

Governing Sport Morally through Policy Grounded in Utilitarianism

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Abstract

Grounding sport policy in utilitarianism provides the foundation for a morally good and effective sport organization. The responsibility of developing and sustaining sport policy is held by the sport organization's manager. Policy drives the actions of members of the sport organization, and those actions determine the sentiments of the sporting community. A sport organization grounded in utilitarian based policy supports actions by its members that result in the long-term happiness for the most possible members of the sporting community. Thus, sport policy must be developed that results in actions that bring about long term happiness to members of the sporting community if it is to be considered moral from a utilitarian standpoint. After identifying members of the sporting community, accurately predicting actions that bring about long-term happiness to the sporting community is essential. Predictive abilities on the part of the sport manager require experience, a good conscious, and common sense. Sport managers must also be able to think critically, understand human nature, and bring together members of the sporting community if they are to effectively develop and sustain a morally good sport organization grounded in utilitarianism.

Governance is guided by the same policies it develops. Policy drives the actions of members of the sport organization and those actions determine the sentiments of the sporting community. If the sport manager's goal is to create and sustain a morally good sport organization from a utilitarian standpoint, emphasis must be placed on developing policy that generates happiness and reduces pain in the organization. In this paper, the term governance includes organizational decision and policy making by the sport manager. Governance inevitably influences sentiments held by members of the sporting community. The sporting community consists of those persons directly and indirectly affected by governance of the sport organization's manager.

Immorality and Unhappiness

A broad goal of utilitarian theory is to bring about the greatest overall happiness to the greatest number of people. Utilitarian theory considers those actions that bring about the greatest amount of happiness and least amount of pain, to those persons affected, as morally good actions.

Under eighteenth century philosopher David Hume's premise that "moral distinctions depend entirely on certain peculiar sentiments of pain and pleasure, and that whatever mental quality in ourselves or others gives us a satisfaction... is virtuous" (1739/1964, p. 574-575) Jeremy Bentham (1748-1832) established a thorough groundwork for utilitarianism and John Stuart Mill (1806-1873) shaped it into a more practical form, useful for daily interactions.

Putting forth that utilitarianism is grounded in nature, Bentham (1789/1961) asserted that nature influences actions because people naturally select actions that bring about pleasure while avoiding pain and that the standard of right and wrong is secured in pleasure and pain. Utilitarianism, however, might best be explained by Mill's Greatest Happiness Principle: "*actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness*" (Mill, 1863/1969, p. 36). In other words, utilitarianism adheres to the notion that, "The moral rightness or wrongness of an act is a function of the pleasure or pain produced by the action" (p. 36).

A sport organization filled with pain and void of pleasure runs the risk of succumbing to immorality. The governance of a sport organization from a utilitarian standpoint requires policy that brings about actions generating the most amount of possible happiness among as many persons as possible. Policy directly affects those close to the sport organization and indirectly affects those more distant from it. From a utilitarian standpoint, the "rightness" of a policy can be measured by the amount of happiness it produces and unhappiness it reduces.

For example, if perceived to be equitable, a sport organization's employee compensation model will likely result in an overall climate of happiness and thus is considered moral. On the other hand, a model perceived to be unfair will likely bring about a climate of unhappiness among employees and is deemed immoral from a utilitarian standpoint. As unhappiness pervades the sport organization, immoral behavior in the organization becomes likely. Predictably, employees will exercise immoral strategies that circumvent policy to acquire what they consider to be rightfully theirs. If the original creation of policy elicits the most amount of happiness, employees will be unlikely to take measures into their own hands to reduce unhappiness.

Policies that bring collective unhappiness do not have staying power. If employee behavior, driven by policy, is on a path toward long term unhappiness, the sport manager should expeditiously revise policies to reduce the unhappiness. To the best extent possible, utilitarian based policy revisions must focus on replacing unhappiness with happiness.

Responsibility of the Sport Manager

The sport manager must lead the pursuit of overall organizational happiness through policy development and ongoing modification of policy in a sport organization. A utilitarian leader will put forth efforts to develop and revise policy to attain and sustain the greatest good in a sport organization.

The 2005 creation of drug policy in Major League Baseball (MLB) illustrates how policy development is used to achieve the greatest good in a sport organization. It was through Congressional pressure that the commissioner of MLB recognized the need to create a policy banning steroids (Associated Press, 2005). Unhappiness caused by the act of steroid use by players had begun to surface. Players were unhappy because they felt pressure to take steroids to successfully compete with those players whose performances were enhanced through the use of steroids. Beyond baseball, mainstream society was unhappy because it was becoming apparent that youth were modeling the behavior of MLB players who were taking steroids. The documented side effect of depression was linked with the suicide of at least two players (Wilson, 2005). The teen suicides contributed to a widespread and intense unhappiness among community members across the United States. Jeremy Bentham pointed out the necessity of recognizing not only the extent of happiness but also the intensity and duration of happiness resulting from actions (Bentham, 1789/1961).

The general public's unhappiness resulted in a calling for policies banning the use of steroids in MLB. Prior to the intensity and extent of unhappiness arising throughout the sport community because of steroid use by teenagers, policies banning steroids in MLB did not exist. The United States Congress intervened by pressuring the commissioner's office to create anti-steroid policy with the support of the MLBPA. Both parties acquiesced to Congress's pressure. To a utilitarian end, the new steroid policy made strides toward overall long term happiness in MLB on the part of players, the sporting community, as well as mainstream society.

Policies, Actions, and Sentiments of the Sporting Community

Those directly affiliated with a sport organization and members of the sporting community as a whole should act in ways that bring about overall happiness if the sport organization is to be considered morally good from a utilitarian standpoint. Policy must be developed that will bring about behaviors resulting in the most possible happiness from members of the sport organization and the sporting community.

A rule under Article X of the 2005 National Basketball Association Players' Association (NBAPA) Collective Bargaining Agreement can be used to illustrate the importance of accurately anticipating the extent of happiness beyond the organization for which a rule is created. The rule in question addresses player eligibility criteria to enter the National Basketball Association (NBA). Morally questionable from a utilitarian perspective, the rule is informally known by the intercollegiate men's basketball community as the "one and done" rule. "One and done" prohibits a basketball player from signing a contract and participating on an NBA team until he is at least 19 years of age and is one year removed from high school (2005 *Collective Bargaining Agreement*, 2009).

The sentiments of the NBA community appear to be somewhat indifferent to the "one and done" rule, yet are probably happier with it than without it. On the other hand, the college community appears to be dissatisfied with the rule because it encourages elite college players to only participate in one year of college basketball before departing for the NBA. In essence, players talented enough to go to the NBA from high school simply use institutions of higher education as a one year basketball apprenticeship prior to entering the NBA.

Not meeting National Collegiate Athletic Association (NCAA) academic eligibility standards has no punitive effect on college players who depart college after one year. The consequence of not meeting academic NCAA eligibility standards is ineligibility; however, in reality the consequence is unenforceable because the player has already departed college for a lucrative NBA contract.

Beyond the organization (the NBA) for which the "one and done" rule was primarily created, the extent of happiness on the college sports community caused by the rule is minimal at best. In this case, utilitarianism calls for the NBA and the primary governing body of intercollegiate sports, (the NCAA) to work together to modify the "one and done" rule. Maintaining the current level of happiness in the NBA, yet reducing the unhappiness in the college sports community would enhance morality of both the NBA and NCAA from a utilitarian standpoint.

Foregoing Short Term Happiness

Not uncommon is the inaccurate interpretation of utilitarianism to mean acting to gain immediate happiness. In *Utilitarianism* Mill (1863/1957) corrected those who inaccurately interpreted utilitarianism to denote mere pleasures as superior and referred to such errors as an utter degradation of the term

utilitarianism. Mere pleasure or immediate gratification must be balanced with the overall happiness that will be gained by actions and policies, for it is the long term happiness that more accurately describes utilitarianism. Unlike a cyrenaic ethics that calls for taking in all present pleasures even if forgoing those present pleasures might lead to obtaining greater pleasures in the future (O'Keefe, 2002), Mill's utilitarianism requires an analysis and selection of actions that bring about the most happiness over the long term. Short term happiness should be sacrificed in the interest of long term happiness. Furthermore, tolerating short term unhappiness in the interest of delayed yet long-term and sustainable happiness is a preferred tradeoff when the objective is to maintain a morally good sport organization grounded in utilitarianism.

Players' use of steroids in MLB serves as an example of choosing behavior that features short term happiness at the expense of long term happiness. After suffering negative consequences from the use of steroids some players have indicated that the short term happiness was not worth the long term unhappiness that was brought on by the use of steroids. Several years after his MLB career, Mark McGwire who hit 70 homeruns in a single season, acknowledged deep regret over taking steroids throughout his playing days (Kurkjian, 2010).

The short term happiness experienced by the home run production of all time MLB home run leader Barry Bonds as an individual and MLB as an organization is well chronicled. Pictures and interviews portray a happiness experienced by Bonds as he approached and surpassed the long standing MLB home run record of Henry Aaron. However, as investigations revealed Bonds' alleged use of steroids, the public sentiment toward Bonds became more and more negative. Court hearings and subsequent claims of perjury against Bonds surfaced. As time passed, Bonds was informally blackballed from MLB. Following the season in which he set the all time homerun record, no major league team expressed an interest in him and rarely is a good word spoken about him. The question begs as to whether the short term happiness experienced by Bonds throughout his ascent to setting the all-time home run record outweighed the ongoing unhappiness that he appears to be experiencing. The negative societal sentiment toward Bonds is widespread.

Utilitarianism calls for accurate insights relative to the short and long term good that will result from actions. Hindsight reveals that actions by Bonds and

the lack of MLB banned substances policies sacrificed long term happiness in the interest of acquiring short term happiness. From a utilitarian standpoint Bonds' actions were immoral as was the lack of drug policy and enforcement on the part of MLB.

Requirements of the Sport Manager

Effectively predicting which actions will bring about the most happiness to a sport organization requires various skills. Bentham and Mill in Beauchamp (1982) pointed out that carrying out utilitarianism requires common sense, good habits, and past experience. Mill (1863/1957) emphasized that a good conscience (the conscientious feelings of mankind) is required when applying utilitarianism. Acquiring and processing all necessary information, as part of critical thinking, prior to establishing policies for the purpose of bringing about actions resulting in happiness is necessary to govern from a utilitarianism base. Understanding human nature is also necessary when attempting to predict policy content that will bring about the most collective happiness among members of the sporting community and beyond.

Experience

Experience in dealing with the dynamics of human interaction is necessary to govern sport organizations in a manner that brings about overall happiness. Being involved in, observing, or understanding the reasons behind past interactions of people, prepares one to effectively predict the outcomes of future interactions. The probability of accurately predicting sentiments resulting from actions of members in sport organization should increase as the number of sport experiences gained by the sport manager increases. Multiple experiences dealing with people will help a sport manager develop policy that will elicit employee actions causing happiness in the sport organization.

Numerous experiences, however, on the part of the sport manager do not in itself guarantee the ability to bring about actions supporting utilitarianism. A case in point is Al Davis, who as the long time owner of the Oakland Raiders football franchise in the National Football League (NFL), has an extraordinary number of experiences in dealing with human beings. That said, in recent years Mr. Davis has made decisions not resulting in an overall happiness among team members, the Raiders sport organization, or the Oakland, California sporting community (Flynn, 2008).

A Good Conscience

A good conscience is also required of sport managers whose intent is to govern from a utilitarian standpoint. A sport manager with a good conscience will feel compelled to make morally good decisions and will feel guilty when

the manual has evolved into a voluminous set of rules and bylaws that confuses even the legalese mind. Bylaw after bylaw has been created to close loopholes discovered and exploited by coaches whose interest was to gain a competitive advantage. considering creating policy not in the best interest of those affected by the policy. One who is not considered to have a good conscience is not qualified to govern from a utilitarian base.

In 2002 Donna Lopiano testified before the Commission on Opportunity in Athletics pointing out that Title IX interest surveys cannot in good conscience be considered, when making gender equitable participation decisions (Lopiano, 2002). Title IX calls for equal participation opportunities for men and women on intercollegiate sports teams. The interest survey is used by university administrators to determine if there is sufficient interest on the part of women on campus to participate on particular sports teams. The opposition expressed by Lopiano, in part, had to do with the notion that the surveys were being administered in a manner that did not accurately represent the interests of women to participate in athletics. Lopiano's conscience guided her actions in a manner she believed would produce the most happiness.

Sport managers must make a judgment as to the fairness of using interest surveys to determine participation opportunities for women on intercollegiate sports teams. In doing so one's good conscience will consider not only the best interests of women but also the best interests of the sporting community, including male participants, that reflects utilitarianism. The sport manager who has a good conscience will feel compelled to do what is in the best interest of all affected when he decides whether or not to support use of the survey.

Common Sense

Governing from a utilitarian standpoint requires common sense. It is necessary to govern in a manner that everyday people can understand. Managers of sport organizations should not complicate the process of governance, nor should they complicate the process of arriving at decisions and policies. From a utilitarian standpoint, Jeremy Bentham's hedonic calculus is an example of overcomplicating the application of utilitarianism (Schneider, 2009). Bentham called for the summation of all possible pains and pleasures along with the intensity and duration of the pains and pleasures brought on by an act (Bentham, 1789/1961). Following Bentham's work, John Stuart Mill simplified the process of utilitarianism into one that moved closer to common sense.

The NCAA policy manual serves as an example of policy that is beyond comprehension to the common person. Legislation in the manual was written with good intent and to satisfy everyone but fails because most of it is superfluous, going beyond commonsense. The manual has long ago reached a point where it is difficult for many to comprehend, not the least of whom are those required to adhere to or enforce its policies. Creating policy that is beyond the understanding of those for which policy is created does not support a utilitarian style of governance.

Understanding Human Nature

Understanding inherent behavioral characteristics of human beings is helpful when trying to predict actions they will take under known circumstances. Particular groups of people might share behavioral characteristics different than another group. Moreover, based on circumstances, behavior will also differ between individuals. When governing based on utilitarianism, the sport manager should gain an understanding of what naturally brings happiness to human beings, particular groups, and different individuals.

Given the similarity of all minds, people, to a certain degree share the susceptibility of affections being actuated by similar objects (Hume, 1739/1964). Thus it is of the utmost importance when sport managers create policy to know the passions their employees' minds will share when acting on policy. Employee sentiments will be based on the common object—the outcomes associated with the employees' policy based actions. Similar sentiments will follow and determine the morality or immorality of the sport organization.

If, indeed, satisfaction/happiness is determined by the sentiments of people, the types of sentiments stirred by actions resulting from policy must be accurately calculated before morally good sport policy can be developed. Understanding human nature is necessary to accurately make such calculations. Mill (1863/1957) indicated that general happiness can be calculated because since the beginning of the human species, people have been learning by experience the tendencies of human actions and resultant happiness.

An understanding of particular groups consisting of peoples with common needs allows sport managers to govern in a way that will meet those groups'

If the sport manager understands individual personalities of employees he will be able to create policy that meets the needs of and brings about as much happiness as possible to as many individuals as possible.

The necessity of understanding human nature can be demonstrated by sport managers who negotiate contracts from a utilitarian foundation. In the NBA, for example, if a league contract is to elicit behavior that provides overall happiness within the league, the negotiator must have an understanding of (a) overall human nature, (b) the needs of particular groups of persons in the league such as players, coaches, general managers, and support staff, and (c) each individual and his unique requirements for happiness. For the purpose of league morale (happiness) regardless of whether it is human nature or something else that makes actions of persons and groups predictable, it is necessary that the negotiator be able to predict the extent of happiness resulting from elements in a contract.

Bringing Together Members of the Sporting Community

All persons whose actions are affected by policy of the sport manager are considered members of the sporting community. Communicating various policy options to members of the sporting community allows for feedback from its members. The feedback will provide the sport manager with an anticipation of the degree of happiness and unhappiness that will result from policies being considered. Basing decisions on the interests of the sporting community will bring about a sense of happiness reflective of utilitarianism.

Serving as an example is the not so uncommon problem of budget shortfalls in intercollegiate athletic departments. Bringing all employees together and communicating various options to address budget shortfalls can be helpful in selecting and implementing a solution that brings about the least unhappiness and resistance from the sporting community. An understanding of how community members feel about the various budget solution/policy options being considered is important in selecting the options that bring about the most happiness and least unhappiness. In fact, under dire financial conditions, utilitarian governance might mean reducing as much pain as possible as opposed to generating happiness. Mill (1863/1957) points out that happiness is intended pleasure in addition to the absence of pain. Good utilitarian governance not only calls for the creation of the most amount of happiness but also the reduction of pain to the least possible amount in the sport organization.

Discussion

Using utilitarianism, to guide the moral governance of sport organizations, is a worthy challenge. Rare is the sport manager who has the collective traits of abundant experience, a good conscience, common sense, and an understanding of human nature to the extent he will be able to create policy that elicits actions bringing overall and long-term happiness to the sport organization. Add to the aforementioned collection of utilitarian traits, the skill of recognizing when to bypass short term happiness in the interest of long term happiness, the list of qualified sport managers apparently is reduced further. One might, however, recall the warning not to overcomplicate the process of utilitarian governance, which all sport managers should heed. Also, insights germane to utilitarian governance can be gained from within the organization itself from senior employees, who are willing to contribute to the organization's happiness. That said, the pool of sport managers qualified to govern morally from a utilitarian base, might be more plentiful than first thought. Thus, the potential for future moral governance in sport organizations, in fact, is optimistic.

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