

A Critical Analysis of the Ethics of Playing Sports in a Global Pandemic

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Is it ethical to play sports in the middle of a global pandemic? This question was last faced in America over 100 years ago during the Spanish Flu outbreak that ran from 1918 to 1920. However, thanks to the arrival of COVID-19 the issue has arisen once more with various sports leagues taking various approaches related to how to juggle public health with a public desire to watch sports. Major League Baseball (MLB), the National Hockey League (NHL), the National Basketball League (NBA), and other many professional sports leagues have already completed, or will complete their seasons with the next few weeks. Therefore, this focus on the ethics of playing sports in a pandemic is limited to the National Football League (NFL) which kicked off their season just as the other sports were entering postseason play and starting to wind down their seasons.

In a report for National Public Radio (NPR), correspondent Tom Goldman points out four points of the NFL's position on playing football in a pandemic that I will address in more detail in the following paragraphs. Those points are NFL games can be played safely during a pandemic, fans have a right to see games live, prohibitions on sports infringe on individual rights, and the ethical burdens of responsibility for the health of those involved is not the responsibility of the league.

There is precedence for playing sports during a pandemic. Photos from 1918 when the world was in the middle of an influenza pandemic show fans in stands wearing masks while watching football. Contrast that with images from 2020, like at a recent Texas A&M football game where fans were mostly mask less and linked arm in arm chanting and swaying, and one sees one of the difficulties of playing sports in the current pandemic when so many factors are in place. Science makes it clear that avoiding large gatherings, wearing masks and social distancing all work to combat the spread of COVID-19, yet there are people who fail to adhere to those

simple guidelines. Therefore, one is forced to consider that it could be unethical to provide a venue like a sporting event for people to gather when one knows that those actions could potentially bring harm to those in attendance. In short, one must question whether sports leagues like the NFL have an ethical duty to protect those unwilling to protect themselves.

As outlined by Goldman, the NFL officials argue that their exhaustive health protocols mitigate the chance of COVID-19 outbreaks. I will show that the very fact that several games have already been postponed due to outbreaks of COVID-19, along with ongoing discussions pertaining to hitting pause on the NFL season, show that those protocols are not enough to stop a deadly virus. Others argue that it is unfair to take away their freedom to assemble for events like sporting events. I will argue that one does not have the freedom to put others at risk and one's personal rights end when they infringe on the rights of others. Others still who derive income from professional sports, argue that their very livelihoods are dependent on the ability to play sports regardless of whether or not a global pandemic is in play. I will argue that sports are not an essential business and therefore they do not have a right to operate when conducting their business puts people at risk without offering an essential service. Furthermore, I will argue that the NFL has an ethical obligation to protect their employees and not force them to decide to opt out of a season or risk their health and play in order to get paid.

The NFL should set the example of responsible behavior and remain on the sidelines for the 2020 season. Trying to play football during a pandemic where a virus is spread through close personal contact and droplet spread is irresponsible and completely unethical. It is nearly impossible to play football without close contact between individuals on every single play. NFL officials argue that their exhaustive health protocols mitigate the chance of COVID-19 outbreaks. Goldman argues that, "The NFL had the good fortune of being in its off-season in

March, when the sports world shut down. The league didn't have to make tough decisions about when or if to restart, like other major sports league did (Goldman, 2020). Instead Golden notes that the NFL has “been watching and learning from those other leagues and how they dealt with playing during a pandemic” (Goldman, 2020).

As part of that observance of other leagues was the generation by the NFL of a 71-page package of health and safety protocols. I would argue that the very fact that it takes a 71-page document in order to play football in the middle of a pandemic shows that perhaps it is not the best idea to be playing in the first place. Also, if the NFL had truly been watching the other leagues, they would have noted that the leagues that operated in bubble environments, like the NBA, WNBA, and NHL, were able to stop the spread of COVID-19 while leagues that did not employ a bubble approach like MLB battled outbreaks.

In fact, Dr. Anthony Fauci, director of the National Institute of Allergy and Infectious Diseases stated in an interview with Dr. Sanjay Gupta on CNN that, “Unless players are essentially in a bubble -- insulated from the community and they are tested nearly every day -- it would be very hard to see how football is able to be played this fall” (Gupta, 2020). And while Dr. Fauci cast doubt on the NFL season starting, now that it has started, he remains skeptical that it will be able to go the distance noting that, “The critical issue is the safety, the welfare, and the health of the players and the personnel associated with them. That's got to take precedent over everything else” (Gupta, 2020).

The very fact that the NFL had this knowledge of the benefit of bubbles, yet still chose an approach of traveling from city to city to play games shows that they did not take employee health as seriously as they are trying to portray. It also introduces an ethical situation I will discuss more later where monetary motivation eclipses player and staff safety when it comes to

ensuring that games are played in a safe manner. It cannot be ignored that the safest and most ethical approach would be to avoid playing all together in the middle of a pandemic.

Of course, proponents of the return of NFL action cite the health and safety document as proof that the NFL is taking player safety seriously. To that I say that the very way in which football is played with aerosolized droplets exchanged between players on every play it is impossible to stop the spread of the virus. The fact that medical officials were consulted to devise the guidelines is a clear violation of the ethical duty to *Primum non nocere*, or do no harm. While NFL team owners are not doctors, from a sports management perspective they should seek to do no harm to their employees by practicing nonmaleficence. Demanding to play football, when they know the risks to player health clearly violates the principle. Football is a high impact game where careers are often cut short due to injury. Players accept those risks. No player should be asked to accept the risk of contracting a deadly virus while playing football.

The NFL and the NFL Players Association (NFLPA) announced that between August 30 and September 5, 2020 around 17,519 tests were given to 2,641 players with one confirmed positive test result (Goldman, 2020). Those tests were conducted before the season began. Since the season begin in September, nearly a quarter of NFL teams have had at least one game postponed due to either a COVID-19 outbreak on their team, or an outbreak of their opponent's roster. I argue that does not sound like a situation that is under control. Then again maybe the NFL feels that a 25 percent loss is acceptable as long as a majority of the games go on to keep the turnstiles moving and the revenue flowing in.

Another point brought up by Goldman is the presence of fans at NFL games. Unlike other leagues like the NHL, NBA, and MLB, NFL teams are free to decide whether or not to allow fans inside their stadiums during games. Kansas City, Cleveland, Indianapolis, Dallas,

Jacksonville and Miami are among the cities who will be open to a reduced capacity for game days (Goldman, 2020). Proponents of fans in the stands argue that it is a fan's right to see the game in person. Team and league officials have adopted a Caveat emptor, or buyer beware, approach to fans by allowing fans to enter at their own risk without taking any of the legal or ethical responsibility for those actions. One has to question whether having to sign a waiver in order to attend a sporting event is really worth the risk. I argue that sports leagues who require a health waiver to attend a game are only considering their own interests, and ignoring the ethical responsibility to create a safe environment for all concerned.

Telling fans to social distance and wear masks while inside a stadium with little means to enforce it rings hollow. It is doubtful that a league desperate to squeeze as much revenue out of a season by doing things like covering seats with advertising covered tarps is going to discourage fans from congregating (Goldman, 2020). Also, by putting the ethical onus on the fans to act responsibly by wearing masks and social distancing shows that the NFL cares more about the money fans versus the health and safety of fans.

Furthermore, I argue that the NFL is negligent in terms of public safety by creating large gatherings where people could potentially catch COVID-19 at a game and then spread it within their community when they return home from the game. Proponents of wanting to attend games argue that it is unfair to take away their freedom to assemble for events like sporting events. I argue that one does not have the freedom to put others at risk through knowingly reckless acts. Additionally, one's personal rights end when they infringe on the rights of others. Just like noise ordinances dictate how loud someone can play their music when it infringes on others, one does not have the right to gather for a sporting event when the very act puts the health of others at

risk. City and state ordinances against large gatherings are no different than noise ordinances, seat belt laws, non-smoking laws or any other statute aimed at protecting people from known harm.

While everyone can agree that the NFL generates billions of dollars in revenue each season it does so in part through the efforts of flesh and blood human beings. Human beings who are susceptible to COVID-19. The point of disagreement comes into play related to whether the NFL has a right to play under these conditions knowing the risk involved in doing so. Ethical behavior would dictate that one follow the mandates in order to protect those around them. Unethical behavior is considering one's actions to have zero impact on those around them.

The NFL has an ethical obligation to protect their employees and not force them to decide between opting out of a season or risking their health by playing in order to get paid. Those who argue that the rewards outweigh the risks are taking a short-term view. It would just take one super star player having their career, or worse their life, ended by COVID-19 to hurt the NFL where they really care; the pocket book. Sports are not an essential business and therefore they do not have a right to play in the middle of a public health crisis where the simple fact of them traveling from city to city could encourage the further spread of the virus. I would argue that airlines are much more essential to the overall success of a functioning society and that industry is beset with crippling layoffs while the NFL tries to play on as if there was nothing to see here.

In conclusion, as much as sports like the NFL are loved by millions of people, they are not an essential business. Yes, there are financial implications at stake for not playing sports. However, one should not get past the ethical and moral consequences of throwing science asunder in order to make a quick buck. If fans acted responsibly and followed the strict guidelines required to stay safe during the COVID-19 pandemic an argument could be made that

sports and the pandemic could coexist. Unfortunately, a growing sample size of allowing fans and the virus to mingle shows that many fans cannot act responsibly and therefore it becomes unethical to continue to tempt a deadly disease by encouraging fans to gather in mass just to watch sports in person. One cannot escape the ethical standard to do no harm when it comes to trying to justify an NFL season in the middle of a global health crisis.

Additionally, the very presence of outbreaks of virus spread exhibited on NFL rosters shows that the risk to player health cannot be totally eliminated leading to the conclusion that the ethical course of action is to wait out the virus from the sidelines and return stronger once the COVID-19 pandemic is over versus insisting on playing and adding to the problem of community spread and irresponsible behaviors.

References

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