Part 1. The Four Key Questions

What is the ethical question?
• Should Oscar Pistorius be allowed to compete in the Olympics?

A broader, overarching ethical question is:
• Which changes to the human body create an unfair advantage?

What are the relevant facts?
• Oscar Pistorius was born missing both fibulas.
• His parents chose to have both his legs amputated below the knees when he was less than one year old so that he could learn to walk with prosthetic legs and feet.
• Pistorius would have been wheelchair bound without the amputation and prosthetics.
• Pistorius is an excellent track athlete.
• He trains to maintain and improve his running ability.
• He was fitted with prosthetics to help him walk.
• He wears artificial limbs named Cheetahs made of carbon fiber.
• An alternative athletic competition exists for people with differently abled bodies called the Paralympics.
• Pistorius excels in competition. He has competed in the Paralympics and set world records in track events.
• Pistorius now requests the opportunity to compete in the Olympics.
• It is unclear whether the Cheetah prosthetics make athletes run faster than athletes with flesh-and-blood legs.

Who or what could be affected by how the question is resolved?
• Oscar Pistorius
• All athletes, whether they are differently abled or not
• Sports competition in general
• Coaches
• Referees
• Young children (and others) with different abilities who are thinking about their future opportunities
What are the relevant ethical considerations?

- **Respect for Persons**

  **In Favor of Allowing Pistorius to Compete in the Olympics**
  Pistorius is an athlete, pure and simple; he ought to be able to follow his dream of competing in the Olympic Games if he qualifies based on time trials or other qualifying rules.

  **Against Allowing Pistorius to Compete in the Olympics**
  Pistorius is respected as an athlete and a person who has been able to follow his dream of competing at the highest levels of athletics within the Paralympics Organization.

- **Harms and Benefits**

  **In Favor of Allowing Pistorius to Compete in the Olympics**
  - Pistorius will benefit by having the chance to test himself against the best in the world.
  - Other athletes will benefit by being challenged by his presence in the race and, perhaps, compete at a higher level.
  - Pistorius’s presence may help erase lines between people with physical disabilities and those without. It may bring more attention and respect to the achievements of those with different physical forms, which is a benefit to them.
  - Pistorius’s race in the Olympics might be very inspirational to many people.

  **Against Allowing Pistorius to Compete in the Olympics**
  - If Pistorius qualifies to compete, he might take a spot away from another athlete who has trained for years in hopes of competing in the Olympics and, so, harm that person.
  - By wanting to compete in the Olympics even though he is a top athlete in the Paralympics, Pistorius is saying indirectly that the Paralympics aren’t good enough—that they are inferior to the Olympics. This subtle attitude could reflect negatively on other physically disabled athletes and on the reputation of the Paralympics, and thus harm those athletes and that institution.
  - In an effort to keep up with Pistorius’s carbon-fiber blades, other athletes might be inspired to take additional training risks that could be harmful, including using performance-enhancing drugs.
  - Mixing in an athlete who uses technological enhancements or additions to his body with athletes who do not may forever change the nature of sport. It could become more of a competition about engineering and technology than physical achievement and effort, and thus harm the spirit of the sport.
• **Fairness**

**In Favor of Allowing Pistorius to Compete in the Olympics**

- Engineers disagree over whether the carbon-fiber blades that Pistorius wears make him run faster than people with flesh-and-blood legs. Even if they did give him some small advantage with respect to speed, this is not different from the advantage gained by highly engineered track shoes. So, he does not have an unfair advantage.
- It is unfair to discriminate against Pistorius because the obstacle to athletic victory that he had to overcome is a congenital physical malformation, correctable by surgery and prostheses.
- It is unfair to disqualify him from racing because he still has to train and prepare for athletic competition, just like able-bodied athletes.
- Fairness requires that people are not discriminated against based on irrelevant characteristics. In this context, for example, national origin and sexual orientation are irrelevant to fair play. Pistorius’s prosthetic legs are also an irrelevant consideration; his athletic ability should be the focus.

**Against Allowing Pistorius to Compete in the Olympics**

- Engineers disagree over whether the carbon-fiber blades that Pistorius wears give him an advantage with respect to speed over people with flesh-and-blood legs. If he is allowed to compete, he might have an unfair advantage.
- The fact that Pistorius’s physical disability means he cannot compete in the Olympic Games is unfortunate, but it is not unfair. The International Paralympics Games are a world-renowned athletic competition with top-caliber athletes who compete with a range of disabilities. It was established to provide a fair and world-class venue in which athletes with disabilities could compete.
- Pistorius’s participation in the Olympics is unfair to the other athletes. If he qualifies, he removes a spot for an athlete without artificial limbs who has spent years training in hopes of making the Olympic Squad. The Olympics are the highest level of competition for able-bodied world-class athletes.
- Pistorius’s ability to run in both the Paralympics and, perhaps, the Olympics is unfair because able-bodied athletes do not have the corresponding freedom to participate in the Paralympics.
• Others? (Fill in other ethical considerations you think are relevant to this case.)

Value, Authenticity, Spirit of Sport (particularly the Olympics)

In Favor of Allowing Pistorius to Compete in the Olympics
• The Olympic motto is “citius, altius, fortius” or “faster, higher, stronger”; nothing about using carbon-fiber blades goes against that motto or the spirit of the Games.  
• Every aspect of Pistorius’s life story and his dedication to sport fulfill the best and most positive aspects of athletic integrity, character, and spirit.  
• Sport functions to inspire and entertain, and Pistorius’s participation in the Olympics will do both for people with able bodies and those with differently abled bodies.  
• The notion of striving for excellence in sports will be supported because able-bodied competitors and other differently abled competitors will be challenged to improve to the highest degree by Pistorius’s participation.

Against Allowing Pistorius to Compete in the Olympics
• Tradition and expectation surrounding the Olympic Games mean that competing athletes are challenging their own and fellow competitors’ physical abilities. Refining and nurturing those talents through training and discipline are within the norms of the Games, but technological enhancements of the human body itself are outside the norms of the Games.  
• The spirit of sport demands that the athlete stands before the challenge without artificial enhancements of his or her physical gifts. It will totally change the central notion or nature of sports—challenging oneself to excellence based on one’s natural gifts and efforts—to include technologically enhanced athletes in sports competition against athletes with bodies that have not been technologically enhanced.  
• Other athletes might take additional risks to compete against Pistorius. His presence might induce them to use drugs or other substances to go beyond their natural talents, which is against the spirit of the sport.
Part 2. Position and Justification

What do you recommend be done and why?

NOTE: These justifications are provided in depth as background for teachers. Most students will not provide such well-developed justifications.

Assessing Student Justifications, a table in the Introduction on pages 10 and 11, may be useful for assessing student work.

Oscar Pistorius should not be allowed to compete in the Olympic Games

Oscar Pistorius should not be allowed in the Olympic Games despite the fact that he clearly is a gifted athlete. The justification for this position is that the athletic competition at the Olympic Games is a competition that pits people against one another to see who is the strongest and fastest, has the most stamina, etc., based on each person's genetic makeup, natural physical abilities, training and nutrition, psychological strength, and strategy. These characteristics are a mixture of gift, effort, and luck. His carbon-fiber legs create an unfair advantage when Mr. Pistorius competes against athletes with legs of flesh and blood.

At its core, sport functions allow human beings to compete against one another to see how fast or how far the human body can go—to achieve the excellence of the human body in certain categories and measured by certain criteria established through mutual consent. This competition tests the human body as it is made by nature, although clearly genetic and physical variations exist. Artificial or technological additions can't be allowed because then, the test becomes a test of the technology or artificial body addition and not simply a test of the athletic skill or gifts of the athlete, although that skill and those gifts are usually still required.

All athletes, whatever their physical or mental abilities, have athletic drive and benefit from competition. The different advantages conferred by technology (wheelchairs and prosthetics) and the disadvantages related to physical disability require another playing field for differently abled athletes to compete in, namely, the Paralympics.

Typically, an enhancement is a technology, artificial addition, or intervention that does more than make physical or mental abilities equal to those of the person before an accident or injury. An enhancement increases a person's abilities or capacities beyond those that are normal for a human being. (Clearly, it is difficult to define the normal level of functioning for a human being, but a range certainly exists.) An enhancement goes beyond these benchmark levels to something that provides an advantage.
Master 1.7 Answer Key for Oscar Pistorius’s Case CONTINUED

The prosthetics give clear advantages to Pistorius. Because his lower legs and feet are made of carbon steel, Mr. Pistorius does not suffer from tired muscles or fatigue in that part of his body. He also has aerodynamic advantages from the blades.

Mr. Pistorius does have a venue for his athletic abilities and is very successful there. He should continue to pursue records in the Paralympic Games. Within the Paralympics world, developing and refining prosthetic legs for the purposes of winning athletic competitions is the accepted norm. Oscar Pistorius’s efforts to develop top-performing running Cheetahs are matched by the efforts of other Paralympians to refine their prosthetic devices for similar improvements in form and function. Refined prosthetic legs are acceptable enhancements and are the norm among competitors in the Paralympics. Mr. Pistorius will not be getting an unfair advantage compared with his fellow competitors. Efforts should be made to bring the Paralympics to a place that is as prestigious as Olympics locations. Paralympic athletes ought to enjoy endorsements and name recognition, too; if they did, perhaps the desire to compete across the divide of the two games would be reduced.

**Oscar Pistorius should be allowed to compete in the Olympic Games.**

Oscar Pistorius ought to be allowed to compete in the Olympic Games because athletic competition is about trying to overcome obstacles to do the physical best that one can as measured by agreed-upon criteria. In the races that Mr. Pistorius runs, best is measured in terms of speed. Sometimes the obstacles to reaching one’s physical best are emotional, such as the death of a parent at a young age, but other times the obstacles are physical, as in Mr. Pistorius’s case.

Human beings have become faster, stronger, and taller over time with better nutrition and vitamins. What is “normal” for a human being changes. Whether the change comes from advances in training or diet or our abilities to replace human function with technology should not make a difference. Mr. Pistorius must be an exceptional athlete to be able to perform at the levels he does using his carbon-fiber running blades. Using the blades demands a certain degree of athleticism and may demand more of an individual than does running on legs of flesh.

The prosthetics do not provide advantages to Pistorius. His thighs, knees, and the rest of his body are subject to the same conditions of fatigue as are those of athletes without lower-leg prosthetics. At the same time, it is true that Mr. Pistorius is unable to take advantage of natural sensors for balance because he has no feeling in his feet. According to Mr. Pistorius, he must work harder to overcome difficult weather conditions such as wind and rain because his carbon blades perform less well under those circumstances. He also must use several meters at the beginning of a race to establish his stride because the blades take some time to control; athletes with legs of flesh can get into their stride more quickly.
Oscar Pistorius is a double amputee instead of a single amputee. He may be able to achieve greater success in running because of that fact, since his forward motion is smoother, but he might also have to work much harder to maintain balance, stability, and control because he does not have lower-leg muscles in either leg to provide that experience. Finally, the muscles that control his stride and create the power for forward movement are almost entirely located in his hips, making his stride less efficient than those of able-bodied athletes.

Another criterion for judging whether an added technology or artificial addition to the body is acceptable is whether it returns the body to the level of achievement it had before the addition or surpasses it. In this case, it is not possible to compare Mr. Pistorius’s running times with prostheses with his speed without them because he has lived his whole mobile life with prosthetics. Perhaps the traditional criterion for determining what an ethically acceptable enhancement is might be more useful. That criterion deems that an artificial or technological addition to the body is acceptable if it permits the user or wearer to function at the level that a person without such an artificial or technological addition functions. Certainly, a range exists, and Mr. Pistorius performs at a level beyond that achieved by most human beings—able-bodied or not—but he is still within the normal range for what human beings can achieve.

Mr. Pistorius, like other athletes, must train and prepare physically and mentally for competition. He must also think about strategy as he runs in high-speed sprints. His prosthetic legs have not removed these requirements. As long as Pistorius’s legs are of the appropriate size for his body, the fact that he has legs created by technology should be acceptable for competition.

If Oscar Pistorius is permitted to compete in the Olympics, he should be required to give up participation in Paralympics events. If that requirement is not enforced, Pistorius has two arenas in which to compete, an option not open to athletes without a disability or other condition. He should commit and cast his lot in only one of these arenas.