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## BIOETHICS AND “THE MOST IMPORTANT OF THE LEAST IMPORTANT THINGS”

### Abstract

The paper considers the validity of cheating in sports and the consequences of such practices, especially in football. The focus of the research is, first of all, the controversial thesis of some philosophers that cheating can make the sport more dynamic and attractive to the audience and thus indirectly generate greater benefits to its stakeholders. The authors are of the opinion that cheating within any framework of ‘flexibility’ of the rules cannot be (bio)ethically justified or morally acceptable since the idea of sports competition as such would be delegitimised. They then analyse in the text the specific act of cheating made by Thierry Henry in a match between France and the Republic of Ireland as part of the UEFA second round of qualification for the 2010 FIFA World Cup. The authors conclude that, by helping to score a goal on fraud and later refusing to admit his wrongdoing, the French striker derogated the constitutive rules of football and sportsmanship rules, violated the reference moral values in sport and the fair play dimension, and questioned the integrity of the activity itself, i.e., the game.

**Keywords:** cheating, sport, football, controversies, utilitarianism, Thierry Henry, moral evaluation

When paraphrasing Augustine and his thinking about the concept of time (Avgustin, 1989: 13), it could be said that when no one asks what sport is, most people think they know the answer. When, however, one tries to grasp the concept of sport mentally, the answer seems to elude somehow.<sup>1</sup> The problem arises due to a relatively frequent, differentiated and uncritical use of the term 'sport', as well as because the 'self-understanding' of a term is never sufficient, while its familiarity is never philosophically relevant because it does not say much about the sport itself nor allows for its cognition. In other words, it is not sufficient to suppose what sport is, that is, to have an idea about it, but it has to be articulated conceptually. There are numerous definitions of sport offered by various international organisations, however, three of these will be mentioned in this paper.

Sport is defined by the UNESCO Committee as: "Any physical activity which has the character of play and which involves a struggle with oneself or with others, or a confrontation with natural elements" (<http://www.answers.com/topic/sport>).

In the text that follows, it is added that if this activity includes a competitive aspect, then it must always be performed in the spirit of sportsmanship. The conclusion that is drawn is that there can be no true sport without the idea of fair play.

The Council of Europe has determined that sport: "*Means all forms of physical activity which, through casual or organised participation, aim at expressing or improving physical fitness and mental well-being, forming social relationships or obtaining results in competition at all levels*" (<http://www.bris.ac.uk/sport/development/>).

In the Report of the UN Inter-Agency Task Force on "Sport for Development and Peace", sport in a broader sense means: "All forms of physical activity that

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1 „Zakon o sportu Republike Srbije" ("Sl. glasnik RS", br. 10/2016) (The "Law on Sports of the Republic of Serbia" ("Official Gazette of the RS", No. 10/2016) stipulates that sport is an activity of particular significance for the Republic of Serbia, as that everyone has the right to engage in sports. This law stipulates what is covered by sports activities, what are sports activities, mentions sports recreation (recreational sports) and high performance sports, explains what a sports organisation is, who athletes and athletes/competitors are, their rights and obligations and much more, however there is no explicit definition of the sport itself. The closest to the definition of sport is the second sentence of Article 2 of this Law: "Sport is a part of physical culture that includes any form of organised and unorganised performance of sports and sports activities by individuals and legal entities in the sports system, in order to meet human needs for creativity, affirmation, physical exercise and competition with others" („Zakon o sportu Republike Srbije". [https://www.paragraf.rs/propisi/zakon\\_o\\_sportu.html](https://www.paragraf.rs/propisi/zakon_o_sportu.html)).

contribute to physical fitness, mental well-being and social interaction. These include play; recreation; organised, casual or competitive sport; and indigenous sports or games” (“Sport for Development and Peace: Towards Achieving the Millennium Development Goals”: 2. <http://www.un.org/themes/sport/reportE.pdf>).

What is first discussed in these definitions of sport is that it is a form of physical activity. Two of the three cited definitions then say that sports should contribute to the improvement of physical fitness, mental well-being and forming of meaningful social relationships. Thirdly, a specific characteristic of sport is, in the end, associated with play or is considered a physical activity that implies the property of play less emphasised in all definitions is its competitive nature (Nedić, Škerbić, 2020: 155-181).

Once the essence of the sport has been determined in general terms, one can proceed to consider the sport’s rules, moral values in sports and fair play. The absence of standardised rules in sports allows participants to play without restriction, agree on several regulatory measures before the start of the game, or create rules during the game as needed. Such a ‘relaxed’ approach is possible only in some games played by children or in *ad hoc* situations of recreational sports activities.

Increasingly, even in voluntary activities, and especially in organised and official sports events, the existence of clear rules that regulate the game itself is required. The rules are usually divided into constitutive rules and sportsmanship rules. The rules that guide the behaviour in a particular game are called constitutive rules. For example, the rules of football that define a goal, an out and a goal-out are constitutive. These rules have developed gradually due to the need to standardise the competition and to regulate aspects such as the length of the game, the number of players and the eligibility of participants. In addition to prescribing game-specific skills, strategies and techniques that differentiate football from basketball, and then both of these from handball, the constitutive rules determine what actions players are allowed to take during the game itself.

In addition, constitutive rules limit the actions of players. These rules limit behaviours to the ones that are deemed appropriate or necessary in order to enable certain actions in the sport to take place. For example, although football is considered a ‘men’s’ game in which strong physical contact between players is allowed, there is a strict boundary which shows when such contact ceases to be acceptable. Hitting an opposing football player from behind or a rough

stop inside the so-called penalty area is almost automatically sanctioned by a foul or penalty for the team against whose player the foul was committed. A football player who has committed an offence is additionally sanctioned by a verbal warning, a yellow card or, in some cases, a more serious offence; he is sanctioned by being excluded from the game and even by being banned from playing in the following few matches.

The constitutive rules determine the structure of a particular sport, enabling the competition to be fair for all participants. These rules standardise the manner of playing so that each player gets an equal opportunity to stand out. Constitutive rules regulate, i.e., they can regulate various factors such as age, weight, skill levels and maturation of young people in certain levels of competition. They prescribe the age, gender, residence and academic performances required of athletes who are also pupils or students at the same time.<sup>2</sup>

The second type of rule, sportsmanship rules, refers to the inherent quality when playing a game. The inherent quality of playing a game refers to the honour of following the letter and spirit of the game, not only the rules of the game. Many of the sportsmanship rules prevent the behaviour of the player who puts victory above everything else while neglecting the well-being of the other party and the holding of competition between equal opponents. The sportsmanship rules are designed to prevent morally questionable and sometimes violent behaviour in sports (Koković, 2010).

In addition to this general approach and frequent mentioning of sportsmanship by various stakeholders in sports, there is still a dilemma as to what sportsmanship actually is and to whom it refers. Sportsmanship represents an unwritten moral code based on the virtues of fairness and honesty. The supreme principle of sportsmanship, in the opinion of some authors (Keating, 1995: 147), would be contained in the intention always to increase the enjoyment of an activity, both one's own enjoyment and the enjoyment of one's opponent. According to the reduced interpretation of sportsmanship, it is characteristic only for recreational activities in sports, while it cannot be applied to serious competitive activities in sports. The attitude in line with which a competitor should make a reasonable effort in order to encourage a good game of the opponent and thus increase the opponent's and his/her own enjoyment is no

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<sup>2</sup> Constitutive rules are most often prescribed and regulated by official sports organizations (in football, these are FIFA, UEFA and national football federations. See: <https://fss.rs/dokumentacija/propisi-fifa-i-uefa/>). The first uniform rules of football were established in 1863 in parallel with the establishment of the English Football Association.

longer met with (plebiscitary) approval of athletes or the public when it comes to the competitive aspect of sports.

In today's reality, the importance of the victory is (over)emphasised, the violation of rules,<sup>3</sup> the exploitation of athletes is ignored, and the creation of unfair conditions of the competition is not prevented. The prevailing attitude is that sport and play are defined by reference to constitutive rules, with the potential to acknowledge that there are certain conventions that allow for legitimate tactical moves within the game itself.

All these issues are related to active forms of morality (Kaluđerović, 2016: 135-147). In modern philosophy, the issue of active forms of morality has been transformed into a fundamental axiological concept, i.e., a value theory, in which it assumes a general expression of the issue of moral values as well as a concrete expression of the issue of moral norms. Moral values and moral norms are forms of modern understanding of the purpose of human action and the way in which the effective character of morality is realised. Moral values are understood as a special form of value in general that concerns an individual in their general and specific life activities. As such, a man can act, and even act morally, because he or she is motivated by certain desires, interests, intentions and opinions. The driving force is a certain perception or system of perceptions that create value. In order for this value, or value system, to be realised in immediate concrete action, it must take the concretised form of a moral ideal, that is, desirable moral values, which must be followed in moral action. General social and moral values are created by mutual confrontation, mediation and harmonisation of value-related attitudes of different people. This harmonisation can hardly be fully implemented because different people and different social groups can form, accept and follow different value systems. These systems in modern societies, in principle, cannot be imposed on people but represent a matter of the freedom

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3 Probably the earliest recorded violation of the rules in sports is in the Book XXIII of the *Iliad*. Homer gives an extensive account of the central sporting event - the carriage race, including the fraud that occurred during the race itself. The poet narrates how Antilochus and Menelaus' horses ran side by side until Antilochus cunningly broke out in front of Menelaus, and how Menelaus then prevented Antilochus from receiving the award at the award ceremony. Menelaus took the scepter in his hands and angrily accused Antilochus of embarrassing his heroism, and of deceitfully managing to reach the finish line with his slower horses before Menelaus' horses, which were, of course, better. Menelaus, then, gives a judgement by himself in a specific way, by inviting Antiloch to swear in front of everyone *as is the appointed way* (ἢ θεμίς ἐστίν), that he did not overtake him by deception and won second place in the race. Antiloch immediately admits his own guilt, justifying himself with his youth and offering adequate compensation. Such an explicit confession softened Menelaus, so he forgave Antilochus (Consult: Homer, 1968: 404-426).

of choice and decision of an individual or a social group. There is no universal system of moral values that would apply to all times, all societies and all social groups and individuals.<sup>4</sup> The root of their differences lies in the fact that today's man has the right to freedom of moral beliefs and freedom of conscience. The prevailing tendency of the time, however, leans towards trying to standardise moral values somehow and make them generally acceptable.<sup>5</sup>

The first moral value that is most often suggested in sports is justice. Of the many types of justice,<sup>6</sup> distributive, procedural, retributive, and compensatory justice will be specified here.

Distributive justice in sports is related to the concept of equal intrinsic values and dignity of each athlete. This, of course, does not mean that all athletes will be treated in a completely identical way. In football, it would not be fair at all for children, women or people who do not have or have lost a part of their body to play a game with healthy and physically fit adult men. Distributive justice, then, is about equivalent possibilities and not about identical treatment.

Procedural justice is also inherent in moral reasoning and decision-making in sports. It implies that the relevant sports organisations have rulebooks stating which activities are acceptable and which are unacceptable on the field or during the game. In the most general sense, there are rules that teams and players must adhere to in order to participate in a sporting activity at all. If these guidelines or rules are not observed, then sanctions of different intensity and appropriate compensation are applied, and we can talk about the application of retributive and compensatory justice.

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4 Michael Walzer, similarly, believes that it is not possible to build a theory of justice outside the historical and cultural context, that is, without the meaning and significance of social goods to which the principles of justice refer. In other words, he advocates the view that a valid theory of justice represents only one elaboration of already existing concepts of justice which are based on conventions and which, therefore, vary from case to case (See: Walzer. <https://sgp1.digitaloceanspaces.com/proletarian-library/books/0ffc56769658602929865be52131bfdc.pdf>).

5 John Rawls, following in those footsteps, tries to develop a distributive theory of justice that will be universally plausible for all societies. His theory of justice is focused on the adaptation of two fundamental principles of justice that simultaneously ensure a just and morally acceptable society. The first is that each person should have an equal right to the broadest modality of equal fundamental liberties, which are compatible with a similar modality of liberties for others. The second principle emphasises that social and economic inequalities should be regulated in such a way that it is at the same time appropriate to expect them to benefit everyone, and be attached to offices and positions that are open to all (Consult: Rols, 1998: 70).

6 Literature on both philosophy and law mentions numerous types of justice, including anamnetic, distributive, economic, egalitarian, formal, global, civil, international, intergenerational, corrective, commutative, cosmopolitan, compensatory, criminal, procedural, spatial, political, retributive, distributive, restorative, reparative, world, substantive, social, transitional, legal, women's, etc. (See: Kaluderović, Jašić, 2016: 221-234).

Retributive justice, concisely speaking, encompasses the justice of punishing those who have violated norms or laws, while compensatory justice encompasses the perceived justice of doing good to the persons who have suffered some harm or evil in the past.

As another moral value, honesty represents a condition or ability to be truthful and credible in dealing with others, including competitors on the sports ground. The moral value of honesty is based on the assumption that the actor of a sports event will not knowingly lie or cheat.<sup>7</sup> Honesty means that once he accepts the rules of the game, the player must necessarily follow them.<sup>8</sup>

The third moral value is a responsibility, which speaks of an athlete's sanity for what he does. Many believe that responsibility<sup>9</sup> is the most dominant moral value in an athlete's life. Athletes are very proud of their sense of responsibility towards the team, the coach, i.e. the manager and the game itself. The responsibility of athletes implies that they are responsible not only for what they do but also for their actions in relation to opponents and even in relation to the game itself. Athletes have a responsibility to play the best they can and reach the highest level of competition. It is also their responsibility to enable their opponents to play at the highest possible competitive level in order to be able to achieve excellence in the game jointly.

Benevolence is the last of the moral values that will be declared in this article.<sup>10</sup> It represents a state of not doing harm, preventing harm to another, removing harm, and doing good to another. Benevolence is intertwined with sportsmanship and fair play since it is an act of giving to others above and beyond a mere call to play, or otherwise presented, it is a true act of mutual civility. Some aspects of benevolence are, however, from the perspective of today's athletes (in fact, today's *Zeitgeist*) difficult to accept. Athletes generally<sup>11</sup> agree that no harm

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7 Cheating, as stated by Bernard Gert, is an intentional violation of a public system of rules in order to achieve appropriate goals (Gert, 1998: 194).

8 According to extensive research conducted in the United States, honesty ranks last among the moral values that have been compared (Consult: Beller, Stoll, 1992: 43-57; Beller, Stoll, 1995: 352-363).

9 For more details on the concept of responsibility (see: Kaluđerović, 2018: 31-44; Kaluđerović, 2020: 151-160; Kaluđerović, Kaluđerović Mijartović, 2020: 51-71).

10 A specific perspective to the consideration of benevolence (along with nonmaleficence, autonomy, and justice) and an impulse in a new direction was given by Beauchamp and Childress (2019).

11 'Generally' because there are athletes in the so-called contact and highly profitable sports that believe that opposing players should be disabled to play the match successfully at all costs, including, unfortunately, intentionally injuring the most important players in the rival team.

should be done to another competitor and that any harm to the opponent should be prevented. The disagreement starts around the third stated formulation since most athletes do not take the position that their task is to deal with the elimination of damage. Even less do athletes agree with the requirement of doing good to others, considering it inconsistent with reality and the modern concept of competition.

Fair play can be defined as a commitment to the spirit and letter of equality of competitors in regard to the rules and on the pathway of a common search for excellence.<sup>12</sup> Why is it not enough to say that fair play is simply adhering to the rules of the game, as some modern commentators suggest? If the fair play were equated with compliance with the rules, and any deviation from the rules was considered immoral, the idea of fair play would be reduced too much, as maintained by these authors. Morality would thus be equated with legal, and sport would first be defined as a game that is limited by invoking constitutive rules. This formalism in understanding the game may make it possible to understand the nature of a game, but it lacks normative sources to be able to face the numerous moral dilemmas that arise in connection with sport.

The situation is similar, with an emphasis on implicit conventions that apply to a particular sport. In football, there is a kind of tacit agreement that a tactical foul or the so-called 'smart' foul in the midfield is conventionally allowed as a legitimate move to obstruct an opponent's attack. Once again, trouble, in this case, is the moral status of the convention itself, how it can evolve and in what manner it could be potentially changed.

In order for the sport to take place in accordance with the principles of fair play, it must be realised in accordance with the norms implied by the very essence of sport. Although it is not easy or necessary to draw a sharp distinction between sportsmanship and fair play, it can be said that fair play requires fair winning, but in order for a sports competition to be successful, it is not crucial, although it is significant, that a competitor encourages good play of his opponents, which

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On the effects of a kind of moral insensitivity of athletes (Consult: Kretchmar, 1994; <https://noizz.rs/kultura/istina-o-najboljoj-americkoj-klizacici-koju-je-mrzeo-ceo-svet/k7307qb>).

12 In conformity with Article 2 of the „Pravilnik o fer pleju Fudbalskog saveza Srbije” (“Rulebook on Fair Play of the Football Association of Serbia”), fair play means: “Behavior in accordance with moral principles, especially those that are contrary to the concept of sporting success at all costs, behavior that promotes integrity and equal opportunities for all participants. The behavior of the person and values of everyone involved in the sporting event” („Pravilnik o fer pleju Fudbalskog saveza Srbije”; [https://fss.rs/wp-content/uploads/2019/07/pravilnik\\_o\\_fer\\_pleju.pdf](https://fss.rs/wp-content/uploads/2019/07/pravilnik_o_fer_pleju.pdf); See also: Renson, 2014: 223-240).



is an important feature of sportsmanship. In any case, the fair play implies correctness and compassion for oneself, others, the community and the wider environment (Sajmon, 2006: 65-98).

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At the beginning and within this text, ethics (Singer, 2004: 179-231; Huseinovic, Irlic, 1992) and sports were brought into connection, i.e. certain aspects of them, while in the following paragraphs, they will be considered in relation to the views written or stated by Albert Camus and Thierry Henry.<sup>13</sup> What is the relationship between the words of the famous French writer and the writer of philosophical essays Camus and the statements of the former Barcelona football player and the French national team player Henry, plus viewed through the prism of ethics and sports? Perhaps things will become clearer after displaying Camus’s attitude as stated when he was writing about the general educational significance of sports, i.e., that the only context in which he truly learned the meaning of ethics was sport (Camus, 1960: 242). Camus was probably on the trail of, often insufficiently reflected, views that sport actually strengthens loyalty, courage, responsibility, altruism, teamwork and the ability to cooperate with others in achieving a common goal, the concern for excellence. The French Nobel laureate, in a word, considered that sport offers a unique opportunity for perfection and refinement of character.

If, on 18 November 2009, Camus could have been present at the rematch of the barrage for going to the World Cup in South Africa between the national teams of France and the Republic of Ireland, it is certain that it would at least make him wonder about the above statement. What happened at the mentioned match? The Irish led 1-0 until the 13th minute of the first overtime and were a better partner in the game than the French. In the 103rd minute of the game, Henry prevented the ball from going out of play with his hand and then passed the ball to the head of his teammate William Gallas, who scored an equaliser, a goal that took France to the World Cup.<sup>14</sup> To make things even more irregular in

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13 Significant parts of this paper have been published over the previous years in several shorter or longer editions and interpretations in Serbia and abroad. Changes in content and style in the version at hand were made in order to summarize the text, reduce occasional digressions and to reflect necessary refinements caused by subsequent insights, due to the availability of additional literature, as well as for the purpose of achieving a clearer and more fluid presentation.

14 According to *Britannica Concise Encyclopedia*, football is defined as follows: “Game in which two 11-member teams try to propel a ball into the opposing team’s goal, using any part of the body except the hands and arms. Only the goalkeeper, when positioned within the penalty area in front of (*his, note Ž. K. and Z. K. M.*) goal, may use hands and arms” (<http://www.answers.com/topic/soccer>).

regard to the result of the match and worse for the Irish, two French players were in an offside position at the free-kick, which is in an illegal position (<https://www.youtube.com/watch?v=fLUxMRYJAso>). Referee Martin Hansson from Sweden did not notice any of this and recognised the goal as completely valid.

What happened next? The Irish, of course, were indignant, talking about the clear intention of FIFA to prevent the placement of their national team at the World Cup. Their coach Giovanni Trapattoni was so angry after the match that he did not want to talk about Henry's handball, but he said that his team was done a great injustice, that all he asked for was a fair play which did not happen at the match concerned (<http://sport.blic.rs/Fudbal/121396/Anri-Igrao-sam-rukom-video>). The reports also state that Trapattoni said: "I go to schools and teach children what fair play is, and then this happens" (<http://www.mondo.rs/v2/tekst.php?vest=153127>). The Football Federation of Ireland requested a new match to be played because, due to the referee's wrong decision to admit an irregular goal, "serious damage was inflicted on the integrity of our sport".

How did the main actor in this controversy, Henry, react? After the match, he admitted that he played with his hand, saying: "I will be honest, I played with my hand, but the most important thing is that we qualified for the World Cup. It was a handball, but I was not the referee of the match. What happened? Squillaci was in the jump, I was behind two Irish players. The ball bounced off the ground and hit me in the arm. The referee allowed it. I kept playing, what else was I supposed to do? I do not deny, however, that it was a handball. The main thing is that we passed. The fact that it was so difficult only reinforces the good feeling" (<http://sport.blic.rs/Fudbal/121396/Anri-Igrao-sam-rukom-video>).<sup>15</sup> Elsewhere, similar statements by Henry can be found, such as: "To be honest, I played with my hand, but I'm not the referee" (<http://www.mondo.rs/v2/tekst.php?vest=153127>). France head coach Raymond Domenech said he was satisfied with the outcome and added that he did not see the captain<sup>16</sup> of his

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15 Even more famous than Henry's is Diego Armando Maradona's handball in the quarterfinals of the 13th World Cup in Mexico in 1986 against England (consult: <https://www.youtube.com/watch?v=-ccNkksrfls>). When he scored against the English in an illegal way, Maradona claimed that 'God's hand' also interfered in the attack of his Argentina. Later, this 'half angel and half devil', as Maradona was characterized by a journalist from the French *L'Equipe*, stated that he did not see anything controversial in such a goal, which he scored *a little by head, a little by hand*, saying that he acted *smartly and deftly* (<http://www.atastars.rs/fudbal/13022-svetsko-prvenstvo-meksiko-1986-maradonina-qboja-rukaq> and <http://www.index.hr/sport/clanak/maradona-bozja-ruka-nije-bilo-varanje-bio-sam-spretan/311475.aspx>).

16 As a reminder, the captain is the leader of a football team and a moral authority among the players. He is usually the most experienced and even the best player of a team. „Pravila

team play with his hand: “Like many in the stadium, I did not immediately see that it was a handball. It was only in the locker room that I realised what had happened. Henry is hurt now, it’s hard for him, but luckily he has the support of his teammates. The referee should be discussed, not him” (<http://www.sportske.net/vest/medjunarodni-fudbal/domenek-ostavite-anrija-na-miru-raspravljajte-o-sudiji-10582.html>).<sup>17</sup>

How did the officials of the most important International Football Organization react? The FIFA Disciplinary Committee issued a statement that there was no article in the disciplinary code that could be applied in this specific case. According to their interpretation of the rules, Henry’s offence could have only been sanctioned by the chief referee awarding an indirect kick for the Irish or by potentially sanctioning the French with a yellow card. “The Disciplinary Committee concluded that there was no legal foundation for conducting the procedure and imposing sanctions” because, as claimed by the members of this committee, playing with a hand cannot be regarded as a serious infringement as stipulated in Article 77a of the FIFA Disciplinary Code (<http://sport.blic.rs/Fudbal//171419/FIFA-nije-kaznila-Anrija-zbog-igranja-rukom>). Another version, which appeared in the press, claims that the said action by Henry was not a serious infringement of the rules, i.e., that in accordance with FIFA rules, if a referee fails to sanction such an action, there are no additional punishments that could be administered later on (<http://www.nadlanu.com/Dynamic/News,intItemID,159590,intCategoryID,471.html>).<sup>18</sup>

What did Henry, but also his teammates and the French coach, show with such an action during the game and reaction after the game? First of all, Henry

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(fudbalske) igre” (The “Laws of the (Football) Game”) prescribed by FIFA state (p. 20): “Team captains should play an important role in helping to ensure that the Laws and referees’ decisions are respected” („Pravila (fudbalske) igre”. [http://www.fss.rs/documents/pravila\\_%20fudbalske\\_%20igre.pdf](http://www.fss.rs/documents/pravila_%20fudbalske_%20igre.pdf)).

17 The then French Minister of Economy, Christine Lagarde, showed more sensitivity for the rules of sports, moral values in sports and fair play than Henry and the French coach. She said that when a match is played under irregular circumstances, FIFA should order a replay of the match. The French physical education teachers’ union said that the way in which their country’s national team qualified for the World Cup in football is shameful. A statement from the union states that the team of coach Raymond Domenech *undoubtedly reached the World Cup by fraud*. The union criticized Domenech and some French football players for their statements after the game, in which they sent the message that *the most important thing is to win in sports* (<http://www.smedia.rs/sport/print.php?id=16833&vest=Sindikatanastavnika-fizickog-Sramotan-plasman-na-SP>).

18 FIFA officials said that the new match could be played only on the condition that both football federations agree to it, which did not happen due to the rejection of the French.

showed that he does not respect the constitutive rules of football, i.e., that he believes that he is not obliged to respect them observed from the perspective of the constitutive rules as such. By stating that he is “not a referee,” Henry confirmed that the rules, as he believed, are not inherent to football itself and that they can be relativised, considering that winning is the goal of the highest ontological status. The French footballer then demonstrated disrespect for the rules of sportsmanship, as well that essentially, he considered the opposing players and the team as obstacles that need to be overcome at all costs in order to achieve the set goal. The idea that an athlete should improve the opponent’s performance so that he or she would increase the level of their own enjoyment of football, as well as the opponent’s, has probably never entered Henry’s mind either. The utilitarian concept of football based on the logic of capital and the lucrative-calculative principle has obviously prevailed over the vision of ‘the most important of the unimportant things in life’ as a way of manifesting the best in man.

As for moral values, Henry’s action has affected all types of justice spoken of here. He has ‘annulled’ distributive justice because he has turned the idea of equivalence, which is based on athletes’ reasonable contributions to the collective, into a hubristic attempt to negate all equivalence (Kaluderović, Donev, 2016: 105-122). By negating one of the two vital characteristics of the *dike* (the other one being correlativity), Henry has called into question the idea of justice itself. Procedural justice has been distorted because we can say that there are regulative ‘voids’ in the FIFA Code if such a drastic offence cannot be sanctioned in accordance with the Rules of the International Football Federation. The fact that Henry was not punished has also affected the retributive principle. Furthermore, since there were no attempts to do good deeds for the Irish team on account of the injustice they suffered, compensatory justice was disrupted.

It goes without saying that Henry’s actions and subsequent behaviour are not in conformity with the moral value of honesty. Henry is familiar with the rules of the football game, but he does not want to respect them at any cost, consciously refusing to admit to the referee that he cheated at the game.

Even if Henry showed some ‘responsibility’ towards his teammates and the coach, he certainly did not demonstrate even a minimum of responsibility towards the football game as such.

In terms of beneficence, not only has Henry disregarded the aspect of removing harm and doing well to the Irish, but he completely ignored the

position that one should not intentionally do harm to the opponent and that one should prevent harm to another.

The rules of fair play have totally been ignored both in Henry's action and in the Football Association of France's unwillingness to declare that a rematch should take place. They have ignored one of the basic principles stated in the "Declaration of the International Fair Play Committee", in conformity with which fair play is much more than playing to the rules of the game; it is primarily about respecting your opponent and preserving his or her physical and psychological integrity ("Declaration of the International Fair Play Committee" ([http://www.friedenspaedagogik.de/english/topics\\_of\\_the\\_institute\\_s\\_work/peace\\_education\\_online\\_teaching\\_course/basic\\_course\\_5/fair\\_play\\_definition\\_principles\\_rules\\_and\\_fair\\_trade](http://www.friedenspaedagogik.de/english/topics_of_the_institute_s_work/peace_education_online_teaching_course/basic_course_5/fair_play_definition_principles_rules_and_fair_trade))).<sup>19</sup>

Henry's action and subsequent statements are reminiscent of the famous remark attributed to Vince Lombardi that winning is not the most important thing; it is the only thing which is relevant.<sup>20</sup> Competition in sports is an activity whose intention is to ensure victory over the opponent, but this should always be achieved within the framework set by sports rules, moral values and fair play. On the other hand, Henry apparently believed it was not cheating unless the cheater got caught. A slightly more subtle variant of the same thesis would be that it is the referee's duty to monitor the course of the match and that as long as the player is willing to face the consequences of their actions, if caught, then breaking the rules is not immoral.<sup>21</sup> This standpoint cannot be accepted, primarily because cheating gives one team or a player an unfair advantage over others. Henry's cheating is not morally acceptable, even if the football rules were 'stretched'.<sup>22</sup> If a particular football match is considered as a joint striving for

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19 If, in the end, we look at the definitions of sports which are presented at the beginning of this paper, Henry violated the aspect concerning mental well-being and neglected the dimension of shaping social interactions and relationships.

20 Scot Morris believes that Lombardi's statement was different, that is, that he said that winning is not everything, but that the desire to win is (See Morris, 1979).

21 Henry's teammate from Barcelona at the time, Zlatan Ibrahimović, used similar arguments to defend him (<http://www.sportske.net/vest/medjunarodni-fudbal/ibrahimovic-anri-je-bio-u-pravu-kad-je-igratio-rukcom-15616.html>). The statement of the Irish Minister of Justice, Dermot Ahern, that if the situation caused by the irregular goal is not corrected, the position that cheating is a legitimate method in achieving victory is not without grounds.

22 Oliver Leaman provocatively claims that many competitions would be more interesting if they involved cheating, or if some of the players tried to make the rules more 'elastic', and that such behavior would give a new dimension to the game which could make it more interesting. His conclusion is that if cheating is recognized as an option that both sides should accept, then the principles of equality and justice are not compromised at all (Consult: Leaman, 1995: 195-196).

excellence both by the French and Irish, then cheating, disrespecting the rules of the game, or inadequate sportsmanship simply violates the ethics of a sporting event and the competition itself, and such acts should, or better yet must, be sanctioned.

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Some authors (Morgan, 1994) argue that the commercialisation of sports that has transformed elite sports into a product that can be bought and sold has spoiled the essence of sports. Henry's gesture would, according to this claim, be only an epiphenomenon of the deterioration of moral values in the entire Western civilisation. If all this is true, then it is necessary to establish a moral framework that would regulate the effects of establishing a sports market while upholding the inherent of the sport itself. The minimalist version would, therefore, have to read that it is implied that the athlete is morally responsible for achieving victory within the rules of the sport in which they are engaged. The existence and functioning of official regulatory bodies as a structural mechanism must be to preserve the integrity and equality of the game itself, even under the conditions of the ruthless world of today's professional football.

If we were to accept that breaking the rules is generally allowed when it is done for the 'greater good', for example, such as the need for France as a great football nation to necessarily participate in the World Cup, then the very idea of sports competition would be delegitimised. Even if winning were the competitor's only goal, it must be achieved by a better performance in the game, i.e., on the basis of the existence of standards for the evaluation of the game. Respecting the rules is a way to recognise the same moral status of all those who adhere to the public conditions of the competition and in the application of which every competitor believes. The recognition of the same moral status is important because the interests of other participants in the competition are viewed as being equally important as their own interests, which is assumed in the very idea of fair competition. Finally, in order for Camus' theory that sport makes the harmony between soul and body possible to be valid, Henry and the other athletes should keep in mind the second formulation of Immanuel Kant's categorical imperative: "Act so that you use humanity, as much in your own person as in the person of every other, always at the same time as end and never merely as means" (Kant, 2002: 46-47).<sup>23</sup>

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<sup>23</sup> The German original reads as follows: "Handle so, dass du die Menschheit sowohl in deiner Person, als in der Person eines jeden andern jederzeit zugleich als Zweck, niemals bloß als Mittel brauchst" (<https://www.projekt-gutenberg.org/kant/sitte/sitte.html>).

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## BIOETIKA I „NAJVAŽNIJA SPOREDNA STVAR NA SVIJETU”

### Sažetak

U radu se razmatra valjanost prevara u sportu kao i posljedice takvih postupaka. U fokusu istraživanja je, najprije, kontroverzna teza nekih filozofa da varanje može učiniti sport dinamičnijim i privlačnijim za publiku i time posredno donijeti veću do(bro)bit njegovim sudionicima. Autori su stajališta da varanje ni u kakvoj „fleksibilnosti” pravila sporta ne može biti bioetički opravdano niti moralno prihvatljivo, s obzirom da bi se time osporila ideja sportskog natjecanja kao takvog. Potom se analizira konkretan čin varanja koji je napravio Thierry Henry na uzvratnoj utakmici natjecanja za odlazak na Svjetsko prvenstvo u nogometu 2010. godine u Južnoj Africi između reprezentacije Francuske i reprezentacije Republike Irske. Zaključak je autora da je francuski napadač, pomažući da se na prevaru postigne gol i kasnijim odbijanjem priznavanja pogrešnosti vlastitog postupanja, derogirao konstitutivna pravila nogometa i pravila sportskog ponašanja, narušio referentne moralne vrijednosti u sportu i dimenziju *fair-playa*, te doveo u pitanje integritet same aktivnosti odnosno igre.

**Ključne riječi:** varanje, sport, nogomet, kontroverze, utilitarizam, Thierry Henry, moralno vrednovanje