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To cite this article: Stephen Kershner & Robert Kelly (2020) Rights and consent in mixed martial arts, Journal of the Philosophy of Sport, 47:1, 105-120, DOI: [10.1080/00948705.2019.1653193](https://doi.org/10.1080/00948705.2019.1653193)

To link to this article: <https://doi.org/10.1080/00948705.2019.1653193>



Published online: 14 Aug 2019.



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ARTICLE



Rights and consent in mixed martial arts

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ABSTRACT

Mixed martial arts (MMA) fighting in a competition is not necessarily wrong and is often, as far as we can tell, permissible. Our argument has two premises. First, if an act does not infringe on anyone's moral right or violate another side-constraint, then it is morally permissible. Second, MMA-violence does not infringe on anyone's moral right or violate another side-constraint. The first premise rests on two assumptions. First, if a person does a wrong act, then he wrongs someone. Second, if one person wrongs a second, then the first infringes on the second's right. We then look at Nicholas Dixon's powerful Kantian argument that MMA fighting is wrong.

KEYWORDS Mixed martial arts; Immanuel Kant; rights; degradation; violence

Part one: thesis

Nicholas Dixon argues that the sport of mixed martial arts (MMA) is intrinsically wrong (Dixon 2015). His arguments are important because of the number of people who participate in boxing, martial arts, or mixed martial arts and the much larger number who enjoy watching mixed martial arts and other violent sports. Consider consumers of these sports. The UFC made more than \$700 million in 2017. Boxing promoters made more than \$200 million in 2016. The NFL had \$13 billion in revenue in 2016 (Holland 2018). This does not count the people making money from these sports who are not owners. These include venders, media, athletes, and the added value of the teams to owners. Clearly, many people are getting enjoyment or making money from violent sports.

In this paper, we argue that Mixed Martial Arts is not wrong for participants. Here we focus on non-consequentialist theories of wrongness. The first part of the paper sets out the positive argument for our position. The second responds to Dixon's arguments.

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Part two: argument

The argument for the permissibility of mixed martial arts is as follows.

- (P1) If an act does not infringe on anyone's moral right or violate another side-constraint, then it is morally permissible.
- (P2) MMA-violence does not infringe on anyone's moral rights or violate another side-constraint.
- (C1) Hence, MMA violence is morally permissible. [(P1), (P2)]

A side-constraint is a restriction that makes an act wrong even if it were to maximize the good. It is one of two ways in which non-consequentialism might be true. The other is for there to be a permission not to maximize the good.¹

Premise (P1) rests on two assumptions.

Assumption #1: Wrong Someone. If a person does a wrong act, then he wrongs someone.

This assumption is trivially true for all wrong acts that are not free-floating. A free-floating wrong is one that is wrong but does not wrong anyone. An example might be refraining from helping anyone when there are many who need help but none who have a right to it. Another example might be failing to reproduce. If utilitarianism is true, then, on some versions, it is wrong to refrain from reproducing even though doing so wrongs no one. Note that the person wronged might be the agent himself.

Assumption #2: Infringe Right. If one person wrongs a second, then the first infringes on the second's right.

This assumption rests on the idea that one person wrongs a second only if the first fails to satisfy a duty he owes the second, and the idea that he fails to satisfy a duty he owes a second if and only if the first infringes on the second's right. This is because a right is just a claim.² Moreover, one person has a claim against a second if and only if the second owes the first a duty. Hence, a person's failing to satisfy a duty is to infringe a claim they have against them, and thus is an infringement of someone's right against them. Thus, wronging entails right infringement.

On some accounts, one person can wrong a second without infringing on his right by doing acts that are not universalizable, treat the second merely as a means, exploit him, or involve an objectionable attitude toward the second.³ It is hard to see, though, how there is room for an act that

wrongs someone without infringing a right if a right is just a duty one person owes a second.

Even if this is incorrect, it is hard to see how a fighter might have some of these wrong-making features. For example, a fighter's act is capable of being universalized. Consider this maxim: *If two people want and validly consent to fight one another in an organized sport, then they fight one another.* Valid consent is given by a competent person who gives consent voluntarily and with sufficient information or knowledge of that to which he is consenting.⁴ It is clear that such a maxim does not involve a contradiction. There is nothing in theory or practice that prevents this maxim from being universalized (that is, required by a rule that in the actual world applies to everyone).

A critic might wonder whether a person may validly consent to harm himself. We think he can. This might be because this is part of moral autonomy, because he owns himself, or because he has the Hohfeldian power of the claim he holds against himself. Such a power is the standing to keep or waive a claim or other Hohfeldian element. In addition, as an intuitive matter, it seems that a person does not act wrongly if he fails to do something that makes his life go better such as having fewer children, eating healthier food, or avoiding stressful jobs and relationships, even if he *knows* he would be (or would have been) better off. Moreover, we do not, as a matter of fact, routinely blame or punish people merely in virtue of failing to perform actions with counterfactual net benefits. This is best explained by a widespread belief that it is (at least sometimes) permissible to act in ways that harm oneself. Lastly, consider the fact that it is not necessary that an MMA fighter is harmed during their fight, but only (perhaps highly) probable. This is analogous to consenting to risky or dangerous actions, like bungee jumping, cave diving, or texting while driving, rather than to outright harmful actions, like getting a piercing or tattoo, getting a root canal, or letting a bee sting you. If this is right, then the objection that one cannot validly consent to harm oneself may miss its mark even more decisively.

On one theory, one person via his act treats a second as an end if the second gives actual valid consent.⁵ This condition is met in MMA. One might think valid consent is not given because one *cannot* consent to (or waive their right against) certain acts, for instance, those that are degrading or objectifying, and MMA fighting is such an act. We address this issue below. On a second, treating someone as an end involves treating him in a way to which he would consent were he fully rational, sufficiently informed, and operating under fair choosing conditions.⁶ Again, unless there is something irrational about MMA, and it is hard to see what that would be, this condition could be, and likely would be, met.

There are other possible theories that MMA fighting might be wrong because it fails to treat one or both fighters as an end. One is that MMA

fighting exploits one or both fighters. A second is that it involves a fighter taking an objectionable attitude toward an opponent. These might be ways in which a fighter demeans himself or another. We do not think these features make an act wrong under the ends-in-themselves version of Kant's Categorical Imperative. Even if they did, they don't apply to all fighters. To see these points, let's consider these two theories.

Consider exploitation. One party wrongfully exploits a second just in case the party in a stronger bargaining position uses his stronger position and the second party's desperation to take an unfair share of the transaction surplus (that is, an unfair share of the net benefit of a trade) (Wertheimer 2003). Because two fighters are not transacting, at least merely in virtue of fighting one another, this wrong-maker would not apply to them. One fighter might exploit another via the business aspect of a fight, but this is a separate matter from the MMA violence itself.

Consider objectionable attitudes. The objectionable attitude wrong-maker occurs when one person views a second as having less value than the second has. This might be explicit or implicit. It might occur if the first does an act that expresses contempt for the second, fails to recognize him as an equal, objectifies him, and so on.

One problem with this purported wrong-making feature of an act is that the feature intuitively seems to go toward the agent's blameworthiness or the wrongness of his thought rather than the wrongness of his extrinsic act. This is because the decision, intention, and willing that are a part of or generate an act need not, and often do not, involve this content. The agent might be motivated by a degrading view of his opponent, but a motive is either different from an intention or not the proximate intention.

A second problem with this purported wrong-maker is that while some fighters might have such wrong-making attitudes, some might not. In fact, many probably do not. This can be seen in the respect and warm feelings they have for opponents before and after a fight. Consider further the fact that fighters will often 'pull back' a punch or kick they have thrown, or release a submission hold, when they become aware that their opponent has been sufficiently subdued, sometimes before the referee declares the fight over. In the UFC, for example, Mark Hunt stops hitting his opponents when they are knocked out before the referee signals the fight was over. This serves to indicate that no such objectionable attitudes are necessarily present during the fight. Further evidence of this can be seen in a recent study on camaraderie after fighting. This research was done as part of a study of the evolutionary psychology of violence (Pham et al. 2017). The researchers compare their study to respect between MMA fighters. They find that receiving and displaying post-fight respect is a function of one's valuation of the fight performance and serves to maintain relationships perceived

as valuable, such as friendship and membership in a social group. Hence, this wrong-making feature of an act is contingent, and in fact only loosely correlates with fighters' intentions and acts when fighting.

A third problem is that while one can control his acts, it is not clear he can control his attitudes, at least not directly, and likely not when acting under intense conditions. The purported wrong-making feature of an act here is an attitude. Specifically, it is the way in which one fighter values, or perhaps merely views, the other. If ought implies can, then it is false that fighters ought not have degrading attitudes toward their opponents. Perhaps they can control such attitudes indirectly by taking steps well before fighting. If this is so, what the fighter does wrong is to fail to take such steps. This failure is wrong, but not that to which it leads. We are assuming here that acts are not derivatively wrong, that is, wrong in virtue of their relation to intrinsically wrong acts. Even if they can be derivatively wrong, this would not show that badly motivated acts in MMA fighting are intrinsically wrong.

We are sympathetic to the notion that degrading attitudes are not right or wrong because they are not acts, and the notion that people are morally free to think what they want. Specifically, one's inner world is a moral free zone.⁷ We do not need these assumptions, though, to show that MMA fighting is not wrong on the basis of it involving fighters having degrading attitudes.

The most general problem here is that if objectionable attitudes can come and go during a fight, and these are the wrong-makers, then clearly MMA fighting is not *necessarily or intrinsically* wrong. Thus, while we think that MMA fighting is often not wrong, the mere possibility that objectionable attitudes are not present during part of the fight is enough to undermine the strong modal claim about such fighting. It is worth noting as well that if the attitudes are what are intrinsically wrong, and we don't think this is so, this would not make fighting intrinsically wrong because it involves events beyond the attitudes themselves. The underlying problem here is that Dixon's claim that MMA fighting is intrinsically wrong is an incredibly strong modal claim.

There is an issue as to what valid consent allows. Our position is that any act that has been validly consented to is permissible in the sense that it does not wrong the consenter. The assumptions here are that in the context of non-consequentialism, (1) a wrong act wrongs someone, (2) an act that wrongs someone fails to satisfy a duty owed to the person to whom the act is done, (3) a failure to satisfy a duty owed to the person to whom the act is done infringes a right (that is, a claim), and (4) valid consent to an act results in the act not infringing the consenter's right. If these assumptions are correct, then, in the context of non-consequentialism, valid consent is sufficient to make an act permissible with regard to the consenter.

The notion that valid consent does not make an action permissible when the act is degrading or exploitative fails because these features at most justify a right rather than provide a normative justification that competes against rights. This can be seen in part in that at some point wrongness will have to be explained in terms of a failure to satisfy a duty owed to the person acted upon.

In addition, the reason that degradation is not a wrong-maker is that degradation is best seen in terms of what the person expresses either in the way he thinks about what he does or what he does. An expressive-content theory of wrongness, though, falls prey to a dilemma. If an act were wrong because it expresses an idea (for example, degradation) let us consider whether the person acted upon must understand and be affected by the expression in order for it to be wrong-making. If the target need understand and be affected by it, then intuitively it seems that the effects on the person acted upon explain the expression's wrong-making. This is probably best filled out in terms of harm or other setbacks to the acted-upon person's view of himself as a free-and-equal moral agent. On such an account, the expression is not itself wrong-making. Rather, it is an instrument that causes psychological harm or a destructive self-image.

If the targeted person need not understand and be affected by expression, then it is mysterious how the mere expression of an idea that has no effect or no meaningful effect on the targeted person might wrong him. After all, there doesn't seem to be anything else about the expression that might wrong him. And even if it did wrong him, it would not significantly wrong him. Intuitively, though, if degradation is a wrong-maker, then it is a significant wrong-maker. This explains why degradation-related wrongness isn't overridden, undermined, or dwarfed in comparison to the valid-consent-based right-maker.

An objector might respond that the right in question is inalienable. He might argue that what grounds a right is something that cannot be voluntarily eliminated. The ground might be autonomy, moral autonomy, rationality, free will, and so on. It might even be a transcendental assumption that underlies moral duties and claims. Still, it is unclear why these grounds do not also justify the elimination of a claim. After all, if these things justify a person shaping his moral relation to others in accord with self-chosen principles, this would seem to include the ability (that is, moral Hohfeldian power) to change any moral relation including the ability itself. That is, what justifies the role of rights in allowing for a self-shaped life also makes every right alienable.

Even if certain rights were inalienable (for example, one may not eliminate a right to dignity), it does not seem that allowing oneself to be punched, kicked, or choked eliminates the ground in question (for example, dignity), at least when it does not lead to someone's death or loss of

a relevant cognitive, affective, or conative ability. For example, MMA fighters do not in general lose the ability to understand and act on moral duties, engage in abstract reasoning, or freely execute intentions that resulted from their reasoning. This can on occasion happen, but the same is true for driving, flying, or working at a dangerous job and those do not seem to involve infringing inalienable rights.

If this is correct, then on Kantian terms, a person does not treat himself merely as a means if he validly waives a claim (or other moral Hohfeldian element) that ordinarily prohibits certain treatment. After all, he owns the right, power, etc. Even if some of these rights and powers were inalienable, and we don't think they are, a fighter doesn't infringe an inalienable right when he has a good reason to engage in MMA-fighting (for example, to test his MMA abilities). This is especially true when the good reason fits cleanly into an otherwise dignified and rational life-plan. This is often true here as fighters often have a life-plan that involves the sort of realistic and otherwise desirable goal of athletic achievement parallel to that found in non-combat sports such as tennis and squash.

If rights rest on autonomy (the ability to shape one's life), moral autonomy (the ability to shape one's moral life), or the exercise of these abilities, all rights would be alienable because autonomy applies to itself. That is, an autonomous person has the ability to end his life or end his being autonomous. A morally autonomous person has the moral ability and permission to end his life or to cease being morally autonomous. This is because autonomy is similar to narrative creation of a literary character. Morally a person may do what he wants with his literary character if he has creative (that is, narrative) control over his character. Similarly, a person may do what he wants with his life if what is important is creative control over his own life. Creative control is at the heart of what is valuable about autonomy if autonomy is valuable enough to justify rights.

To deny the reflexive nature of autonomy would involve a side-constraint on a person's creative control of his life. In so far as it lessens a person's autonomy over his life with regard to his most fundamental and meaningful choice (whether to continue existing or being autonomous or morally autonomous), such a side-constraint conflicts with autonomy rather than being justified by it. Similar reasoning applies to moral autonomy. By analogy, if other people were to limit what an author could write about a literary character he created, the author would have less creative control over his literary life. This is true even if the limit were to bring him more money, happiness, or writing opportunities.

Here, then, is a summary of our position. An act is wrong if it wrongs someone. An act wrongs someone if it fails to satisfy a duty owed to her. An act fails to satisfy a duty owed to her if it infringes on her right (that is, claim). A person owns her rights and, thus, may waive them through valid

consent so long as the waiver is autonomous. It would be autonomous, for example, when competence, voluntariness, and knowledge conditions are met. Because the ability to waive ranges over the ability to waive rights itself, as well the rights themselves, the ability is reflexive. As a result, all rights are alienable.

Even if there were inalienable rights, such rights likely concern, and only concern, those conditions necessary for the preservation of relevant abilities and conditions that allow one to shape her life. This would still allow valid consent to make MMA fighting permissible because it does not eliminate the relevant abilities and conditions. In addition, even if there were inalienable rights and they prohibit degrading treatment, participating in a sport that rewards courage, planning, hard work, and meaningful relationships (with coaches and training partners), and which sometimes and perhaps often involves displaying signs of mutual respect and dignity before, during, and after participation, is not degrading. That is, MMA-fighting is not degrading.

In short, then, we reject the view of valid consent as insufficient for making an act morally permissible. Even if we are wrong in rejecting this view of valid consent, we further reject the notion that MMA-fighting eliminates or lessens autonomy, rationality, agency, or whatever else grounds rights and dignity. Even if we are wrong about whether MMA-fighting ever eliminates or lessens these conditions, MMA fighting is not always degrading, exploitative, or anything else that would undermine or

Table 1. Main Argument

| | |
|--|--|
| (P1) If an act does not infringe on anyone's moral right or violate another side-constraint, then it is morally permissible. | Assumption #1a: Wrong to Wrong Someone. If a person does a wrong act, then he wrongs someone. |
| (P2) MMA-violence does not infringe on anyone's moral rights or violate another side-constraint. | Assumption #1b: Wrong Someone to Infringe Right. If one person wrongs a second, then the first infringes on the second's right or other side-constraint. Assumption #2a: Valid Consent. In the relevant cases, both fighters give valid consent. Assumption #2b: Valid Consent to No Right Infringement. If both fighters give valid consent, then the fight (within agreed upon boundaries) does not infringe a moral right. |
| (P3) Hence, MMA violence is morally permissible. | Assumption #2c: Other Wrong-Maker. A fighter need not, and often does not, fail to act on a universalizable maxim or treat his opponent as an end and, also, does not exploit the second. An objectionable motive is not a wrong-making feature of an act, but even if it was, it need not be, and often is not, present. [(P1), (P2)] |

override valid-consent-based permission. This is true whether we consider a Kantian or another plausible theory of inalienable rights.

Table 1 summarizes our argument.

Nicholas Dixon gives a fascinating argument for the intrinsic wrongness of MMA and it is to his argument we now turn.

Part three: objections

Dixon treats an MMA fighter as acting intrinsically wrongly because he fails to treat their opponents as ends.

Kant’s “ends in themselves” formulation of the categorical imperative ... enjoins us to “use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means.” Mixed martial arts fighters ... treat others as objects to be hurt and injured and not as ends in themselves. (p. 367)

On Dixon’s theory, an MMA fighter treats his opponent merely as a means because he does not care about the latter’s suffering.

[A]ssault is another uncontroversial instance of treating people solely as a means, in that perpetrators ignore their victims’ pain and injury in order to achieve whatever goals they attain by the attack. Respecting people’s body integrity is central to treating them as ends in themselves, and deliberately injuring them treats them as having no more value than objects with no feelings. ... Mixed martial arts is a prolonged mutual assault. (p. 369)

Table 2 summarizes Dixon’s argument.

On Dixon’s theory, premise (P1) appears to rest on several assumptions. First, if an act (or practice) incorrectly objectifies someone, then it fails to recognize his intrinsic value. Second, if an act fails to recognize his intrinsic value, then it treats him with profound disrespect. Third, if someone is treated with profound disrespect, then he is treated merely as a means.

Premise (P2) captures the Kantian notion that what alone makes an act intrinsically wrong is that it treats a person merely as a means.

Dixon argues that premise (P3) rests on the two ways a fighter objectifies his opponent. First, a fighter objectifies his opponent by how he treats him. Specifically, a fighter intends to hurt his opponent and, also, ignores the

Table 2. Nicholas Dixon's Argument

| | |
|------|---|
| (P1) | If an act or practice incorrectly objectifies someone, then it treats him merely as a means. |
| (P2) | If an act or practice treats a person merely as a means, then it is intrinsically wrong. |
| (C1) | Hence, if an act or practice incorrectly objectifies a person, then it is intrinsically wrong. [(P1), (P2)] |
| (P3) | The sport of MMA incorrectly objectifies fighters. |
| (C2) | Hence, the sport of MMA is intrinsically wrong. [(C1), (P3)] |

other's pain and injury to achieve his goal. Second, a fighter allows others to have these attitudes toward him (an opponent's intention to hurt him and an opponent's ignoring his pain and injury).⁸

Dixon then argues that consent does not make MMA moral. Table 3 summarizes the argument with which he is concerned.

He challenges all three premises.

Against (1), he argues that in some cases, valid consent is not given because of the *de facto* coercion of the fighter's socio-economic situation. Against (2), Dixon argues that even if valid consent is given, this does not respect rights because the relevant right is inalienable. Our guess is that what is in play is a dignity-right. A dignity-right is a claim against another that he treat the right-holder in a way that respects what makes him intrinsically valuable. This might require that the agent act toward the right-holder in a way that respects the holder's moral autonomy or rationality. Alternatively, the agent might have to take seriously the difference between individuals or the importance of the perspective or well-being of the person toward whom he acts.

Against (3), Dixon argues that even if each fighter's rights are respected, it is still possible that a fighter is not treated as an end because he is degraded or demeaned. Our guess is that Dixon thinks this because of the following ideas. A fighter is degraded or demeaned (that is, his intrinsic value or what grounds such value in him is not recognized). If a fighter is degraded or demeaned, then he is treated with profound disrespect. If a fighter is treated with profound disrespect, then he is incorrectly objectified and, thus, treated merely as a means. It is worth noting that even if these notions are slippery, the general idea that a person must always be treated as dignified and important in himself ties together the more intricate and interlocking ideas.⁹

Dixon illustrates this with activities that degrade or demean a participant despite his or her valid consent. He uses examples of racist game shows, dwarf tossing, and male-centered sex. Such sex is a sexual practice that focuses exclusively on the satisfaction of men's desires. Dixon further argues that male-centered sex involves profound disrespect and that the disrespect in MMA is even worse than the disrespect in male-centered sex. This is because MMA has an objectionable intention and this is worse than objectionable indifference that characterizes male-centered sex.

Dixon's argument against MMA has several strengths. First, it explains why a Kantian should focus on the way that a moral agent thinks of other

Table 3. Kantian Argument

| | |
|-----|---|
| (1) | Each fighter gives valid consent. |
| (2) | If each fighter gives valid consent, then each fighter's rights are respected. |
| (3) | If each fighter's rights are respected, then each fighter is treated as an end. |
| (4) | Hence, each fighter is treated as an end. (1–3) |

people and how this affects the moral status of what he does. As such, it connects Kant's views on the equal intrinsic value of people, universalizable maxims, and treating people as ends. That is, it intuitively seems to align Kant's ideas on intentions, actions, and value.

Second, it explains why we think certain activities are wrong in virtue of being degrading or demeaning even if they involve valid consent. Consider, for example, male-centered sex and dwarf tossing. This also promises to connect Kant's ideas to the wrongness of exploitation and of harming oneself.

Third, it explains the intuitive wrongness of one-sided fights in which one person cruelly and brutally tortures his opponent. There the attitude is worse than normal MMA fights and, as a result, the action is worse as well.

Fourth, it avoids right worship. This is the notion that rightness and wrongness are solely a function of rights and that the vast array of other moral properties (virtue, objectionable attitudes, unfair deals, exploitation, and irrationality) have no moral relevance to what is right or wrong. Intuitively, people who think that standing on their rights ends the issue of what they ought to do are missing something.

Fifth, Dixon's argument generalizes nicely to explain why sports should ban distasteful activities such as trash-talking in the NBA, fighting in the NHL, spearing with one's helmet in the NFL, and throwing at a batter's head in MLB.¹⁰ Thus, it is capable of justifying what rules a sport should have rather than identifying the duties that are present given a particular set of rules. This differs from theories that focus Ronald-Dworkin-like on the best interpretation of the rules (Simon 2000).

Despite these strengths, Dixon's argument fails. First, consider premise (P1): *It is intrinsically wrong to treat a person merely as a means*. On our reading, the Categorical Imperative depends on, and only on, rights. Without such dependence, nothing sets the boundaries of body and property that make actions right or wrong. Other attempts to form such boundaries fall short because they don't justify or explain why people have rights to their body and property and why trespassing on such boundaries is what makes an agent's act wrong when it is wrong. Such boundaries also bridge the abstract Categorical Imperative and the more specific notions of who owns what particular thing and who may be made to pay compensation or be punished when she fails to respect what others own.¹¹

Here is the argument for interpreting the Kantian principle in terms of rights. If the Kantian principle is true, then it justifies or explains what may be done to someone. If something justifies or explains what may be done to someone, then it justifies and explains boundaries of non-interference and consequences (compensation or punishment) when these boundaries are trespassed. A system of rights alone justifies and explains boundaries of non-interference and consequences when these boundaries are trespassed.

Second, Dixon's premise (P2) is also mistaken because objectification is morally irrelevant to rightness. This premise says: *If (P1), then a person is treated intrinsically wrong if and only if he is incorrectly objectified.* Objectification is irrelevant because the Categorical Imperative focuses on how someone is treated. This is distinct from how the agent thinks about someone. If the Categorical Imperative focuses on how the agent thinks about someone, then it focuses on how he thinks about someone's rights (or, perhaps, someone as a right-holder). If this is correct, then profound disrespect and degradation is right-focused or irrelevant.

An objector might argue that Dixon's argument focuses on how someone is treated. He might continue that although we are right that he often speaks about *seeing someone* as an object to be manipulated, he was really talking about objectification as a way of treating someone. The problem with this objection is that if Dixon is focusing on objectification as an attitude, this does not by itself make the relevant act wrong if it does not infringe the right of the person toward whom the act is directed. If, instead, objectification is an act, then it is hard to see how an agent through her act can objectify another toward whom she acts unless she acts with an improper intention or motive. As argued above, it is odd to think that one person has a right that a second not have certain intentions or motives regarding her when the second respects the first's rights to body, property, labor, and so on.

Perhaps the morally relevant feature here is not the agent's intention or motive, but whether the agent thinks about the person toward whom she acts as neither rational nor self-governing. Again, though, it is odd that one person has a right to be thought of in a specific way by someone who is respecting her other rights. Intuitively, if a person had a machine that allowed her to read other people's thoughts, this would not justify her demand that another person stop thinking about her in certain ways and to demand punishment, compensation, or an apology if the thinker continued to do so.

Third, consider Dixon's premise (P3): *The sport of MMA incorrectly objectifies fighters.* In many cases, there is no failure to recognize one's opponent's dignity. If one person objectifies a second, then the first fails to think of the second as a dignified agent (specifically, a free-and-rational agent who can and does shape his own life). One fighter thinks of the second as a dignified agent when he treats him as a free-and-rational agent. He treats him as a free-and-rational agent because his treatment of him depends on the second's rights.

On a side note, we think that a person is treated in a dignified manner if and only if his rights are respected. On this account, one's view of or attitude toward another is irrelevant. Still, it is worth seeing that Dixon's objection, set out in terms of objectification and dignity, doesn't succeed on its own terms, let alone our interpretation of the Categorical Imperative.

Another problem with (P3) is that there is no failure to recognize people's equal value. If one person objectifies a second, then the first tries to harm the second (or is indifferent to him) because the first fails to recognize that the second has equal intrinsic value as the first. In MMA, a fighter does not fail to recognize this. The actual attitude of many fighters is respectful (and, in some cases, appreciative) of their competitors. He sees imposing pain on another as permitted by the mutually beneficial and agreed upon rules of the game to which the other person has consented. This is a respectful attitude. Such an attitude and the consent it generates are likely morally respectable and valid (respectively) even if there are inalienable rights. By analogy, consider the strategy of trying to break another's will in cycling. In any case, this depends on the fighter.

A last problem with (P3) has to do with virtue and vice. Kant does not make the right depend on virtue. It is worth considering, though, what would be true if there were such a dependence. If MMA objectifies someone, then it involves a vicious attitude. If something is a vicious attitude, then it involves the love of evil or hatred of the good.¹² MMA, though, often does not involve love of evil or hatred of the good. A fighter may love another's pain, though this is likely the rare exception, but only instrumentally. He does not love it intrinsically. Alternatively, a fighter might have the fine-grained view that the other's pain is aesthetically pleasing or personally satisfying, but not good.

Although not an objection, it is also worth discussing Steven Weimer's argument. His conclusion is compatible with our conclusion, but his argument takes a different view of the relevant moral factors. Degradation, because it is concerned with the failure to treat someone in accord with what makes him have rights, perhaps even dignity-based rights, is a theory of what *justifies* the role of valid consent rather than a normative factor that competes against it. To see this, consider Weimer's reconstruction and criticism of Dixon's position. Weimer's argument, while otherwise extremely well done and illuminating, does not clearly separate what justifies valid consent and how valid consent works (Weimer 2017). Here is Weimer's restatement of Dixon's principle.

Permissible Intentional Harming 2 (PIH2)

Although the intentional infliction of pain, injury, and/or humiliation is normally wrong, such actions are compatible with respecting the recipient as an end in herself, and thus *prima facie* morally permissible, if the recipient autonomously consents and either (A) or (B).

- (A) **Intrinsic Desire.** Enjoys or otherwise desires such treatment for its own sake.
- (B) **Instrumental Desire.** Desires such treatment as a means of satisfying one or more of his needs (and the individual who inflicts the pain,

injury, or humiliation is aware of the recipient's desires or needs and at least partially motivated by a desire to meet them).

On Weimer's reconstruction, consent is valid, and thus morally transformative, if (i) the consenter intrinsically desires that to which he consents or instrumentally desires it, and (ii) the person to whom he consents is motivated to satisfy one of the consenter's instrumental desires. The reason this is misleading is that when a person validly (which includes autonomously) consents to something, he waives his right against it. He owns the claim and thus may extinguish it. Why he does so is beside the point. The same is true of the motivation of the person to whom he waives the claim.

To see this, let us ask Weimer whether a person may validly consent to be treated in a certain way in order to satisfy an instrumental desire if the person who acts toward him is not motivated to meet his instrumental desire? If the answer is 'yes,' then Dixon has given merely a sufficient condition for valid consent to make an act permissible with a superfluous condition (the motivation). If the answer is 'no,' then it is unclear why a person who owns his rights in a robust way can waive or modify them only if another thinks in a certain way. By owning a right, we mean that a person has a moral Hohfeldian power over it. A Hohfeldian power is the moral standing by which to leave in place, eliminate, or change another Hohfeldian element, ordinarily a claim. By analogy, if Jones owns a book in a robust sense, then he may do what he wants with the book including giving it to Smith who has contempt for him and who will view the book-giving as a sign of Jones' lesser value when compared to himself.

Part four: conclusion

MMA fighting in a competition is not necessarily wrong and is often, as far as we can tell, permissible. Our argument has two premises. First, if an act does not infringe on anyone's moral right or violate another side-constraint, then it is morally permissible. Second, MMA-violence does not infringe on anyone's moral right or violate another side-constraint.

Notes

1. For a discussion of side-constraints, see Nozick (1974, 4). For a discussion of permission not to maximize the good, see Kagan (1991, 10).
2. For this notion of a right, see Kramer (1998, 7–111).
3. For the Kantian objection, see (Kant 1996). For exploitation, see Wertheimer (1999). For objectification, see Nussbaum (1995).
4. For these criteria for valid consent, see Wertheimer (2003).
5. For an interpretation of Kant along these lines, see Nozick (1974).
6. For an interpretation of Kant along these lines, see Rawls (1971, 17).

7. For a defense of this position, see Sher (2017).
8. For the general notion that failure to demand to be treated in a dignified manner can violate the Categorical Imperative and thus be wrong, see Hill (1973).
9. For different interpretations, see Beyleveld and Brownsword (2002).
10. For Dixon on trash-talking, see Dixon (2007; Dixon 2008).
11. For an interpretation of Kant along these lines, see Nozick (1974, 14).
12. For an argument for this position, see Hurka (2001a, 2001b, 9).

Disclosure statement

No potential conflict of interest was reported by the authors.

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