

Reflections on Public Funding for Professional Sports Facilities

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During the past two decades, there has been increased debate over the acceptability of public financing of stadiums, arenas and other supplemental facilities¹ for professional sports franchises, particularly in the United States and Canada. With one notable exception, all of these franchises are private, for-profit businesses.² Mayors, community activists, neighborhood associations and other private citizens have at times strenuously contested the demands from pro sports teams for public support of stadiums. These stakeholders claim that taxpayers should not have to subsidize private interests, often citing the nebulous economic benefits of new sports facilities for the community.³ On the other side, sports franchise owners contend that for teams to remain in their current geographical regions, they need publicly funded venues to be built and maintained due to the high costs of such facilities.⁴ The position of team owners with respect to sporting facilities can be summed up as ‘we can only provide the programming if you supply the infrastructure.’

However, while some of the terms used by both sides of the debate have been normative (i.e., ‘taxpayers shouldn’t have to pay for the benefit of the few’ versus ‘citizens should pay for the benefits that sporting events offer,’ etc.), the arguments deployed have been primarily economic or otherwise pragmatic.⁵ But much of this begs the question of why citizens should or shouldn’t be taxed to pay for the building of sporting facilities intended for professional athletic competition in the first place.

That is not to say that economic arguments have *no* bearing on the acceptability of such financing or that such arguments have no normative element. Obviously jobs and financial security provide important opportunities to citizens in constructing their own conceptions of the good life and no thoughtful political philosopher would deny this.⁶ In fact, I will take the economic arguments in favor of such financing very seriously. But I resist the temptation to mimic the approach of many who *only* appear to concern themselves with economic factors.

In this paper, I examine public financing of professional sports facilities from a liberal egalitarian perspective of distributive justice. Pragmatically, I select this perspective to limit our scope. But, it is also (arguably) the dominant theory in political philosophy and fits well in the US liberal political tradition (which is

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important since most controversial cases of public funding for professional sports facilities occur in that country). The liberal egalitarian approach is best exemplified in the work of John Rawls, though others are included. Liberal egalitarians promote a robust notion of equality, supporting welfare rights that empower individuals to choose their own life plans.

While professional sports facilities may well help to resuscitate urban cores in some very limited sense, this enhancement is often overestimated. More plausibly, pro sporting teams may help build civic pride, perhaps even to the point where this represents some sort of general social good for the public. In most liberal societies, these factors are overwhelmed by requirements of justice that public monies be spent on essential matters such as security, health, education and public housing, especially in liberal egalitarian societies. In addition, liberal egalitarians have the basic idea that the state should remain neutral toward supporting conceptions of the good for its citizens. This means that the state should not, either through law or resources, privilege access to one way of life over others.

No matter what may be the correct theory of justice, taxation is coercive, and though coercive measures are not always unwarranted, the onus should always be upon the state to make a case for the legitimacy of publicly funded projects. With this heightened level of accountability applied, I argue that the presumption will be against public financing of nonessential expenditures such as ballparks and arenas in most cases. Only under extremely idealized conditions could such financing be justified from a liberal egalitarian perspective.⁷

The Increased Frequency of Debate

There are a few chief reasons why controversy over public funding of sports facilities for professional teams has come to a head, especially in the United States and Canada. First of all, there has been an expansion of the number of teams in professional sports leagues; most likely as an attempt to take advantage of opportunities to increase revenue directly or to enhance marketing of their respective sports. Major League Baseball (MLB) has increased its number of teams from twenty-six to thirty over the past fifteen years; the National Football League (NFL) expanded to 32 teams from the 28 it had in 1995; the National Basketball Association (NBA) now has 30 teams with the creation of the Charlotte Bobcats in 2006 as opposed to the 25 it boasted in the early 1990s; the National Hockey League (NHL), despite several of its teams suffering at the gate, has been the most active in expansion, developing nine new franchises since 1991. More teams simply mean more stadiums or arenas are to be built or refurbished. Between 1989 and 2001, 16 baseball-only stadiums were built for MLB teams. 66.7% of the total cost for these facilities came from public coffers (27: p. 123). Since that time, another five baseball-only parks have been built with three more under construction and another three formally proposed. Of the five parks built since 2001, the total cost of these projects has been ~\$2.2 billion, with ~\$1.4 billion coming from public subsidies.

Public funding for stadiums is often facilitated by the ability of most local governments to issue federal tax-exempt bonds to aid in paying for construction. The exemption allows the issued municipal bonds to have an interest rate approximately one-third lower than it otherwise would be. With this exemption in place,

the federal government reduces either the debt service or financing costs for stadium bonds. This in turn helps to finance stadium construction, with the economic benefits in large part going to team owners and players.⁸

Local business and political leaders, who have failed at luring sports franchises by other means, have recently been provided with fresh opportunities to land teams as more expansion franchises have become available. This drive to build more sporting facilities has been exacerbated by the desire of individual teams to have their own stadiums instead of sharing them. The city of Baltimore, an urban area notorious for its chronically underfunded public services, along with the state of Maryland, agreed to pick up the 87% of the \$220 million (in 1998 dollars) tab for a state-of-the-art football-only stadium in order to secure an NFL expansion franchise, the Ravens, in 2000. This came only a decade after the city built a baseball facility, Oriole Park at Camden Yards, for the exclusive use of its MLB team.

The second factor that has accelerated the debate over public funding of sports facilities for professional teams has been the increased frequency in the relocation of franchises from one city to another. Regardless of the addition of more professional teams, owners unhappy with attendance to its teams' games or disgruntled with various aspects of their teams' current facility, have threatened to move or sometimes actually relocated their teams to what they perceive to be greener pastures.

Usually, the hope of most owners and league officials is that the threat itself is sufficient to get what they want. Quite frequently, such demands have worked. Upon threats of leaving Milwaukee for North Carolina if the team did not obtain a new facility in the city, Brewers ownership got Milwaukeeans (and those in nearby counties) to pay 66% of the total cost for the Miller Park project—a clam-shell style, retractable roof stadium which was completed in 2001. There are countless other examples whereby sports franchises have, in effect, held cities for ransom. As one might expect, the ploy has worked well enough so that it has become the mechanism of choice by professional sports owners for obtaining new parks and arenas.⁹ And of course, there have been a number of relocations, with the NHL being the most prolific. In an attempt to expand into what it saw as a more lucrative market in the southern and western U.S., the NHL moved four franchises from Canada and the northern United States from 1993 to 1997.¹⁰

I mainly restrict the scope of this paper to the American and Canadian context since the situation in Europe is admittedly somewhat different. Unlike U.S. or Canadian leagues, many football leagues throughout Europe, including the English Premier League (EPL) use a promotion/relegation system. This means that successful teams are promoted to higher leagues within a hierarchy, whereas unsuccessful teams are relegated to lower leagues. In such systems, there tends to be high consumer demand, better players, higher player salaries, and more competitive balance. Most importantly for our purposes here is that such leagues tend to receive lower public subsidies. This could be attributed to several factors, but most likely, unlike many American pro leagues, European leagues are not run as monopolies, with teams competing against each other (sometimes in the same city).¹¹ While there has been some relocation of teams in the EPL, these tend to be short distance moves.¹²

However, there is increased foreign investment into the EPL from high profile American and Canadian businesspeople.¹³ This has raised concerns with many fans that the traditions and practice of English football are being eroded (this includes worries about increased public financing of sports facilities). With that said, perhaps some of what I say here will apply to the European context as well.¹⁴

Liberal Egalitarianism and Public Funding of Professional Sports Facilities

What all liberal theories of justice share is the vision that the individual is the focus of moral life and his/her ability to define what a good life is supersedes that of the state. As it turns out, the liberal egalitarianism of Rawls speaks against public financing of projects that contribute more to the “good life” than to the “right life.” In fact, he asserts that just as there is no justification for the state to force citizens to reimburse others for their private expenses, likewise there is no justification for citizens to have to pay for unwanted benefits (17: p. 183). Now there will obviously be *some* exceptions to this, since Rawls also believed that there are some goods (primary ones) that are so important to individuals that the state is justified in raising taxes to fund such projects. For example, a miser who claims that he doesn’t care about a civil court system (because he protests that he has the means of defending himself, taking “the law into his own hands if he has to”) is still legitimately expected to pay his fair share of the costs of such a system, even if he indeed does not use it. The legitimacy of funding in this case, according to Rawls, comes mainly from the importance of legal protection as a primary good.

In fact, on all liberal egalitarian views, any sort of public funding must not violate the requirement of state neutrality. Liberals certainly think that legitimate states have the right to use the coercive powers of taxation. But with this weighty power comes a heavy dose of responsibility. One of the expectations is that the state is to use its powers neutrally. The basic idea has been captured by Joseph Raz: “No political action may be undertaken or justified on the ground that it promotes an ideal of the good” (18: p. 114 and p. 146).¹⁵ However, what exactly this means has been vigorously debated by liberals.

Neutrality might be understood to mean that the state must (overall) not use its powers of coercion to advantage some ways of life over others. This conception of neutrality (*neutrality of effect*) would be violated if the state acted in some way as to make one way of life easier to access at the expense of another sort of life. For example, if the state built large animal parks for zoo-goers and this drained the number of exotic animals living in the wild—thus making the lives of zoo-goers much easier and nature lovers much harder, then the state will have violated the neutrality of effect constraint. The only exception to this is if somehow the state were to take measures in such a way as to exactly counterbalance the distribution of benefits (2: p. 7).

But, we could also think of neutrality in the sense of *neutrality of outcome*. This conception of neutrality specifies that the government should act to make each way of life equally difficult or easy to access.¹⁶ This in effect would mean

that those with expensive tastes would need to be compensated to assure that they could achieve their way of life with the same ease as those with less expensive conceptions of the good life. So, for instance, if I am a wine connoisseur and my preferred way of life is achieved through tasting fine clarets, then the state must provide me either with the funding to purchase such resources, or provide them directly to me. In this sense of neutrality, state action should make my ability to be a wine connoisseur just as accessible as that of a bridge player who only needs a deck of cards.¹⁷

But neutrality could be thought in yet another way. *Neutrality of intent* means that while there is no problem that state actions are going to have differential effects on conceptions of the good, the government should not intend to favor some over others (1: pp. 215–240).

Most political philosophers tend to agree that neutrality of intent is the most plausible sense of neutrality. After all, it may be virtually impossible to ensure that the state stay completely neutral in its interactions with citizens, especially since liberal egalitarians believe that there are a number of projects worthy of state funding, and is bound to at least sometimes privilege one conception of the good, even if it is unintentional or in some small way.

The sporting life is certainly very important to a wide number of people. On the other hand, there are many who find such a life to at least be unimportant, and at worst a waste of time. But at the end of the day, the sporting way of life is just one sort of life among many, and the neutrality of intent constraint is designed to prohibit governmental action that would (intentionally) privilege such a life over others. Yet notice that the reasons (beyond economic ones) that would likely be given for why we need arenas and stadiums would be entangled with some notion that sports are morally good. This might be because they develop civic pride, or that they make the majority (or even a significant minority) of citizens happier than they otherwise would be, and the like. But of course, these are appeals at justification for state funding that suggest the sporting life is a morally rewarding one (perhaps more so than other forms of life). Once more, public *funding* for professional sports facilities would most certainly, *prima facie*, violate the neutrality of *intent* requirement, since one of the most straightforward ways to show intent for the support of a measure is to directly finance it.

From what I've said so far, one may wonder about two things. First of all, why have I targeted the public funding of *professional* sports teams? There is certainly public funding for other sporting facilities for schools, colleges and universities.¹⁸ Is it any more legitimate for the state to fund facilities for high school or collegiate teams than it is for professional ones? Secondly, I made the point that there are other more legitimate social goods (e.g., housing, education, security and medical care) upon which to spend vital (and usually scarce) public resources than on sporting facilities. What exactly is it that makes these more legitimate needs? Isn't privileging these goods a violation of state neutrality as well? I think that I can address these worries by reflecting on the relationships between education, autonomy, democracy and sports.

First of all, while athletic competition *in general* could be an instrumental good for the community, leading to some essential function of justice, this is largely untrue of *professional* athletics. The conditions for justice almost certainly demand an educated citizenry. Justice, at least in a liberal state, would require that

individuals have a reasonable opportunity at autonomy. Access to a minimally decent education has often been associated with autonomy in two senses. In one sense, autonomy means having the skills to detect and comprehend the array the possible choices of lives out there in the world. Knowing the wide range of options of careers and lifestyles available, and finding the means for pursuing them with aplomb involves acquiring skills learned via a liberal education (24: pp. 60–61).

In another sense, education aids in developing autonomy in that one (hopefully) learns how to proceed in actually choosing one sort of life over another. An education is supposed to equip persons with the critical thinking skills with which they can assess what sort of life will be the best for them (24: p. 61). A case could be made that athletic competition is a venue for testing those skills. For example, Robert Simon has argued that high school and college athletes learn (along with moral skills) skills of decision-making through tests (22: pp. 17–39). And even though a liberal regime oughtn't to endorse a *particular* notion of the good, the *skills* of moral deliberation are still legitimately endorsed by such a state. Accordingly, any activities that encourage us to engage in such deliberation should be welcomed. Young people will need to have some familiarity with dealing with competing notions of the good and of justice to properly carve out just lives for themselves as future citizens.

Furthermore, athletic fields and courts provide other opportunities for a liberal education. Athletes must learn to analyze and overcome weaknesses, and to develop strategies to do so. They learn the discipline and hard work necessary to overcome their weaknesses, and to act intelligently and skillfully to the challenges of the contest. As Simon adds, "In the sports contest, they [athletes] must use judgment and make decisions that are open to reflective criticism (often known as second-guessing), apply standards of assessment, critically analyze play, perseverance and coolness under pressure" (22: pp. 159–160). In team sports, they can learn responsibility to the group. Also notice that several of these skills can be transferred to the classroom. Knowledge about oneself is an essential part of learning, and that kind of self-awareness is perhaps the most valuable kind of knowledge that comes from participation in sports.

With that said, some portion of a skills-enhancing, liberal education necessary for the development of the autonomous individual could be facilitated by an athletic program. Since states are to finance these fundamental requirements of justice in a liberal state, sometimes it is completely appropriate for public monies to pay for athletic facilities and equipment.

Moreover, education is often presented as not only a friend to, but also as a prerequisite for democracy. Citizens need to be educated so as to supply the critical scrutiny of public officials necessary to monitor their progress or regress. In addition, democracy is supposed to flourish in a forum of vigorous public debate. To inform the content of that debate, citizens need to have the sort of communication and critical evaluation skills equal to the task of handling the complexities of the most intractable social ills.

Now in this context, consider the possible comparison of intramural collegiate and professional athletics. Public funding for a new collegiate arena for intramural sports might be justified as an extension of the educational mission of a public university; that extracurricular activities are part and parcel of the well-rounded student and the enhancement of student life. Facilities for high school

athletics and fitness via physical education programs could plausibly be supported on the same grounds.

However, it seems implausible, *prima facie*, that one could justify public funding for arenas serving professional athletes on the same grounds. There is no proposed intent of some pedagogical purpose of professional athletes to either become or develop better citizens through pro athletic programs.¹⁹ In contrast, the *modus operandi* of professional sports is to make money and/or entertain—whether that comes by constructing a winning organization or via displaying an exciting style of play.²⁰ Given the number of news stories concerning the transgressions of professional athletes, the seriousness with which they have taken on the responsibility of serving as positive role models can surely be brought into question. In addition, it doesn't appear that there is any special feature of professional sports competition that would recommend them as "schools of democracy." That is, it isn't clear that those who play professional sports continue to learn skills of democratic deliberation through athletic competition. And with the weak exception of the tongue-in-cheek possibility that fans voting for Major League Baseball's All-Star Team (especially children) learn about this practice of civic engagement, professional sports doesn't appear to teach fans much about the importance or skills of political participation.

Now, it may be countered that professional athletes are *given* more autonomy than they otherwise may have had due to opportunities to make lots of money, and I certainly don't contest this point. It is plausible to say that some (especially if they have little education, are disenfranchised, and whose usual prospects given their socioeconomic position are bleak) are provided with better options through professional sports than they might otherwise have. Yet, even this misses the point about autonomy and any possible *public reason* for funding the skills needed to attain it. Certainly there is an economic element to autonomy—that the ability to choose a life plan in part involves rational deliberation over different career opportunities and how well they fit one's interests and talents. But *having* options (athletic or otherwise) is not the same as properly *choosing* them, and it is the choice element that is particularly important. While professional players likely do have more options available to them than they otherwise might have, that doesn't mean that they are any better at choosing the best job or lifestyle for themselves by virtue of playing professionally.

The purpose of professional sports is not for financing essential goods for common citizens such as medical resources, educational supplies, funds for public defendants and the like. And of course, why would there be? The *purpose* of professional sports is to entertain, not to educate or to raise funds for health care. But the cost of this admission is that proposals for public funding of professional sports facilities will be held to particularly close scrutiny.

Economic Arguments for Pro Sports Facilities in a Liberal Context

Of course, some might contend that liberal egalitarians have not properly interpreted the alleged state neutrality requirements of even its own luminaries, such as Rawls. In a brief statement near the end of *A Theory of Justice*, Rawls himself

notes that expenditures for public goods (I surmise that Rawls has public financing for the arts in mind here) are permissible under constrained circumstances. For example, the funding of cultural projects would presumably be acceptable if it somehow promoted the basic liberties of citizens.²¹ As Rawls says himself, "Taxation for these purposes can be justified only as promoting directly or indirectly the social conditions that secure the equal liberties and as advancing in an appropriate way the long term interests of the least advantaged" (17: p. 332).

This short reference doesn't give us all that much information concerning public financing of cultural goods. However, if we accept one (perhaps) major assumption, sports could in principle be a legitimate target of public expenditure. First of all, we would need to take sports as a sort of cultural expression. While this may be controversial, I do think a plausible case could be made that sports satisfies this requirement, given what I noted earlier about the role that sports can play in promoting autonomy. If this assumption is true, sporting facilities would likely qualify for funding under these limited conditions.

With this said, the question now is whether, when the balance sheets are tallied up, the building of sports facilities contribute a net benefit for the communities in which they are built. An admittedly imperfect, but still telling measure of this impact is how much money such facilities (and of course the activity within them) contributes to the local economy and government. The economic analyses, as I mentioned earlier, do not support that they do. In fact, I also noted that no single study has revealed that new ballparks make an overall positive economic impact upon their local communities. Once more, there is some evidence to suggest that there may be a net negative effect of new stadiums on local economies.²²

In a study of 37 major metropolitan areas with major league baseball, football, basketball and hockey franchises, conducted by Brad Humphreys and Dennis Coates, we find that not in one instance did these sporting activities translate into a boost in the local economy. In fact, one interesting finding was a statistically significant negative impact on the retail and service sectors of the local economy, with an average net loss 1,924 jobs. As Humphreys and Coates conclude, "The net economic impact of professional sports in Washington, D.C. and the 36 other cities that hosted professional sports teams for over nearly 30 years, was a reduction in real per capita income over the entire metropolitan area" (14).

Consider the case of public financing of the building of the Gateway Complex, a collection of baseball, football and basketball facilities built in conjunction with both new retail and residential projects in Cleveland, Ohio. In the Cleveland of the 1970s, after being the only city to go into bankruptcy post-Great Depression, the city's leaders thought they could lift the area out of desperate financial straights through building the Gateway. In 1990, just before the vote for appropriations for the complex (called "Issue 2" on the ballot), a newspaper ad exemplified the promise of Gateway's impact on the local economy:

Who wins with Issue 2? We All Do. Gateway will create a development that will generate \$33.7 million in public revenues every year and provide: 28,000 good-paying jobs for the *jobless*; neighborhood housing development for the *homeless*; \$15 million a year for schools for our *children*; revenues for City and County clinics and hospitals for the *sick*; energy assistance programs for

the *elderly*. No property tax, no sales tax, no tax abatement. . . Gateway: the next chapter of our future.²³

There is little denying that these all sound like noble goals. In fact, many if not all of them should be endorsed by a Rawlsian. Issue 2 passed and all of the facilities were built. What was the public outcome of the project?

To be fair, the Gateway Complex has lured more people into downtown Cleveland and this is mainly attributable to the sports amenities the area provides.²⁴ In fact, several visitors have come from outside of Ohio as polls of fans flocking to the ballpark have indicated. A plausible case could also be made that safety has been increased by the influx of foot traffic and the presence of police patrols in the area, not only on games days but also in a concerted effort to protect citizens who moved into nearby condominiums.

However, beyond this, the promise of the Gateway has been largely unfulfilled, with even some public services in Cleveland being given short shrift in order to pay for cost overruns from the project.²⁵ For example, as the city paid for the bonds issued for the Gateway, Cleveland's poverty rate rose to 40% (13: p. 192). The city's school system, which has often been cited for poor performance, graduated only 38% of its students and had only 7% testing at a 12th grade level, at a time shortly after the Gateway measure passed (7). Since this time, there have been some fluctuations in the graduation rate, but currently it stands at a dismal 34%, which is lower than before the Gateway was completed.

One thing we need to realize is that, for all of the bluster of advocates for public financing of professional sports facilities concerning their economic promise, sports franchises generally are very small engines for local economic activity. Let's take Major League Baseball as an example (mainly because one might expect that given the fact that each of its teams play 81 home games a year—the most for any of the “major” team sport—it would show the most promise for generating local revenue). First of all, we find that very few people are employed by the team. There are usually around 70–125 employees of any given team in the front office. At most, there are 1,000–1,500 day of gameday personnel who mainly work unskilled, part-time, and temporary minimum wage jobs. Furthermore, it is difficult to even credit the development of these jobs to the sports teams (27: p. 126).

New stadiums do surely generate millions of dollars, but for whom? Tens of millions go to a team annually, with half going to the players, and a very substantial share of the remainder going to the team owners. In fact, roughly 53–55% of team revenues go to player salaries. The remaining 45–47% goes to the team owners and to defray additional overhead costs. We shouldn't forget that for sports such as Major League Baseball, there is the cost of player development through an extensive minor league system. This constitutes about 11–12% of team spending, all of which is usually spent outside of the host city (27: p. 128).

We also shouldn't forget that the entertainment dollars of consumers are limited, and that we need to compare what people would be spending their money on if they had no major league sports available to them. In place of these options, people spend on bowling alleys, golf courses, theaters and restaurants. And it is much more likely that these sources of entertainment employ people from the immediate area who pay local taxes, with few public subsidies propping up the

employers. The proprietors of these businesses also face substantially lower marginal tax rates, have lower saving rates, and thus are likely to spend most of their money in the local economy.

As we saw in the Cleveland case, there are instances where building a local stadium is correlated with more people coming into the area, which brings us to the case of Baltimore. Oriole Park at Camden Yards, the home stadium for the MLB Orioles, has been widely heralded as a great architectural success. Attendance to Orioles games soared upon its opening in 1992, and MLB owners clamored for their own new “retro” knockoffs of the facility. The Orioles claimed that roughly a third of its fans came from outside of the Baltimore Metropolitan Statistical Area. Though other studies suggest that the total is closer to 13% (11),²⁶ we still need to take the point seriously that teams do draw fans from outside their local areas. In fact, most MLB teams claim to draw anywhere from 5 to 20% of fans from outside their local areas (6: pp. 17–29).

Even assuming that the definition of “outside the area” is loose and applies to a rather large area, there is not a good deal of evidence to suggest that out-of-state fans at most sporting events are necessarily drawn in due to the event itself (16: chps. 2 & 15). Many fans happen to be in town due to other factors, such as visiting family or friends, attending business meetings, or pursuing other leisure activities.

All of this obviously has an impact on another professed advantage of building new stadiums—that garnering or retaining a team will generate tax monies for local government. Unfortunately, this alleged advantage is more often a myth. Generally speaking, the public expenditures for new sporting facilities exceed the revenues that they are supposed to generate for the community. Why? Because the vast majority of money spent on sporting events actually leaks to people and organizations *outside* of the local community.

In the MLB, average player salaries are \$2.4 million. With such high salaries, most players and owners are members of the highest tax bracket, taxed at 38.6%. In addition, they pay 1.45% in Medicare tax. So, collectively 40% of money made by players and owners bypasses local coffers and goes directly to Washington, D.C. (27: p. 127). High salaries also lead to higher savings rates, especially for players who know that their years of maximal earning potential are limited. This means again that money generally flows outside of the community and into national and international money markets. This brings us to a third factor that shows leakage of sports money from local communities. Most players and many owners do not live in the communities where their teams are based (21: pp. 361–367). Even in cases whereby players live in their team’s home base, they usually have enough money to own multiple homes in other locations, which means that they are paying taxes elsewhere and are likely spending disposable income in these locations.

Above I noted that the redevelopment of urban cores (especially those that had previously struggled) via stadium funding projects could constitute some public benefit. However, stadiums alone usually do not have that much of a positive impact. Why not? First of all, games are not played all that frequently, and it is hard to attract and/or maintain long-term independent retail businesses in this environment. We have to understand that the business climate of the modern sports facility is designed to capture as great a share of the sports customer dollar

as possible. The most recent stadiums are specifically designed to provide all of the goods and services a fan wants or needs, including restaurants, souvenir shops and the like within the facility. This, of course, decreases the need for these shops in the neighborhood surrounding the ballpark. Even in cases where new stadiums have been built downtown, a number of eating and shopping establishments may very well not see a great increase in business coming from fans who can simply purchase items conveniently in the facility. When fans choose to buy in the facility, it usually costs more than at local restaurants. But this also means that in cases of “in-stadium consumption” a larger part of their disposable income flows outside of the community. This is because stadium vending is controlled by large companies (such as Aramark) which are usually based outside of the local community.

Conditions for Legitimate Funding in a Liberal Egalitarian Context

So, the economic arguments that other social benefits come out of the public financing of professional sporting facilities are not strong enough in most cases to justify such funding. But this doesn’t mean that public funding of professional sports facilities could never be justified. Even with that said, given the nature of negotiations between team owners and local communities it is hard to believe that team owners will agree to acceptable terms. But under what conditions could funding be justified?

First of all, the only way to circumvent the neutrality conditions I’ve noted above is to show that public funding for professional sports facilities can contribute substantially to primary goods. We could imagine that if a team was willing to stay in a facility for, say, 40 years, enough overall public benefits could be accrued to justify such funding. But even this seems to be a stretch. Consider the opportunity costs of all of those intervening years in which construction and maintenance costs of sporting facilities are being paid off. During this time much more direct funding could have been channeled into areas associated with the primary goods. In addition, the latest trend has been for franchises to demand new facilities for its teams despite the relatively young age of their current facilities.²⁷

Another possible ground for the public funding of professional sports facilities would be if having teams could directly or indirectly benefit the health of the community. Infamously, Rawls did not say much about the relation of justice to health in general, or about the allocation of health care resources in particular. However, some have extrapolated possible principles of health resource allocation from Rawls’ general theory of justice (with Norm Daniels being the most prominent). The background principle is that health should be considered to be one of the primary goods; that is, health is not just like any other social good, it is vitally important for having a reasonable shot at fair equality of opportunity.²⁸

However, it is not clear how much of an impact that professional athletics has on the health of the community. There are certainly cases where charitable measures by teams have aided community members, though the overall positive impact on the health of the society is not as clear as one might think.²⁹ With respect to contribution of professional sports to health through active participation,

certainly one could make the case that athletes themselves must be in shape to achieve the highest levels of competition. On the other hand, severe injuries may occur when professional athletes engage in competition, given the size and speed of the competitors and the intensity of the competition itself. Furthermore, one could speculate that given the sale of unhealthy fare at any number of sporting events, the message of “being healthy” is not rubbing off on spectators. Whether viewing sports (a relatively sedentary activity) creates an impulse for fans to take up more healthy lifestyles (involving regular exercise) is hard to judge, though there isn’t much reason to suppose that watching sporting events helps with this more than anything else. But with that said, if one could show convincingly that professional sports had a significant (and given the amount of public money usually spent on such facilities it would have to be very large) impact on the community, then this would be one route through which public funding for professional sports could be justified.

There is the possibility that either by revamping the structure of professional sports leagues or the type of ownership teams have could make their facilities more acceptable for public financing. In the case of restructuring leagues, we can return to the EPL referred to earlier in this paper. Recall that the EPL uses a promotion/relegation style format whereby franchises that have the lowest winning percentages at the end of the season are dropped to lower tiers and the highest achieving franchises are elevated to higher tiers. Notice that in such a system league management is not fixed and teams do not have monopoly control over their territories. Any individual with the requisite capital could create a team, invest in talent and help it rise to the top level (27: p. 41). Consequently, promotion/relegation leagues tend to not to have monopolies (especially in large cities). The idea is that the fluidity of teams moving between tiers of a league would drive up the supply of teams and increase competition between them. This could (and has in the EPL) decrease the ability of franchises to strong-arm local communities to demand the sorts of large public subsidies that franchises in the major American sports leagues now enjoy.³⁰

This reform may be easier to employ in Major League Baseball as it is currently constructed, since it has an extensive (and official) minor league system.³¹ But this would be much more difficult for the NFL and the NBA, which rely primarily on the intercollegiate conferences to train promising talent.³²

With respect to the type of ownership a team has, I think that the public, non-profit structure of the Green Bay Packers comes marginally closer to the ideal for a case of permissible public funding for its facilities than other franchises. I say “marginally” because this case is a bit complex. In 1986, the team established the Green Bay Packer Foundation and put seed money into a trust for funding local charitable causes. Several community organizations have applied for and received aid from the foundation, funding everything from homeless and battered women’s shelters to programs for the disabled. These types of projects would appear to enhance Rawlsian primary goods such as liberty. On the face of things, this may not be different from the Jimmy Fund case above. However, if funding the Foundation *is a requirement*, and *ensures continuous funding* of these projects, it would appear these are important public benefits that come closer to meeting liberal egalitarian standards. In addition, by vote of team shareholders in 1997, should the Green Bay Packer Corporation ever be sold, whatever remainder after expenses

must be given to the Foundation trust which would then be used to finance programs aiding individuals in securing primary goods.

Conclusion

No matter the theory of distributive justice, there will always be public debate over what should be funded from the public coffers. The state must make a careful assessment of the myriad competing and legitimate interests of what is worthy of funding. What we have found with respect to the legitimacy of public financing of professional sports stadiums and arenas is a bit mixed, but a clear presumption has emerged that public monies should not be spent on such facilities in liberal egalitarian societies except under very specialized conditions. In the case of liberal egalitarian societies, state neutrality requirements set the *prima facie* boundary against the funding of professional sporting facilities. However, as we saw earlier, if the expenditure could directly fund primary goods (which I have extended to include health), then such funding could be justified. Indeed, a bit of weight needs to be given to cultural goods type arguments, and perhaps a case for public support of sports facilities could be made for states with a communitarian political tradition. However, in liberal egalitarian societies, given that most communities have difficulty even funding the other sorts of goods (such as shelter, food, and medical care) that contribute to the autonomy of citizens, it will be hard to legitimately fund pro sporting facilities.

Notes

1. What I have in mind here are an array of various training and entertainment facilities intended for the development of professional athletes.
2. One interesting, atypical example is that of the Green Bay Packers from the National Football League (NFL). It is the only publicly owned company with a board of directors in professional sports. Likewise it is the sole franchise where many ordinary citizens can purchase a limited number of shares in the team and are allowed into the annual shareholders meeting. With all of that said, the Packers are still run by a seven-member executive committee selected by a board of directors, with full discretionary ability to manage personnel moves, set ticket prices, and relocate the team if it so wishes (though with some stipulations requiring payments to local charities in case of a move). In consideration of these factors, the arguments provided here generally apply to the Packers just as they would to any other professional sports franchise. However, on a sliding scale of acceptability with respect to public funding of professional sports facilities, perhaps the Packers exemplify a franchise *a bit closer* to acceptability, as I note later.
3. Andrew Zimbalist, the well-respected sports economist, summarizes this point by noting that “[E]very independent economic analysis on the impact of stadiums has found no predictable positive effect on output or employment. Some studies have even concluded that there is a possible negative impact.” (27: p. 125). For a detailed account for why this is the case, see all of chapter 6.
4. In this article, I focus on professional team sports, mainly because they involve a great deal more money and more expensive facilities than other sports. Certainly, there are other professional and amateur sports that involve costly facilities. In any case, the arguments here are pertinent to all professional sports. I will also examine some implications of these arguments for intercollegiate athletics and briefly not possible implications for the Olympic games.

5. Some of these arguments come from the sociological and economic sports literature. For paradigmatic examples from sociology, see (8). From the economics literature, see (27) and (16).
6. I wish to thank the anonymous reviewer who reminded me of the importance of this point.
7. I should lay down one proviso before delving further into this topic. What is to follow is not the pent up frustration of one hostile to athletics or uninitiated into the world of professional sports. I am, in fact, a fan of professional athletics in many of its forms.
8. In this paragraph I have borrowed heavily from Zimbalist (27: p. 123).
9. Some of the most recent efforts of professional teams demanding facilities by use of veiled (and not so veiled) threats at relocating if their demands were not met involve the Minnesota Twins, Oakland Athletics (A's), and Florida Marlins MLB clubs. In the case of the Twins, the Minnesota legislature relented in its longtime opposition to funding a stadium and negotiated a deal that will allocate both state and city money for a facility in downtown Minneapolis, Minnesota (to be completed in time for the beginning of the 2010 season). The A's owner Lew Wolff announced that the team had submitted a formal proposal to build a baseball-only stadium in the Silicon Valley city of Fremont, California, after efforts to secure a deal in Oakland failed (25). In 2006, after being stonewalled by local officials in their bid for a publicly-financed, retractable-roofed, baseball-only park, Florida Marlins team president David Samson revealed his (and the MLB administration's) frustration with the process through the following threat: "Every time [MLB Chief Operations Officer Bob Dupuy] speaks to the county, he conveys disappointment that a deal is not done, and their desire is to stay in south Florida, which is our desire too. And the realization is that if the team does leave, do not expect a team to come back. These are not idle threats anymore. We are down to the short strokes" (10). Apparently, these threats have worked. At the time this article was written, the Marlins had secured approval for a stadium in Dade County, Florida.
10. These moves included the Hartford Whalers to Raleigh, North Carolina, the Winnipeg Jets to Phoenix, Arizona, the Quebec Nordiques to Denver, Colorado, and the Minnesota North Stars to Dallas, Texas.
11. See (27: pp. 41–42). Babatunde Buraimo and Rob Simmons note that London itself has 6 of the 20 English Premier League teams. See (3: p. 4).
12. For example, the Bolton Wanderers moved from Burnden Park in the center of Bolton to a newly built stadium in Horwich, only three miles away. Arsenal's new stadium is also close to its old home of Highbury in north London. See (3: pp. 20–21).
13. Some of these investors include Malcolm Glazer (owner of the NFL Tampa Bay Buccaneers and Manchester United) and the American/Canadian partnership of Tom Hicks (owner of the Texas Rangers MLB club) and George Gillett, Jr. (owner of the Montreal Canadiens) who jointly own 50% of the Liverpool football club.
14. I will also reconsider the EPL's promotion/relegation format when I examine possible conditions under which public subsidies for professional athletic facilities are acceptable later in this paper.
15. This would also seem to be the position of Charles Larmore. For Larmore, see (12: p. 43, p. 47, and pp. 73–7).
16. Notice that neutrality of effect calls for the state to *refrain* from acting in a way that would offer advantage to one notion of the good life over another. So, if it happens that one way of life is easier to achieve than another, the state is not obligated to make that life equally as easy to achieve through its support. With neutrality of outcome, the state is to take an *active role* in making sure that each sort of life is equally easy or difficult to achieve. This may mean that the state is obliged to compensate some or place limitations on others to equalize the abilities of

citizens to achieve their conceptions of the good life. I wish to thank an anonymous reviewer who asked me to clarify the difference between these two conceptions of neutrality.

17. This example may strike some as being outlandish, yet the idea that some might consider the life of the wine connoisseur a plausible type of good is not so farfetched. For those who have constructed their lives around wine tasting, see (26).

18. There is the complex issue of funding for the sporting facilities used by “big time” intercollegiate athletics, which more closely resembles professional sports than anything else. I am willing to say that the arguments I have given here apply to the public funding of athletic facilities for “big time” Division I men’s intercollegiate sports as will become clear in this section. For the purposes of my argument, I only contrast funding for pro sports facilities with high school athletics and intramural college sports. Division III and women’s intercollegiate athletics (generally) may come closer to the high school or collegiate intramural ideal. I wish to thank J.S. Russell and the anonymous reviewers who urged me to consider this matter more closely.

19. This is where I need to say a good deal more about intercollegiate athletics. I have mentioned the justification of public financing of elementary, high school and intramural collegiate athletic programs on the basis of their connections with the educational missions of schools, colleges and universities. In the case of colleges and universities, I have been very careful to qualify the level of justification of public financing by noting the permissibility of funding facilities for intramural and fitness programs. The reason for this is that the work of Peter French, Murray Sperber, James Shulman and William Bowen (as well as others) has convinced me that by and large NCAA athletic programs (especially “big time” Division I ones) are not living up to the promise of meeting the mission of an autonomy-facilitating education as expected of institutions of higher learning. There are several instances in which such institutions have created a “tracked system” where “student athletes” are not expected to take classes with sufficient rigor. This has, as Sperber notes, created a culture in which athletic departments have allowed (or actively participated in) cheating scandals and other malfeasance (23: pp. 122–134).

Male athletes have not performed as well as other students in these institutions. Shulman and Bowen note that according to an NCAA study in 1985, only 41% of Division I male basketball student-athletes and only 51% of football student-athletes graduated within a six-year time period (20: p. 60). However, the point of their work reminds us that some of these negative findings are not isolated only to “big-time” athletic programs. Results from research conducted on athletic programs at what are often deemed to be prestigious colleges and universities show that male student-athletes lag behind other students academically. Male student-athletes graduated at 86% in 1989, but this was still behind their counterparts who participated in other extracurricular activities at 95% (20: p. 61). The reason for this lower graduation rate is clearer when we reflect on the relative lack of success male student-athletes had compared with male non-student-athletes in classes as indicated by GPA. In 1951, 38% high profile male athletes from Shulman and Bowen’s study of student athletes from selective schools had GPAs in the bottom one-third of their class as compared with 43% of students at large. By 1989, among high profile male athletes 72% of them had GPAs in the bottom one-third of their class compared with only 36% of students at large (20: p. 63). However, female student-athletes across all Division I institutions generally had graduation rates and GPAs relevantly similar to students at large. In fact, in examining data collected from 1993 to 1994, female student-athletes at Division I universities graduated at a significantly higher rate (68%) than all other female students (59%). Female student-athletes also graduated at very high rates at the selective institutions that Shulman and Bowen describe, with 91% graduating, as compared with 94% of students participating in other extracurricular activities, and 88% of those students who did not participate in either intercollegiate athletics or other extracurricular activities (20: pp. 142). Shulman and Bowen did note just as GPAs were declining for male student-athletes in their study, a similar trend was occurring for female student-athletes. They found that in 1989, 38% of female athletes finished in the bottom one-third of their class as compared with 29% of other women students.

French contends that given the harsh abuse coaches heap upon student-athletes it is disingenuous to claim that many intercollegiate athletic programs really foster the sort of moral education that is integral to the missions of the university (9: pp. 31–62). However, French argues that generally speaking intercollegiate athletics can have a justified place on college campuses due to their “entertainment value” (9: pp. 113–123). Yet note that on my liberal egalitarian argument I cannot use entertainment value as a justification for public financing of intercollegiate athletics. Entertainment value clearly is not a primary good from the Rawlsian perspective I’ve adopted.

Also, the possible justification for the inclusion of intercollegiate athletics on university campuses on the grounds that they are “moneymakers” for vital academic programs doesn’t seem to hold water. (See (9: pp. 77–101), (23), and (20: pp. xxiii–xxiv). In a 1994 survey of Division IA athletic programs conducted by the *Chronicle of Higher Education*, in which half of the member schools participated, it was reported that each school made an average profit of \$660,000. However, that figure was calculated with the inclusion of direct transfers of funds from universities to their athletic programs. If these allowances are taken out, Division I athletic programs did not prove to be revenue generators with an average deficit of \$174,000. In addition, NCAA Division I member institutions reported that for 1997, 56% of them were running a deficit and that only 20% of Division I institutions were in the black when institutional support is not included (9: p. 80). With the sheer weight of all of evidence displayed, I have to conclude that while my focus has been on public funding for professional athletics, given these reflections I have to add that public financing of many (most?) intercollegiate facilities for men’s sports is also not justifiable. I am deeply appreciative of the anonymous reviewers who helped me to glean these implications of my argument.

20. There is the possibility that my arguments against the public funding of professional sports facilities (except in very rare instances) could also apply to the Olympic Games. However, there is not enough space in this forum to make the empirical case that the public does not receive a net benefit in primary goods. I can say that given the fact that on many occasions host countries have been “left in the red” due to the Olympic Games they’ve hosted, this is at least anecdotal evidence against the permissibility of public funding of them—at least in nations with a liberal egalitarian political tradition.

21. I wish to thank J.S. Russell for pressing this possibility.

22. One study that comes to this conclusion is (5).

23. Emphasis in Original (15).

24. Upon advance ticket sales for its first two seasons at Jacobs Field, Indians games were sold out for the entire season. See (4: p. 22).

25. The initial cost of the project was supposed to be (with only Jacobs Field and Gund Arena) \$343 million. But the total cost far exceeded this amount (by over \$100 million even before the facilities had been built). See (19: pp. 269–278).

26. It should be noted that this study was conducted by a Virginia group that was trying to bring an MLB team to the Washington, D.C. area. However, in analyses of this study by independent economists, including one by Zimbalist, the study appeared to have a clearly stated methodology and its sampling technique appeared to be sufficiently random.

27. Perhaps the most recent, paradigmatic example of this is that of Minneapolis-St. Paul. The Metrodome was built for the use of the Twins (MLB), Vikings (NFL) and the University of Minnesota baseball and football teams in 1982. Within a decade, the Twins and Vikings were already claiming the facility was “out-of-date” and demanding a replacement. In the meantime, despite the fact that the Met Center arena in suburban Bloomington was only 23 years old at the time and had housed the Minnesota North Stars NHL team, the Target Center was built in 1990 for the exclusive use of the Minnesota Timberwolves. When the NHL decided to expand in 2000 they placed a team (the Minnesota Wild) back in the Twin Cities area, but of course that meant

that yet another facility (the Xcel Energy Center) had to be built (this time in St. Paul) since the Met Center had been torn down soon after the North Stars exit to Dallas in 1993.

28. I am indebted to J.S. Russell for raising this possibility to me.

29. I do not mean to suggest that charitable giving on behalf of professional sports franchises, or those alms given by team owners, team executives, players, officials or the foundations they create are not worthy of appreciation. Furthermore, their impact is not negligible to the beneficiaries of the largesse. The Boston Red Sox have for years raised millions of dollars for the Jimmy Fund, which contributes to cancer research. In fact the Jimmy Fund and its partners have raised more than \$400 million dollars since 1948, but of course, not all of this is attributable to the Red Sox. While the team certainly gives to the fund and plays a role in facilitating fund raising, certainly other public and private interests contribute. It is also interesting to note that Fenway Park was built with private money. Perhaps the private nature of the Red Sox helps to explain the increased level of charitable giving. My point is that these measures are ad hoc, are not an intrinsic part of the mission of professional sports teams, and fail, in the larger scheme of things, to meet overall societal needs. In the preceding section, I endeavored to show that economic studies do not reveal that franchises, by and large, provide net economic benefit generally nor for the primary goods specifically. I wish to thank the anonymous reviewer who alerted me to the Jimmy Fund case.

30. To put this more clearly, I need to emphasize that it is the absence of monopoly, especially territorial monopoly, that encourages genuine market competition within specific regions for the development of teams—and that makes it hard to call for public support of a particular team. Also, the uncertainty of maintaining a position in a competitive tier is a disincentive to public financial support in a way that building a facility for a top level professional team in North America is not. Such financial support can appear to do much more to guarantee the presence of a top-level team in the community, since the facility can be built precisely to attract or maintain the presence of such a team (and this is the standard argument, albeit often mistaken, for such facilities). But public financing cannot ensure that a team will perform well enough to stay in the top tier, so such financing can appear to involve much more risk and a more uncertain benefit. Public support thus cannot be as easily used as a device to attempt to ensure the presence of a top level team in a monopoly/relegation system. I am greatly indebted to JS Russell for clarifying this issue for me.

31. For example, we could imagine that, using the 2008 baseball season as an example, the four lowest achieving MLB franchises (Washington, Seattle, San Diego and Pittsburgh) could be relegated to the Minor Leagues (Triple A) with the top four Triple A teams by winning percentage (Scranton/Wilkes Barre, Louisville, Pawtucket, and Iowa) promoted to the MLB. Of course, this kind of transition would likely mean either that the division structure of the leagues would have to be altered or abolished altogether.

32. This could change in the NBA because it now has a fledgling developmental league in place.

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