Oscar Pistorius as Para/Olympian: difference, equity and slippery slopes

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1. How to view Oscar?
2. Does Oscar present a precedent?
3. Do prosthetics alter the nature of the activity?
4. Conceptual v empirical slippery slopes
5. Being a little more careful about arguments: dis/ability and (sports)ethics
How to view Oscar?

(i) an athlete attempting to achieve his potential at the 400m sprint;
(ii) a vanguard figure, challenging the deficit model of disability;
(iii) someone whose performative self challenges the borders of human identity and technology;
(iv) a sub-elite athlete attempting to break into the world of commercialised sports via technological assistance; or
(v) an athlete using unfair means to compete at the Olympics.
Not for the first time …

- “Athletes with an impairment, or "disability," have competed in the Olympic Games but these athletes were considered Olympians and not considered athletes with a disability. Their "disability" was erased and was little more than a footnote in the history books.” (De Pauw 1997: 423)
Not for the first time …

- De Pauw cites Liz Hartel (postpolio) who won a silver medal in the equestrian dressage at the 1952 Olympics and Jeff Float, a deaf swimmer, who won a gold medal in swimming at the 1984 Los Angeles Games.

- No potential for problematic precedent, but ……..
Does Oscar’s case present a precedent?

- A wheelchair archer, Neroli Fairhall, also competed in the 1984 Olympic Games; however, her disability became an issue as her alleged stability advantage was questioned by traditional upright archers.

- (cf Lao Tzu)
Does Oscar’s case present a precedent?

- A similar, though more high profile case, arose when professional American golfer, Casey Martin (Pickering Francis, 2007), won the right to play on the highly lucrative US Professional Golf Association Tour. Martin required the use of a buggy (motorized cart) to move between shots.

- Similar to the IOC’s first response to Oscar Pistorius, USPGA argued that this gave him an unfair advantage. It was argued that Martin did not have to undergo the same physical test as able-bodied golfers and therefore would be less fatigued, thus gaining an unfair advantage. In 2001 the Supreme Court in the USA held, by seven votes to two, Casey’s legal right to use the golf cart between shots.

- In a similar case (2008), Fred Olinger has taken the amateur golf authorities (USGA) to court to uphold a similar right as argued by Casey (the Americans with Disabilities Act) and is expected to succeed.

- Contrast sports ethics with equity legislation
Do prosthetics alter the nature of the athlete and/or the activity?

1. Critical questions arise regarding the interaction between the athlete, the prosthesis and the activity
2. What are the defining demands of the activity?
3. Does the prosthesis render the athlete “abled”?
4. Does the activity render the athlete non disabled if we take a relational view of disability?
5. Does the technology usurp or merely alter the nature of the obstacles presented to the athlete?
6. Does the alteration represent an inequity (unfairness) or some other undesirable means to the ends?
The nature and variety of slippery slopes

1. “alarmist rhetoric” (cf Cole 2009) or clear arguments (Jespersen and McNamee, 2009; McNamee, 2008)
2. What slippery slope arguments are (*status quo* conservative)
3. Distinguishing conceptual v empirical slippery slopes
4. Not predicting the future in terms of likelihood of possibilities (policy makers will want to consider this)
5. Philosophers interested in conceptual slippery slopes and thus precedent setting
6. Given that blade running allowed, how will we distinguish it from X, Y, and Z?
7. Will this allow for the radical and undesirable alteration of the activity (ie the sporting contest)?
A few summary points

Slippery slopes are often referred casually
Getting clear about their nature helps us develop sharper arguments and better policies and practices
Understanding different discourses (tragic, denial, deficit) of disability and ethics is key to getting a more comprehensive understanding of the phenomena
Merely saying that difference ought to be respected gives no principled ethical basis for sports competition
Not all differences are worth preserving while only asking questions of fairness may be too limited
References