virtue {...} owes its growth to teaching, while moral virtue comes about
22 as a result of habit."

1 Indicating, therefore, that moral virtue does not arise in humans by nature, but “rather we
2 are adapted by nature” to receive moral virtues, and habit is the catalyst that makes moral
3 virtues (or ethics and our ethical or moral behavior) perfect.

4 If we accept that “virtue is a state of character concerned with choice,” as Aristotle
5 purports, then all people but Olympic and Paralympic athletes in particular together with
6 their coaches and medical teams ought to choose to be virtuous and to acquire such
7 habits not as a means to an end but rather as a noble pursuit applied to a more noble
8 competition both on and off the playing field. Should the latter be constantly absent and
9 the former perennially present or persistent, issues detrimental to elite sport around
10 bioethics will always permeate the sphere of purity and virtue, and noble behaviors will
11 lose every time while un-bio-ethical ones win over and over again.

12 My thesis for this paper is that there is a big disconnect between the ancient
13 Olympic ideals, the original Paralympic Games’ vision in Stoke Mandeville where Sir
14 Ludwig Guttman inaugurated adaptive sport based activities (paraplegic sports as were
15 originally known in 1948) like archery and wheelchair basketball for World War II veterans
16 with spinal injuries, and the Cyborgean transformation we are starting to see in the
17 horizon, as O’Neill (2019) argues, goaded on by the advancement of technology that
18 brings us to the brink of this un-biological, or un-bio-ethical approach to winning. Is this
19 still about the ‘perfection of a person’s *natural* talents’? How much of what the spectators
20 see is human endeavor and what percentage of that is merely cutting-edge technology,
21 even if all this is within the blurry, fine line of ‘legal’ or ‘allowed’ by the governing bodies
22 and its codes as mentioned before?

23 O’Neill’s synopsis is very characteristic of the above premise:

“...we cannot refuse the precipice which we seem so clearly to be at, one in which human bodies (traditionally conceived) are increasingly becoming less important to the outcomes of sport competitions. Who will win and who will lose is largely becoming a competition waged not on the fields- but in the laboratories, where the sporting cyborg body has become a medium through which these many processes take effect.”

(pp. 44-45)

She continues to say that: “as someone who advocates a critical approach to technology though, what matters is not that this is already our reality- but what we do with it.”

So, what can we and do we do about it? Does society or social life accept sporting cyborg bodies or rather bodies that are more than just biological or belonging to the 'self'? Can bodies be an extension of societal trends or a reflection of its avarice? Kathryn Henne (2012) argues that "sport operates within and alongside other apparatuses of social life", and Park (2005) goes on to say that "it has been characterized as 'a central cultural technology of governing the social body,' one that leverages the elite athlete as 'signifier of state power' in order to 'help maintain the body of the population to be healthy, efficient, and productive". The significance that sport has, Susan Birrell (1981) argues, lies on "the status of the athlete as exemplary role incumbent with power to mediate between the individuals who comprise the audience and the moral order of the community." We also know that not all elite athletes are always portrayed as virtuous. What is even worse and true, is that the symbolism of a Paralympian athlete's body that has been doped is a 'flagbearer' for the athlete who violated the notion and promise of fair play, and in tandem

1 the one who failed to be deserving of an elite -and glorified- athlete status. Henne (2012)
2 very eloquently sums it up in that “the desire for bodily purity is a condition of athlete-
3 citizenship reinforced by regulation.”

4 Questions of a bioethical nature persist and are multiple. In the realm of health,
5 disability, law and bioethics, many notable scholars have sought to explore the impact
6 that the characterization of disability can have on legal, medical and social structures
7 (Cohen et al, 2020), and with the Olympics and Paralympics being socially structured or
8 constructed phenomena it is fair play for such explorations, and applications of scholarly
9 endeavor. Should it be allowed or rather, should society care that Paralympians
10 outperform Olympians? Did Oscar Pistorius have an uneven advantage and un-level
11 playing field when competing with his advanced ‘Cheetah’ prostheses or ‘supercrip’
12 blades? Was that a quest for equal rights or an opportunity for an unfair advantage?
13 Should he have been allowed to enter the London Olympics in 2012 and not just the
14 Paralympics? Finally, was the IAAF (International Association of Athletics Federation)
15 right to ban him from entering able-bodied competitions? In retrospect, we know that
16 apparently it wasn’t, and upon Pistorius’ appeal of that ruling, the Court of Arbitration
17 nullified the latter and hence the ban was lifted, and Pistorius earned the (equal?) right to
18 compete against his able-bodied peers.

19 Michael McNamee, a renowned sport philosopher and Olympic scholar, together
20 with Julian Savulescu and Stuart Willick (2014), co-authored a paper in which they argue
21 that there are unique bioethical issues that are specific to athletes who have an
22 impairment and that are challenging within the realm of Paralympic sport. One of the four
23 real life cases that they discuss, is the one about a nine-teen year-old elite wheelchair

1 athlete who requested from an orthopedic surgeon at a sports medicine clinic to undergo
2 above knee amputations bilaterally in order to lose weight and as result, be able to run
3 faster. In this scenario, the mode of entry into disability comes into question and becomes
4 a relevant criterion for prohibiting on-demand amputation for current or would-be
5 Paralympic athletes. Such an on-demand amputation, or rather a “self-demand” or
6 otherwise an elective or non-clinically indicated amputation, occurring as a result of an
7 elective surgery with the patient’s and the surgeon’s informed consent, must be seen and
8 understood only through the prism of body modification, absent of any therapeutic
9 indication or aim.

10 Under a medical model it could also be argued, as McNamee et al (2014) hold,
11 that “this is a case of self-mutilation or of a physician maiming his or her patient”. It was
12 mentioned previously that one of the values of Olympism is respect for human dignity. In
13 principle, human dignity is seriously offended by said surgical operation, and the
14 assumption or belief that a social model of disability could allow one to view this through
15 the lens of “merely a legitimate exercise of autonomous control over one’s body” in the
16 pursuit of a lifestyle of choice is clearly flawed and antagonistic to the Paralympic values;
17 I dare say even worse than performance enhancement drugs!

18 In such a conundrum that blends theology, ethics, medicine and law, and even if
19 the human dignity argument were to be dismissed for just a second, albeit extremely
20 difficult and devoid of a proper rationale, still this whole ‘activity’ or ‘strategic method of
21 enhancement’ ought to be prohibited on the grounds of the ethical core of sports or
22 athletic logic (Ibid, p. 69). Mutatis mutandis, this resembles closely Huizinga’s (1944)
23 notion of a form of winning, or preparation for the hope of winning, that robs sport of its

1 character and ethos and spoils it altogether. Justifiably, there is legal precedent here
2 (case of outlawing of “dwarf-tossing”) where the European Court, on grounds of an
3 offense to human dignity, ruled in favor.

4 It might be easy or easier, as an intellectual exercise, to just forgo the cumbersome
5 analysis of what is right, dignified, or ethical in disability sport at the Paralympics level,
6 and similar to some existing discourse in the Olympic studies literature, to just question
7 the very opposition by us, ethicists, for not harming one’s body, by using performance
8 enhancing drugs, or by finding clever or cunning ways of bending rules, and essentially
9 cheating under the disguise of being legal, legitimate, or simply not getting caught. Under
10 such a scheme, one might ponder: “Why is this so bad, so long as long as an adult may
11 choose to engage in such a behavior that is a means to an end?” Isn’t winning Paralympic
12 gold worth doing whatever one must, in an athletic pursuit of excellence even by any and
13 all means necessary? After all, it is not a crime to use one’s body in whatever way one
14 wants to, especially when she or he does not harm others. In our country, the United
15 States of America, such a behavior is actually protected under the first amendment as
16 freedom of expression. An individual, after all, is sovereign over him or herself, over one’s
17 body and mind. Why should this not be an ‘allowed’ moral reasoning? And another
18 extreme point of view, one that also has some grounding in certain literary paths amongst
19 people in the sports industry, is the one that challenges the very notion and logic of having
20 athletic categories or a classification system, by suggesting an alternative which could
21 imply the generation of a new nomenclature where athletes could enter the Paralympics
22 as electively disabled, provided that they meet the criteria of performance or existing
23 disability categories. After all, and as the Code of Ethics of the International Paralympic

1 Committee dictates, athletic classification is empowerment, so “what is the big deal or
2 where is the harm in that”, one might continue to argue.

3 In place of an epilogue, I would like to bring closure by re-asserting that any society
4 that wishes to continue to be on the right side of history, one that is value driven and
5 respectful of human dignity, especially among the disability law community, seems to be
6 in desperate need of a more thorough philosophical inquiry into a re-invention of values
7 of disability sport that if left at the status quo, as Savulescu (2014) holds, “may serve to
8 underwrite its normative legitimacy and our proper admiration of athletes with an
9 impairment”. For a little over a millennium in the ancient era, and for a century and a
10 quarter now in the modern era, the Olympic Games (I include the Paralympics here given
11 that same basic values of noble athletic competition and pursuit of excellence) have
12 shown the best in humanity, even though there may have been many opportunities for a
13 nemesis to shine occasionally and steal ‘nike’ or victory from those who attempted to play
14 fair and lost. The Paralympics would not have existed had the Olympic Games not allowed
15 for some room for growth for other individuals, who had the same thirst for being able to
16 run the fastest, jump the highest and be the strongest per the original motto “Citius, Altius,
17 Fortius” but could only do so in a more level playing field, removed from the elite
18 aristocracy and absent of obstacles for equal participation, regardless of their body
19 shapes, number of limbs or functioning vertebrae, or senses that could be counted and
20 quantified according to abstract ‘norms’ set by those privileged few, able-bodied,
21 members of high society.

22 In order to ‘safeguard the athletes’ physical and mental health and equilibrium’, as
23 the fifth out of the eleven ethical standards prescribes, society ought to make sure that

1 other equilibria are in place, such that justice for all, human and civil rights for all are
2 omnipresent and guaranteed to all, and a balance between the spirit, mind and body(-ies)
3 exist among and within individuals, having a nexus not just for lexis, but also 'exis', which
4 means ethos. A lexis can merely be in place of or a placeholder for the letter of the law,
5 but the spirit of the law (like the spirit of sport) is and always should be what matters most
6 and is worth preserving, if nothing else, that which is intrinsically valuable and essential
7 about sport (IPC, Anti-doping code). Let us remember the wise words of Aristotle and
8 head the call for becoming adapted by nature in order to receive our moral virtues, by
9 getting into the habit of making those moral virtues (or ethics and our ethical or moral
10 behavior) perfect. Let us and society at large accept that "virtue is a state of character
11 concerned with choice", and let us seek the right choices and through those better or
12 more perfect choices, create a more perfect union as a people, as a country, and as a
13 world more united, more inclusive, more sensible, always respectful, peaceful, always
14 dignified, ever active and more just, allowing the Olympic and Paralympic spirit to shine
15 bright as a beacon of universal hope and celebration of our collective humanity!

16 Immortal spirit of antiquity,

17 Father of the true, beautiful and good,

18 Descend, appear, shed over us thy light

19 Upon this ground and under this sky

20 Which has first witnessed thy unperishable fame.

21 Give life and animation to those noble games!

22 Throw wreaths of fadeless flowers to the victors

23 In the race and in the strife!

1 Create in our breasts, hearts of steel!
2 In thy light, plains, mountains and seas
3 Shine in a roseate hue and form a vast temple
4 To which all nations throng to adore thee,
5 Oh, immortal spirit of antiquity!

6

7 (Free translation from Greek into English, LA84 Foundation)

8 Original poem or cantata by Kostis Palamas, one of Greece's national poets.

9 Set to music by Spiros Samaras in 1896.

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