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PERSONAL FOUL: AN EVALUATION OF THE MORAL STATUS OF FOOTBALL

Pamela R. Sailors

The popularity and profitability of American gridiron football is beyond dispute. Recent polls put football as the overwhelming favorite of people who follow at least one sport and huge revenues are reported at both the professional and the university level. We know, however, that what is the case tells us little about what ought to be the case, and it is to the latter question that this paper is directed. I offer a three-pronged attack on the ethical acceptability of American football, both amateur and professional, based on (1) harm to the players, (2) objectification of the players, and (3) harm to others done by the players, leading to the conclusion that the sport, as currently constituted, is morally unacceptable.

KEYWORDS football, harm, concussions, objectification, violence

Introduction

The popularity and profitability of American gridiron football is beyond dispute. A December 2013 poll of people in the United States who follow at least one sport found that football was the favorite of 35%, outdoing second place baseball, at 14%, by a wide margin (Rovell 2014). This popularity is evident on the financial bottom line of the sport, with the National Football League reporting an annual revenue of ten billion dollars and an openly stated aspiration to increase that to twenty-five billion by in seventeen years (Schrotenboer 2014). At the university level, the total revenue for the top 10 schools increased from around three hundred million dollars in 2001 to over seven hundred and fifty-nine million dollars in 2011 (Chemi 2013). In 2013, the Texas Longhorns football program alone brought in one hundred and nine million dollars (Smith 2013). We know, however, that what *is* the case tells us

little about what *ought* to be the case, and it is to the latter question that this paper is directed. I offer a three-pronged attack on the ethical acceptability of American football, both amateur and professional, based on (1) harm to the players, (2) objectification of the players, and (3) harm to others done by the players, leading to the conclusion that the sport, as currently constituted, is morally unacceptable.

Head Banger's Ball

The potential for injury has always been a part of football.¹ Beyond the bone-shaking collisions during games, much has been made of the lasting damage players do to their bodies. 'According to one survey of NFL retirees, almost half said they suffered from "severe pain" as a result of playing in the league, and chronic pain can be a risk factor for depression and suicide. (About one-fifth of the retirees reported having some mental impairment.) Arthritis and other long-term disabilities are commonplace' (Engber and Fatsis 2013). While evidence continues to be gathered, it seems indisputable that there is at least a strong correlation between playing football and suffering from debilitating brain damage. This discovery has changed the 'moral calculus' regarding football and acceptable risks (Engber and Fatsis 2013). To be precise, we are now forced to acknowledge not just chronic joint or muscle pain but chronic traumatic encephalopathy (CTE), a deformation of the brain, evident upon autopsy, caused by sustaining repeated concussive blows to the head. According to the Sports Legacy Institute:

CTE is a progressive degenerative disease of the brain found in people with a history of repetitive brain trauma, including symptomatic concussions as well as subconcussive hits to the head that do not cause symptoms. CTE has been known to affect boxers since the 1920s (when it was termed punch drunk syndrome or dementia pugilistica). However, in recent years the disease has been found in other athletes, including football and hockey players, as well as in military veterans. CTE is not limited to professional athletes; it has also been found in athletes who did not play sports after high school or college. The repeated brain trauma triggers progressive degeneration of the brain tissue, including the build-up of an abnormal protein called tau. The brain degeneration is associated with common symptoms of CTE, including memory loss, confusion, impaired judgment, impulse control problems, aggression, depression, suicidality, parkinsonism, and eventually progressive dementia (Sports Legacy Institute 2014).

The most extensive, and accessible, examination of CTE (Fainaru-Wada and Fainaru 2013) presents a compelling case for the conclusion that 'the essence

of football – the unavoidable head banging that occurs on every play, like a woodpecker jackhammering at a tree – can unleash a cascading series of neurological events that in the end strangles your brain, leaving you unrecognizable’ (6). In part this is because today’s players are bigger, stronger, and faster than players in the past, and in part because technology has evolved to offer better protection; players use their helmets as weapons and continue to play while sustaining repetitive hits to the head (Fainaru-Wada and Fainaru 2013, 71–73). In response to legal action brought by almost 6000 former players and their families claiming negligence and fraud on the part of the National Football League (NFL), the league tacitly acknowledged its culpability by attempting to settle the case out of court.²

Some form of Mill’s Harm Principle is most usually invoked in response to concerns about dangerous sports. According to Mill, ‘the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant’ (Mill 1989, 13). Players are adults, goes the argument, and, as such, they should be allowed to choose their risks, so long as they are fully informed. The most we might require is a rigorous educational initiative. While this suggestion seems plausible, it is convincing only if one ignores the slavery exception Mill carefully adds when he begins to apply the principle. Admitting that it is an extreme example, Mill prohibits any agreement by which one would be sold into slavery because such an agreement would undercut individual liberty. People choose the activities and life paths they find desirable and, in general, this works to their good, since each individual is best suited to determine what he or she finds desirable. But, as Mill points out, once someone becomes a slave, all liberty of choice is forevermore lost. Thus, the justification for allowing people to choose their own harms is violated in the very act of abandoning future choice. ‘It is not freedom’, Mill concludes, ‘to be allowed to alienate ... freedom’ (Mill 1989, 103).³

Mill takes autonomy of choice to be of greatest value and his Harm Principle is designed to preserve it. This value grounds his exception regarding selling oneself into slavery. Given what we know, and are learning, about CTE, choosing to play football is analogous to choosing to be sold into slavery, since choosing football means choosing the likely brain damage that makes later autonomous choice equally impossible. This argument will be familiar to those who have followed the debate about whether boxing ought to be banned. Nicholas Dixon calls restricting choice in order to preserve future autonomy ‘pre-emptive paternalism’ and argues that such is justified in the case of boxing since ‘most boxers will suffer from irreversible brain damage, and brain damage is the most direct way to reduce a person’s autonomy. And pre-emptive paternalism itself seems to be well established in our legal system, since it is the most obvious rationale for our prohibition on dangerous,

addictive drugs and our laws requiring the use of car seat belts and motorcycle safety helmets' (Dixon 2001, 332).⁴ An editorial in *The Journal of the American Medical Association* actually anticipated the extension of the boxing argument to football almost 30 years ago:

American football is violent. It results in many serious injuries, including cerebral concussions and fractured cervical vertebrae with paralysis. There may be a substantial prevalence of chronic brain damage in football players, but at this time no one seems to know. The peer review literature is apparently mute. One senses that the football enthusiasts, including the sports medicine establishment, may not want to know, since one does not hear of many people planning to do proper brain studies on football players. Can the football sports medicine community examine scientifically the brains of current or former football players prospectively, retrospectively, or epidemiologically cross-sectionally and send the reports of such studies for peer review and subsequent publication? We would welcome such at *JAMA* (Lundberg 1986, 2483).

Such studies did not begin to appear for another dozen years, but have become increasingly common as the postmortem brains of more and more former players have been made available to researchers.

Objections to the argument for pre-emptive paternalism as justification for banning boxing tend to rest on concerns about immediacy and uncertainty. Robert Simon, for example, objects to prohibiting boxing on the grounds that 'the effects of boxing on mental capacity are long-term and uncertain' (Simon 2007, 382),⁵ and Danny Rosenberg notes that 'long-term, severe physical harms in boxing and MMA [mixed martial arts] are not guaranteed such that all boxers and MMA athletes end up losing their future autonomous decision-making status' (Rosenberg 2014, 271). It is not clear, however, why temporal remoteness is morally significant. We often speak of obligations to future generations; it seems odd that we would feel more compelled to protect potential persons than already existing ones. Further, CTE is, by its very nature, something that can be prevented only very early in one's life. Neuropathologist and CTE investigator, Dr Ann McKee, stresses that football shares with boxing the fact that the brain damage is gradually inflicted. According to McKee, '...it was the accumulation of hundreds or thousands of "subconcussive" blows that caused the damage, not one big knockout punch or open-field collision;' another CTE researcher, Dr Robert Cantu characterized it as 'a dose-related phenomenon' involving 'total brain trauma' (Fainaru-Wada and Fainaru 2013, 302).⁶ So, while the harm may not actually appear until years in the future, its seeds are planted much earlier.

The occurrence of CTE in football players also appears to be much more certain than previously assumed. At one point in time, 24 of the 25 brains of former players examined by Dr McKee had CTE (Fainaru-Wada and Fainaru

2013, 305). More recently, brain tissue tested after the death of 128 former players, who had participated at the professional, college, or high school level, showed evidence of CTE in 101 cases (Breslow 2014). That's a 79% rate of occurrence. Even the N.F.L.'s own actuaries, who have a vested interest in downplaying the number as much as possible, have publically stated that they expect 28% of all players to be affected by brain trauma to the extent that they should be compensated by the league (Belson 2014b). One wonders what percentage would be sufficient to eliminate the uncertainty objection to pre-emptive paternalism. McKee draws an analogy to smoking, which, after all, has not been proven to cause lung cancer in all smokers:

What I don't understand is why we are expecting that exposure to head trauma will cause disease in 100 percent of the individuals that suffer this trauma.... Do we expect 100 percent of cigarette smokers to develop lung cancer? Do we expect 100 percent of children who play with matches or even with chainsaws to get hurt? No. Even if the percentage of affected individuals is 20 percent, or 10 percent or 5 percent, there are still thousands of kids and adults out there right now playing football at all levels who will eventually come down with this devastating and debilitating disorder (Fainaru-Wada and Fainaru 2013, 282–3).

This also speaks to a suggestion Rosenberg makes regarding children, suggesting that we might be justified in paternalistic intervention 'in the case of young children, but as they develop and mature less paternalistic interference is typically warranted' (Rosenberg 2014, 271). The problem, of course, is that limiting the football choice to adults would require a complete change in current practice, since children begin playing almost as soon as they can walk, and would not be skilled enough even to face the choice as adults if they did not. So it simply won't do to suggest that this is just another case where we should allow people to make seemingly bad choices in the name of liberty; even if competent adults should be afforded the freedom to make such choices for themselves, the choice to play football is forced long before adulthood. And, returning to the smoking analogy, we neither allow children to choose to smoke, nor adults to choose to allow children to smoke.

Michael Sokolove puts a different spin on the smoking analogy, suggesting that the fate of football may be determined, as has tobacco use, by legal action. At the level of the educational system, now that new regulations are in place to protect players from brain injuries, lawsuits are increasing as schools are held accountable for any lapses in following them. Health insurers, risk averse as they are, may also act against football, just as they have against smoking, by treating it as a costly and avoidable risk factor. Finally, at the professional level, Sokolove thinks it likely that claims against football will 'play a part in criminal trials', by focusing on the behavioral changes and loss of

impulse control associated with head injuries (Sokolove 2014). This practical argument, however persuasive, moves away from the moral concerns on which I wish to focus.

While I find the argument for pre-emptive paternalism in order to protect future autonomy decisive, others do not. Dixon points to Joel Feinberg as one such skeptic, explaining that Feinberg held the value of autonomous choice to outweigh even the foreclosure on future autonomy such a choice might entail. Dixon provides the following from Feinberg: 'it would be an autonomously chosen life in any case, and to interfere with its choice would be to infringe the chooser's autonomy at the time he makes the choice, that is to treat him in a manner precluded by respect for him as an autonomous agent' (Dixon 2001, 333). Still, Feinberg does not oppose paternalism, and gives us another means of justification, reverting to Mill's Harm Principle as the foundation for what he calls an 'argument from psychic costs.'⁷ Using the example of a motorcyclist, Victor Vroom, who, while choosing not to wear a helmet, is involved in a collision with an automobile:

Imagine the state of the motorist at fault in the Vroom collision if Victor Vroom had been killed or seriously brain-damaged. *He* needs protection too. And Victor's parents. And Victor's dependents. And attending medical workers. And traumatized witnesses. But *mainly* the other motorist (Feinberg 1986, 141).

So, for those who were unconvinced by the argument from pre-emptive paternalism, we have here another justification for the claim that football is ethically problematic on account of CTE. We can accept Mill's Harm Principle and show that the psychic damage caused by CTE constitutes harm to others.⁸ While Feinberg cautions us to be careful about protecting the autonomy of those who would choose risky actions, he requires that we not forget to take into our calculations the interests of others who are impacted – like family members of former football players who suffer the effects of CTE. After all, it is family and friends, who witness the slow dissolution of mental capacities, bear the brunt of depression and sudden rages, shoulder the economic costs of care, and attend to the needs of someone who eventually may no longer recognize them.

I point those who might object that Mill's Harm Principle has been extended here beyond what it can bear to Claudio Tamburrini's use of David Lyons's distinction between two ways to read the principle. One way is to understand the principle narrowly as claiming that interference is warranted only to prevent harm to others, 'the Harmful Conduct-Prevention Principle' (Tamburrini 2011, 3). Alternatively, it can be understood as claiming that in addition to preventing harm to others, interference is warranted to ensure that people are not deprived of benefits to which they are entitled, 'the General

Harm-Prevention Principle' (Tamburrini 2011, 4). Lyons and Tamburrini defend the second of these principles, arguing that it provides the most plausible reading of Mill. I agree and assume it in the argument above to reach the claim that we can interfere with someone's choices in order to prevent CTE because CTE deprives that person's loved ones of the benefits of the familial relationship to which they are entitled.⁹

Since the case I have made thus far depends on boxing and football being sufficiently similar, I need to address apparent differences between the two. Dixon claims that football differs from boxing because the goal of football is to score more points than the other team while the goal of boxing is to injure one's opponent. This makes boxing more morally dubious since, Dixon claims, it leads boxers to treat their opponents as mere means, thus violating Kant's Humanity Imperative¹⁰ (Dixon 2001, 337). I don't see, however, why we cannot simply respond with the assertion that the goal of boxing is also to score more points than one's opponent and that, in either case, one cannot will the end without also willing the means. Colin Radford has an apt comment here:

...what each boxer is trying to do is not merely to score points or to win rounds by punching his opponent, and to avoid being hit himself, he is also trying to stop his opponent from scoring points, and the best way to do that is to *stop him* – as they say. If he is wise, he therefore tries to hurt the other man and hurt him so much that he will be unable to fight back for a minimum of ten seconds. And since the activity is either entertainment for paying spectators or a preparation for that and perhaps for a professional career, the more spectacularly a boxer can do this the better his prospects, reputation and self-esteem (Radford 1988, 69).¹¹

I argue that the case is just the same in football. Each play is directed toward winning, including the preconditions for winning, which necessarily involve attempts to harm one's opponent so as to remove him from the play.¹²

Dixon recognizes at least the possibility that football shares this characteristic, acknowledging that the 'rules of a game like football may permit and give an incentive for players to engage in hard but legal hits intended to cause injury and knock a star player out of the game' (Dixon 2011). In these cases, he says, the actions and the rules that allow them are 'morally questionable', presumably just because they do make football analogous to boxing and mixed martial arts by the presence of objectification (Dixon 2011, 10). I am skeptical of this move to link the intent to injure and objectification since neither seems necessarily to entail the other. Intending to injure a person does not require treating her as an object. In fact, we might well find it *more* morally problematic if a violent act was carried out by someone who fully recognized his/her victim as a person and sought to cause pain anyway.¹³ Likewise, treating a

person as a means, or object, does not require the intent to injure, but only the failure to recognize the personhood of the other.

In any case, my argument thus far focuses only on the presence and extent of harm, regardless of intent. This issue is also irrelevant to Dixon's earlier argument about boxing since it rests on loss of future autonomy, not intent. The problem with boxing is that it 'creates the probability of a severe and irreversible loss of autonomy' (Dixon 2001, 336). Given that CTE creates such a loss of autonomy, and growing evidence that it is an unavoidable result of playing football, football is as exactly as morally unacceptable as boxing and mixed martial arts.

The Plantation Problem

Concerns about objectification¹⁴ are not illegitimate, but they would be better directed toward those who profit from football. Universities reap huge profits from the labor of unpaid players. Professional players are paid, but what they earn is significantly disproportionate to the profits made by team owners. Even taxpayers, willing or not, who receive no pay from football, subsidize stadium construction, meaning just that much more profit for owners.

In a scathing indictment of college sports, Pulitzer Prize winning author, Taylor Branch suggests that football involves a form of slavery, in many ways like that to which Mill drew attention. '[T]o survey the scene – corporations and universities enriching themselves on the backs of uncompensated young men, whose status as "student-athletes" deprives them of the right to due process guaranteed by the Constitution – is to catch an unmistakable whiff of the plantation' (Branch 2011, 83).¹⁵ And make no mistake, universities are substantially enriched, with recent total revenue numbers of over seven hundred million dollars for the top 10 schools (Chemi 2013). Yet the players, without whose performance none of those dollars would be received, are unpaid. Even former Executive Director of the National Collegiate Athletic Association (NCAA), Walter Byers, was struck by the aptness of the slavery metaphor. 'The college player cannot sell his own feet (the coach does that) nor can he sell his own name (the college will do that). This is the plantation mentality resurrected and blessed by today's campus executives' (Branch 2011, 106).¹⁶

In an absolute embodiment of objectification, players often resemble walking billboards, as they function as unpaid salespersons for various companies. In 2010, Auburn University's quarterback, Cam Newton, was the subject of an investigation by the NCAA on suspicion of soliciting payment in return for his athletic services. While evidence of making any money at all would have gotten him suspended, during that season, he 'wore at least 15 corporate logos – one on his jersey, four on his helmet visor, one on each wristband,

one on his pants, six on his shoes, and one on the headband he wears under his helmet – as part of Auburn’s \$10.6 million deal with Under Armor’ (Branch 2011, 94). One might object here that Newton was paid, in effect, with a scholarship for his education.¹⁷ This is technically true, but Newton left Auburn for the NFL the following year and, although it was reported that he had returned to classes and was on track to graduate in May 2014, I have found no confirmation that he did, in fact, graduate.

If graduation rates matter to universities at all, it is not reflected in the compensation for coaches. Using the same example of Auburn University in 2010, the graduation rate for African-American football players was only 52%, but the salary for the head football coach was three and a half million dollars plus perks, and the offensive coordinator was paid one million dollars (Easterbrook 2013, 79). The same year, the graduation rate for African-American players at Texas was only 37%, and the head coach’s salary was increased to five million dollars (Easterbrook 2013, 80). With numbers like these, it is hard to make the case that players are compensated through the receipt of an education.

The objectification and exploitation of players is not confined to the collegiate level. Former professional lineman, Keith McCants, reported undergoing 29 surgeries, most self-financed, for injuries related to football. McCants speaks bluntly of his objectification, saying, ‘I thought I joined an organization, the NFL, that would take care of its own. Turns out the minute you can’t perform anymore, the NFL abandons you. They know there are a hundred fresh young men ready to fall for the same thing’ and ‘They treat us like horses.... When one breaks down, just bring in another animal. And the worst part is, we let them do it’ (Easterbrook 2013, 259–261).

It’s not only athletes who bolster the profits of universities and team owners; taxpayers also contribute through the subsidizing of stadium construction. For example:

...neither set of owners of the New Orleans Saints put up any of the nearly \$1 billion in capital to build and renovate the Superdome, while the NFL contributed a token \$16 million to post-Katrina repairs, 0.2 percent of league revenues in the year the donation was made. But though taxpayers covered the costs of building and improving the facility, and though taxpayers give \$13.5 million annually in gifts to the Saints, [owner Tom] Benson keeps all profits from ticket sales, concessions and parking. More significantly, all revenue from television broadcasts of football games staged in the publicly financed Superdome belongs to Benson or the NFL (Easterbrook 2013, 51).

This is not an isolated case, as urban planning professor, Judith Grant Long, has concluded that 87% of the costs of building NFL stadia are covered by taxpayers (Easterbrook 2013, 52). And, just as it’s not only the players who

contribute, it's not only the team owners and universities who profit. 'CBS, ESPN, Fox and NBC, which broadcast NFL games, privatize programming created in public-funded facilities – the companies keep all after-tax advertising revenue and cable-carrier fees, though the revenues and cable fees could not happen without public funding of stadia' (Easterbrook 2013, 62).

The plantation problem is ethically objectionable from a deontological or a utilitarian perspective. The deontologist can call upon Kant's Humanity Imperative again, since the treatment of players, and to a lesser extent, public tax-payers, obviously amounts to being treated merely as means instead of as ends in themselves. Kant also claimed, less famously but apt for this discussion, that we could be obligated not only to treat others as ends, but also to take on the ends of others.

The duty of love for one's neighbor can, accordingly, also be expressed as the duty to make others' ends my own (provided only that these are not immoral). The duty of respect for my neighbor is contained in the maxim not to degrade any other man to a mere means to my ends (not to demand that another throw himself away in order to slave for my end) (Kant 1991, 244).

It's no stretch to claim that universities and owners do demand, even take for granted, that players throw themselves away to slave for profits. Dixon puts this clearly, noting that since intentionally injuring people is morally wrong, 'those who create and profit from the institutions that make such immorality possible are morally culpable' (Dixon 2011). So, the deontologist must oppose the institution of football.

The teleologist also has good grounds for opposition, through calling up Mill's Greatest Happiness Principle: '...actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness' (Mill 1962, 257). We must suppose that those who profit from football are exceedingly rich on the happiness scale, but of course, as Mill noted, 'the happiness which forms the utilitarian standard of what is right in conduct, is not the agent's own greatest happiness, but that of all concerned' (Mill 1962, 262). Given the vast numbers of current and former players, their families, and overburdened tax-payers, all of whom have been harmed to some degree by the institution of football, the scale must be supposed to swing toward the reverse of happiness.

A Culture of Criminality

By its very nature, football emphasizes and values aggression and violence, both traits that are linked with masculinity. The connection is so strong that some take as a given that the sport 'has long been central to the

construction of masculinity in the United States' (Anderson and Kian 2012, 153). In addition to competitiveness, aggression, violence, and winning, the characteristics of the masculinity celebrated in this view include a troubling attitude of superiority to women (Sabo and Panepinto 1990, 115). Because locker rooms, playing fields, and training rooms are all-male territories, women manage to be visible in the football environment only in supporting roles, like cheerleaders, WAGS (wives and girlfriends), and fans (Sabo and Panepinto 1990, 117). Even the on-field 'costuming' supports the notion of male superiority; through the contrast with 'the bare and vulnerable bodies of the cheerleaders, the armored bodies of the football players are elevated to mythical status' (Messner 2007, 104). The result is a perfect enactment of masculinity, the warrior mentality, which unfortunately is not confined to the playing field.

Messner has argued that success in aggressive sports, like football, requires a loss of empathy for opponents, and points to studies that suggest that 'male athletes who learn to accept that their participation in sports will routinely result in injuries to others are more likely to engage in physical aggression outside of the sport context' (Messner 2007, 114). This loss of empathy, or objectification of others, also leads athletes to be angry more quickly, and to devalue women, and creates difficulties in intimate relationships (Messner 2007, 102–3).¹⁸ Sadly, it is an easy task to provide examples to support these claims.

Stanley Teitelbaum describes, in a chillingly matter-of-fact way, the cases of at least half a dozen college and professional football players who raped, assaulted, and/or murdered women (2010, 110–131). One of the most disturbing aspects of the recent case of Miami Dolphins' Richie Incognito's bullying of teammate Jonathan Martin, was the vocal support such behavior received from so many current and former players. This is nothing new, we were told, and evidence of hazing-type activities quickly came to light.¹⁹ After running background checks on all football players on the top 25 teams in the 2010 preseason poll, *Sports Illustrated* and CBS News issued a report showing that 204 players had criminal records. 'Nearly 40 percent of the alleged incidents were serious offenses, including 56 violent crimes (assault and battery, domestic violence, sexual assault and robbery)' (Benedict and Keteyian 2013, 314). The culture of tolerance for such serious offenses extends beyond the players as evidenced by the Penn State case in which Jerry Sandusky, a former defensive coordinator and director of an annual football camp 'was convicted of forty-five counts of serial sexual abuse of ten young boys dating back to the late 1990s' (Benedict and Keteyian 2013, 312). The New Orleans Saints' 'bountygate' scandal, in which defensive coordinator Gregg Williams was found to have offered to pay more than 20 players to injure opposing quarterbacks between 2009 and 2011 showed that current coaches can also be tainted by the culture (Holder 2013). Studies comparing the rate of criminal acts among football

players as compared to the general population are inconclusive due to a number of variables. For example, the rate of arrests of NFL players is less than the overall population, but far greater than for others at their income level. As Morris (2014) notes, the poverty rate for active NFL players is zero. Perhaps already-existing criminal tendencies draw some to football, or perhaps football creates such tendencies; either way, the correlation is well-established and troubling.

Just as with the plantation problem, the culture of criminality can be ethically condemned through the application of Kant's Humanity Imperative and Mill's Greatest Happiness Principle. Enough has been already said to show that the idealized masculinity of football leads to the morally unacceptable objectification of persons condemned by Kant. In his examination of violent sports, Simon takes the Millian path, arguing: 'If society should not glorify violence, and if violence in sports might contribute however indirectly to greater tolerance and commission of violence throughout society, or to the erosion of defensible community standards, we can be led by such considerations to freely, rationally, and autonomously choose to reduce the level of violence in sports' (Simon 2007, 387). Those who are more convinced by virtue ethics also have a framework for condemning the football culture. After locating virtue as a mean between excess and deficiency, Aristotle offers an example that is apposite for this discussion: 'Human beings as well as beasts find it painful to be angered, and pleasant to exact a penalty. But those who fight for these reasons are not brave, though they are good fighters; for they fight because of their feelings, not because of the fine nor as reason prescribes' (Aristotle 1999, 44). The primal emotions celebrated by the football culture run counter to reason, which is necessary for us to discern the mean, thus they are inimical to virtue.

Conclusion

I've questioned the ethical acceptability of American football on three grounds (1) harm to the players, (2) objectification of the players, and (3) harm to others done by the players. I recognize that none of these problems is unique to football. Boxing, soccer, and hockey have high injury/concussion issues. Basketball has its own plantation problem as well. Professional athletes from many sports also fall into the masculinized violence trap. What makes football unique, and uniquely subject to criticism, is the presence of all three problems. Although I find the first argument persuasive enough, I acknowledge that others will find none of the three arguments to be decisive on its own, yet it is undeniable that the combination results in a powerful critique of the

sport. Thus, I conclude that football, as it currently exists, is morally unacceptable.

This raises the question of possible reform. Dixon's case against boxing concludes not with a call to ban the sport, but with a proposal for reform in the form of a ban against blows to the head (Dixon 2001, 342). I don't rule this out *a priori*, and if someone could generate changes that would eliminate the three problems examined here, I would certainly support them. In the end, however, I suspect that any such reform would alter the game beyond recognition, such that what remains might be a superior activity, but it would not be football.²⁰ Anyway, at least so far, even with mounting evidence that harm is inherent to the game, little beyond steadfast public reassurances of concern have been made toward reducing that harm.

Taking all of the problems into account, it is impossible to *support* the institution of football. While the question of how this should affect the actions of fans deserves a separate treatment, I believe we ought, at least be troubled by our role in perpetuating the institution. Author Joyce Carol Oates, who has famously supported and written approvingly on boxing, was asked whether watching the Super Bowl might be immoral. She replied: 'Supporting a war or even enabling warfare through passivity is clearly much more reprehensible than watching a football game or other dangerous sports like speed-car racing – but it may be that neither is an unambiguously 'moral' action of which one might be proud' (Sokolove 2010).²¹ 'The role of spectators, who derive pleasure from the spectacle of two almost naked men trying to injure one another, raises additional moral concerns' (Dixon 2011). In the end, my hope is that this paper has shown that there is good cause for feelings of moral ambiguity surrounding football, namely, that the sport itself is morally unacceptable.

Notes

1. Throughout this term refers to the sport also called American football or gridiron.
2. The NFL's original offer of \$765 million, plus more than \$100 million for legal fees was unacceptable to the judge in the case (Anita B. Brody) who did not believe it was adequate to cover the medical costs of former players. A second offer with an open-ended commitment by the NFL to cover all qualified claims has been submitted to Judge Brody. Once a settlement is approved, former players will vote on whether to accept, reject, or opt out (Belson 2014a).
3. For those who prefer a more Kantian grounding, *The Metaphysics of Morals* contains a similar injunction against making oneself a permanent slave. Kant

does allow for the employ of servants and insists that they belong to their owner. However, he says that 'a contract by which one party would completely renounce its freedom for the other's advantage would be self-contradictory, that is, null and void, since by it one party would cease to be a person and so would have no duty to keep the contract but would recognize only force' (Kant 1991, 101).

4. For more on the issues surrounding boxing, see Davis (1993), Herrera (2002), Leclerc and Herrera (1999) and Schneider and Butcher (2001).
5. Simon continues: 'Moreover, the rewards that some professional fighters can obtain are potentially great' (Simon 2007, 382). I don't think this carries much weight, as there are plenty of ethically problematic professions with potentially great rewards, like drug dealing or the production and distribution of pornography. The issue here is not the reward, but the means required to obtain it.
6. Fainaru-Wada and Fainaru (2013) go on to note: 'These assertions had obvious implications for the NFL. The league could change the rules to cut down on helmet-to-helmet hits. It could monitor the number of concussions in an effort to reduce them. It could put independent neurologists on the sidelines to look for concussions and try to end the culture of pain that pressured players to play through it. But if CTE was occurring at a deeper level ... that raised questions about the very essence of football' (302).
7. Feinberg provides two additional arguments for paternalism, one claiming that more significant potential harm allows us to demand assurance of higher and more certain autonomy. The other argument worries that allowing people to act in ways that would cause significant future harm 'sounds hard-edged and cruel after the fact of their injuries and may foster an undesirable indifference to others (Feinberg 1986, 140). I focus on the (psychic) harm to others argument as I find it most compelling and applicable to the football and CTE case.
8. Corlett (2014) offers an economic version of the harm-to-others position in his argument for the elimination of inter-collegiate football, concluding: 'even if certain athletes want to play football even if they knew that it is linked to CTE, it is unfair to saddle others with the health care and medical costs associated with such risks' (16).
9. I should be clear that Tamburrini's analysis of Mill and the possible application of the Harm Principle to issues in sport goes far beyond what I mention here. I refer interested readers to the full article (Tamburrini 2011).
10. According to Kant, 'every rational being, exists as an end in himself, *not merely as a means* for arbitrary use by this or that will: he must in all his actions, whether they are directed to himself or to other rational beings, always be viewed *at the same time as an end*' (Kant 1964, 95).

11. As evidence for the truth of this in football, recall how University of South Carolina's Jadeveon Clowney's reputation was enhanced by his brutal hit on Michigan running back, Vincent Smith, in the 2013 Outback Bowl. In that moment he became, and remained, the number one draft choice for the National Football League upon completion of his college career. The *YouTube* video of the hit, which took Smith's helmet off, has been viewed over 2 million times.
12. For a thorough discussion of violence and intent, see Jim Parry (1998).
13. It may be *easier* for football players to objectify their opponents since the uniform covers almost all individualizing characteristics, like facial features and expressions.
14. I have chosen the term 'objectification' to indicate that players are treated as objects rather than persons. In other places, I use the term 'exploitation' to indicate that players are taken advantage of for the benefit of others. I take this to be consistent with Alan Wertheimer's view that exploitation requires gain (2007); I am adding that objectification does not require gain, and is, in part because of that fact, morally worse.
15. Branch recognizes the politically charged nature of the charge of slavery and suggests an alternative: 'Perhaps a more apt metaphor is colonialism: college sports, as overseen by the NCAA, is a system imposed by well-meaning paternalists and rationalized with hoary sentiments about caring for the well-being of the colonized. But it is, nonetheless, unjust. The NCAA, in its zealous defense of bogus principles, sometimes destroys the dreams of innocent young athletes' (2011, 83).
16. The slavery metaphor is also cited by Easterbrook (2013): 'Football was changing from segregated to largely African-American, a development both good (career opportunities and recognition for a minority group) and disquieting (what University of Georgia professor Billy Hawkins calls the "new plantation" of blacks harvesting not cotton but sports income for the nearly all-white NFL and NCAA power structures)' (10).
17. Wertheimer (2007) and Simon (2010) point out the benefits, both educational and vocational, that universities offer to athletes and conclude that university sports are not without value. I agree, and note that my argument is not directed against university sports in general, but only against the sport of football, and not only at the university level.
18. Teitelbaum also notes this connection, saying: 'It is interesting to see how some sports stars who are at the top of their game can be dysfunctional in their personal relationships. Their aggression and ability to assert their supremacy on the ballfield become liabilities when carried over into the realm of personal relationships' (2010, 109).
19. As just one example, 'New Orleans Saints rookies were asked to put pillowcases over their heads during training camp in 1998 and run through

- dorm hallways while 20 to 30 veterans hit them, some with a bag of coins' (Brady, Corbett, and Jones 2013).
20. It is worth mentioning that Dixon hints that his proposal would likely result in the end of boxing, saying: 'The single regulation, a ban on blows to the head in any type of boxing is justified by the uncontroversial goal of protecting boxers from acting on inautonomous decisions and suffering a permanent reduction in future autonomy. And the likely disappearance of professional boxing would be the result of market forces rather than governmental coercion, as would the likely reduction in the number of participants in amateur boxing' (2001, 344).
 21. Dixon also raises this question in his argument against MMA, claiming that.

REFERENCES

- ANDERSON, E., and E. M. KIAN. 2012. "Examining Media Contestation of Masculinity and Head Trauma in the National Football League." *Men and Masculinities* 15 (2): 152–173.
- ARISTOTLE. 1999. *Nicomachean Ethics*. 2nd ed., translated by T. Irwin. Indianapolis, IN: Hackett.
- BELSON, K. 2014a. "N.F.L. Makes Open-Ended Commitment to Retirees in Concussion Suit." *The New York times*, June 26.
- BELSON, K. 2014b. "Brain Trauma to Affect One in Three Players, N.F.L. Agrees." *The New York times*, September 12.
- BENEDICT, J., and A. KETEVIAN. 2013. *The System: The Glory and Scandal of Big-Time College Football*. New York: Doubleday.
- BRADY, E., J. CORBETT, and L. H. JONES 2013. "Blaming the Victim." *USA Today*, November 6, 1C.
- BRANCH, T. October 2011. "The Shame of College Sports" *The Atlantic* 80–110.
- BRESLOW, J. M. September 20, 2014. "76 of 79 Deceased NFL Players Found to Have Brain Disease." *PBS.Org*. Accessed October 1. <http://www.pbs.org/wgbh/pages/frontline/sports/concussion-watch/76-of-79-deceased-nfl-players-found-to-have-brain-disease/>
- CHEMI, E. 2013. "The Amazing Growth in College Football Revenues." *Businessweek* September 26.
- CORLETT, J. A. 2014. "Should Inter-Collegiate Football Be Eliminated? Assessing the Arguments Philosophically." *Sport, Ethics and Philosophy* 8 (2): 116–136.
- DAVIS, P. 1993. "Ethical Issues in Boxing." *Journal of the Philosophy of Sport* 20 (1): 48–63.
- DIXON, N. 2001. "Boxing, Paternalism, and Legal Moralism." *Social Theory and Practice* 27 (2): 323–344.

- DIXON, N. 2011. "Rage at the Cage: A Moral Critique of Mixed Martial Arts." Unpublished manuscript, presented at meeting of the Canadian Philosophical Association.
- EASTERBROOK, G. 2013. *The King of Sports: Football's Impact on America*. New York: Thomas Dunne Books.
- ENGBER, D., and S. FATSIS. 2013. "Did League of Denial Get It Right?" *Slate.Com*, October 15.
- FAINARU-WADA, M., and S. FAINARU. 2013. *League of Denial: The NFL, Concussions, and the Battle for Truth*. New York: Crown Archetype.
- FEINBERG, J. 1986. *Harm to Self: The Moral Limits of the Criminal Law*. New York: Oxford University Press.
- HERRERA, C. D. 2002. "The Moral Controversy over Boxing Reform." *Journal of the Philosophy of Sport* 29 (2): 163–173.
- HOLDER, L. 2013. "New Orleans Saints' Bounty Scandal Timeline as Sean Payton Prepares for Return." *The Times-Picayune*, August 30.
- KANT, I. 1964. *Groundwork of the Metaphysics of Morals*. Translated by H. J. Paton. New York: Harper & Row.
- KANT, I. 1991. *The Metaphysics of Morals*. Translated by M. Gregor. New York: Cambridge University Press.
- LECLERC, S., and C. D. HERRERA. 1999. "Sport Medicine and the Ethics of Boxing." *British Journal of Sports Medicine* 33: 426–429.
- LUNDBERG, G. D. 1986. "Boxing Should Be Banned in Civilized Countries – Round 3." *American Medical Association Journal* 255 (18): 2483–2484.
- MESSNER, M. A. 2007. *Out of Play: Critical Essays on Gender and Sport*. Albany: State University of New York Press.
- MILL, J. S. 1962. *Utilitarianism and Other Writings*. Translated by M. Warnock. New York: Meridian.
- MILL, J. S. 1989. *On Liberty and Other Writings*, edited by Stefan Collini. New York: Cambridge University Press.
- MORRIS, B. July 31, 2014. "The Rate of Domestic Violence Arrests among NFL Players." *FiveThirtyEight.Com*. Accessed November 14. <http://fivethirtyeight.com/data/lab/the-rate-of-domestic-violence-arrests-among-nfl-players/>
- PARRY, J. 1998. "Violence and Aggression in Contemporary Sport." In *Ethics and Sport*, edited by M. McNamee and J. Perry, 205–224. London: E & FN Spon.
- RADFORD, C. 1988. "Utilitarianism and the Noble Art." *Philosophy* 63 (243): 63–81.
- ROSENBERG, D. 2014. "Violence in Sport." In *The Bloomsbury Companion to the Philosophy of Sport*, edited by C. R. Torres, 262–275. New York: Bloomsbury.
- ROVELL, D. January 26, 2014. "NFL Most Popular for 30th Year in Row." *ESPN.Com*. Accessed June 17. http://espn.go.com/nfl/story/_id/10354114/harris-poll-nfl-most-popular-mlb-2nd

- SABO, D. F., and J. PANEPINTO 1990. "Football Ritual and the Social Reproduction of Masculinity." In *Sport, Men, and the Gender Order*, edited by M. A. Messner and D. F. Sabo, 115–126. Champaign, IL: Human Kinetics.
- SCHNEIDER, A., and R. BUTCHER 2001. "Ethics, Sport, and Boxing." In *Ethics in Sport*, edited by W. J. Morgan, K. V. Meier, and A. Schneider, 357–369. Champaign, IL: Human Kinetics.
- SCHROTENBOER, B. 2014. "NFL Takes Aim at \$25 Billion, but at What Price?" *USA Today*, February 5.
- SIMON, R. L. 2007. "Violence in Sports." In *Ethics in Sport*, edited by W. J. Morgan, 379–387. Champaign, IL: Human Kinetics.
- SIMON, R. L. 2010. *Fair Play: The Ethics of Sport*. 3rd ed. Boulder, CO: Westview Press.
- SMITH, C. 2013. "College Football's Most Valuable Teams 2013: Texas Longhorns Can't Be Stopped." *Forbes.Com*, December 18.
- SOKOLOVE, M. 2010. "Should You Watch Football?" *The New York times*, October 23.
- SOKOLOVE, M. 2014. "Down by Law." *The New York times Magazine*, November 9.
- SPORTS LEGACY INSTITUTE. 2014. "Frequently Asked Questions about Chronic Traumatic Encephalopathy." Accessed June 27. <http://www.sportslegacy.org/research/cte/faqs>
- TAMBURRINI, C. 2011. "What's Wrong with J.S. Mill's 'Harm-to-Others'-Principle?" *Journal of the Philosophy of Sport* 38 (1): 1–26.
- TEITELBAUM, S. T. 2010. *Athletes Who Indulge Their Dark Side: Sex, Drugs, and Cover-Ups*. Denver, CO: ABC-CLIO.
- WERTHEIMER, A. 2007. "The Exploitation of Student Athletes." In *Ethics in Sport*. 2nd ed., edited by W. J. Morgan, 365–377. Champaign, IL: Human Kinetics.

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