Chapter 4

PROFESSIONAL FOULS AND POLITICAL OBLIGATION

SOME PHILOSOPHERS SAY you can't win a sporting contest by cheating. Their idea is that games wouldn't exist apart from the rules that govern them, and so someone who ignores those rules isn't even competing, let alone winning.

This is the kind of thing that gives philosophy a bad name. Tell it to the Irish soccer team after they failed to qualify for the 2010 World Cup because of Thierry Henry's blatant handball. "It's all right, boys. We're going to South Africa after all. France didn't beat us, because you can't win a game of soccer by transgressing the rules that define the game."

You might think that there's a distinction to be made here between being credited with a win, as France was, and really winning. A student who steals the answers beforehand might be deemed to have "passed" the exam, and have a certificate to prove it, but the student hasn't really passed. In the same spirit, perhaps we can deny that Henry's handball resulted in a genuine victory, even though France's name went down as the winners.

But it's not a good analogy. Of course France really won. Indeed they did so as a direct result of Henry's cheating. That's why they and not Ireland went to South Africa.

It's different from the exam case. If it were discovered afterwards that the student had stolen the answers, the exam result would be quashed and the certificate reclaimed. But there was no question of revising the final

score once Henry's handball became public. After all, the foul was as public as could be from the start, to everybody but the referee.[*]

So you can break the rules and still be competing, whatever the philosophers say. Still, there remains a good question here. What exactly does it take to be playing a game? Maybe you can break some rules, but there are limits. You can't win a soccer match by shooting the referee and carrying the ball over the goal line.

To sort this out, we need to distinguish between the rules of the game, the code of fair play, and the authority of the officials. And once we have done that, it will turn out that there are some interesting analogies between playing a game and being a citizen of a state. We'll see that fair play is often consistent with breaking a game's rules, and this will then suggest, against philosophical orthodoxy, that there is no general moral requirement for good citizens to conform to the law of the land.

Let's start with the difference between the official rules of a game and the code of fair play. By the code of fair play, I mean the expectations that the athletes have of each other, their sense of what is and is not acceptable behaviour. Such unwritten codes of fair play can diverge from the official rules in both directions. There are rule violations that count as fair, and unfair strategies that don't break the rules.

Basketball offers a good example of the first kind of divergence, where breaking the rules is in line with accepted standards of fair play. If you are one point down and your opponents gain the ball with twenty seconds to play, you are downright *supposed* to foul them. It's the only way you can prevent them keeping the ball until the final whistle. So you foul them, stop the clock, and hope that you can beat their score once you get the ball back after their free throws. It's an accepted part of the game. Everybody expects you to do it, the referee's whistle is pretty much a formality, and nobody thinks of it as bad practice at all.

Then there are the converse cases, where you can violate an unwritten sporting code even though you aren't breaking the rules. In 1981 New Zealand needed a six off the last ball to win a one-day cricket match against Australia. The Australian captain Greg Chappell instructed his brother Trevor to roll the ball underarm at the batsman, making it physically impossible to hit a six. While this was fully allowed by the laws of cricket, it was universally condemned as against the spirit of the game. (The Kiwi

prime minister at the time, Robert "Piggy" Muldoon, didn't hold back: "the most disgusting incident I can recall in the history of cricket… an act of true cowardice and I consider it appropriate that the Australian team were wearing yellow.")

It is interesting to compare notions of fair play across different sports. Simon Barnes, for many years the chief sports writer on the London Times, once described a friend of his saying, "I would die rather than cheat at golf. In cricket I cheat sometimes.… And when I played football I cheated all the time."

Barnes's point wasn't that his friend was an honest citizen on the golf course, but turned into a moral leper on the soccer field. He was just the same character in all these sporting contexts. Rather Barnes was making the point that different sports impose different requirements on their participants. Some look askance at any deviation from the rules, while others regard it as quite proper to break them and take any consequent penalties.

Golf is at one end of the spectrum. It's easy to tee up your ball in the rough when no one is watching. But improving your lie like this is quite beyond the pale, even in the most insignificant competition. Someone caught out surreptitiously fiddling with their ball won't just be penalized the two strokes required by the rules. They will be ostracized in the bar and very likely expelled from the club.

In soccer, by contrast, all kinds of technical infractions are an accepted part of the game. You steal as many yards as you can at throw-ins, you tug and pull at your opponent as the corner comes over, you give away a free kick rather than let the attacker beat you.

Still, this doesn't mean that there aren't clear standards of fair play in soccer. It might be all right to take a red card for a foul that stops an opponent scoring, but it's not all right to take one for a two-footed tackle that might break a leg. Play-acting in order to get an opponent sent off is widely frowned upon, at least in northern countries. When one side kicks the ball out because a player is injured, everybody respects the obligation to give it back at the throw-in.

And so it goes. In rugby union, punching and even stamping are regarded as in the spirit of the thing. (When the saintly Northern Irishman Willie John McBride captained the 1974 Lions tour of South Africa, his

dressing room instruction before the first test match was, “Let’s get our retaliation in first.”) On the other hand, disagreeing with the referee is a decided no-no. (In 2013 the French coach voluntarily dropped his star forward Louis Picamoles for mildly mocking a referee’s decision.)

Ice hockey similarly allows, indeed encourages, its players to vent their frustration in honest fisticuffs, with a standard penalty of five minutes off the ice. But it’s strictly arms and fists that are tolerated. Any player who uses his stick as a weapon will be suspended for a number of games.

In cricket, it has now become acceptable to “sledge” the batsmen between balls, trying to distract him with some verbal dig. But no fielder would dream of talking once the bowler begins his run. That wouldn’t be cricket.

I could go on. All sports have their own quirky codes, unwritten rules of behaviour handed down from generation to generation. But let’s get back to our original question. What does it take to be playing a game?

If conformity to the formal rules isn’t the right answer, perhaps it’s that you must stick to the unwritten code of fair play. But that doesn’t seem right either. Take Thierry Henry and Ireland again. I’d say his handball overstepped the bounds of fair play, even by the standards of professional soccer. But this didn’t somehow invalidate the result. There were no serious grounds for appeal. The referee’s decision, as they say, was final.

Perhaps there is room for dispute about this specific case. Did professional soccer players really consider Henry’s handball beyond the pale? It’s debatable. I doubt that any of them thought that Henry should have confessed to the referee after the goal was given. But I for one was disappointed that he handballed in the first place. Bobby Charlton wouldn’t have done it, nor would Gary Lineker.

Still, let’s not bogged down in one example. The general point is clear enough. If a less controversial case is needed, just consider the Trevor Chappell underarm ball again. Even though everybody thought it a terrible violation of the spirit of cricket, the umpires had no option but to call it a legal delivery, and Australia won the match. Maybe they won by sharp practice, but they certainly won. That’s precisely what was so galling to the Kiwis.

Sports performers can behave very badly indeed while still competing in every sense. Take the “Bountygate” scandal that engulfed the NFL’s New

Orleans Saints in 2011. Their coaching staff had been running a "bounty" system, rewarding players financially if they succeeded in injuring targeted members of the opposition. The practice was greeted with universal incredulity and revulsion once it was exposed, and heavy suspensions and fines followed. But none of the Saints' wins was overturned.

A not dissimilar episode shamed the English rugby union side Harlequins in 2009. The rules of rugby make special provision for substitutions of players with blood injuries. To take tactical advantage of these "blood replacements", the Harlequins management started cutting lips, issuing players with blood capsules, and otherwise spilling fake blood. When the story came out, the rugby union fraternity was shocked, and the club coach, doctor, and physiotherapist were banned. But, once more, nobody suggested that Harlequins hadn't really been playing rugby matches and that their results should therefore be nullified.

Still, as I said, there are clearly some limits beyond which you aren't playing anymore. To my mind, the crucial issue is whether you continue to accept the authority of the referee or other officials. However badly you behave, you're still playing if you defer to the decisions of the on-field authority. Once you refuse to do what the referee says, though, you've abandoned the game. You can have a game of soccer with innumerable and immoral fouls—we need only think of Holland's "tactics" in the 2010 World Cup final against Spain—but you can't have one where the players don't listen when the referee blows his whistle.

I think that there is a moral for political philosophy here. A central issue—*the* central issue—for political philosophers is "political obligation". Why are we under any moral obligation to respect the state? After all, newly naturalized citizens apart, none of us had any choice about being ruled by our institutions of government. Nobody asked us whether we wanted to be subject to the police, the courts, and the tax system. These authorities simply imposed themselves on us. So why exactly do we have to obey them?

Nearly all political philosophers pose this issue in terms of respect for the law. The first sentence in the entry on political obligation in the authoritative *Stanford Encyclopedia of Philosophy* states: "To have a political obligation is to have a moral duty to obey the laws of one's country or state." Philosophers debate the precise basis for this duty, but they nearly

all take it as given that we do have a duty to obey the law. Their dispute is only about why this is so.

Of course, philosophers also recognize that even legitimate democratic states can sometimes have immoral laws, such as laws prohibiting homosexuality, say, or enforcing racial segregation. But they don't regard these as invalidating the moral standing of the law, so much as generating moral *conflicts*—on the one hand we have the general moral duty to obey the law, and on the other the more specific moral duty not to discriminate unjustly—so somehow we need to resolve the two, perhaps by campaigning to get the unjust law changed.

I wonder if the political philosophers aren't missing a trick here. The sporting analogy suggests an interesting option. Perhaps citizens have a moral duty to respect the authority of the state, but no further moral duty to obey the law as such—just as participants in a game must defer to the authority of the officials, yet beyond that are under no compulsion to conform to the rules.

I don't think that there is much doubt that we all benefit from the protection of the state. As Thomas Hobbes observed in his *Leviathan* over 350 years ago, life would be "nasty, brutish, and short" without a central authority that successfully claims a moral monopoly on the use of force. When states fail, basic public services disappear and life quickly degenerates into lawless looting.

Even a bad state is much better than none at all. When the hated regimes of Eastern Europe and South Africa collapsed at the end of the last century, their populations had the good sense to carry on recognizing the existing police, courts, and other state institutions until new constitutional arrangements could be made. By contrast, the misguided disbanding of the defeated Iraqi army and police by the US authorities in 2003 created a vacuum for mob rule, and is viewed by many commentators as the main source of the subsequent chaos in the Middle East.

Still, even if the threat of anarchy creates a moral imperative to recognize the authority of the state, I don't see that this carries with it any further moral duty to obey its laws. As we've seen, playing a game depends on ceding authority to the officials, but not on adhering to the rules—it can be quite proper to break a rule and take the penalty. So too with civil society, I say. As a good citizen I must respect the state, but not necessarily

its laws.

What if someone murders his wife and accepts the prison term that follows, figuring that a few years behind bars is a small price to be rid of her? Would that be all right then? Absolutely not. But that's because murder is wrong, not because there is a law against it.

Just as in sport, we need to distinguish between breaking the formal rules and genuinely unacceptable behaviour. Sometimes breaking the formal rules also oversteps the standards of fair play, like two-footed soccer tackles. But that's not just because it's breaking a rule, but because it's nasty. Think of all the cases where it's quite appropriate to break a rule, such as fouling in the last seconds of a basketball game.

As I see it, then, while we should certainly respect the state's authority, we only have a duty to obey the law when it would be moral to do so anyway. You might wonder whether this holds good in all cases. What about the law requiring you to drive on the left in Britain? Surely that wasn't a moral requirement until Parliament said it was. It's not as if there is some universal and eternal moral principle saying you must drive on the left, independently of what Parliament decrees.

This is an interesting case, but it doesn't suffice to show that Parliament can create duties ex nihilo without any prior moral backing. As it happens, the convention of driving on the left arose independently of Parliament. This by itself was enough to create a moral requirement to conform, simply because you would endanger others if you didn't. Later on, Parliament specified penalties for those who violated the convention. But that only made Parliament the enforcer of the moral requirement, not its original basis.

I'd say something similar even if parliamentary intervention had in fact been the sole source of the rule about driving on the left. Parliament would then have been helping people to settle into a useful agreement, which they would then have a moral duty to observe. But this moral requirement wouldn't have derived from some general principle that you must obey Parliament because it is Parliament, whatever it says, but simply from the principle, as before, that you shouldn't endanger others needlessly.

We can apply this idea more widely. It is in everybody's interest, independently of any legal system, that we share the burden of paying for roads, police, defence, and so on. However, it will always be a bit arbitrary

exactly how this burden is shared, just as it is arbitrary which side of the road we drive on. So one sensible solution is to set up a body that will figure out some reasonable rules about taxation, which we will then all have a moral duty to follow.

As it happens, elected governments are the bodies that we use for this purpose, and so we all have a moral duty, within reason, to pay the taxes that they require of us. But, again, this isn't because we must blindly obey the decrees of governments as such, but because they are asking us to do something that is independently moral.

The point is that the state sometimes plays a co-ordinating role in setting up moral arrangements, as with taxes, the highway code, and so on. Most moral requirements, however, are not like this. We don't need the state to tell us that it's wrong to murder, assault, rob, or kidnap. These things are morally wrong, whatever the state says.

At most, the state's role with murder, robbery, and similar immoral crimes is to specify the punishments that are due to offenders. But that's a different thing. That's not what makes murder wrong. It's just a matter of coordinating our social responses to those who transgress.

So I say that when we have a moral duty to obey the law, that's not because it's the law, but because breaking it would be wrong anyway. You shouldn't commit murder even if there weren't a law against it.

Conversely, sometimes states get it wrong. They say that certain acts, like homosexuality, racial intermarriage, or drinking are immoral, when in fact they aren't. In cases like these, I don't see that I have any moral duty to obey the law. I certainly don't want to get rid of the state, for that way lies chaos. But when it prohibits me from doing things that aren't wrong, I will happily ignore its requirements, even while respecting its authority to penalize me if I am caught.

So the analogy between games and politics turns out to be remarkably close. In both cases, we need a central authority that wields power, otherwise we will have nothing but a brutish mess. But beyond that there is no moral requirement to obey the authority's regulations. We can reasonably take our own view on whether it is right to transgress and risk official punishment.

This freedom does not mean a world without morality in which everything is permitted. Just as most competing athletes will have a clear

sense of which sporting infractions are and aren't acceptable, so will most citizens recognize that many actions aren't just illegal but downright immoral. These are the codes that really matter. We need officials to make sure things don't get out of hand, and for this reason I'm the last person to question their authority. But when my sense of fair play allows it, I'm quite ready to break the rules.

Chapter 5

MORALITY, CONVENTION, AND SOCCER FAKERY

WHEN A BASEBALL outfielder traps the ball as it bounces—or picks it up on the half-volley, as non-Americans would say—he will generally leap up as if he has caught it cleanly, hoping to persuade the umpires that the batter is out. This is by no means considered bad behaviour in professional baseball. It's what good fielders do. You'd be letting your side down if you didn't try your hardest to take advantage of the umpires' uncertainty.

The contrast with cricket is striking. Fielders in cricket are supposed to say whether or not they have caught the ball. Traditionally the batsman, and indeed the umpires, have accepted the fielder's word on whether a catch was fairly made, even at the highest levels of the game.

The modern Television Review System is complicating the situation, with its tendency to make fair catches look foul, but the principle still runs deep in cricket. It's not just embarrassing to be found out pretending to a catch you know you didn't make—it's downright shameful. Your teammates won't want anything to do with you, let alone the opposition. You will have been exposed as someone lacking in moral fibre.

No doubt many cricket fans will take this comparison to be yet more evidence of the inferiority, not to say degeneracy, of the American summer game. But I think that this is quite the wrong reaction. I love cricket above all other sports, but baseball is also a fine game, with many virtues of its own. What is more, it has a great deal of pride in its traditions, and a strong

concern, bordering on obsession, with propriety and good behaviour.

In truth, the two games place different moral demands on their players. While it would be disgraceful for a cricketer to claim a catch he hasn't made, this is morally quite acceptable in a baseball player.

This might seem puzzling. How can one and the same action be immoral in one sport, yet moral in another? We seem to be getting dangerously close to the idea that all morality is relative—that there is no real difference between right and wrong, just different ideas of what is socially acceptable. But this does not follow at all. I believe in absolute moral standards as much as the next philosopher. It is just that this absolute morality manifests itself differently in cricket and baseball.

To understand cases like these, we first need to distinguish between morality and convention, and then to understand their relationship.

From an early age, all humans recognize that there is a difference between morality and convention. They understand that morality is universal, independent of authority, and has to do with genuine welfare, while convention varies across societies, depends on decree, and governs matters of no intrinsic importance.

This distinction has been much studied by social psychologists, following the influential work of the Berkeley psychologist Elliot Turiel in the 1980s. In *The Development of Social Knowledge: Morality and Convention,* Turiel showed that children discriminate naturally between moral principles, which they view as unalterable, and rules instituted by parochial authorities, which they assume can easily be changed. Turiel's work has since been confirmed by a wide range of studies covering subjects of different ages and religious and cultural backgrounds.

In one of Turiel's original studies, children were asked whether the teacher's permission would make it all right (a) to speak without raising your hand first or (b) to steal. The children all agreed that talking without hand-raising would be legitimated by the teacher's say-so, but they felt differently about stealing. No, it would not be all right to steal, insisted one thoughtful eight-year-old in Turiel's original study. "People wouldn't like to have things stolen."

At first pass, the difference between cricket and baseball is clearly a matter of convention, not morality. No issues of human welfare hinge on whether catches are self-policed or left to umpires; both games could easily

enough decree that things be done differently; and the example itself shows that nothing universal is at issue. Whether or not you own up to trapping a catch is a conventional matter, like raising your hand before speaking, not a moral issue like stealing.

As I explained in the last chapter, every sport has an agreed code of fair play, a set of conventions that governs the players' behaviour. These don't always line up with the formal rules—sometimes the players' conventions license rule contraventions, and sometimes they prohibit actions that don't break the rules. The conventions are a set of expectations the players bring to the game and that define their sense of sportsmanship. When youngsters are introduced to a sport, they are taught how to behave, which tricks are acceptable and which not, and in time they will teach these traditions to the next generation.

Our puzzle was: how can one and the same action—claiming a catch you know you haven't made—be morally shameful in cricket but acceptable in baseball? In response, I have drawn attention to the difference between morality and convention, and observed that different sports have different conventions about acceptable behaviour. You might be wondering whether this takes us any closer to a solution. True, we can now see that the cricketer who falsely claims a catch is departing from the conventions of his sport in a way that his baseball counterpart isn't. Still, the issue wasn't just that the cricketer was being unconventional, but that he was being *immoral*. Yet deviating from social conventions is by no means always a moral transgression. Somebody who holds their knife in the wrong hand, or who addresses a duke as "my lord" rather than "your grace", may be committing an embarrassing *faux pas,* but it would be silly to condemn them as morally inferior simply because of their social incompetence.

Not all conventions, however, are as morally insignificant as rules about holding knives and addressing dukes. In other cases, conventions substantially alter the moral landscape. Conventions are not themselves the same as moral principles, as Turiel's work makes clear. But even so, the particular conventions adopted by a social group often make a difference to what morality requires of its members.

The most obvious examples involve physical coordination. Take driving on the left rather than the right once more. In itself this certainly isn't a moral issue. There's nothing morally amiss with countries that do it

differently. But if you are in a country where everybody else is driving on the left, it would be downright immoral, and not just eccentric, to insist on driving on the right. The point is that we have an absolute moral duty, applicable across all societies, not to endanger the lives of others recklessly, and this imposes a moral requirement on us to conform to the local highway code, whatever that might be.

The same logic applies to codes of manners. It is a matter of arbitrary convention that shaking hands is the normal manner of greeting in England, while bowing is expected in Japan. But at the same time it is a universal moral rule that we should respect our fellow human beings and not insult them wantonly—from which it follows that we all have a moral obligation to hail our fellow citizens politely, by shaking hands in England, or bowing in Japan, or in general by adopting whatever form of greeting is expected locally.*

As well as ensuring road safety and enabling expressions of respect, socially variable conventions also play a role in deciding what counts as an agreement or promise. In America, someone hailing a taxi is implicitly promising to tip the driver above the set fare, but this doesn't apply in Australia. Because of the underlying universal moral principle that you should not renege on your commitments, conventions like these also make a difference to the moral landscape. If you scoot off without tipping the cab driver, you are acting immorally in the States, but not in Australia.

These are the conventions that matter in sporting contexts. Anybody taking part in a cricket match has effectively agreed to abide by the cricketers' code of practice, and in particular not to claim catches they haven't made. So someone who does pretend that they've made a catch, when they haven't, is like someone who enjoys an evening in the bar with friends but then sneaks off when it's their turn to buy the drinks. They are reneging on an implicit agreement in order to gain an unfair advantage.

That is why the cricketer is immoral where the baseball player is not. The deal made by baseball players when they sign up to a game is different. They aren't counting on each other to self-police catches. Instead they have agreed to leave it to the umpires. And so they are not breaking ranks and taking advantage of the others if they try to get away with a phoney "catch".

The point generalizes. The various understandings of fair play observed by different sports are like contracts that you enter into when you start a

match. This is why players who violate the spirit of the game aren't just choosing to be unconventional. They are transgressing the universal moral principle that you shouldn't gain advantage over others by breaking your promises.

Sports fans are very quick to complain about standards. Their favourite targets are games other than their own and the depravity of the present day. Cricket fans are sniffy about baseballers, rugby fans are shocked by soccer players, golf fans look down on tennis players, and all of them agree that contemporary sports performers can't hold a moral candle to those of past generations.

If you ask me, these Jeremiahs are nearly all mistaking conventional differences for moral failings. The different standards upheld by different sports are at first pass just alternative contractual arrangements, different sets of expectations about what the players owe each other. Given these arrangements, the players of any given sport have a moral responsibility to adhere to their agreed code. But it doesn't at all follow that the sports with less restrictive codes are morally inferior.

Of course, sporting codes change over time, just as social rules of etiquette do. There is now more shirt-pulling in soccer than when I was young, cricketing tail-enders are no longer spared dangerous deliveries from the fast bowlers, it is now standard practice to "ice" the kicker in American football, rugby spectators no longer fall silent for place kicks, and so on. But I see no reason to view these changes as moral deterioration, as opposed to a shift from one set of workable social expectations to another.

To look down on other games just for being different is the sporting equivalent of despising all foreigners for their uncouth ways. The true sports fan will recognize that there are many equally good ways of arranging games—and that there's therefore nothing morally wrong with baseball players claiming catches they haven't made.

Still, having said this, I don't want to insist that all sporting codes are equally admirable. Some sports do end up encouraging genuinely immoral behaviour.

In one of the early group matches in the 2014 soccer World Cup, the Portuguese defender Pepe held off a challenge from Germany's Thomas Müller with an arm that brushed Müller's chin. The latter's reaction was to throw himself to the ground clutching his head. This so infuriated Pepe that

he promptly head-butted Müller and got himself sent off.

I was watching (in a bar in Paris, after a philosophy workshop) and I was shocked. Not by Pepe's head-butt—that was just dumb, and not particularly surprising from a player well known for his volatility. Rather it was Müller's play-acting that dismayed me. Germans don't fake injuries to get other players into trouble. It was like seeing Mary Poppins steal a purse.

This got me thinking. Why wasn't this just another case of one set of conventions replacing another? Historically, professional soccer players didn't use to play-act to engineer penalties for the opposition. But it has increasingly become common practice. So why was I so shocked? Why didn't I view this as just another change in sporting customs? Müller was simply behaving in a way that had become normal among his fellow professionals. He would arguably have been a fool not to. Given that everybody else was using this trick, he would have been letting down his side by not doing so too.

But on reflection I realized I didn't see it like that. I admired the Germans for holding to the old ways, and was distressed precisely because I was observing a falling-off in standards. It is morally better if soccer players don't lie to gain an advantage over their opponents. I felt it was a pity if the Germans had joined those teams that did this.*

The comparison with social conventions is again instructive. As a general rule of thumb, it is not a bad idea to observe existing social customs. However, the principle "when in Rome, do as the Romans do" only takes us so far. Not all social mores are harmless variations of protocol.

Many traditions demean women, others reinforce prejudice, and some are downright abhorrent. Female foot binding in China, racial segregation in the American South, and the subjugation of Jews were all once regarded as acceptable, indeed essential, components of historical societies. With codes like these, it is more honourable to breach than observe them. We can be thankful that they are all now regarded as occasions for shame rather than pride.

Some sporting codes are similarly reprehensible. They invite athletes to behave in ways that are morally indefensible. I have already discussed how some soccer players feign head injuries hoping to get opponents sent off. It is not hard to think of other clear-cut examples.

The rugby culture of punching opponents tends to spill over into biting, eye-gouging, and even sticking your finger up your opponent's bottom (though it should be said that this last practice is frowned upon even by front-row forwards). Until recently competitive road cyclists fed themselves a battery of performance-enhancing drugs, and this self-abuse was compounded by the corrosive hypocrisy of repeated public denials.

I would say that these practices are the sporting equivalent of Chinese foot binding. They take us beyond local customs and into the realm of objective immorality. Even if the sporting communities in question condone them, this doesn't make them all right.

Are there any general rules specifying when sporting codes overstep the limits of acceptability and become objectively immoral? As it happens, it is surprisingly difficult to draw any principled boundary between valid sporting conventions and morally repugnant practices.

A first thought might be that a code is bad to the extent that it authorizes violations of the rules. Isn't that just cheating, and so automatically contemptible? As we have seen, however, this doesn't hold up at all. It is often perfectly proper to break a sporting rule and take the penalty. I have already mentioned the example of basketball players fouling in the last seconds to stop the clock and give themselves a chance to win. Nobody thinks of this ploy as immoral sharp practice. It's a perfectly normal move in the game.

Stopping the clock in basketball is by no means an isolated case. There are plenty of other examples of morally acceptable rule-breaking. In soccer, a forward will happily risk an offside penalty in the hope of catching the defence napping. In rugby it is illegal to hang on to the ball when you are on the ground after a tackle, but you'll be letting your side down if you don't do this to prevent an imminent try. Snooker players are penalized four points if they "miss"—that is, end up playing a foul shot to avoid leaving their opponent an easy pot—yet it often makes sense for them to do this many times in succession. Penalties for these technical infractions are simply part of the game, like paying rent when you land on someone's square in Monopoly.

All right, but what about codes that actively encourage players to deceive the officials? Surely that at least is beyond the moral pale. Openly taking one for the team in full view of the referee still preserves a kind of

honesty. But trying to get away with an infraction without being detected looks like a paradigm of immoral behaviour.

Yet this doesn't work either. In baseball young catchers are taught to "frame the pitch"—to choreograph their catching movements in such a way as to make it seem as if they took the ball in the strike zone. The aim is precisely to deceive the home plate umpire into calling balls as strikes. Far from being regarded as a dirty underhand trick, this skill is widely admired throughout the game.

Buster Posey of the San Francisco Giants is regarded as a supreme practitioner of this art. As Major League Baseball's own website explains, Posey's "ability to frame pitches… requires a catcher to employ deft hands, remain limber physically and exercise sound judgment. A successfully framed delivery typically travels on the fringes of the strike zone. It's the catcher's duty to receive the ball in a way that erases any doubt the pitch is a strike."

Cricket offers a similar example of benign deception. Batsmen who have feathered a catch to the wicket-keeper will often feign insouciance in the hope of persuading the umpire that they didn't touch the ball. In first-class cricket, or even serious league cricket, this is perfectly proper, even required on behalf of the team.

Cricket fans sometime argue that the modern practice of leaving it to the umpire represents a moral falling-off from the time when batsmen "walked" without waiting for the umpire's decision if they knew they'd touched the ball. But it is something of a myth that there ever was such a time. In serious games with proper umpires, batsmen have nearly always waited for the umpire's decision. (True, a decade ago the great Australian wicket-keeper-batsman Adam Gilchrist was an egregiously quixotic walker. But this was by no means popular with his teammates, many of whom felt that Gilchrist was fostering his image at the expense of the team.)

If there ever was a tradition of walking, it was restricted to a few English gentlemen amateurs who affected this theatrical means of showing their social superiority for a couple of decades after World War II. And even then they weren't always consistent. Colin Cowdrey, the last in the great line of English amateur captains, had a reputation for walking for obvious decisions, but not for the harder ones, in the hope that his reputation as a walker would influence the umpire in his favour.

Perhaps we shouldn't be surprised that there are no simple rules to tell us when sporting practices overstep the boundaries of morality. According to an influential school in contemporary moral theory, this is just a special case of a difficulty that arises with all moral judgements.

The defining feature of the moral doctrine known as "particularism" is its distrust of general moral principles. Particularists maintain that there are always exceptions to rules like "thou shalt not kill", or "always tell the truth", or even "do unto others as you would have them do unto you". In their view, real life is far too messy for any such all-purpose prescriptions.

As particularists see it, difficult choices involve genuine moral complexity. You can't always satisfy the demands of both kindness and honesty, friends and family, non-violence and justice. No set of mechanical principles can tell you how to balance these issues across the board. Instead, in any concrete situation, you must rely on your moral intuition to tell you the right thing to do.

I am not myself convinced that there are no general principles to be found in the moral realm. Still, there's no doubt that sporting practices provide a good case for particularists. There really doesn't seem to be any mechanical formula for morally grading codes of accepted sporting behaviour. The relations between the scoring systems, the rules, and the officials are too complex and varied to allow any easy generalizations. In the end, perhaps all we can do is appeal to our inbuilt ethical sense to tell us when sporting customs have moved beyond local practices and become downright immoral.

In most cases, the divergent customs of different sports are simply alternative conventions, akin to the divergent cultural customs observed in different societies. If you think that there's something morally wrong about baseball players claiming catches they haven't made, then you are just making a mistake. But in other cases all should recognize that sporting customs cross the moral line. Even if most soccer players faked injuries, or most cyclists surreptitiously took drugs, that wouldn't morally legitimate these practices.

The distinction may be difficult to analyse, but it is one worth drawing. It is only by marking the difference between legitimate conventions and corrupt practices that we can hope to keep the latter out of sport.