

SPORTS IN AMERICAN CULTURE

SYLLABUS

Fromm Institute

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Roy Eisenhardt

(reisenhardt@usfca.edu)

In the narrative of early American culture, organized sports was valued for its ability to build character, and driven by the spirit of amateurism.

Entrepreneurship was rare. A few lucky players were paid to play so others could sit and watch. Today, organized sport has evolved into large business enterprises. Inevitably the original values become subordinated to those of a large, profitable, and expensive industry. One pays more today to watch a game than early players were paid to play. The de facto merger of sports into the entertainment industry has evoked interesting questions regarding the societal values of sport.

The design of this course will cover the issues of sports in our society, both the good and the not so good. The class topics will include, for example, allocation of the cost of sports injuries, the changing model of youth and intercollegiate sports, the emerging understanding of medical risks associated with repetitive trauma, the rights of athletes with disabilities, the effect of Title IX, the gravitational influence of legalized gambling, and the effect of big money. The course will incorporate current events into the curriculum when applicable, and we can always adjust our focus and add topics based on students' preferences.

Class 01: Issues in Professional Sports.

Professional sports are enjoying unprecedented economic success. Yet we consistently read of issues beyond the game that tarnish our impressions of the industry. Fans are offended by the costs of attendance as well as the buried cost of watching from one's couch. Players and owners are often in criminal trouble. Leagues respond to political issues by moving the location of games. Players protest. Games are violent and injuries are for life. Are these problems inevitable? Do the leagues and players respond effectively to public and press reaction.

Classes 02 & 03: Issues in intercollegiate sports. (May 11 & 18)

The NCAA is in crises on multiple fronts. Should athletes be able to monetize their celebrity while in college? Is the nation-wide agreement of the colleges not to pay athletes an antitrust problem. Do the schools provide equal access to women in sports? Do the star student athletes attend college because they want to, or because the professional draft rules require them to. Are athletics generally overemphasized at the intercollegiate level. Are coaches overpaid? Is intercollegiate athletics really a tax-exempt business operating within the framework of the universities?

Class 04. Who pays for sports Injuries? (May 25)

The normative rule for causing harm to another works as follows: If X negligently injures Y, then X is responsible for compensating Y for the harm caused. This rule works well for most conduct, and the risk each of us bears for our negligence is generally underwritten by liability insurance. However, for reasons we will discuss, that rule doesn't apply to sports. We will discuss the special liability rules that have evolved in sports, discuss the policy goal behind these rules, and consider whether the sports rules make sense. This policy has significant ramifications for recreational sports. We will also

discuss the rules for injury to professional athletes, whether caused by a player on their own team, or on the opposing team. We will put special emphasis on on-ice violence in professional hockey.

Class 05: Gender Equality (June01)

For many years in this country's history, women's societal role was unfortunately based more on obedience than independence. The right to vote didn't arrive until 1920, and a federal prohibition on gender discrimination in employment was enacted in 1964. The conferral of these rights, however, had little effect on under-resourced athletic programs for women. This circumstance changed dramatically in 1972 with the federal passage of Title IX. This statute required schools to provide women equal opportunities for participation in organized athletic programs. The effect since 1972 has been dramatic and positive. In this class we will study the early resistance to full implementation of Title IX, and the effect Title IX has had in bringing equal opportunity for women athletes. As a corollary, we will also look at the questions that arise in sport for the participation of transgender athletes based on the gender identity rather than birth identity, and the challenges to the intersex athlete.

Class 06: Medical Aspects of Sport

Several areas of sport medicine have grown high in the public awareness. First is the use of performance enhancing drugs, and the testing regimes that have been developed. Second is the increased insight into the consequences of repetitive head trauma, as both an immediate risk and as potential cause of chronic illnesses later in life. Third is the behavioral aspect of domestic violence, and how sport has dealt with disciplinary structure for this criminal conduct. We will have a guest for this class, the team physician for the Oakland A's. He can provide us an insider look at how medical decisions are

made, and the legal and ethical questions a physician must address when providing medical care to highly paid athletes.

Class 07: Accommodation for Athletes with Disabilities

There is a remarkable interaction between disability laws and eligibility rules for athletes with disabilities. We will look at two famous examples: Casey Martin, the professional golfer, and Oscar Pistorius, an Olympic runner with prosthetic legs. We will also look at a more subtle but critical area: Athletes with learning disabilities. The conflict between academic eligibility rules and learning differences often leads to unfair exclusion of student/athletes. This is a very important area, and one where, fortunately, courts have been generally enlightened in their approach.

Class 08: Emerging Issues

Inevitably, we will want to loop back and discuss more thoroughly issues that we cover during the semester but don't have enough time. I will reserve this class for that purpose, and also to address issues or events that arise during the semester. This will include the rise of legalized sports gambling. Sports teams and leagues are actually partnering with the betting sponsors to share in the revenues. In the long run, is this good for sports and the sports fan?

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I will be happy to add other issues to the class material if you provide me with your suggestions or questions. E-mail me anytime at reisenhardt@usfca.edu.

I am looking forward to exploring these issues together.