

Judging Athletes' Moral Actions: Some Critical Reflections.

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Abstract

Approving or disapproving of athletes' moral conduct and character is commonplace. In this essay I explore to what extent such judgments are valid and reliable *moral* judgments. I identify some methodological problems associated with making moral judgments particularly, but not exclusively, from a virtue perspective. I argue that we have no reliable access to states of mind needed to make informed evaluations. Moreover, even if such access was available, the validity of our judgments would be compromised or limited by our own moral character.

Key words Character, virtue, moral judgment, reason, behaviour.

Introduction

The claim that playing sport can, or does, make a valuable contribution to one's moral character endures despite the mountain of purported falsifying evidence. In 2018 the British cricketer Ben Stokes was cleared of a criminal offence (affray) although his governing body, the England and Wales Cricket Board (ECB), have found him guilty of bringing the game into disrepute. Serena Williams' character has also been scrutinised following her altercation with an umpire during the 2018 US Open tennis championship. There is no shortage of examples of athletes behaving badly. Such examples present difficulties for those whose inclination is to defend the thesis that sport can provide a context where good character can be displayed and cultivated. My aim in this paper is to revisit the topic of sport and moral character, 20 years after completing my PhD thesis on the subject. The overarching conclusion I drew in my thesis was that a neo-Aristotelian or virtue ethics approach was best suited to examine the complex subject of sport and character. At the time I was convinced that such an approach was superior to the growing number of Kohlberg (1981, 1984) influenced empirical studies examining sport and character¹. In this paper I revisit some of the issues I covered in both my thesis and in subsequent published articles. There are some issues I won't be addressing in this paper. Specifically, I won't be seeking to defend any particular ethical theory (e.g. virtue theory over deontology) although there will inevitably be some discussion of theory². Nor will I be seeking to defend whether *this* or *that* action best instantiates any particular virtue,

value or principle - such as courage, justice or honesty. My intention is to examine some rudimentary difficulties with making basic ordinary language assessments of athletes' moral conduct and character.

Approval and Disapproval

Roy Keane's knee high tackle on Alf-Inge Håland in 2001 and Matthew Rees helping a fellow competitor across the line at the 2017 London Marathon elicit disapproval for the former and approval for the latter. But what exactly is the subject of our approval? Their actions, their character, both? Foot (2002, 189) argues that philosophers interested in moral approval/disapproval tend to look to 'internal' features of the individual such as feeling and thought in order to inform their evaluation. There must be a reason why Keane injured Håland and the reason, as well as the behaviour, is standardly considered to be vital data. Keane injured Håland *because* he wanted to, it was his deliberate intention to do so. Moreover his motive for doing so was festering resentment and a desire for revenge (Keane has admitted as much in his autobiography). These facts about Keane provide an explanation of his behaviour. Rees helped his fellow runner *because* he empathised with him. Keane's bitterness and Rees's empathy are the grounds on which our approval or disapproval are constructed.

The belief that mental events issue in behaviour in this way seems obvious, but is by no means uncontested. The psychologist B.F. Skinner was sceptical about attributing the cause of observable behaviour to inner mental states. Inner mental processes can't be observed and discussing such things, he claimed, is unscientific. He proposed a science of behaviour that eschewed the unobservable and focused on the observable – namely the behaviour and the environmental contingencies that reinforced it.

The behaviours classified as good or bad and right and wrong are not due to goodness or badness, or good or bad character, or a knowledge of right and wrong; they are due to contingencies involving a great variety of reinforcers including the generalized verbal reinforcers of 'Good!' 'Bad!' 'Right!' and 'Wrong!' (Skinner 1971, 112-113)

If Skinner is right then psychology as the study of the mind is redundant. Psychology becomes a mystical practice.

Most contemporary accounts of human action in general and moral action in particular are committed to some account of a moral agent in terms of the mind *vis-à-vis* dispositions, attitudes, beliefs, thoughts and emotions. These features come together in an individual and exemplify 'characteristic ways of thinking and acting' (Kupperman 1991, 5). Our personality or character issue in a distinctive identity – it is part of what makes us

unique. For Kupperman (1991, 7) 'Character has a vital role in how we act. That is, to have character is to act in such a way that *the person one is* plays a major role in any explanation of ones' behaviour'.

What do we need to know?

If we believe that 'internal factors' explain moral action then we need to specify which particular 'internal factors' we need to access and what are their definitive qualities. For virtue theorists dispositions in general and moral dispositions in particular are the target. Annas (2001, 111) argues that 'what makes a disposition a virtue is not the results it produces but, broadly speaking, the attitude of the person who has the virtue'. For Annas (2001) (and other virtue theorists) the important attitude is characterised both by a kind of affective commitment to the good, but also knowledge or understanding of the good. Virtue involves a commitment to the good *because* it is good. To be truly virtuous (moral excellence) is to act *for* the right reasons. Knowledge and understanding of the good/right are *necessary*, but not sufficient, conditions of the moral action. A commitment to knowledge of the good in moral evaluation is not limited to virtue accounts. Kohlberg's (1981, 1984) Kantian influenced theory and the methods it employed is perhaps the most systematic cognitive developmental expression of this commitment.

A cognitive commitment presents an obvious difficulty when we seek to approve or disapprove. As Skinner (1971) argued, it, if there is an 'it' (the decisive antecedent mental state) is not readily accessible to us. All sorts of complex philosophical, psychological and neuroscientific questions about mind states, brains states, causation, determinism, free will and so forth loom large here. For the purpose of this paper I'll attempt to sidestep these 'big' problems and focus on a more prosaic difficulty, namely how we access the data we need to decide whether any given agent's understanding is worthy. Consider the plight of the young football team and their coach who got trapped in caves in Thailand recently. In order to save the 12 young boys and their coach from deep inside flooded caves, a rescue team performed *prima facie* courageous acts. They risked their lives in extreme conditions in order to bring the trapped boys and their coach to safety. Were they *really* courageous? The question seems rather churlish yet it is a question that valid moral assessment seems to demand. From a virtue perspective the current question is not whether their acts successfully struck the golden mean between cowardice on the one hand and recklessness on the other, but whether any given rescuer had the appropriate state of mind – a commitment to the good because it is good (or some such) – to qualify them as *properly courageous*. Virtue theory is committed to discriminating between, or even ranking the divers,

according to their knowledge and commitment to the good. Such a process would not involve looking at their actions; did some overcome more risks than others, did some face more danger than others (although some of these might be ultimately relevant) – but would involve scrutinizing the diver’s understanding of their actions *in terms of* a moral idea, value or virtue that frames it. If the rescue divers’ reasons for action were revealed we might indeed find that some rescuers are purportedly *better* (morally speaking) than others.

Let us suppose that a rescuer informed us that their reasons for helping were largely self-interested. The thrill and excitement, the opportunity to test one’s technical skills and the sense of satisfaction that would be wrought by being involved in the rescue were his reasons for action. Perhaps fame and adulation were also a motive. Such a cave diver seems to be morally indifferent (Sanderse 2015). He has a mistaken idea of happiness – in terms of honour, bodily pleasure or money. Such a person has not developed the ability (acquired the knowledge) to discern the good nor the stable disposition to feel and act virtuously (Curzer 2002). Similarly from a Kohlbergian perspective, those able to provide reasons that were more adequate – grounded in universal ethical principles (indicative of a more advanced stage of moral maturity) would be evaluated more favourably (morally speaking) than those unable to articulate such reasons.

On both an Aristotelian and Kohlbergian reading, the self-interested cave diver’s reasons are not just *inferior* moral reasons, but arguably *not* moral reasons at all. To reiterate - whatever the consequences of his actions - this rescuer’s reasons (and therefore his actions) are at best morally inferior/immature and at worst not moral at all.

The judgment problem

We have seen that both virtue and Kohlbergian approaches are committed to evaluating the agent and to do so we must know something more about the agent than what she did. I want to focus on two important implications. One is about criteria – identifying the standards used for judging moral agents. This is about deciding whether *this* or *that* action is praiseworthy (rescuing children from caves is *ceteris paribus* good, leaving them stranded is *ceteris paribus* bad), and on what grounds *this* or *that* person deserves our approval for acting. The second is about method or judgment in light of the criteria. Even if we have criteria, difficulties arise in accessing the information we need to make an informed judgment in light of any particular criterion.

Initially I will try and deal with the two implications separately starting with method. How can we tell if someone is virtuous or morally mature? The problem is not confined to sport, but sport does bring the issue into stark relief. When we watch sport we make all sorts of judgments about the players. We praise and criticise them for their technical and tactical acumen, their physical efforts as well as their moral conduct. We want our judgments to be reliable and valid i.e. we want the players to deserve our praise or criticism. For the most part the evidence we require for our technical, tactical and effort judgments is publically available. The foot making clean contact with the ball causing it to fly into the top corner of the goal is evidence of the skill of the player. The efforts of the players at the end of a 90 minute (or 120 minute) football match is writ-large on their bodies. Further evidence of effort is provided by analysts who will tell us that player A covered X amount of kilometres in the game. The analysts will also provide evidence that a particular tactical system employed was effective. We can be reasonably confident therefore (but rarely certain) when we make such judgments that they are accurate. The so-called 'truth makers' are available to us (Mumford 2006). Where judgments about moral conduct are concerned, however, things are far more difficult. The decisive evidence – the truth maker – is not available to us. We can't see the necessary mind states.

At a crucial stage during the final of the 2018 World Cup a header from the French player Samuel Umtiti struck the left arm of the Croatian player Ivan Perišić. The VAR (Video Assistant Referee) invited the on field referee to review footage of the incident to decide whether Perišić deliberately handled the ball. Following the review the referee judged that Perišić had and awarded a decisive penalty to France. There is no doubt that the use of the VAR improved the referee's view of the incident, but neither the referee nor the watching millions are granted (by the replays) the requisite epistemological privilege (Collins 2010) necessary to judge the 'mental state' of intentionality, and thereby Perišić's guilt or innocence.

Assessing the requisite cognitive antecedents implicated in more complex moral acts is even more difficult. The problem is exacerbated in sport because of the time-constrained and fast-paced nature of the activity. Rarely is there an (formal) opportunity to 'build' and 'prosecute' a case for or against the character of an athlete where we might seek to introduce and test evidence that they are virtuous or vicious. We do informally draw conclusions about the character of certain athletes. We are more likely to blame and condemn athletes who have a track record of ill-discipline, for example Uruguay's Luis Suarez, when they commit another vicious act. Conversely we often hear 'he's not that kind of player' in mitigation of athletes who commit a vicious act for the

first time. One such example is Welsh football international Neil Taylor's tackle that broke Seamus Coleman's leg in a World Cup qualifying match in 2017. Despite the recklessness of the tackle and the serious injury it caused, many sought to draw our attention to Taylor's overall exemplary character on and off the pitch. But these opinions are formed in light of observed patterns of behaviour. They are not particularly robust and are certainly not informed by data about mental states or dispositions.

The empirical studies that employed Kohlbergian inspired methods to designate athletes' level of moral maturity purportedly solved the problem by accessing and evaluating cognition and understanding. In order to do so, however, they had to use post-hoc self-report measures (in the main, participants were asked to reason about a moral dilemma and their judgments were recorded and analysed). Notwithstanding standard reservations about the validity of both self-report and post hoc methods, their use by Kohlberg (1981, 1984) and others with respect to moral agency invoke specific concerns. These methods are adopted because of the bipartite commitment to the belief that moral cognition plays a vital part in moral action, and that moral cognition can be accessed (using such methods). In other words a commitment to the idea that those who know the good choose the good (McNamee et al 2003). Blasi (1980, 9) argues that cognitive-developmental theory simply hypothesizes a positive-correlation between cognition and action and that it 'is unreasonable to expect that the knowledge of a person's moral criteria will enable us to predict what specific action he or she will take in a given situation'. Even if we were able to access beliefs and values in isolation from the action, we cannot be sure that they either explain the action (might be a rationalisation) or produced the action (it might have been another belief or value).

Even if we accept that knowledge is necessary, it is widely accepted that it is not sufficient for virtue. Curzer's (2002) reading of Aristotle identifies five components of virtue. First is the ability to identify virtuous actions in any given situation. This 'component' has variously been described as being able to *see* (Flanagan 1991) or *perceive* (Rorty 1988; Blum 1994) morally salient features of a situation. This component gets us going in a sense – it produces saliency. The second component Curzer identifies is understanding. This is the component I've been discussing above i.e. 'reflective understanding of the good'. The third is an intrinsic desire for virtue or the love of virtue for its own sake. This component deals with the motive for moral action – the commitment to the right or the good. It is a matter of 'taking it to heart' or 'making it second nature' (Curzer 2002, 143). The fourth component Curzer identifies is the disposition to virtuous action and the fifth is the disposition to virtuous

passion. These final two components introduce the *aretaic* dimension seeking to tie moral action to a person's moral character in a substantial way. We might look at these 'components' in different ways. For example, we might see each as a separate psychological process or mechanism *and/or* we might see them as instruments to virtue-neutral executive qualities whose moral worth is derivative of virtuous action which they may play a part in realising³. Detailed exposition of these 'other' components in general and how any given individual acquires virtue (and the role of instruction, teaching, habituation practice and exemplars therein) are beyond the scope of this article. The point is that the nature and quality of these *additional* (and vital) components/mechanisms of moral virtue or moral action are also opaque. We have no reliable access to them when making our judgments. We don't know if any given cave diver or athlete has an intrinsic desire for virtue or some such.

The Criteria Problem

Let us put aside for a moment the methodological concerns and turn to possible criteria. In other words if we had valid and reliable access to the information we needed to make judgments, what might we conclude about the character of any given individual? Both Aristotle and Kohlberg's criteria suggest that the truly good is an aspirational ideal. Moreover it is unlikely that any of the rescuers, despite these extraordinary acts (it's worth remembering that a diver had already died navigating the flooded caves) would qualify as fully virtuous on Aristotelian grounds or fully morally mature on Kohlberg's terms. Meeting the lofty ideals of *proper virtue* (or stage 6 moral maturity) is beyond all but the most saintly, and certainly beyond our common or garden athlete. It is therefore moot to ask whether any given athlete's actions are good or if their character is virtuous. The answer is always no if we mean 'properly' virtuous. So if we praise using terms like courageous, honest and just, it seems we are not really saying they are courageous, honest and just, so what are we saying?

One way to go is to reject the theories that have such high expectations or ideals and argue that because such standards are not realistic or achievable (they demand a psychology which we cannot achieve) they neither merit our respect nor our efforts. We go for a more 'human' sized conception of moral goodness (Blum 1994, Flanagan 1991 and Pincoffs 1996). This is a strategy I employed in my PhD thesis, and subsequently (Jones 2011), arguing that a virtue theory need not table such a demanding end point for development. The goal of moral development, I argued, might best be conceived more pluralistically in terms of exemplifying some (but not all) moral excellences in certain contexts (like sport). This amounted to rejecting the 'unity of the virtue' thesis. My objective was in part to ensure that athletes' could legitimately, despite moral failings, be candidates for praise.

More recently I considered whether Blum's (1994) distinction between 'ordinary' and 'noteworthy' virtue might provide the criteria to praise athletes and to justify their role model status in the absence of virtue proper (Jones 2016). In other words, an athlete might not be fully courageous (noteworthy), but might nevertheless display and merit approval for ordinary courage. Both strategies, I thought, addressed two purported problems with an Aristotelian account of virtue (unity of virtue and the unattainability of proper virtue) whilst retaining the centrally important features. I thought I could retain the baby whilst throwing out the bathwater.

Can we pick and choose- the problem of phronesis?

I am no longer sure whether either strategy is plausible. The virtue concept is complex and rooted in an overarching social, moral and psychological framework. As we have seen there are five components implicated in virtue and each of these encompasses different processes, mechanisms and qualities. How these 'come-together' to produce virtue (identify and enact the good) is a crucial, but extremely challenging problem. Aristotle's (and many neo Aristotelians) solution to the problem is to turn to the concept of practical wisdom (*phronesis*). Practical wisdom is a complex idea so I will offer only the briefest sketch here before discussing its implication for this paper. Practical wisdom is the capacity to 'get things right' in relation to moral action. It encompasses or embodies all the five of the components discussed above. Practical wisdom is implicated in striking the golden mean, it takes us from the general (principle) to the particular (action that instantiates the principle). According to Simpson (1997, 248–249) it's a kind of perception– of 'judging the here and now'. Practical wisdom does a considerable amount of the 'heavy lifting' in terms of an Aristotelian moral psychology. To some extent it is an elusive quality, yet fundamental. I have argued previously (Jones 2017) that the implication of Aristotelian practical wisdom is not fully appreciated by many who turn to it to explain how individuals 'get things right' in terms of judgment and action in all kinds of situations. Practical wisdom is not a supplementary free-floating quality that is applied to, or brought to bear on, a given situation. Perhaps the following passage from Aristotle himself implies that *phronesis* is somehow separate from virtue.

...the full performance of a man's function [eudaimonia] depends upon a combination of prudence and moral virtue; virtue ensures the correctness of the end at which we aim, and prudence that of the means towards it (Aristotle 2004, 163).

The truth about practical wisdom, however, is that it cannot be separated from virtue and choice. Decision or action 'cannot be correct in default either of prudence or of goodness' (Aristotle 2004, 163). This 'integrated'

picture of practical wisdom has important implications for a virtue account of moral action. Annas (2011) believes that if we want practical wisdom in our theory of virtue (and I think we must have at least something like the concept of practical wisdom), we also have to commit to the 'unity of virtue'— i.e. the idea of a complete stable and integrated collection (mentioned above). A commitment to phronesis implies or necessitates a commitment to the unity of virtue. Annas (2011, 86) argues that

...practical intelligence develops over your character as a whole, in a holistic way. You can't develop generosity in the absence of fairness and tact; you can develop a character trait, but it won't be generosity, since it will fail to get things right in action, and the result will be not generosity but extravagance or self-advertisements. To the extent that you are truly generous, you get everything right when acting generously, and to do this you have to get things right in other aspects of your character also.

There isn't a courage 'practical wisdom' or a justice 'practical wisdom', but rather a practical wisdom which *unifies* and *integrates* different features of a situation and different virtues *to get it right overall*. Consequently to have one virtue (courage) you need phronesis (lest you be reckless or dishonest in your actions), but if you have phronesis you have all the virtues (Annas 2011, 86).

Developmental criteria

This brings us back to the problem of evaluating and approving. If we go for the 'pluralistic' version (some virtues not others) then we must abandon practical wisdom. But can we really say that the athlete who is brave, but dishonest, or fair, but mean is praiseworthy? It seems counterintuitive to approve of their courage and fairness whilst at the same time disapproving of their dishonesty and meanness. Practical wisdom rescues us from this type of quandary. It tells us that there is an ultimate 'right' choice to make here for the agent. If we imagine an athlete with practical wisdom, such an athlete should act according to the overall good which might not be characterised by courage, honesty or fairness but in terms of some other virtue such as magnanimity. It seems that adopting the ordinary-noteworthy approach runs into similar problems. Surely we ought not to approve of an ordinary act of virtue if the overall good is diminished. Knowing whether *this* particular act of courage or *this* particular act of ordinary virtue undermines the overall good demands virtue and practical wisdom that are beyond both the moral agent acting and the moral agent approving or disapproving of said act and agent.

Annas (2011) seems to offer another way out of the problem. It does make sense, she insists, to both hold on to the ideal of proper virtue *and* approve or disapprove in terms of progress towards virtue. I can, without

contradiction, praise my 5 year old boy for being kind even though I know he falls short (as do we all) of having the *virtue* of kindness. He is learning 'basic' kindness or learning to be kind *in this and/or that* situation. He is forming and cultivating the disposition of kindness (and others) which will form part of an integrated character.

We are quite free to call someone brave or generous when they fulfil the conditions in which we learned what bravery and generosity are. At the same time we are quite clear that they are not fully brave or generous; they do not indicate to us everything that these virtues involve (Annas 2011, 89-90).

A developmental approach is faithful to Aristotle who recognised that virtue evolved and matured given the right circumstances and attitudes. Sanderse (2015) identifies four stages of moral development in Aristotle:

a) *Moral indifference (the many).*

The morally indifferent are not necessarily bad but have a misguided understanding of happiness. Bodily or lower order pleasures dominate and there is no appreciation of higher order pleasures or at least moral and intellectual virtue don't feature in their flourishing (Sanderse 2015, 388). Perhaps they lack the desire to aspire (Annas 2011) (among other things) because they have not been taught or habituated to develop the appropriate dispositions. Those at this level are not distinguished from higher levels by their behaviour, but by the reasons for their behaviour. As we saw above, the 'brave' cave rescuer or the 'altruistic' marathon runner might both be acting selfishly.

b) *Lack of self-control (incontinence)*

According to Sanderse (2015) those at this level have chosen to lead a virtuous life (rather than a life guided by lower order desires). However, their knowledge seems to lose a battle with their desires and they have a tendency to do the wrong thing – or not to do the right thing. An athlete might have developed some sense of morality and believes that cheating is wrong, but is unable to resist the temptation when it arises.

c) *Self-control (continent)*

The self-controlled have a commitment to virtue. They also have a command over their desires and passions that those at the previous stage lack. Nevertheless they cannot be considered fully virtuous unless they feel a particular way about it. The self-controlled agent might experience frustration and difficulty yet act according to what virtue demands (Sanderse 2015, 392). The rugby player who grudgingly shakes the hand of their opponent might be at this stage.

d) *Proper virtue (virtue in the full sense)*

As we have seen a key ingredient for proper virtue is practical wisdom. According to Sanderse (2015, 393) 'People only reach the final stage of moral development when they possess this intellectual virtue, which forges the virtues into a complete stable and integrated collection.'

A solution?

The developmental strategy does not seem to solve the methodological difficulty I highlighted above. Judging any given athlete, or their actions, in light of the developmental criteria supplied by these stages similarly requires access to those internal mind states (cognition, intention, and emotion) that are not readily available. Our appraisal is dependent on data that is not available to us as observers. The evaluation of maturity on Aristotelian grounds shares some of the difficulties of evaluating moral maturity on Kohlbergian grounds. Approval or disapproval depends on information about agents' mind states, but equally (or perhaps more) challenging, depends on the judge having a grasp of the 'overall good' *against* which to compare this particular agent's act or character. Even judging the progress of virtue one has to some extent have a clear and developed conception of the overall good which means having the virtues and practical wisdom. It seems to me that what actually happens when we approve or disapprove is that we see the behaviour and make all kinds of inferences about what is behind the behaviour. Sometimes our inferences enjoy a degree of intersubjective agreement and sometimes not. Sometimes our inferences are proved or disproved after the fact, as in the case of Roy Keane's confession about his 'revenge tackle'. We can try to infer the complex cognitive processes 'assigned an important role, specifically the role of regulating and facilitating the relations between situations and moral tendencies as well as the relations between moral tendencies and behaviour' (Blasi 1980, 3), from observable behaviour, but this not a reliable method. It was for this reason (among others) that Skinner (1971) became sceptical about the role of cognition in all behaviour including moral acts. Even if we could agree on the so-called facts, making the call about the moral merits of the actions and actors in order to attribute virtue or 'progress' towards virtue is a significant challenge, particularly if we don't know where our own character fits in the picture. Flanagan (1991, 332) offers these apposite insights:

There can be no single theory of morally good character. This is not only because we disagree about what ways of being count as good. It is also due to the fact that even when we agree on what counts as good, many different modes of psychological organization can bring about the desired class of results. There is a vast array of morally good personalities. Ethical goodness is realized in a multiplicity of ways

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¹ See Shields and Bredemeier (1995) for a comprehensive and empirically informed theory of moral character in sport. The book draws together important empirical and theoretical insights.

² I did look to defend the normative superiority of VE in my thesis and elsewhere

³ Shields and Bredemeier [1995, 92] proposed their own model of moral action with a Kohlbergian cognitive development spine. Four processes, namely interpretation, judgment, choosing a value and implementation, they argued are involved in moral action