

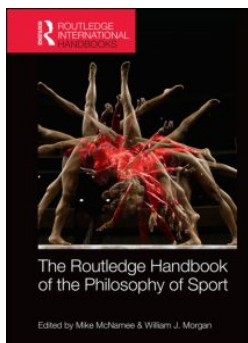
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SPORT, COMMERCE AND THE MARKET

Adrian Walsh

Introduction

Over the past 50 years, we have witnessed a revolution in the organisation and social understanding of elite sport. Elite sport has been commercialised. Top-level athletes have become professionals who often receive remarkable levels of income and sporting events, such as the World Cup, are multi-billion dollar exercises that attract enormous levels of sponsorship. Many sports, such as cricket, have been substantially revamped in order to make them more appealing to mass audiences and, accordingly, more beneficial to sponsors and many clubs, such as Manchester United, have become corporations in their own right.

Clearly, then, elite sport is in many cases a form of big business and its governing bodies are ruled to a great extent by the laws of supply and demand.¹ Unsurprisingly, such commercialisation has not been without its critics. The penetration of business language into the self-understanding of both sports administrators and sportspersons, seems to critics to be at odds with the ideals properly associated with sport. Many sports were codified in a period of the nineteenth century when the ideals of amateurism were at their most influential. One need only look to the writings of the founder of the modern Olympic movement, Baron de Coubertin, to observe highly romantic views about the fundamentally non-commercial nature of sport properly pursued. The focus of contemporary sporting culture on the bottom line would presumably horrify the good Baron. Equally, for many sporting enthusiasts – and this is particularly true of followers of many team games – sport provides an escape from the mundane realities of work and commerce that dominate our everyday lives. If the motivations of the administrators of the club one supports, and the players who belong to that club, are too transparently venal, this will undermine for many the meaning of the fixtures in which their team engages. But equally, large-scale commercialised sporting events are among the most significant cultural events of our age in most contemporary societies and that centrality has been brought about, in large part, by their commercialisation.

The question, then, of the extent to which the commercialisation of sport should be regarded in a positive light is highly contested. Those who endorse this commercialisation point to the many benefits that have accrued to elite athletes, which enable them to pursue the development of their skills while being financially rewarded, as well as the benefits to sports fans who have excellent facilities in which to enjoy sporting events, excellent broadcasts to

entertain them and improved standards of play. Those critical of commercialisation, on the other hand, point to what they regard as negative consequences of the process, such as the disregard for non-commercial ideals that is so evident in many sports, the loss of connection with community meanings, the putative exploitation of athletes from developing nations and the apparent objectification of these elite sportsmen and women. While most of these critics do not wish to see money eliminated entirely from sport – although there are a minority who do – they do want constraints to be placed upon the degree to which market norms direct the development and operation of sport.

As should be clear from the preceding discussion, the central philosophical questions surrounding sport and commerce are ethical and political. In this chapter, then, the following questions, among others, will be investigated. The first of these concerns what the positive and negative features of the commercial revolution in sport might be. Secondly, could the influence of commerce undermine the spirit of sport? Might it actually corrupt sport? If so, how? Thirdly, does modern commercial sport involve exploitation in any real and significant sense? Next, should marketization be constrained? Are there some features or elements of sport that should be outside the bounds of the market? Finally, what role should the state play, if any, in policing the moral boundaries of the commercialisation of sport? In this chapter, I explore how different philosophers have responded to all of these questions.

Philosophical and economic literature on sport and commerce

Let us begin by considering the philosophical literature dealing directly with commerce and sport (which is not as extensive as one might perhaps expect). Three books that do explicitly explore the topic are Nick Hunter's *Money in Sport* (2012), Adrian Walsh and Richard Giulianotti's *Ethics, Money and Sport: This Sporting Mammon* (2007) and William Morgan's *Leftist Theories of Sport: A critique and reconstruction* (1994). The third of these works contains an extensive critical discussion of the incursions of the market into the world of sport, making use of Alasdair MacIntyre's moral distinction between the *internal* goods of practices and the *external* goods of institutions. According to Morgan, commercialisation involves moving sport from a practice into an institutionally governed activity. There are also more radical critiques from the 1970s, such as Paul Hoch's *Rip Off the Big Game: The exploitation of sport by the power elite* (1973) and J. M. Brohm's *Sport: A prison of measured time* (1978), which advocate the complete 'de-commercialisation' of sport.

While works dealing directly with commerce and sport are reasonably rare, there is an extensive literature on the ideals and values of sport, much of which has implications for commercialisation and hence provides theoretical grounds for limiting the range of the sporting market. Notable examples of this literature include Robert L. Simon's *Fair Play: The ethics of sport* (2004), Sigmund Loland's *Fair Play in Sport: A moral norm system* (2001), M.J. McNamee's *Morality Play: Sports, Virtues and Vices* (2008) and Scott Kretchmar's *Practical Philosophy of Sport* (1994).

Additionally, there is a more general literature on commercialisation and markets that can readily be applied to sport. On the left, there are various Marxist and socialist critiques of 'commodification' that reject money and the market entirely. These critiques typically concentrate on either: (i) the exploitation that capitalist social relations of production are said to institute; or (ii) the distortion of fundamental human activities in the search for further profits. There are also right-wing responses, predominant of which are the works of libertarians such as Robert Nozick, who emphasise the importance of consenting agents being able to trade as they choose, and if this involves an expansion of the market then so be it. In *Anarchy, State and*

Utopia, Nozick (1974) famously rejects the *very idea* of the state interfering in freely chosen capitalistic acts between consenting adults, and sport would be no exception to this rule. Between these two extremes, there are what we might call ‘moral boundaries theorists’ who argue, on a range of differing theoretical grounds, for constraining both what goods are available on the market and what kinds of things one might do with such goods when they are bought and sold on the market. Significant works here include Michael Walzer’s *Spheres of Justice* (1983), Elizabeth Anderson’s *Value on Ethics and Economics* (1993), Debra Satz’s *Why Some Things Should Not Be for Sale: The Moral Limits of Markets* (2010) and Michael Sandel’s *What Money Can’t Buy* (2012).

Let us turn briefly now to the economic literature on sport. There is, in point of fact, a substantial literature on both the economics of sport and the social phenomenon of sport becoming a business. On the latter topic, it is possible to discover a remarkable amount of extant works with titles like *The Business of Sport*, *Football Inc.* and *The Sports Business*. The underlying philosophical view of these works is, unsurprisingly, utilitarian. The thought is the consequentialist one that we should assess the moral status of any social change in terms of its overall social outcomes and, in particular, in terms of its financial benefits. Again, unsurprisingly, most of these writers are very positive about the consequences of the commercialisation of sport, for it has led to an increase in the availability of sporting entertainments for fans, greater rewards for athletes and a general improvement in the skills exhibited in nearly all sports. Any criticism of commercialisation by such writers would be of the economic costs accrued from the provision of accompanying services by governments and of the cost to the community at large for the injuries that often are sustained by sports people. Hence, in so far as there is criticism by economists of commercialisation, it largely concerns the costs that are incurred to the community through the state provision of services required for the ongoing operation of large-scale sporting events. Beyond these utilitarian considerations, the economics literature is not particularly relevant to the questions we outlined in the introduction.

In the following sections, I explore some of the most significant normative issues surrounding the commercialisation of sport and which lead some to regard it with suspicion and, sometimes, outright hostility.

Access to the goods of sport

One common concern many have with commercialisation is that it has undesirable effects upon access for both participants in, and supporters of, sporting events. When considering the interests of spectators, the thought is that commercialisation leads to an increase in prices for entry to games in such a way that less wealthy members of the sporting community no longer have access to these goods (or at least their access is severely limited).

We see this kind of distributive concern expressed in Michael Sandel’s book, *What Money Can’t Buy*. Sandel discusses baseball, a game dear to his heart, which he has followed avidly since he was a young child. He notes how in recent years ticket prices have increased to such a level that it makes regular attendance more difficult for poorer members of the community. (Sandel also notes that the emergence of highly private corporate boxes affects the community atmosphere of large-scale sporting events). In Sandel’s work, commercialisation of sport is seen as a genuine threat to what matters about sport because of the consequences it has for access.²

However, this distributive line of objection might equally seem odd to many – at least at first sight – for it might well be thought that the *relative availability* of sporting entertainment is an aspect of the impact of commercialisation that *supports* the case of the commercialisers. Present-day fans clearly have opportunities to view a great deal more sporting entertainment

than was once the case; and sportsmen and women now have access to excellent training and playing facilities, the like of which earlier generations could only have dreamed. One might well run a utilitarian justification of commercialisation here to the effect that the great majority have far better access to sports events as a consequence of the commercialisation of sport.

What should we make of this? How might we resolve the apparent conflict between these two radically differing images of the distributive consequences of commercialisation. Has commercialisation been good or bad from a distributive point of view? I suggest that we can better understand the issues by considering some *normatively salient features* of the process of commercialisation itself.

Let us consider these in more detail. One of the most significant features of commercialisation, at least from the viewpoint of political philosophy, is that it transforms the system via which the valuable goods of sport are produced and distributed. Within a market system, access to a commercial good is (ideally) *contingent solely* upon possession of sufficient financial resources and this is just as true of markets in sporting 'goods' as it is elsewhere. In an important sense, the sports market is non-discriminatory in that access to, for instance, sporting events and activities, is not dependent upon one's ethnicity, religious affiliation or party membership.³ However, market systems of distribution do in fact discriminate between those with financial resources and those without and, clearly, this is of considerable concern to many critics of commercialisation.

A second morally salient feature of commercialisation is that this process transforms the incentive structure associated with the production and distribution of goods. With the advent of a market system in sport, the profit motive comes into play and those organising sporting events now have an incentive to pursue either their own economic self-interest or that of the corporation for which they work, often to the detriment of the values that have traditionally been associated with sport. Under the profit motive, sport is organised so that the owners of sporting goods will realise maximum profits; if this means some of the less wealthy members of society are excluded, then so be it. It is not simply the fact that with the advent of commercialisation access is contingent upon wealth that is of moral concern, but that this contingency exists within a system where there is an incentive for those who organise sporting events to maximise their returns and, accordingly, this means there are pressures towards increasing prices.

It should be clear then how commercialisation might generate undesirable distributive outcomes. Whenever commercialisation leads to the exclusion from goods to which people previously had access, then this is, from a moral point of view, *prima facie* undesirable. (We might call this the 'objection from exclusion'). If commercial operators reap profits by increasing prices and in so doing access comes to be denied then this presumably provides genuine grounds for concern.

Commercialisation might generate other distributive 'pathologies'.⁴ Many large-scale public sporting events were originally administered by, and expressive of the attitudes and ideas of, local communities. Yet, as the popularity of these events has increased, and they have become increasingly commercialised, these events are removed from their original roots. Sporting teams often lose touch with the communities that supported them and, thus, events that had been sites for the expression of local identity disappear. Local people find themselves no longer having a say in the decision-making processes of events and teams and, accordingly, it is often the case that local interests come to be ignored. So, for instance, Manchester United Football Club is administered as a corporation rather than as an institution that fundamentally reflects the ideals and interests of the people of Manchester. In some parts of the world, sporting franchises have shifted location entirely. Thus, for instance, the Montreal Expos basketball team played some of its home matches in Puerto Rico, before moving more permanently to Washington DC.

Presumably this ‘objection from community identity’ underpins some disquiet that many feel about commercialisation. At the same time, it must be said that it is doubtful that all of the blame here can be apportioned to commercialisation itself. Whenever a sport becomes highly popular and increases in scale, it is likely that community organisations will be sidelined, regardless of whether it is the state or the market that is responsible for the expansion.

A more plausible related line of objection is based upon the loss of the *inclusive democratic space* that sport once represented. It is not so much that people are excluded from sport that is the problem, as it is that many modern commercial sporting events – with their special seating for the wealthy and corporate boxes – undermines one of the great values associated with such events, namely the opportunity for people from “different walks of life” to encounter one another (Sandel 2012: 202). As Michael Sandel notes of the advent of corporate boxes in baseball, the loss of the class-mixing experience is a loss for both those looking down from the boxes as well as those not privy to such luxuries. The issue here is not so much with inequality as it is with the loss of a shared experience. As Sandel notes of this phenomenon:

Democracy does not require perfect equality; but it does require that citizens share a common life. What matters is that people from different backgrounds and social positions encounter one another, and bump up against one another, in the course of everyday life. For this is how we learn to negotiate and abide our differences, and how we come to care for the common good.

(Michael Sandel 2012: 203)

The thinking here is that the commercialisation of sport – or at least certain aspects of that commercialisation, such as the stratification of seating – undermines the shared civic space that large-scale sporting events have traditionally fostered.

These, then, are some of the negative views about the consequences of commercialisation. However, if we reconsider the morally salient features of commercialisation we can also see why some might view the process less bleakly. The key features of commercialisation outlined involve both a transformation of the distributive mechanism and of the incentive structure. In general, one way to realise greater profits is to provide more services for more people at a cheaper price. Accordingly, if a commercial sports agency can increase the amount of entertainment available to the public then this is another strategy for increasing profits. In many cases, this has happened. There is a plethora of new sporting entertainment available to the general public that has appeared over the past 30 years. Although there remain dangers that where professional sports teams and leagues have their own viewing platforms, poorer members of society will be excluded from access, one consequence of this increased revenue is not only an improvement in the amenities for spectators but a vast improvement in the facilities and resources available for sportsmen and women.

The best outcome here would be if markets provided these extra services for both spectators and participants without excluding people from access (from price increases, for instance) to resources to which they previously had access. Obviously, this state of affairs is not impossible and will often be realised as a result of commercial agents pursuing self-interested outcomes. In the latter scenario, the community receives the benefits of markets without ‘offending’ against the objection from exclusion. Some proponents of commercialisation, however, might defend a utilitarian argument to the effect that if the great majority are better off through the provision of new sporting events, amenities and facilities, then we should not be concerned if a minority is excluded from access which they previously enjoyed. The claim would be that if overall utility can be increased via the commercialisation of sport then we should not concern

ourselves with cases where a minority of less fortunate groups are made worse off. How one responds to this line of reasoning will, in part, be dependent upon whether one accepts the utilitarian claim that overall majority benefits can justify sacrificing the interests of the worst-off or whether one adopts a more 'Rawlsian' position in which such maximising is only acceptable if it makes the worst-off better off.

One final point to note is that determining whether access for all is the ultimate good of sporting development or alternatively whether maximising the breadth and quality of sporting events, facilities and amenities should be prioritised will be important consideration for any government bodies dealing with sport policy formation.

Meanings, motives and the ideals of sport

One striking – and often problematic feature of contemporary elite sport is the overtly commercial discourse of many athletes. When Michael Jordan famously declared, when asked about his new basketball team's chances in the National Basketball Association, that he intended to 'teach this franchise how to win', his description of the team (with the apparent emphasis on franchise rather than winning) seems remarkably removed from the language used by idealistic figures like Baron de Coubertin or even from that of many sportspeople 50 years ago. While one might naturally expect sporting companies, and perhaps sports administrators, to use the language of commerce, the language used by many elite athletes is indicative of the extent to which sport is understood as a business and, thus, reveals an apparent shift in both the *motives* of athletes and the *meaning* of sporting events which, one would imagine, would have been incongruous to earlier generations of athletes.

This brings us to another socially significant criticism of commercial sport. The idea is that such commercial understandings and attitudes are at odds with the ideals and motives internal to sport. This is the issue that I explore in this section. To what extent do the overtly economic motives of elite sportsmen and women, of businesses and of those who administer the game undermine the proper ideals of sport?

What, then, are the ideals of which we speak and, against which, some critics juxtapose contemporary commercialised sport? Typically, when critics talk in this way, it is clear that the *amateurist* ideals of the nineteenth and the first half of the twentieth century are animating their critique. Those ideals were explicitly anti-commercial and were focused on a vision that glorified sport for sport's sake. If sport is to be played in the right spirit, the central actors must, or so it is said, be driven by appropriate motives and not be primarily focused on financial gain.

The main problem with amateurism as the basis of critique – at least as it was usually explicated – is that it so imbued with a class bias towards the upper classes. Who, except the independently wealthy, can afford to devote themselves to the pursuit of excellence in sport without remuneration? (Further, although this might be a little unfair towards amateurism more generally, the English version of amateurism had explicit rules about the importance of those who were to be classified as amateurs not having worked manually in their lives.) It is not only the origins of the 'amateurist' discourse with which we should be concerned. Why think that being an amateur is a good in and of itself? We need to be able to say more about the ideals themselves and how money might transform the motivational structures of athletes. A plausible critique of the motives of contemporary sports men and women needs to answer these questions.

What ideals then should motivate sportsmen and women? Although there is no clear consensus in the philosophical literature on this – nor in the public discussion more generally – there are a number of plausible candidates, and these include: (i) fair play; (ii) the pursuit of

excellence; and (iii) the exhibition of grace under pressure. The suggestion is that if a person is commercially motivated, these other motivations either disappear from their thinking or are swamped by considerations of 'Mammon'. An underlying assumption here is that these ideals are incompatible with commercial motives; hence, if an athlete is motivated by money alone, or his or her motives are dominated by financial gain, then he or she is unlikely to be motivated by, for instance, the pursuit of excellence.⁵

Critics of this view might well question whether it is true that commercial motives cannot co-exist with the aforementioned ideals, since reasons for acting are, after all, often over-determined. We regularly (and perhaps typically) have a range of reasons for pursuing any particular course of action. Why not think that sports motives can be similarly plural and include plural aims? Indeed, it is clear that many sports stars are, in point of fact, motivated both by money *and* other ideals such as breaking the world record in swimming and thus pursuing excellence.

That said, given that we value these ideals, if sport is engaged in solely for commercial purposes then something of moral significance will be lost. The question then will be about the extent to which sport played with money as one of the key motives will eventually come to be dominated by commercial motives. Is the commercial motive 'imperialistic'?⁶

Another plausible way of explicating what might be wrong with excessively commercial discourses would focus on the meanings associated with sport: the thought would be that 'commodified sporting talk' erodes the meanings associated with sport. The North American philosopher Elizabeth Anderson (1993), in her book *Value in Ethics and Economics*, provides a theoretical framework for such a critique. She argues that the normative significance of actions arises not so much from their consequences but in the values expressed in and of themselves. Sport has – and this is particularly true of many large-scale sporting events like the football World Cup – cultural meanings and a great deal of cultural and sociological work has been undertaken exploring those meanings. The pride that people take, for instance, in the performance of their nations in the Olympic Games or the European Football Championships is but one example. A proper analysis of such meanings is obviously well beyond the scope of this present chapter but acknowledging their existence in this context is important. Such meanings, while diverse, are not typically framed within what could plausibly be called an economic discourse. So when Michael Jordan calls his team a 'franchise', the very act, in and of itself, changes the meaning of the activity; equally, when sports commentators focus on the financial value of some event, as opposed to the significance of it as a sporting competition, again they express very different values than those many might regard as part of their real meaning. The argument here would be that there is a real danger of those meanings being lost within a commercial understanding of sport.

There are also pragmatic considerations that bear on this point. If it becomes too apparent that a particular sport has become fundamentally oriented towards profit making for sporting enterprises, then it is likely to undermine general public interest in it. Somewhat paradoxically, it might sometimes be the case that if a sport wishes to be financially successful it cannot be perceived too widely as primarily being about money. Perhaps this provides some constraint against the erosion of the expressive meanings of such sports. If this is true, then the cultural meanings expressed in sport might well be more secure against the incursions of commercial language than some critics are willing to acknowledge.

One problem with the focus on expressive meanings, however, relates to whether there is agreement about what those proper meanings are. It might be argued that the meanings associated with sporting events are very diverse and contested, and to suggest that markets are culpable for undermining specific ideals or meanings, is to privilege one set of meanings above other legitimate accounts. Further, it might be argued that if the meanings are sufficiently robust then

they will survive any incursions by the market, or alternatively, meanings change all the time so why try to preserve one particular set. Finally, those of a more utilitarian bent might well argue that if the majority are better off overall through the advent of a more commercial discourse, then so much the worse for those expressive meanings that are lost through commercialisation.

The general point here then is that criticisms based on motives and meanings, while underpinning a great deal of the discomfort many feel about commercialisation, do not provide uncontested or knockdown arguments against the incursion of money into sport. One question we should ask is whether such discomfort is justified and worth reflecting upon or simply reveals a nostalgic reaction against ongoing social change.

Let us turn now from attitudes towards sport to concerns with undesirable attitudes towards the athletes who play sport.

Exploitation and objectification

Another important set of moral worries about commerce and the commodification of sport invokes the concepts of exploitation and objectification. Let us begin with the idea of exploitation, which here involves primarily ethical and political concerns with the justice of contracts. Although one often hears talk of exploitation in sport, it is not immediately clear that elite level players are exploited – indeed it would seem extremely odd to describe sportsmen such as David Beckham or Usain Bolt as exploited – but, we must remember that famous and financially successful athletes represent only a small proportion of those engaged in professional sport and their experiences and financial circumstances are atypical.

One striking feature of modern elite sport is the increasing professionalization of athletes. Such professionalization involves, among other things, the establishment of contracts between sports people and commercial sporting institutions (be they clubs, sports associations, sporting manufacturers or media companies). Professional contracts are an integral part of modern commercial sport. If we commodify sporting activity in this way, then clearly there are questions that arise regarding the justice of the contracts signed:

- What counts as a fair payment in such contracts? Should they be determined solely by the market?
- What kinds of contractual obligations can employers and other relevant commercial agents reasonably impose on athletes?
- To what extent should contracts signed under conditions of economic duress be regarded as binding?

Some contracts might well be regarded, with respect to their financial arrangements and the kinds of obligations they impose, as being exploitative.

So can some sporting contracts be regarded as exploitative? One rather radical line of response here would be that such contracts are *necessarily* exploitative and hence should be abolished (this might be part of a robust repudiation of commercialised sport). Traditional Marxists, for instance, would regard any wage–labour contract as exploitative, on the grounds that athletes are not paid the full commercial value of the acts they perform. Recall that, for Marx, labourers are exploited because they are not paid the total value of their productive activity. Here profit (or surplus value) is understood as the difference between what a worker is paid and the real value of their work on the market. One might argue, then, following the Marxist line of reasoning, that sportsmen and sportswomen are exploited financially because their activity realises profit for sporting capitalists.

There are good reasons for thinking that, in the case of sport at least, this is implausible. It is difficult to view a sportsman such as David Beckham as a victim, even if he does not receive all of the value he creates. Also, such a view fails to acknowledge the possibility that capitalists might do anything useful when they engage in entrepreneurial activity or create anything of value.

At the other end of the spectrum are those advocates of the free market who hold that any contract engaged in by consenting adults is both morally legitimate and binding. As long as the contract is obtained through free bargaining in an open market, then the arrangement achieved is permissible. On this line of thought – which we find expressed most eloquently in the work of Robert Nozick – contracts are fair so long as they are negotiated under conditions of genuine mutual consent.⁷ In the case of sport itself this would imply that:

- any contract to which an athlete consents is fair so long as the bargaining process does not involve coercion or blackmail
- given players and sporting associations engage in mutually consenting commercial bargains, then any interference by third parties is wrong.

This seems to ignore a number of significant facts, however. Firstly, there is the question of coercion. The Nozickian picture is undergirded by the assumption that, as long as both parties freely consent, regardless of the material circumstances, then any contract forged is morally permissible (Nozick 1974: 262–3). Nevertheless, one might plausibly argue that, for instance, extreme poverty sometimes leads one to engage in forms of what Michael Walzer (1983: 102) labels ‘*desperate exchange*’; that is, trades of last resort undertaken in desperate circumstances. Secondly, as a matter of historical fact, sportspeople have often engaged in desperate exchanges. The reasons for this are many and varied but part of the explanation is that many athletes are romantics for whom pursuing their sporting dreams is the most important, or indeed the only thing that matters in life. This leaves them far more vulnerable to unfair commercial offers. Further, many professional sports people come from underprivileged backgrounds, being born into either the lower classes in the affluent West or the Developing World. Their desperation to escape their extreme material poverty might well increase the likelihood of their accepting exploitative conditions.

If these criticisms of the free-market approach are correct, and one also does not wish to adopt a socialist or Marxist critique, then one needs to adopt a middle path according to which contracting itself is regarded as morally legitimate, but hold that *some* contracts can be exploitative. The questions that then need to be answered include: (a) how one might distinguish between a just form of contract for sports people from an unjust one and; (b) to what extent one will allow free-market bargaining to occur and to what extent should the state intervene to ensure minimal standards are met in setting payments and conditions. If we are to avoid exploitation in sport (given we regard exploitation as both possible and normatively undesirable), then presumably these are problems that need to be resolved.

Let us turn now to the problem of objectification. The idea here is that commercial sport *objectifies* athletes, especially those involved in team sports. It is commonly said that players who are bought and sold on the open market by sporting clubs, companies and advertisers are treated like cattle or like meat in a supermarket; that is, they are treated *instrumentally*. The kinds of practices towards which such criticisms are directed would include the trading of players that goes on between clubs in competitions such as the English Premier League in football or evaluations by businesses of the commercial value of athletes for advertising and for generating interest in a sporting event. In such cases, it is clear that the athletes in question are viewed by these enterprises, at least in part, as means to financial profits.

We can tease this objection out in Kantian terms by talking of persons being treated as mere means.⁸ The German philosopher Immanuel Kant (1724–1804) stressed in his ethical writings the importance of not treating people instrumentally. According to the second formulation of his ‘categorical imperative’ we should always treat persons as ends and never simply as mere means. This principle – which is often referred to as the ‘principle of respect for persons’ – emphasises ideals of dignity and respect, both of which are often lacking in commercial exchanges. The relevance of this to commercial sport and, in particular, our attitudes towards athletes, should be clear. When soccer players, for example, are bought and sold by clubs like Arsenal and Manchester United, we might well say that they are being treated as mere means or instruments for the realisation of profit. Their worth is understood, in such cases, in terms of their commercial value. Critiques of instrumental modes of regard, whether explicitly Kantian or not, underpin a great deal of the critique not only of commercial sport but also, more generally, of a whole range of capitalist exchanges.

Applying the respect for persons principle to commercial transactions should not be regarded as a misuse of this Kantian maxim. Kant is quite explicit in his writings about the danger of commercial exchanges and financial attitudes to the maintenance of the dignity of human beings. In the *Groundwork of the Metaphysics of Morals*, immediately following his enunciation of the categorical imperative, he claims that price and dignity are mutually exclusive. He writes that:

In the kingdom of ends everything has a *price* or a *dignity*. If it has a price, something else can be put in its place as an *equivalent*; if it is exalted above all price and so admits of no equivalent, then it has a dignity.

(Kant 2012: 46)

This is a very strong line of reasoning. If it were to be applied to sport, and we agree with the claim that dignity must always be maintained and dignity requires no price, then there could be no commercial or transfer systems for players. Its adoption would presumably lead to a prohibition on all commercial sport or at least those parts of commercial sport that involve ascribing a price to human beings. (We should note that the principle has been employed by applied ethicists in other areas of social policy to provide justifications for prohibitions on, for instance, the sale of human organs and of sex.)⁹ Do those who oppose the objectification of athletes really want to eliminate money from sport so radically?

Not only is the price–dignity dictum very strong, perhaps impossibly so, but it also seems to be in considerable tension with the principle of respect for persons that does, when we reflect upon it, allow for use. There the concern is with treating persons as *mere* means – but the principle does not rule out treating as a means. This formulation of the principle allows for a *compossibility* (that is, a mutual possibility) between being treated as a means and being treated as an end. In this way, the principle implicitly acknowledges the myriad ways in which human beings use each other every hour of the day and in all our human interactions. What matters for Kant is that we do not treat persons as *mere* means but always regard them as ends in themselves. Accordingly, it would be more in keeping with the categorical imperative if the price–dignity dictum stated that we should not regard things with dignity merely to have a price.

This failure to recognise, when considering a wide range of forms of social life, the compossibility of instrumentally useful interactions with treating a person with dignity is symptomatic of much of the literature on objectification, which too often conflates usage with treating merely instrumentally. A better way to formulate the objectification objection would involve

the claim that commercial sport is morally objectionable when it treats athletes as mere means to the realisation of profit. This reformulation allows for commercial exchanges so long as those exchanges do not involve athletes being treated as *mere* means to the realisation of gain. It does not necessarily involve a repudiation of all commercial arrangements in sport, nor does it make human social life in which we make use of each others' skills a miserable trough of moral vice.

Nevertheless, this leaves a further question unanswered. Does the commercialisation of sport, as a matter of fact, lead to athletes (at least in elite sports) being treated as mere means?¹⁰ We might regard this, at least herein, as an open question. If commercialisation does lead to objectification – understood as treating as a mere means – then there would be a Kantian justification for rejecting commercial sport or, at the very least, rejecting those practices which encourage *purely instrumental* modes of regard? Some critics of commercial sport might argue that commercial sport, while not necessarily causing vicious objectification, has a strong tendency to do so. The suggestion would be that it is very easy to slide from commodity to mere commodity. If one holds that such objectification is undesirable, and it is true that there is a *strong tendency* for commercial sport to objectify, then we need to determine what measures need to be taken to prevent it. Does it require prohibiting some forms of commercial exchange (such as player markets) or does it simply mean that regulatory measures need to be instituted to ensure that such objectification does not arise? For those who take this line of criticism seriously, there is a need to determine, then, how likely it is that commercialisation gives rise to objectification and, if there is a strong tendency towards these undesirable modes of regard, how it might be prevented.

Of course, many would reject this objectification critique. First, some critics might deny the claim that commercial sport encourages any objectification of athletes whatsoever. To the contrary, placing dollar values on athletes is a way of recognising their worth. Via monetary valuation and valuing we show our esteem and appreciation for the athletes themselves. Alternatively, it might be argued that we should not be concerned that commercial organisations regard athletes instrumentally (if indeed they do), if those athletes are being handsomely rewarded. On this line of reasoning, being objectified is not the worst fate that might befall a sports person.

Another way of responding would be to query whether any commercial transaction could be regarded as morally vicious if it is freely chosen by all parties concerned. A Nozickian would presumably argue that moral equality requires that all parties be treated as free to engage in commercial transactions as they see fit. As long as any commercial relations or contracts to which they agree are not coerced through force or fraud, then one cannot make moral judgments about the actual content of the contract nor about the attitudes of those contracting towards one another.

Finally, one might adopt a consequentialist utilitarian approach to the problem. Critics could argue that even if one grants, for the sake of argument, that athletes are objectified in some pernicious manner via commercialisation, that nonetheless the overall benefits that commercial sport generates for the community at large and, ultimately, for the players themselves, outweigh the harms.

Regulation and sport: the role of the state in constraining commerce

Lurking in the background of all of these debates is the vexed question of the state's involvement in preventing harms from commercialisation. If some form of commercialisation is normatively undesirable or has normatively undesirable consequences, then should the state intervene? Does the state (or a relevant sporting authority) have a legitimate role to play in constraining the activities of commercial entrepreneurs involved in sport?

There are a number of different policy approaches that the state or publicly paid sporting administrators might pursue here. (Note that, from this point on, I refer simply to the 'state' but assume that this includes non-governmental sporting authorities, such as the commissions and committees that run various sports). One option open to such authorities is to place some sporting activities or goods completely outside of the market; that is, to turn them into what Michael Walzer (1983: 97) referred to as 'blocked exchanges'. Alternatively, sporting administrators and government bodies might adopt a less radical approach in which buying and selling is simply regulated rather than prohibited. A third (and less radical yet again) policy approach would be to engage in programs of *moral education* that aim to prevent normatively undesirable outcomes in sport via widespread promulgation of instruction on the potential harms of commercialisation. This third strategy would not involve direct intervention but instead would exhort athletes, administrators and business people to avoid certain practices which would, for instance, objectify or exploit others sportsmen and women.

The question before us concerns the extent to which the state should be involved in *determining* what sporting goods should be available on the market and *regulating* how goods that are commercially available should be bought and sold or finally institute moral education programmes oriented towards blunting the 'claws of the market'. We should also note, before proceeding any further, that a wide variety of practices aimed at lessening the effects of the market are already in place. In some sports, we find vigorous regulations have been instituted. For instance, some leagues have, with the aim of preventing the richer clubs buying the best players on offer, established 'salary caps', which set an upper limit on the sum total that clubs can pay their players. The English Premier League, by way of contrast, has no such salary cap in place.¹¹ The point here is simply that there is currently a great variety in terms of the market-constraining practices in place.

Intervention of the kind outlined above is, unsurprisingly, controversial. There are many who hold that the state has no role to play in constraining the market in sport (often because of a more general animus against state intervention in the market). We have already encountered the work of Robert Nozick (1974), whose book *Anarchy, State and Utopia* is arguably the most philosophically sophisticated account of a view that is widely held and according to which the state should not interfere in commercial arrangements, beyond providing the background legal conditions which make such transactions possible. Nozick's general rationale is that the state has no right to interfere in capitalistic acts between freely consenting adults. Accordingly, if an athlete freely chooses to sell a certain service to a commercial agent, then the state should not attempt to prohibit or regulate the content of any contract to which they agree. The Nozickian would regard the idea of regulating sport to prevent, for instance, objectification or exploitation, as an unjustifiable violation of individual liberties. Again, the institution of a salary cap to prevent larger more financial clubs dominating competitions for long periods of time would also be regarded as illegitimate.

At the other end of the political spectrum are those who would, in order to avoid the pitfalls of commercialisation, strongly advocate government regulation of commercial sport. For such thinkers, what is required is an *extension*, to certain commercial practices in sport, of the kinds of regulatory and prohibitionist policies that are currently practiced to limit the influence of drugs in sport. It is implausible to think that sport will, in the near future, be free from commercial interests and thus the real question for such theorists becomes how the excesses are best constrained. Such a critic might, for instance, regard the domination of sport by the most financially well-off clubs to be undesirable and thus advocate the introduction of salary caps into all elite team competitions. Such a critic might advocate a ban on the trading of players on open

markets or perhaps wish to limit the influence of player agents. More generally, he or she might defend limits being placed upon the amount of control that commercial interests can have in the development and administration of sport. All of these are but mere examples of the measures that anti-commerce advocates might adopt.

What would warrant the implementation of such practices? Their justification is to be found partially in the kinds of criticisms of commercialisation outlined earlier (although that list is not intended as being exhaustive), combined with a belief that the state has a right and a duty to prevent excesses perpetrated by the 'realm of Mammon'.¹² The thought is that it is not enough simply to acknowledge the possible harms caused by commercialisation but we should also recognise that those harms provide justificatory grounds for legislative action on the part of the state. Such critics might also argue for the *pragmatic necessity* of state intervention. The idea would be that unless the state regulates the commercial development of sport, then some commercial initiatives would destroy or undermine the good-making features upon which commercial profits are based.¹³ If fans become disenchanted with changes to their sport that are obviously driven by greed on the part of those commercially developing sport, this could, in the end, have counterproductive results and could ultimately undermine its financial viability. Alternatively, if the drive for profits is so relentless that the grassroots of the game are damaged then again this can undermine a sport itself in the long run.

Despite this disagreement, there is little controversy among the public at large that the state has a right to regulate sport for the public good. The real question is how extensive that right should be and, in our particular case, whether it can be extended to include concerns about the normative consequences of commercialisation.

Concluding remarks and future directions

Should we regard commercialisation with deep suspicion? In this chapter, I have explored a range of arguments that provide possible normative grounds for objecting to the commercialisation of sport. Unsurprisingly, such claims are highly contested and many thinkers reject objections to commercialisation based upon them. However, the arguments outlined herein do demonstrate that if we hold certain values dear to our hearts – such as equality of access or the idea of respect for persons – then commercialisation is of serious concern since it threatens to undermine them. The real question then becomes what ethical and political values we expect sport to realise and exemplify and, subsequently, if those are imperilled by commercialisation, how we should best respond to such threats.

Notes

- 1 There are a number of elite sports which are not highly commercialised. I have Olympic sports, such as judo, sailing and canoeing, in mind here.
- 2 There exists a vast social science literature on the commodification and globalisation of sport and, in particular, on the commodification of soccer. For a very useful survey of this literature see Giulianotti and Robertson (2009).
- 3 Here, critics of commercialisation would do well to remember that the market is not the only mechanism that has been employed historically for allocating scarce sporting goods.
- 4 See Walsh and Giulianotti (2007).
- 5 Notice here that it is not so much that the ideals are in conflict but that the motivational sets of agents cannot contain both monetary motives and these ideals of sport at the same time.
- 6 Michael Walzer (1983) famously talks of money being imperialistic and having a tendency towards domination in *Sphere of Justice*.
- 7 In Nozick's work, this falls under the category of 'justice in transfer', according to which the

- fundamental rule is 'From each as they choose, to each as they are chosen'. See Robert Nozick, *Anarchy* (1974: 160).
- 8 Kant's work is illustrative since it captures an important way of understanding objectification. But it also highlights ways in which these critiques are prone to error in their tendency to see all human interaction that involves benefit on the part of at least one of the agents as objectifying.
 - 9 For a comprehensive discussion of the sale of human organs and of prostitution, see Stephen Wilkinson (2003).
 - 10 We might also usefully ask at this point what it means to treat someone as a mere 'commodity' or as opposed to treating her as a commodity in some appropriate manner.
 - 11 Although the EPL is soon to fall under UEFA's policy on these matters, which are more stringent.
 - 12 In the New Testament of the Bible, riches and avarice are personified as the false god 'Mammon'.
 - 13 For an extensive discussion of this idea, see Walsh and Giulianotti (2006): chapter 6 'Scoring an Own Goal: when markets undermine what they sell', pp. 107–19.

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