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From Kant to Contemporary Ethics of Sport

Abstract

The paper aims to establish a link between Kant's ethics and the ethics of sport by connecting the concept of Anthropocene as the contemporary epoch during which natural history is becoming cultural history and the ethics of hope as presented in Kant's The Critique of Judgement. The crucial moment in Kant's argument is that choosing culture is the proper way of human progress towards civil society and cosmopolitan unity. Is sport this kind of culture? Can sport become an important moment in the contemporary ethics of hope? The answer is conditionally positive because there are obstacles present. Firstly, one of the reasons is that the modern Olympic sport was inaugurated to keep social conflicts in balance. That this purpose can be achieved suggests that the hierarchical order of excellence involved with sport competition should strengthen social hierarchies. Secondly, sport is one of the most popular and most profitable global entertainments, but it is governed by aristocratic elites with the enormous potential for the abuse of power. Thirdly, global sports organisations have a lot of political power hidden behind the Olympic mantra of the exclusion of politics from the sport.

Keywords

ethics of hope, *The Critique of Judgement*, cosmopolitan character of sport, ethics of sport, Anthropocene, Immanuel Kant

1. Why Kant? Because We Live in Anthropocene

From where did the *Anthropos* of Anthropocene come? It used to be *Homo sapiens*, and it emerged as anatomically finalised species of *Homo sapiens sapiens*. Simply put, this species was just another animal with special natural abilities. However, it is the only natural being to exist in culture as a native habitat autonomously created. By expanding its culture over the entirety of this planet's nature and beyond, this species turned natural history into the environment of their history, and the whole Earth's nature into their culture.¹

1

Anthropocene was introduced in contemporary scientific discourse as a geological period which started some 200 years ago with industrialisation and accelerated modernisation. In contemporaneity, it results in the conclusion that "mankind will remain a major geological force for many millennia, maybe millions of years to come". – Paul J. Crutzen, Eugene F. Stoermer, "The 'Anthropocene'", *Global Change Newsletter* 41 (2000), pp. 17–18, p. 18. McKenzie Wark explains: "The

Anthropocene does not mean the centrality of the 'Anthropos'. It is not an anthropocentrism (...). What marks the turning, the break into another kind of time, is that the Earth is not marked by human intention but by unintended effects of collective human labor." – McKenzie Wark, *General Intellects*, Verso, London – New York 2017, chapter 9; quoted from Tadej Troha, "The Age of H: Towards the Anthropocene Imperative", *Filozofski vestnik* 39 (2018) 1, pp. 121–134, p. 126.

Such a state is what the concept of *Anthropocene* denotes. This change created a mass of problems in nature, in culture, and in the relationship between human nature and culture as one of the most shaken and dangerous contemporary relationships on Earth. Bioethics is dealing with these mass of problems, and integrative (bio)ethics' effort is to integrate all the ethical aspects of these troubled relationships into the redefinition of *Anthropos* and *Anthropocene* environment, to put an end to the destruction of both nature and culture. Sciences can deal with these problems in layers, but only an integrated approach can deal with the core of the problem. To approach the core, we have to question the origin of this *Anthropos* of *Anthropocene*.

Anthropos is not the result of natural selection (as *Homo sapiens* and *Homo sapiens sapiens* are); it is the result of cultural selection, an extremely brutal process of cultivation and civilising, a process which created *Anthropos* as a concept. Before this process, at least in Western Christianity, humans saw themselves as *imago Dei*, and the whole Creation as a field cultivated by humans in the name of God and within the rules of the ethics of care, which promoted humans into shepherds of creation, not into its masters. After they promoted themselves into *Anthropos*, humans (the Western white Christian male heterosexual taking themselves to be the universal representatives of all human race) saw nature as their playground which they have to re-shape and re-organise after their image and treat nature as the creation of their judgement.²

Kant's *Critique of Judgement* is an exemplification of the concept of *Anthropos* and its final cause (*causa finalis*), which includes the cultivation of nature into a playground for human freedom. Kant's understanding of relation and difference between theology and philosophy demanded the development of philosophical argument without any reference to God's will, solely from the human being and its abilities. Consequently, here is where the search for the evolution of *Anthropos* should start.

Looking for the answer to the most important question of enlightenment, about *a priori* foundation of humanity's hope for the better, Kant transformed it into an examination of nature's purposefulness – the final cause. He could not say outright that nature has a purpose because that would have a flavour of pantheism and an unhelpful character of determinism. Otherwise, he did not want merely to ascertain that God's providence makes such expectations plausible because that would trump human potential, and it would be just another determinism. Kant wanted to build his argument on the safe foundations of free will to provide the possibility of human freedom as a reason for the existence of Enlightenment. Instead of arguing for nature's purposefulness or God's providence, and relying on Linné's *System of Nature* and its taxonomy,³ Kant argued that human being is the final cause of nature because humans are the only natural beings to escape pure causality. Humans are determined not just by natural causality but also by their freedom of choice, and their freedom of choice does not function (only) as a consequence of previously existing causes but represents their ability to choose while taking into account the not-yet-existing final cause of their doing and being. This makes their free choice purposeful: human beings can be the cause of consequences which are sur-natural. *Anthropos* is a being with final cause. Following this line of argument, Kant arrived at a crucial point: are humans able to choose their better future freely? Again, Kant's criticism does not aim at the promise of a certain future. Kant's final cause, if you pardon the pun, is to establish

just an *a priori* possibility of human choice to make the world better. Paragraph 83 of *Critique of Judgement* argues for this possibility. Here is how it begins:

“In the preceding we have shown that we have sufficient cause to judge the human being not merely, like any organized being, as a natural end, but also as the *ultimate end* of nature here on earth, in relation to which all other natural things constitute a system of ends in accordance with fundamental principles of reason, not, to be sure, for the determining power of judgement, yet for the reflecting power of judgement.”⁴

Humans are the final cause of nature (*ultimate purpose – letzte Zweck*), but that cannot remain the final statement of reflective judgement. The critique has to find out what kind of human choice of human’s final cause is possible. There are two possible ways, that of *happiness* and that of *culture*. According to Kant, happiness is not a good choice. It is just a pure idea which cannot be realised under empirical terms. It is unstable, always changing and longing for something else. And it belongs to nature. In contrast, as the final cause of nature, *Anthropos* should choose something beyond nature – sur-natural or supra-natural – to be its purpose. Thus, culture⁵ remains the only acceptable choice. Kant offers a definition:

“The production of the aptitude of a rational being for any ends in general (thus those of his freedom) is *culture*.”⁶

It has to be pure culture, defined in a negative way as the freedom from the despotism of desires. In itself, culture is not a freedom for something because a choice of purposes belongs to the free will: the purposefulness of choice may be for good or for the worse of humanity. Kant is interested in the possibility of the right choice, not in its necessity. And, as the previous events of human development exemplify, the way of progress is much more troubled than the way of happiness. The path of culture as the development of skills for arbitrary purposes demands inequality – the numerically tiny elite enjoys the results of progress, and all the others are limited to a kind of animal life. One cannot expect that troubles of humanity will diminish as cultural progress continues:

“But with the progress of this culture (...), calamities grow equally great on both sides, on the one side because of violence imposed from without, on the other because of dissatisfaction from

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A critical view of the modernist divinisation of (hu)man belongs to postmodern philosophy. Lyotard is as good example as any: “For my part, and without trying to justify this view here, I see a sign of it in the genre of first-person narration chosen by Descartes to explain his method. The *Discourse* is also a confession. But what it confesses is not the dispossession of the ‘I’ by God, but the effort of the ‘I’ to master every given, including itself. Descartes tries to graft the finality of a series directed toward the mastery and possession of ‘nature’ onto the contingency that the *and* leaves between sequences conveyed by phrases.” – Jean-François Lyotard, *The Postmodern Explained. Correspondence 1982–1985*, translated by Don Barry *et al.*, University of Minnesota Press, Minneapolis – London 1993, p. 24.

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Karl Linné, *Systema Naturae*, Salvius, Stockholm 1758.

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Immanuel Kant, *Critique of the Power of Judgement*, translated by Paul Guyer – Eric Matthews, Cambridge University Press, New York 2007, p. 297 (§83).

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Just before Kant’s writings, the word *culture* developed its German “K” as recently naturalised French import into the German language, becoming thus far an undistinguishable partner of *Zivilisation* which arrived from France into England, to be further adopted by Germans with its modern meaning.

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I. Kant, *Critique of the Power of Judgement*, p. 299.

within; yet this splendid misery is bound up with the development of the natural predispositions in the human race, and the end of nature itself, even if it is not our end, is hereby attained.”⁷

Even this, and war as well increases pressure to continue with the progress. What is the final cause and result of the cultivation of humanity, and how come it is worthy of enduring such enormous horrors?

“The formal condition under which alone nature can attain this its final aim is that constitution in the relations of human beings with one another in which the abuse of reciprocally conflicting freedom is opposed by lawful power in a whole, which is called *civil* society; for only in this can the greatest development of the natural predispositions occur. For this, however, even if humans were clever enough to discover it and wise enough to subject themselves willingly to its coercion, a *cosmopolitan* whole, i.e., a system of all states that are at risk to detrimentally affecting each other, is required.”⁸

How to make this thought readable and understandable today? It depends. If we insist on postmodernity, we have to at least “open a window” into overcoming modernity exactly in the sense of “we had enough of progress!”. Progress is just another ideological label for the continuation of grand narratives which were already recognised as the misleading falsity, which is to blame for all the calamities and horrors of the history of modernity. However, if we think about our contemporaneity under the terms of second modernity,⁹ we may be still dissatisfied with the results of progress, be it in relation to our destructed natural habitat, or to the destructive forces of progressive culture which made us capable of any arbitrary purpose in general. We may still accept that this arbitrariness causes one greater evil or even absolute evil after another. Still, what we have to stick to *nolens volens* is not a failure of Kant’s plan or the unexpected result of Kant’s prophetic history. It is a confirmation of his enlightened humanism and a prophetic history. The second modernity is uneasy about the progress but unable to stop it, thus what it consists of are uneasiness and doubt. But, as Kant’s introduction of a possible purposefulness of human history openly expresses, our situation does not necessarily represent a failure of the prophetic history of Enlightenment. All the horrors and calamities were foretold and assumed by the Enlightenment. It is possible, and it is permissible to criticise enlightened humanism because it already contained all the horrors of our age, but not because it did not expect that they will arrive. Kant’s final point of progress (cosmopolitan civil society) is still valuable at least because never in the previous history did humanity live at such high level of connectedness and with such troubles and calamities as today. His approach insists that we can make free and (possibly) the right choice for further progress – but criticism can’t give any instructions. We are on our own – but that is what we are, beings on our own. On the other side of the second modernity, with its primary concerns and fears, is a hope that somehow happiness can join culture, perhaps even happiness understood negatively, as the absence of further horrors, as the avoidance of already possible sinking into barbarity, and the tragic end of human history.

In his late essay on the conflict of faculties, Kant repeated and escalated his statements on prophetic history, repeatedly assuring that humanity did always progress, that it is progressing in his present, and that it will continue to progress. The only thing which could stop its progress is the natural history which already has once destroyed its beings, and it may do it in the future, so that “other creatures might take the stage instead”.¹⁰ Humans are not masters of the universe, not even for the enlightened philosopher dealing with the prophetic history of humanity:

“For man in turn is a mere trifle in relation to the omnipotence of nature, or rather to its inaccessible final cause. But if the rulers of man’s own species regard him as such and treat him accordingly, either by burdening him like a beast and using him as a mere instrument of their ends, or by setting him up to fight in their disputes and slaughter his fellows, it is not just a trifle but a reversal of the *ultimate purpose* of creation.”¹¹

Cosmopolitan civil society, on the other side, is synchronised with the ultimate purpose of creation and represents human freedom reached under earthly circumstances.

2. Why Sport?

There are three reasons why we can put the ethics of sport in the context of ethics of hope, but there are also three major obstacles. Firstly, the modern sport grew into one of the most popular and globally spread activities of human species because of its ethical impact on the social conflicts of modernity. Its global influence should, as its grounding fathers (especially Pierre de Coubertin) believed, unite the whole human species under the leadership of the best and most noble persons. Its impact was not to terminate the class rule but to make it sustainable, while Olympic sport system should guide humanity in the direction of peace among nations. Secondly, the global structure and substantial rules of the sport are that of civil society and equality. Thirdly, sport is the first global activity of humankind with a long tradition organised in the style of cosmopolitan habitus and under that kind of governance. But, on the other side, the sport carries with itself serious ethical problems. Firstly, it initially was and still is organised based on the aristocratic and elitist distribution of power, which allows elite associations and elite Olympic movement – as the elite of the elites of the sport – to rule over sport and athletes. Secondly, in the last fifty years, such distribution of power was infected with corporate management taking profit as the sole motivation of sports entertainment.¹² The change transfers sport from being a civil society activity into the realm of

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Ibid.

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Ibid., pp. 299–300.

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Cf. Ulrich Beck, *An Introduction to the Theory of Second Modernity and the Risk Society*, Routledge, New York 2013.

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Immanuel Kant, “The Contest of Faculties”, in: *Kant’s Political Writings*, Cambridge University Press, Cambridge 1970, pp. 176–188, p. 185.

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Ibid.

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The announcement of “corporational turn” of sport came when the war between Dassler brothers split their father’s firm into two companies in 1948, starting a fight to add more and more athletes to their respective *Puma* or *Adidas* list in times when Olympic sport was allegedly still on amateur conditions.

Later, *Nike* provided arguments for general conclusions offered, for instance, in: Naomi Klein, *No Logo: Taking Aim of the Brand Bullies*, Knopf Canada, Toronto 1999; Douglas Kellner, *Media Spectacle*, Routledge, London – New York 2003, where Chapter 3 is on “Sport Spectacle, Michael Jordan, and Nike” (pp. 63–92). Corruption scandals within Olympic Committee, FIFA and UEFA, enormous troubles with and against doping practices, and many other less visible but not hidden problematic decisions, exemplify that sports associations are not non-profit civil society actors but turned into sport corporation decades ago. To heal the wounds, Olympic movement adopted the principle that “leadership is above management”. – Point 3.5. of “Basic Universal Principles of Good Governance of the Olympic and Sports Movement”. Available at: https://stillmed.olympic.org/Documents/Conferences_Forums_and_Events/2008_seminar_autonomy/Basic_Universal_Principles_of_Good_Governance.pdf (accessed on 1 May 2019).

postindustrial capitalist enterprise, and it is threatening to destroy civil society characteristics that sport had. And thirdly, the presumed apolitical character of sport, which has been useful when it had to prevent nation-states from governing and manipulating sport, is out of date if confronted with sport's serious possibilities to become one of the engines of global civil society and cosmopolitan unity, and diminishes chances of cosmopolitan governance through sport to stand up against nationalism and imperialism. Both sport's ethical pillars and its flaws we have to place into the perspective of contemporary prophetic history.

2.1.

Pierre de Coubertin's idea of sport and Olympic movement was one of many proposals on how to keep conflicting modern society in balance, if not in harmony. He saw it as a new power capable of connecting humans into a global community through the massive practice of physical culture and through the elite practice of sport excellence by putting sport as a sum and a system of both practices in place of the artistic culture as promoted by Friedrich Schiller, Romanticism and the religion of art from the second half of the 19th century. That he believed in a strong hierarchical difference between men and women, white and other races, West and the rest, and French culture compared with others, is not a contradiction. His conservative and aristocratic reformism saw physical culture as proposed by Rousseau's universal republican pedagogy,¹³ and sport as competitive aristocratic pedagogical pillar following Thomas Arnold, as a remedy for social tensions, keeping the hierarchy intact but still opening windows of social promotion and mobility to prevent destructive pressures.¹⁴ Building human community against destructive forces of modernity is the politics of sport. Its global organism belongs to civil society, and it is at least partly governed beyond Westphalian system of national sovereignty.¹⁵ Thus far, it is the most developed and sophisticated cosmopolitan practice of humanity. However, we have to bear in mind that its final cause was to keep class, race, nation and gender in hierarchical order.

2.2.

With global TV and the development of new media, sport became one of the most popular and economically important elements of post-industrial mass entertainment and exponentially growing investment of multinational global capital. Its structural and institutional core, however, remained unchanged. It is still a group of civil society associations, bound together by the Olympic institution, including both those which are already recognised as Olympic sports and those aspiring to get the status. This system of associations promotes equality and equal starting chances resulting in assumed to be fair (i.e. not a class) hierarchy of excellence in sports results, and it promotes the civil equality of persons and communities in the organisational structure of sports governance. Olympic movement's leadership is not just another kind of Westphalian representation where nation-states figure as persons of international agreements and treaties. Members of the International Olympic Committee do not represent their nation-states in the IOC; they represent IOC in their and other countries. At the same time, sport is an exception of the international law system having similar, but not the same position as church law has in those countries which signed a Concordat with the Vatican. More precisely, sports associations' rules and public procedures, including non-in-

volvement of the nation-state into competitive elite sport decisions, are used directly as such, and not through assimilation by state legislation. It is obvious in the case of doping: national legislation and international bodies such as UNESCO recognise law on sport as obligatory and even superior law. While nation-state governance of sports associations is still their core structure, the overall governance of global sport is exempted from Westphalian governance, representing civil power of global sports movement – or corrupt uncivil power of its greedy representatives.

2.3.

Those who search for new forms of global civil society's self-organisation cannot avoid the fact that international sports movement united under Olympic values and in the Olympic movement is the oldest actor in global civil society.¹⁶ Its direct cause was to spread sports activities over the globe, be it with the highest competitive purposes or aimed at healthy recreational activities. Its success, if measured by comparison of the situation before with that after the 20th Century, is enormous, not only in the realm of numbers but also in the impact this global activity has on the way of life, on the transformation of values and culture, and especially on ideas of global fairness and peaceful competitiveness.¹⁷ Gunther Teubner claims:

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Cf. Jean-Jacques Rousseau, *Considerations on the Government of Poland and on Its Proposed Reformation*, Chapter IV – “On Education”, pp. 9–11, *ISN ETH Zurich*. Available at: https://www.files.ethz.ch/isn/125482/5016_Rousseau_Considerations_on_the_Government_of_Poland.pdf (accessed on 1 May 2019).

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It seems that Pierre de Coubertin saw in Thomas Arnold a guide for educational reform which would make French youth as devoted to God and country as he believed Englishmen were. Arnold was a reformer of Rugby School where he was a headmaster from 1828 to 1841. He introduced a strict combination of religious zeal and classical languages to strengthen pupils' dutiful masculinity and orientation towards achievement by all costs. Arnold's attitude towards sports as the part of the curriculum was not as favourable as Coubertin thought, but it is still true that rugby comes from – Rugby. Those interested in the dark sides of Coubertin and its radical criticism may consult books written by Jean-Marie Brohm, for instance *Le Mythe olympique*, Christian Bourgois, Paris 1981.

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The Westphalian system got its name from one of the treaties after the end of the Thirty Years War signed in 1648 in Münster (Westphalia). Rulers of the European countries introduced mutually recognized sovereignty of their states instead of the supra-national reign of the Holy Roman Empire. That was the beginning of the modern European system of nation-states. When Edward Gibbon examined

the fall of the Roman Empire, he concluded that modern Europe could not disappear as Roman Empire did because the Westphalian system of international relations was not an imperial one but a system of mutually recognized sovereignty of nations. Cf. Edward Gibbon, *History of the Decline and Fall of the Roman Empire*, vol. 1–6, eBookMall 2001.

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Cf. John Keane, *The Life and Death of Democracy*, Simon & Schuster, New York – London 2009; Bettina R. Scholtz, “Advancing Cosmopolitanism through International Competition”, in: *The Cosmopolitan Potential of Exclusive Associations: Criteria for Assessing the Advancement of Cosmopolitan Norms*, Lexington Books, Lanham 2015, pp. 145–163. In the referred chapter, Bettina R. Scholtz proposes to understand Olympic sports competitions as “partial cosmopolitanism”. To develop Kant's idea further, she defines cosmopolitanism as a “belief in the moral equality of all humans across national borders and a sense of transnational community based on such respect” (p. 146). However, she claims that it does not pay to look just for clear cases of such cosmopolitanism. The Olympics is used “to consider how one might assess the effects of a non-governmental association without a cosmopolitan purpose” (ibid.). There is a strong nationalist aspect of the Olympics, but they still do spread cosmopolitanist values in some ways (but not in the other ways).

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The renewed Olympic Charter from October 2018 expresses a contemporary understand-



“Constitutionalisation beyond the nation-state occurs as an evolutionary process going in two different directions: constitutions evolve in transnational political processes outside the nation-state and, simultaneously, they evolve outside international politics in the global society’s ‘private’ sectors.”¹⁸

Following and examining the consequences of Teubner’s ideas applied on the Olympic Movement and its Charter taken as a constitution, Antoine Duval confirms that the International Olympic Committee, together with its constituting body of national Olympic Committees and sport associations, represents an autonomous source of constitutional law, but this autonomy is not as strong as Teubner’s model proposes or as Olympic and sports movement would like to present. Still, the model points in the right direction:

“It captures the very real transnational authority bestowed on this text inside and outside of the Olympic regime, as well as the tone of the legitimate demands that must be opposed to it in the name of the public(s).”¹⁹

Sport as such has become a global habitus: it produces one of the most influential and structured images of global humanity and the most common field where we learn how to deal with associated global humanity in practice. To reach such an enormous impact, the sport had to deal with many obstacles, some of them residing in its initial ideology and the others coming from conflicts and terrors of the last hundred years. Repeated saying that sport is a substitute for war is not true, because no war was ever substituted by sports competition. Clausewitz’s definition of war as the continuation of politics with other means is acceptable only in a situation where nation-state monopoly over violent means can be sustained, and we know that contemporary wars escape this monopoly (and when we say that “we know”, we have in mind our own recent experience).²⁰ Still, if put together, both stereotyped sayings lead to the conclusion that sport is and could become an even more important continuation of politics in the realm of the political at the cosmopolitan scale.

2.4.

The aforementioned does not mean that sport values and organisation are flawless and without serious ethical problems, quite the contrary. I do not have in mind intrinsic problems of sport, like doping in elite and recreational competition, or swindling in betting activities, both well spread and unbeatable because they develop as parasites on competitive essence and the ethics of maximum of elite sport. The governance structure of sports organisations emerged both from continental physical culture and British competitive sport orientation.²¹ It inherited aristocratic governance and disciplinary bio-politics from both. Social pedagogics of sport introduced the division between those “who are supposed to know” (if we are allowed to use this Lacan’s phrase) and those who are supposed to build their bodies and souls under aristocratic guidance. When competitive sports were professionalised and became one of the post-industrial commodities, this pedagogical relationship quite easily turned into a relationship between employers – managers and employees. This double power relation (educational patronising and capital-labour relation) is elaborated in all the aspects of the sport, from the scientific attitude towards the athlete’s body to the political attitude of governing sports bodies and athletes.

2.5.

When sport exploded into global spectacle and professionalised all of its productive structures – from athletes up to sport’s managerial elites – it became

one of the most profitable capital investments, be it investments in athletes, clubs, or competitions; then in sport facilities like stadiums and halls, or in sport equipment for elite athletes and for the posh class of recreational poseurs; and in sport attire of all kinds. Sport became more than just a movement; it grew into a way of life which has itself developed into an overall commodity of commodities. So-called “sport way of life”, and “healthy way of life” became as obligatory to the members of certain higher social strata as it is now obligatory to carry the highest sort of mobile phone together with all kinds of software applications, especially those of social communication. This put sport management bodies in the position of capitalist managements and turned the whole governing structure of sport, consisting of global sports associations with their Olympic umbrella organisation, into one of the most powerful global corporations. Sports corporations, typically, do not produce sports commodities – they are just franchise selling units (for big international sports events mostly) engaged in building sport’s prominence as spectacular competition and sport’s choice as everybody’s way of life. The conflation of aristocratically governed global associations and corporation management one into another necessarily corroded into the corruptive environment. *Agenda 2020*²² offers an obvious solution: to put apart associational management of sport as such, and corporate business. But this divide can hardly produce a better civil society environment if the corporate business is still controlled by governing sports bodies which are under no independent control. So-called “independent control bodies” consisting of financial and other specialists are good managerial practice, but real control could come from athletes themselves only because they are the most interested in controlling sports associations leadership. This is far from reality and sounds utopian, but (following

ing of the mission of sport in a global society. Seven fundamental principles come from understanding Olympism as “a philosophy of life” which “seeks to create a way of life based on (...) universal fundamental ethical principles”. This movement aims to harmonise the development of humankind through a peaceful society concerned with the preservation of human dignity. It fights discrimination of any kind, and it is politically neutral and autonomous. Its supreme authority is the International Olympic Committee and sports masses. – *Olympic Charter in force as from 9 October 2018*, The International Olympic Committee, Lausanne 2018, pp. 11–12.

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Gunther Teubner, “The Project of Constitutional Sociology: Irritating Nation State Constitutionalism”, *Transnational Legal Theory* 4 (2013) 3, pp. 44–58, p. 45, doi: <https://doi.org/10.5235/20414005.4.1.44>.

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Antoine Duval, “The Olympic Charter: A Transnational Constitution Without a State?”, *Journal of Law and Society* 45 (2018) S1, pp. S245–S269, p. S269, doi: <https://doi.org/10.1111/jols.12112>.

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Those without direct experience of the privatisation of war, and of civilians becoming the

prime target of new wars, can consult Mary Kaldor’s theory of contemporary warfare: Mary Kaldor, *New and Old Wars: Organized Violence in a Global Era*, Stanford University Press, Stanford 2012.

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The history of sport and physical culture movements is differentiated similarly as philosophy was divided by the Channel. Physical culture developed at the Continent as a non-competitive and collective endeavour to reach the highest possible republican ethics of the nation, while modern sports were first developed in England and Great Britain as the individual struggle for excellence and liberal ethics of competition. When they met, a struggle between two concepts and their principles erupted. This kind of combat belongs now to history because the sport has taken the position of hegemony over physical culture already in the 1960s.

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Olympic Agenda 2020 and Slovenian Sport, Olympic Committee of Slovenia – Association of Sports Federations, Ljubljana 2015. Olympic Agenda is a document issued by the International Olympic Committee to react on the multiple cases of mismanagement and corruption in its ranks and other more profitable sports associations, and many other troubles of sport.

Brecht's saying) if you believe it is utopian, then you should ask yourself why it seems so utopian. Athlete's presence in associational power are nowadays merely symbolic. Even their trade-unionist power is much lower in global Olympic sport if compared to more elaborate rules and procedures enforced, for instance, in USA professional sports.

2.6.

Sports associations, together with Olympic Committees, are strictly against any messing of sport with politics. What they have in mind is independence of sport from nation-state politics and political partisanship. This was applicable when nation-states were the only sovereign political bodies to interfere with sport or any other international activity, but it was never really applied. On the one hand, athletes were punished if they expressed so-called "political issues", and on the other hand, nationalism and imperialism were always engaged in power-play regarding all issues of sports politics and decision-making. Still, global political power now comes from many other stakeholders, starting from global corporations, (new) media systems and banks. Sport is not independent of these sources of political power. Even if we put aside the systematic corruption mentioned above, the impact of these power structures over the sport is enormous. Sports associations have a choice: to follow the path of civil society associations, or to sink into corporate management of sport, and financial and media capital games. If sport is not to be dependent on old and new kinds of political power, it will have to get involved with the politics of its own. Traditional Olympic values changed their meaning over time, and some amendments were made as well. They can easily be understood as civil society values, i.e. values which define the field of sport as a field where its inhabitants accept that their rights have to be acknowledged proportionally to allow the others to execute the same rights. Also, these values are oriented towards the understanding of humanity as cosmopolitan unity. But everlasting peace, it seems, will not come from nation-states decision not to harm each other. There are many other powers at the origin of violence than just nation-states, and there are many other sorts of violence than wars. To name just one of the most endangering: The destruction of Earth's miraculous and unique ability to produce life and support humanity. Sport has the potential to become the political actor in a special field and thus a massive part of the population. One of the most inspiring contributions to ethics of sports points into this direction: Bernard Suits' philosophical recreation and transfer of Schiller's aesthetic play from the realm of art to the realm of game.²³ This spirit of sport cannot get expressed through associations as they are now because they are structured around aristocratic hierarchy, and organised as a system of representation which does not represent athletes but corporate interests. Today, however, people refuse to be represented because there is no need for that: everybody can be present anywhere. Of course, many rights and decisions can be delegated so that things proceed smoothly and quickly, but not the fundamental questions; nobody would like to delegate those to some body which consists of dubiously promoted representatives of hierarchical structure. Ethics of sport starts from the presence of athletes, not with representation put together without them.

3. Ethics of Sport

Contemporary use of terms 'civil society' and 'cosmopolitanism' are well-diversified, representing typical ideological arena of intellectual combat. What

prevails in media and everyday use is an understanding of the civil society as a social field which is covered by organised non-governmental associational voluntary activity, and of the cosmopolitanism announcing the end of nation-state and nationalism. My proposal here is that we stick to Kant's idea as exposed in the first part of this paper: 'Civil society' accentuates civility of social behaviour conditioned by the constitutional legal order accepted by people, 'cosmopolitan whole' means a system of all nation-states which could, if such whole would not exist, harm each other. The ethics of hope under such terms does not search for utopian objectives but for something we can all accept as an end in itself (*telos*) of humanity: the culture of equal possibilities of all people under the aegis of constitution which aims to eliminate "splendid misery",²⁴ and "perpetual peace".²⁵ From this point of view, characteristic features of modern sport and its Olympic movement strengthen both ethics and hope in Kant's sense. Its rules exemplify civility; its ethical stance belongs to a peacefully balanced society. It does not represent a simple solution. Sport has a share in and of all main contemporary contradictions, but it also has a potential to progress in culture in Kantian sense – production of the aptitude of human beings for any chosen end.²⁶ The sport's already chosen ends are civil society and cosmopolitan whole. Olympic Charter claims that sport is not political, meaning independence and autonomy of political structures and bodies. At the same time, global sport cannot survive, not even function if it does not actively fight against racism, sexism, and many other ideologies of discrimination. Sport's end demands civility, equality and peaceful balance. There can be and is violence in sport, but the very next game cannot start without the return to the basic ethics of sport. There can be and is racism in sport, but the sport has to react to it, not for extrinsic moral reasons but to safeguard sport itself. The core of sport, which belongs to Kant's ethics of hope as expressed in §83 and following paragraphs of *Critique of the Power of Judgement* itself demands a choice of culture as the way of progress in civility and cosmopolitanism.

The concept of Anthropocene, which comes from the labelling of contemporaneity during the last two decades, can help to establish a correspondence between Kant's ethics and the ethics of sport. I propose to introduce this link as an epoch when natural history is becoming a cultural history. In perspective taken from Kant, such an epochal moment can be understood as a historical sign that the choice of culture as the proper way of human development reached a point of no return. But it is not the last choice. A crucial moment in Kant's argument for a choice of culture over happiness is that consequently civil society and cosmopolitan unity have to be introduced to get over troubles of cultural progress (social exclusion of the majority from cultural achievements, war and other calamities). Is sport a kind of culture which can promote and support civil society and cosmopolitan unity as the necessary choice, i.e. can sport become an important moment of the contemporary ethics of hope? The answer is conditionally positive, but there are also obstacles which speak against it. One of the reasons is that the modern Olympic sport was inaugu-

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Bernard Suits, *The Grasshopper: Games, Life and Utopia*, Broadview Press, Peterborough 2014.

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I. Kant, *Critique of the Power of Judgement*, p. 299.

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Immanuel Kant, *On Perpetual Peace*, translated by Ian Johnston, Broadview Press, Peterborough 2015.

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Cf. I. Kant, *Critique of the Power of Judgement*, p. 299.

rated to keep social conflicts in balance. That this purpose can be achieved suggests that the hierarchical order of excellence involved with sport competition should strengthen social hierarchies. Secondly, sport is one of the most popular and most profitable global entertainments, but it is governed by aristocratic elites with the enormous potential for the abuse of power. Thirdly, global sports organisations have a lot of political power hidden behind the Olympic mantra of the exclusion of politics from the sport.

The ethics of hope is not the only ethics of sport. In the context of purpose, we can name three, of which I touched only the third. Firstly, there is the ethics of duty and its categorical imperative; ethics of duty in sport is well established by the intrinsic values of sport competition and its ludic character and translated into the rules of sport. Its core is equality and respect every person owes to itself and the others. Secondly, besides ethics of duty, sport as any other human activity has its ethics of grace which covers what one does not owe to the others but offers to them in need, expressing sur-plus over the limits of duty. In sport, ethics of grace is called fair-play. We were not discussing these two ethical systems but the ethics of hope, the one which Kant tried to develop in the *Critique of Judgement* to ensure that humanity has an *a priori* right to hope for the better, at least in terms of culture if not in terms of happiness. Sports ethics cannot be just about the way of getting results in competitive games, or about the demonstration of humanity in sport. It has to do with the overall ethics of hope because its founding core belongs to it. It has to stick to it also in contemporaneity characterised by a crucial transition from predatory ethics of progress to ethics of progress in care for humanity and this planet.

Lev Kreft

Od Kanta do suvremene etike sporta

Sažetak

Radom se nastoji uspostaviti veza između Kantove etike i etike sporta povezivanjem koncepcije antropocena, kao suvremene epohe tijekom koje prirodna povijest postaje kulturnom povijesti, s etikom nade, kako je predstavljena u Kantovoj Kritici rasudne snage. Ključan je moment Kantova argumenta da je biranje kulture ispravan put ljudskog razvitka prema civilnom društvu i kozmopolitskom jedinstvu. Je li sport takva kultura? Može li sport postati važan moment u suvremenoj etici nade? Odgovor je uvjetno pozitivan jer postoje određene prepreke. Prvo, jedan je od razloga za to inauguriranje olimpijskog sporta u svrhe održavanja ravnoteže u društvenim sukobima. Da je takvo što ostvarivo sugerira nam da bi hijerarhijski poredak izvrsnosti u sportskom natjecanju osnažio društvenu hijerarhiju. Drugo, sport je jedna od najpopularnijih i najprofitabilnijih globalnih zabava, no njime upravlja aristokratska elita s iznimnim potencijalom za zloupotrebu moći. Treće, globalni organizatori sporta imaju mnogo političke moći skrivene iza olimpijske mantrе o isključivanju politike iz sporta.

Ključne riječi

etika nade, *Kritika rasudne snage*, kozmopolitski karakter sporta, etika sporta, antropocen, Immanuel Kant

Lev Kreft

Von Kant bis zur zeitgenössischen Sportethik

Zusammenfassung

Das Paper zielt darauf ab, eine Verbindung zwischen Kants Ethik und der Ethik des Sports herzustellen, indem es die Konzeption des Anthropozäns als zeitgenössische Epoche, während welcher Naturgeschichte zur kulturellen Geschichte wird, und die Ethik der Hoffnung, wie sie in Kants Kritik der Urteilkraft dargestellt wird, miteinander verknüpft. Das entscheidende Moment in Kants Argumentation ist, dass die Wahl der Kultur der richtige Weg des menschlichen Fortschritts zur Zivilgesellschaft und zur kosmopolitischen Einheit ist. Ist Sport eine solche Kultur? Kann Sport zu einem wichtigen Moment in der zeitgenössischen Ethik der Hoffnung werden? Die Antwort ist lediglich unter Vorbehalt positiv, da Hindernisse vorhanden sind. Erstens ist einer der Gründe dafür, dass der moderne olympische Sport ins Leben gerufen wurde, um soziale Konflikte im Gleichgewicht zu halten. Dass dieser Zweck erreicht werden kann, legt nahe, dass die hierarchische Reihenfolge der Spitzenleistungen im Sportwettbewerb die sozialen Hierarchien stärken würde. Zweitens ist Sport eine der beliebtesten und profitabelsten Unterhaltungsformen der Welt, die allerdings von aristokratischen Eliten mit einem enormen Potenzial für Machtmissbrauch beherrscht wird. Drittens haben globale Sportorganisationen hinter dem olympischen Mantra des Ausschlusses der Politik aus dem Sport reichlich politische Macht verborgen.

Schlüsselwörter

Ethik der Hoffnung, Kritik der Urteilkraft, kosmopolitischer Charakter des Sports, Sportethik, Anthropozän, Immanuel Kant

Lev Kreft

De Kant à l'éthique contemporaine du sport

Résumé

Cet article tente d'établir un lien entre l'éthique kantienne et l'éthique du sport à travers le concept d'Anthropocène, en tant qu'époque contemporaine au sein de laquelle l'histoire naturelle devient l'histoire culturelle, mais également à travers l'éthique de l'espoir; telle qu'elle est présentée dans la Critique de la faculté de juger de Kant. Le moment charnière de l'argumentation kantienne pose que la culture est le chemin de l'évolution humaine qui mène à la société civile et à l'unité cosmopolitique. Le sport est-il une culture de la sorte ? Le sport peut-il devenir un moment important au sein de l'éthique contemporaine de l'espoir ? La réponse est positive sous réserve d'un ensemble de conditions puisqu'il existe un certain nombre d'obstacles : premièrement, le sport olympique a été inauguré dans le but de maintenir les conflits sociaux en équilibre. Pour qu'un tel projet se réalise, cela suggère que l'ordre hiérarchique d'excellence dans la compétition sportive pourrait renforcer la hiérarchie sociale ; deuxièmement, bien qu'il soit régi par une élite aristocratique qui détient en son sein un énorme potentiel d'abus de pouvoir, le sport est l'un des divertissements mondiaux les plus populaires et profitables ; troisièmement, les organisations mondiales du sport possèdent un pouvoir politique qui se dissimule derrière les slogans olympiques qui revendiquent l'exclusion du politique dans le sport.

Mots-clés

éthique de l'espoir, Critique de la faculté de juger, caractère cosmopolite du sport, éthique du sport, Anthropocène, Emmanuel Kant