

SHOULD HUMAN RIGHTS COMPETE AT THE OLYMPICS?

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Abstract: Of special interest is whether Russian laws, arguably discriminatory to its homosexual population, can figure into an argument that ultimately calls for some action to counteract this discrimination. Many calls to action invoke a comparison with the Olympics in Berlin when there was discrimination against Germany's Jewish population. Special consideration is given to what needs to be added to this analogy to create a moral obligation to address the wrongfulness of Russia's conduct although of comparable interest is what needs to be put on the table to establish an obligation to address Russia's treatment of its homosexual population regardless of whether the argument makes use of the analogy.

Berlin won the bid to host to the Olympics in 1938. Germany's treatment of its Jewish population raised questions about the legitimacy of nations and their athletes participating in events hosted by an anti-Semitic nation; this discrimination like any other form, keeps segments of a country from exercising and enjoying rights like other citizens. Participation in the 2014 Winter Olympics in Sochi, Russia has been likened to participation in the games in Berlin in 1938. The analogy brings out that Russia's recent champagne against its homosexual population is the counterpart to the restrictions Germany placed on Jews, and the question of whether there is some moral obligation to participate is analogous in each case; after all, the Olympics is a major international event guided by an ethical code that rejects any discriminatory practices and, in a context of competing where there is discrimination, participating countries and athletes set themselves up for allegations of hypocrisy, complicity, or indifference. This analogy establishes that there is moral issue or dilemma but falls short of offering any specific normative advice. An obvious and commonly advocated action in situations like these is to boycott the games. The strength of that advice increases as one establishes how high the stakes are. Likewise, an obvious and commonly advocated action in situations like these is to separate sport from politics and morality and, for that reason, reject any notion that participating in a sports event is morally problematic.

In large measure, this essay is dedicated to exploring the analogy and ways of coupling it with additional considerations to come to a conclusion about what one ought to do. One consideration that usually does not enter Western moral thinking is "appropriateness" although it does seem to fit nicely in considering what advice for action the analogy might offer. Casting it in these terms, one side would be adding to the analogy a claim about the appropriateness of making a moral point at an international sports competition or using the occasion to rectify a morally

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objectionable matter. The other side would add a claim about the inappropriateness of using the Olympics to press a moral point, again pointing to the independence of the two realms of sport and morality.

Some Native American teachings introduce appropriateness as a consideration in guiding our ethical conduct. Thus, on the day of the birth of his child, a young man decides not to take the life of a deer to feed his family, deeming it inappropriate and thus beyond the scope of ethical conduct. A related concept of propriety is prominent in some Eastern ethical systems like Confucianism although it is more rigidly tied to well defined and arguably narrowly conceived social roles. Thus, in traditional roles governing students and teachers, propriety demands students' silence in matters of evaluating the quality of their teachers' work however much teachers themselves are responsible for improving. In considering the how the matter of appropriateness connects with the analogy, I look primarily at precedents for guidance. Another factor that can be added to the analogy that may influence one's thinking about what to do is the severity of the moral wrong in question, and the section following a discussion of appropriateness takes this matter up. How bad was the discrimination in Berlin; how bad is it in Russia. Even if one takes a view that generally sports and morality should be kept separate, additional information of this sort may tip the scales in a different direction.

A final consideration focuses on specific pieces of advice for action that invoke the analogy but which depend on other considerations. Consider a situation where both people bring the analogy up as part of their argument for action, but one person advocates a boycott of the Olympics and the other person urges a relocation of the Olympics. We consider what each person is adding to the analogy to conclude how he or she should act or to convince other people to act likewise. The concluding comments show why this discussion, however much it is dedicated to discussing the analogy between Berlin and Sochi and how it can figure a larger argument which is a call to action or inaction, does include partisan advocacy for the larger argument that morality compels some action reasonably calculated to address or counteract the steps Russia is taking in restricting its homosexual population. Considerations of the appropriateness of taking action and the severity of the moral wrongfulness of Russia's acts are significant for making this evaluation. Also, the shear range of possible courses of conduct open to respond to Russia's position, which address the issue of what can be done, all figure into this case, the details of which we explore in the final section.

I

A call to boycott the Olympics when the host country is engaging in objectionable practices is well documented. Prior to the 1938 games there were many such calls throughout the world to boycott the games, and Avery Brundage of the American Olympic Committee initially joined them. A Nazi attempt to win him over proved successful. His special treatment during a visit to Berlin was a precursor of Germany's elaborate preparations to eliminate evidence of its anti-Semitism. For example, Brundage toured a training camp, in name a special one for training Jewish

athletes, to counteract the actual circumstances of German Jews not being allowed to participate in the games. Brundage eventually gave his approval for US participation adopting a stance of keeping politics and sports distinct.

Years later in 1968 we find calls for a boycott of the Olympics in Mexico City when the world took offense at Mexico's action of gunning down hundreds of student protestors in a crowd of over 10,000 college students. Estimates of the number of students killed by the Mexican government ranges from two to four hundred. (*Los Angeles Free Press* 1968). The Mexican students' complaints were similar to those of students protesting throughout the world in 1968 – complaints about oppressive, coercive governmental intrusions and invasions within their own countries and beyond their borders. Among the calls for a boycott was one by French philosopher Jean Paul Sartre and British philosopher Bertrand Russell. Note how Russell and Sartre reference the Olympics of 1936 as they liken their moral concern to similar ones over the Nazi games: “The Mexican government has behaved with a barbarity comparable only to the massacres carried out by occupying Nazi troops in Europe or by napalming American planes in Vietnam. Throughout the world people have been aroused to passionate anger and alarm. We express our profound solidarity with the heroic Mexican students. We ask people, organizations and nations to boycott the Olympic games... Almost immediately after this ambush-massacre occurred, the Mexican Government met with the Olympic Committee and said: ‘The intervention of the forces of order have assured calm and there will be no trouble to prevent the Olympics from taking place.’ The same day the United States State Department declared: ‘The disturbances in Mexico City affected only a small part of the population and order is now restored.’ There is a clear complicity between the United States and Mexican Governments to meet popular resistance with massacre. If the Olympic Committee agrees to hold the games in Mexico, it stands guilty of complicity in this crime.” (*Los Angeles Free Press* 1968).

Another call for a boycott of the Olympics in Mexico came from the Olympic Project for Human Rights (OPHR). It was a group of young Black athletes dedicated to exposing how Black American athletes were being used by the U.S. to project an image of equality and advance in overcoming its racial woes. The group noted how Black athletes were the exception on otherwise white campuses and how they were likewise being used to promote the image of the college. They complained of acts of harassment and intimidation, pointing to the impossibility of finding housing even close to their campuses as an indication of how their affiliation with a college community was merely window dressing for an otherwise racist community. (Zirin 2005).

Likewise we find calls to boycott the Olympics in Beijing given human rights violations by the ruling CCP (Communist Chinese Party). U.S. Congressmen and actress Mia Farrow urged a boycott. Other protesters, sympathetic with a more general position that some action be taken to address China's abuses, likened the severity of the situation to Berlin in 1938 and warned how a blithe acquiescence and even tacit support of a country hosting the Olympics was the wrong approach in 1938 and comparably wrong in 1982. Says one commentator: “Both the Administration and Congress must get into the habit of seeing the regime in Beijing for what it is-a

Communist dictatorship that suppresses religious, political, and labor freedoms at home and bullies its neighbors. It supports brother dictatorships around the globe, whether they are major or minor perpetrators of genocide, nuclear blackmail, slave labor, and suppression of freedoms. Boycotting the Olympics would not change any of this. The calls from Congress, however like Ms. Farrow's effort, do have the welcome effect of focusing attention on the dreadful state of human rights in China and the regime's support for tyranny abroad. American policymakers must use the occasion to call China out on its myriad domestic abuses and irresponsibility abroad and fully enforce related sanctions already on the books. To do any less than this would be a betrayal of the bargain America made with its own conscience, and would be a lost opportunity of 1936 proportions." (Thacik 2001).

II

Russia's Laws and their Enforcement. Some background relevant to understanding Russia's new laws involves the sentiment of the citizenry that is quite intolerant of homosexuality that apparently would support further governmental restriction of homosexuals. According to a Pew survey, "About three-quarters of Russians don't think homosexuality should be accepted by society. Russia's minister of sport, Vitaly Mutko stirred international concerns Thursday when he announced that the country planned to enforce its new anti-gay laws when it hosts the 2014 Winter Olympics in Sochi." (Riley 2013). The primary Russian law of concern is one restricting the distribution of information about homosexuality to minors: (April 2013) FEDERAL LAW: On Introducing Amendments to the Code of the Russian Federation on Administrative Offences. The Code of the Russian Federation on Administrative Offences (Collection of Laws of the Russian Federation, 2002, No. 1, Article 1, No. 30 et al.) shall be amended as follows:

1) add Article 6.13.1 reading as follows: "Article 6.13.1. Propaganda of homosexuality (*author's note*: hereafter this awkward translation is replaced with 'homosexuality') among minors: Propaganda of homosexuality among minors is punishable by an administrative fine for citizens in the amount of four thousand to five thousand rubles; for officials –forty thousand to fifty thousand rubles; for legal entities – four hundred thousand to five hundred thousand rubles";

2) in Article 28.3, Section2, Clause 1 figures "6.13" shall be changed to "6.13.1". (Full English Text 2013).

Putin signed another bill into law on July 3, 2013, this one banning same-sex foreign couples from adopting Russian children. A Moscow court banned gay parades in the city for the next hundred years. Acts of enforcement that followed the anti-propaganda law figure into a pattern of Russian governmental activity unfriendly to homosexuals. Fears over abuse of the vagaries in the anti-propagation legislation seemed to in an incident involving the seizure of artworks critical of Russian leaders, like one showing Putin in drag. Painting of Putin in drag highlights abuse of Russia's anti-gay law. "Critics say the police seizure of the satirical paintings shows Russia's anti-gay law is being applied in ways authorities have insisted were not intended." (Weir 2013).

Russian Laws and Russia's Justification for Them. How does the Russia government defend these new enactments? We do find that its position draws on matters of concern to legal theorists, including rights discourse that sometimes draws on various protected interests, especially compelling or substantial ones. These typically include rights or interests involving defense, self-protection, prevention of harm, sovereignty, and preservation of cultural values come into play. American jurist Roscoe Pound is a good example of a proponent of this interest approach to conceiving a legal system. He offered an inventory of social interests, a number of which seem relevant to Russia's project and, indeed, statements of Russia to justify its legislation echo various social interests included in Pound's inventory. (Pound 1943, 1-39). Below we consider some of the major social interests Pound identified. Following an identification of each interest is a statement that Russia offers to justify its legislation. These statements of justification appear immediately after the text of the anti-propaganda law in a section called "EXPLANATORY NOTE to the Draft Federal Law 'On Amendments to the Code of the Russian Federation on Administrative Offences.'" Here are some of Pound's social interests, each followed by Russia's justification for its anti-propaganda law.

Pound's social interest in general security. "Propaganda of homosexuality in Russia took a wide sweep. This propaganda is delivered both through the media and through active social actions that promote homosexuality as a behavioral norm. It is especially dangerous for children and youth who are not yet capable of a critical attitude to the avalanche of information that falls upon them every day. In this regard, it is necessary to primarily protect the younger generation from the effects of homosexual propaganda, and the present bill pursues this goal. ("Explanatory Note").

Pound's social interest in security of social institutions including domestic, religious, and political institutions. "Family, motherhood and childhood in the traditional, adopted from the ancestors understanding are the values that provide a continuous change of generations and serve as a condition for the preservation and development of the multinational people of the Russian Federation, and therefore they require special protection from the state." ("Explanatory Note").

Pound's social interest in the general morals. "In this connection it is necessary to establish measures to ensure intellectual, moral and mental security of children, including the prohibition to perform any act aimed at the promotion of homosexuality. By itself, the prohibition of such propaganda as an activity of purposeful and uncontrolled dissemination of the information that could harm the health and moral and spiritual development, as well as form misperceptions about the social equivalence of conventional and unconventional sexual relationships, among individuals who, due to their age, are not capable to independently and critically assess such information cannot be regarded as violating the constitutional rights of citizens." ("Explanatory Note").

Pound's social interest in individual conditions of life. "Legitimate interests of minors are an important social value, with the goal of the public policy toward children being to protect them from the factors that negatively affect their physical, intellectual, mental, spiritual, and moral development. Paragraph 1 of Article 14 of the Federal Law № 124-FZ of 24.07.1998 "On Basic Guarantees of Child Rights in

the Russian Federation” directly states the obligation of public authorities of the Russian Federation to take measures to protect children from information, propaganda and campaigning that harm their health and moral and spiritual development. . . . Given the above, a bill suggesting amendments to the Code of Administrative Offences was prepared to introduce administrative responsibility for propaganda of homosexuality among minors. In this case, administrative responsibility is established not for the sheer fact of the person’s homosexuality, but only for propaganda of homosexuality among minors.” (“Explanatory Note”).

Evaluation of Russian Laws and their Justification. Locating Russia’s justification for its laws within the context of Pound’s philosophy of law assists with a critical assessment of the justification, as strengths and deficiencies of the general approach itself can figure into an overall assessment of the Russian law in question. For example, when we turn to social interests to justify law, we run into the problem of whether the interests, however compelling or substantial, are legitimate. A society may well have an interest in preserving its moral heritage but a full justification for enacting a law connected with this interest requires establishing that this moral heritage in question has moral legitimacy. Brundage’s claim about separating sports from politics (and presumably moral matters that play out and are won in the political arena) invokes one of the most significant debates in jurisprudence -- does a rule or regulation have the force of law when it conflicts with the basic demands of morality? An approach like Pound’s leaves the question unanswered.

Some legal theorists demand that legal norms require adherence to basic moral rules or human rights if these norms are to have the status of “law.” This approach provides an alternative to one like Pound’s, as it provides a reference point for criticizing regimes that discriminate against, segregate, or oppress its citizens whether it be Germany and its treatment of Jews in 1938 or Russia and its treatment of homosexuals in 2013. Other ways philosophers in this tradition have pinpointed how a regime can bungle its attempt to legislate. Law has an “internal morality” that must be adhered to, and failure to adhere to it results in a failure to make law at all. This internal morality requires that legal rules can reasonably be complied with, that they be clear and are enforced as enacted. (Fuller 1965, 38-39). Arguably the phrase “propaganda of homosexuality among minors” is vague and compliance seems virtually impossible, especially when enforcement led to the arrest of a museum director and the confiscation of works of art. Say one commentator about the vagueness, “This silent show of solidarity would wordlessly mock recently enacted Russian legislation against so-called propaganda of nontraditional sexual relations, which, let’s be clear, doesn’t mean gay recruitment pamphlets, as if such literature existed. It’s more vague and potentially broad than that. It could mean something like ‘Modern Family.’ It could mean logos and ribbons and, yes, flags: anything connoting pride rather than shame. Anything asserting that gay people aren’t miscreants, predators, trash.” (Bruni 2013).

So there is a prima facie case for criticizing the Russian law as it has been presented and justified. What remains is to bring these considerations to bear on the issue we raised at the outset about the analogy between the Olympics in Berlin and in Sochi. We will want to consider how additional reasoning might supplement the point

of the analogy to yield advice about what to do or what reasoning might be offered for taking action independent of the analogy, focusing on the deficiencies of Russia's laws affecting homosexuals themselves.

III

Let us begin with a survey of criticisms of Russia's laws and ideas about responding to them using the upcoming Olympics in Russia as an occasion for addressing Russia's policy:

1. In a *New York Times* *op ed* column writer/director Harvey Fierstein calls on leaders of the world to speak out and asserts, "The Olympic Committee must demand the retraction of these laws under threat of boycott. In 1936 the world attended the Olympics in Germany. Few participants said a word about Hitler's campaign against the Jews. Supporters of that decision point proudly to the triumph of Jesse Owens, while I point with dread to the Holocaust and world war. There is a price for tolerating intolerance." (Fierstein 2013).

2. In another *op ed* column in *The Times*, Frank Bruni presents this scenario. "Imagine this: it's the opening ceremony of the 2014 Winter Games in Sochi, Russia. A huge television event, watched the world over. The American Olympians join the proud march of nations. They're our emissaries, our exemplars. And as the television cameras zoom in on Team U.S.A., one of its members quietly pulls out a rainbow flag, no bigger than a handkerchief, and holds it up. Not ostentatiously high, but just high enough that it can't be mistaken." (Bruni 2013). As his thought experiment continues, Bruni agrees with Fierstein about the heinous nature of the Russia legislation but rejects Fierstein's rejection of a boycott. His thought experiment unfolds as a complete alternative vision for addressing the problem: "Another American follows suit. Then another, and another. Within minutes the flags are everywhere in the American delegation, subtly recurring bursts of color and of honor, a gay-rights motif with a message: we're here in Russia to compete, but we're not here in Russia to assent. We have gay sisters. Gay brothers. Gay neighbors and friends and fans and probably teammates, and we reject the laws of a land that deems it O.K. to arrest them for speaking their truth or us for speaking up for them." (*Ibid*).

3. U.S. President Obama canceled his meeting with Russian President Putin that was to occur during Obama's visit to St. Petersburg in September 2013 for a G20 summit in part because of human rights violations. A host of other considerations factored into this decision; high on the list was the Russians giving asylum to an American, Edward Snowden, who is wanted by the US for releasing classified information. Still, gay rights were specifically singled out as the rights of President Obama's concern in a context of his call for respecting universal human rights on the "Tonight Show" with host Jay Leno. *Time* reports, "Russia's new law banning 'gay propaganda' also played a role in Obama's decision, according to administration officials. On Tuesday night Obama told Jay Leno, "I have no patience for countries that try to treat gays or lesbians or transgender persons in ways that intimidate them or are harmful to them." Obama has staked his legacy on expanding gay rights both in the United States and around the world. "One of the things I think is very important

for me to speak out on is making sure that people are treated fairly and justly because that's what we stand for, and I believe that that's a precept that's not unique to America. That's just something that should apply everywhere," he said. ("President Obama Visits Jay Leno" 2013). Another columnist highlights parts of Obama's discussion with Leno that show how the Olympics figures into their discussion: "I mean, this seems like Germany," Leno said. "Let's round up the Jews, let's round up the gays, let's round up the blacks. I mean, it starts with that. You round up people who you don't — I mean, why is not more of the world outraged at this?" (Scott 2013).

President Obama then stated that he had "no patience for countries that try to treat gays or lesbians or transgender persons in ways that intimidate them or are harmful to them" and, regarding the Olympics, Obama commented, "I think Putin and Russia have a big stake in making sure the Olympics work . . . and I think they understand that for most of the countries that participate in the Olympics, we wouldn't tolerate gays and lesbians being treated differently. And if Russia wants to uphold the Olympic spirit . . . then every judgment should be made on the track, or in the swimming pool, or on the balance beam, and people's sexual orientation shouldn't have anything to do with it." (*Ibid.*). In a word, Obama's response to the analogy is to censor Russian law, cancel a meeting to show his view on the matter does affect his actions and his dealings with Russia, create expectations of fair treatment at the Olympics with a strong suggestion that politics should be kept separate from sports.

4. In a letter to the British Prime Minister and members of the International Olympic Committee, British actor and activist Stephen Fry likens the present situation in Sochi to Berlin and calls for a ban on the Olympics being held in Sochi. Provide for another location but do not allow Russia to host them. Fry's letter is an eloquent comparison of Russia and Germany and development of an argument for the unique response of relocation of the games as the specific remedy and course of action. I quote much of it in part because of its notoriety but primarily because it is one of the most elaborate expressions of the line of arguing we have been especially concerned with – the development of the analogy and the addition of considerations that lead to a call for action.

The letter begins with a review of the Berlin Olympics: "I write in the earnest hope that all those with a love of sport and the Olympic spirit will consider the stain on the Five Rings that occurred when the 1936 Berlin Olympics proceeded under the exultant aegis of a tyrant who had passed into law, two years earlier, an act which singled out for special persecution a minority whose only crime was the accident of their birth. In his case he banned Jews from academic tenure or public office, he made sure that the police turned a blind eye to any beatings, thefts or humiliations afflicted on them, he burned and banned books written by them. He claimed they 'polluted' the purity and tradition of what it was to be German, that they were a threat to the state, to the children and the future of the Reich. . . . The Olympic movement at that time paid precisely no attention to this evil and proceeded with the notorious Berlin Olympiad, which provided a stage for a gleeful Führer and only increased his status at home and abroad. It gave him confidence. All historians are agreed on that. What he did with that confidence we all know." (Fry 2013).

As Fry continues, he points to the eerie similarities between Berlin and Sochi: “Putin is eerily repeating this insane crime, only this time against LGBT Russians. Beatings, murders and humiliations are ignored by the police. Any defence or sane discussion of homosexuality is against the law. Any statement, for example, that Tchaikovsky was gay and that his art and life reflects this sexuality and are an inspiration to other gay artists would be punishable by imprisonment. It is simply not enough to say that gay Olympians may or may not be safe in their village. The IOC absolutely must take a firm stance on behalf of the shared humanity it is supposed to represent against the barbaric, fascist law that Putin has pushed through the Duma.” (*Ibid.*). So, to this point, Fry has argued for the necessity of doing something rather than nothing. He sharply distinguishes his claim from one that promotes inaction because sports and politics are separate. Fry points to the error of this latter way of approaching the problem: “Let us not forget that Olympic events used not only to be athletic, they used to include cultural competitions. Let us realise that in fact, sport is cultural. It does not exist in a bubble outside society or politics. The idea that sport and politics don't connect is worse than disingenuous, worse than stupid. It is wickedly, wilfully wrong. Everyone knows politics interconnects with everything for "politics" is simply the Greek for ‘to do with the people’.” (*Ibid.*).

Fry's specific call to action is one of scheduling the Olympics somewhere else: “An absolute ban on the Russian Winter Olympics of 2014 on Sochi is simply essential. Stage them elsewhere in Utah, Lillehammer, anywhere you like. At all costs Putin cannot be seen to have the approval of the civilised world.” (*Ibid.*). As Fry continues, he underscores the enormity of Russian atrocities and builds the case for transitioning from the eerie analogy to the need for addressing the evil: “I am gay. I am a Jew. My mother lost over a dozen of her family to Hitler's anti-Semitism. Every time in Russia (and it is constantly) a gay teenager is forced into suicide, a lesbian ‘correctively’ raped, gay men and women beaten to death by neo-Nazi thugs while the Russian police stand idly by, the world is diminished and I for one, weep anew at seeing history repeat itself.” (*Ibid.*) The British Prime Minister subsequently met with Fry to discuss his recommendation although the Prime Minister did not take the position that the Olympics should be relocated. Fry nonetheless is on record for applauding the Prime Minister's support for GLBT causes.

5. Opera fans are circulating a petition calling on the Metropolitan Opera Company to dedicate its fall premier to gay, lesbian, transgendered, and bisexual people as a way of protesting Russia's new anti-propaganda law. The dedication extends to Tchaikovsky who composed the opera which will open the season; Tchaikovsky himself was Russian and, in some accounts, a persecuted homosexual. It turns out that two key people in its production are Russians who support Putin's law. It “is to be conducted by Valery Gergiev, the artistic director of the Mariinsky Theater in St. Petersburg and one of the foremost interpreters of the Russian repertory, and to star Anna Netrebko, the popular Russian diva, who will be opening the Met's season for the third year in a row. Both were vocal supporters of the 2012 campaign of President Vladimir V. Putin of Russia, who in June signed the law banning “propaganda on nontraditional sexual relationships.” (Moran 2013). One of the signers of the petition remarked, “I saw it as a chance for everyone who loves opera,

and all of us who work in it, to stand up to a pig and a dictator, against a terrible position and a terrible man.” (*Ibid.*).

6. The Editorial Board of *The Times* brings out how Russia’s new laws conflict with international charters and codes and asks for stronger attempts to enforce them as one way of counteracting Putin’s approach. In the absence of success on that front, the Board puts non-participation in, and a boycotting of, the Olympics as an effective response, as acts like these would tarnish the image Putin wants so much to project. According to the Board, “Russia is in danger of moving from pursuing the rule of law to the rule of hate. The new laws contravene Russian commitments to human rights and fundamental freedoms under the International Covenant on Civil and Political Rights and Organization for Security and Cooperation in Europe. They also contradict the charter of the International Olympic Committee, which calls sport a ‘human right’ and states that ‘every individual must have the possibility of practicing sport, without discrimination of any kind.’ With laws like these on the books, gay athletes, gay fans and others who speak their minds could put themselves in legal jeopardy by attending the 2014 Winter Olympics, which are in Sochi, Russia, in February. The United States, which has made great strides in accepting and protecting gay rights, has expressed concern about the new laws but needs to be more forceful. So does the International Olympic Committee, which too often fails to defend the Olympic ideals and should be leading a full-throated international campaign to insist that Russia repeal these laws.” (Editorial Board 2013).

At this point the Board offers its further suggestions for taking action should a stepped up call to Russia to adhere to these international rules fail: “If nothing else, there is pure self-interest for Mr. Putin in this. Gay athletes and supporters of gay rights could decide not to attend the Games, or nascent calls for a formal Olympic boycott could gather steam. That will not produce the self-congratulatory showcase event over which Mr. Putin is so eager to preside.” (*Ibid.*).

7. Applied philosopher Arthur Dobrin frames the issue as one of whether or not to boycott and weighs in on the issue in his article, “Should athletes boycott the Olympics because of Russia’s anti-gay legislation?” Says Dorbin, “The question is: what is the best way to bring about the desired results? Will a boycott change Russia’s oppressive laws or will it make Russians feel aggrieved and more entrenched?” He argues that the best course of action is to participate and protest. “Participation and protest is the right formula. But this takes courage. . . . arrest is a real possibility. The Russian law stipulates that foreigners who violate the law in the media face a fine up to \$3,000, arrest for up to 15 days and deportation.” He goes on to warn, “Athletics, like all institutions, is ultimately political. And every political act that stands against oppression and for human decency is risky.” (Dorbin 2013).

Although the author does not liken the Olympics in Sochi with those in Berlin, he does develop an analogy between the Olympics in Mexico and in Sochi as part of his argument for why a boycott isn’t the answer. Once again we can see how the analogical reasoning is only part of an overall argument, this one for participating and protesting. Note how he dissociates himself from the notion of sports and politics being separate. So his call to action is premised in part on the interconnectedness of

the two. Says Dobrin, “Sport is no more immune from being held accountable for its actions than should be business. A game entails more than just winning, just as a business is more than just increasing profits.” (*Ibid.*).

Still, Olympic athletes who do something that to some may be perceived as heroic may well bring disgrace to them in the eyes of other people. Again, Dobrin underscores that the acts of participating and protesting may be fraught with quite undesirable consequences for athletes committed to this course of action. “One of the indelible images of modern Olympics is from the 1968 games. Tommie Smith won the 200-meter race and John Carlos came in third. The two stood shoeless but wearing black socks to represent poverty amongst America’s African Americans. . . . But what the world most remembers is that the two Olympiads stood with bowed heads and raised fists when the Star-Spangled Banner was played. Their actions, they said, were inspired by sociologist Harry Edwards call for a boycott of the Mexico games. . . . They didn’t boycott; they ran and protested instead. When they returned home they were largely ostracized from track events; they were verbally excoriated by the media and their families received death threats. . . . So let the games begin. . . . But don’t expect it to be a picnic.” (*Ibid.*).

IV

Our concluding with a survey of ways to address Russia's objectionable ways highlights that a host of alternatives are available. That observation alone helps to address the common objection of what an individual can do to effect social change. Ian Rand is sympathetic with this problem and advises that individuals speak out. She invites her readers to watch their conduct over the course of a week and observe how often they remain silent when other people present views they disagree. The following week she asks people, when faced with an objectionable view, to say something to counter it. To the extent that actions like boycotting or signing a petition encouraging the Met to dedicate the performance of a Russian opera to the gay community convey statements of disapproval and calls for change, they can reasonably be put in this category of speaking out.

Advice like this is predicated on an observations like that of American pragmatist reformer Jane Addams about how specifically to change society. We don't wait for some cataclysmic event to usher in a new era where justice prevails but we move toward that idea of justice one act at a time. So adopting this pragmatic approach brings a commitment to melioration -- making matters always better, incrementally if necessary. It does not preclude the elimination of objectionable practices in relatively short order – like American slavery or South African Apartheid – although their demise is probably best understood in terms of innumerable acts of protest by individuals and groups that preceded the termination.

The specific examples we considered in evaluating the appropriateness of connecting the Olympics with political grievances in part equated appropriateness with there being precedent for doing so. Although not explicitly stated, operative is the fact of the Olympics being an international event which has the attention of the world is thereby a golden opportunity for delivering a message to the world. Each of

these examples also fall within a likeness class whose identification reveals further how considerations of appropriateness can guide us. A good way of characterizing this feature is by considering a class of objectionable practices for which it would be inappropriate to protest in connection with an Olympic game. Examples of this inappropriate protesting include acts like protesting Russia's hosting the Olympics to censure the Syrian government's use of chemical weapons against its own citizens. Relevance seems to be part of appropriateness and so too does the legal notion of "standing" which sorts who can and who cannot bring a cause of action. A person in New York who hears about a Texan injured by a negligently manufactured gun cannot sue the manufacturer for damages on the Texan's behalf or co-opt the Texan's right to sue for damages.

The enormity of the moral wrongness of these practice hinges largely on the evil of discrimination. Considered generally an insidious practice, discriminatory practices against the Jews at issue at the Berlin Olympics and gays at the Sochi Olympics add considerable weight to transitioning from the analogy to a call for action against these practices as much as it strengthens the analogy's claim that there is a genuine moral issue at stake which cannot easily be dismissed with a casual claim of the independence of sports and morality or a claim of irrelevance based on that insight.

Other considerations that build the case that something of great moral import is at stake and that the moral issue should be resolved on the side of taking steps to address the wrong include the consequences of not doing so considering the Holocaust after the Berlin games and the likelihood that the pattern of discrimination against gays in Russia will only increase given the citizenry's generally negative sentiment toward homosexuality. Other matters can be cast as addition harm that may result from inaction or how inaction undermines other basic values besides discrimination. Restrictions on disseminating information interfere with discovering the truth and teaching it. They interfere with education by erasing alternative views and practices that amounts to a form of indoctrination. They interfere with discovery as they already reject findings that conflict with the claim that children can be harmed by learning about homosexuality.

Much has been said about the strength of the analogy between Berlin and Socha and its place in arguing for and justifying the use of the Olympics to address recent actions by Russia that are considered discriminatory toward Russian homosexuals. A significant disanalogy should be identified in these closing remarks. Hitler and his regime were ardent in their attempt to erase or conceal evidence of their discrimination of Jews as they prepared to be perceived as an exemplary country, a place most suitable for the international competition. Russia aggressively defends its new laws which discriminate against homosexuals, touts their validity and soundness, and threatens to enforce them at the Olympics for Russians and non-Russians alike. Before summer's end 2013, we learn that a third law involving further discrimination against homosexuals in the offing with a bill being introduced by a member of Putin's party to deny homosexual couples custody of their children thus stepping up its discriminatory agenda and flaunting it at the growing number of its critics. Shall we praise them for their candor?

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