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REFLECTIONS FROM A FAN: SEARCHING FOR MORE COMMON GROUND IN SOCIOLOGY AND LAW

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As I sat during the opening of the new Miller Park in Milwaukee this past Spring, my mind floated back to the days when I played little league baseball and sports seemed, somehow, much simpler then. Those days in the early 1950s carried the idea that sports were about character and not competition. The coaches told us that it was better to play a good game rather than win. However, most of us noticed the disappointment on the face of the coaches if we did not win. This led to a confused sense of what sports was really all about.

When I was in seventh grade I had this extraordinary basketball coach who also carried the rhetoric of my little league coaches. He, too, told us that basketball was about building character, not winning. Of course, he did not mind when we made it to the regional finals. When he gave us the final pep talk before we won it was clear that he could taste the trophy. The rhetoric had changed: he told us how to win, how to beat the other team, how to glory in competition and that if we did not win this he would be disappointed, presumably with us. It was hard to fail a great coach. What was clear was that his earlier “high road to character building” was also laced with other human desires.

Even as an adult, sport and sports sometimes confuse me, not to mention athletes and athletics. When I find myself standing up and screaming for Marquette’s basketball team to win, I wonder what happened to the advice of my childhood coaches who told me that the game and those ten players were there to mirror good sports etiquette, be models of developed teamwork and so forth. And, while that is true, at the moment of a potential win I find my energies focused on winning and “killing” the other team. This will make me proud of my institution and make Marquette more interesting to the world of college sports. Loyalties, competition and the win sometimes supercede the more noble calling of sport, and my self interest surfaces.

Sports and consciousness about sports have changed over the last fifty years as I have. As a social psychologist I understand more about

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the reasons and roots of teams in culture, the nature of competition, the evolution of sports as big business and have myself adapted to the changing landscape of these worlds. I can study and discuss the reasons and nature of aggression in society, the unintended effects of fallen heroes—athletes on society, the positive reasons for competition and winning for individuals and cultures and any number of issues tied to sports and the sports industry in modern society.

My affiliation with the National Sports Law Institute has occasioned a variety of reflections on the ways in which sports and the law come together. It is, it seems, a necessary marriage and a good one. While the law both serves the world of sports and helps define areas such as intellectual property, other reflections about these two arenas are also important. The Sociological imagination and categories in the discipline list both the Sociology of Law and the Sociology of Sport. These two sub disciplines help illumine the larger areas of Sociology and social analysis creating interesting and important studies in each area. Both sub disciplines provide critical and positive assessments of these disciplines and their impact on culture.

The Fall 2000 issue of the *Marquette Sports Law Review* (Vol. 11, No. 1) took up the issue of sports facilities and development. Embedded in the articles was a lot of good sociology alongside of legal issues and reflection on the same. This occasions a question: What is the role of sociology and social psychology in studies that would more intentionally combine sociology and the law? As the need for laws surrounding sports and institutions that support athletics increases, it is perhaps helpful to step back and reflect on what our society is doing with sport and to ask some questions that may bring the law and sports together for a greater understanding of the social laboratory which the world of sports offers to culture. To bring these areas together more consciously and more programmatically would benefit our reflections for a greater understanding for the world of sports law. Therefore, what are some areas that might be mined for this project? What are some questions those interested in these disciplines might ask?

To the first question, in broad terms, we might give research and time to the following areas: What studies might shed light on the sociology of sports and the resultant laws that might follow? How have legal decisions about sports affected those we term the fans? What suspicions about sports and law exist in a society that increasingly expects litigation? What effect does litigation surrounding sports have on various populations?

While only a select series of questions, some areas of study that might focus some of the concerns of modern life about sports and the law might include the following.

1. The funding of sports facilities is increasingly expensive and partly paid for by tax payers, many of whom cannot afford season tickets to the games. What effect has this had on the conceptualization of sports in society?
2. What larger justice issues exist for professional athletes as role models? Should they endeavor to influence young people and how might they rethink their contribution to young individuals?
3. What values and models of sport do we present for little league, high school, college and professional athletics? Are we clear to young people about those distinctions and how legal matters effect each arena?
4. How does the legal perspective and personas and the sports perspective and personas conflict and complement each other?
5. How do racial and sexual orientation issues in sports advantage and disadvantage people of color? How do legal issues intersect here?
6. What are the pertinent ethical issues for law and sport that will help frame studies and reflection for the future?
7. World-wide, salary inequities exist within professional sports. The American ethic is to work hard and get ahead. How does a sports skill that is rewarded in the extreme cause people to think about social expectations and the accommodations of modern society?
8. What are the implications for the legal profession when one considers an aspect of sport as the teaching of aggression? What responsibilities do professional sports have to offer public service announcements to correct for the negative influences of aggression when spousal and child abuse follow from this?
9. How are the secondary issues of inequity from Title IX understood and what are the legal ramifications for this? What level of discrimination is evident, for example, when college athletes get to register for classes first?
10. What is the effect of litigation surrounding sports and sports facilities on people?
11. What suspicions exist in fans about the law, the sports industry and athletes? How does this interfere with the function of sports to entertain a public? Will fans, for example, eventually sue because they did not get full value for their entertainment dollar?
12. How much are sports and the sports law business driven by the red line? What is the effect of this on the public?

13. How can we effectively discuss college athletics and the meaning of a college education? What are the conflicts involved in sports and education and how does the law view the whole college experience?

Perhaps some of the above areas for investigation and the questions will break open further conversations and studies on sports and the legal perspective. Perhaps the above areas of study and questions are not the seminal ones, but I would argue that whatever the case, more creative approaches to academic studies on sports and the law will provide some clearer understandings about how these two disciplines can address common issues that pertain to both arenas. At minimum the enlarging of studies and resultant understandings will offer the academic world larger areas of discourse than the more narrow ones of childhood character development and team building.