



Crime & Punishment

James Alan Fox on criminal behavior and the justice system

MISCELLANEOUS

Just punishment for Penn State

Posted by James Alan Fox, Crime and Punishment July 15, 2012 02:30 PM

The substance and tenor of sports radio is sounding like crime and punishment once again. Just short of one year ago, the air waves that ordinarily provide a forum for discussing wins and losses featured instead speculation about whether the NCAA should invoke the "death penalty" against the University of Miami football program surrounding allegations of under-the-table payments to amateur athletes. And now that same "death penalty" debate has resurface in relation to much more serious transgressions involving a Penn State cover-up of its former assistant football coach's reprehensible sexual abuse of children.

I, for one, will not jump on the fast-growing "death penalty" bandwagon. Fine the University, if you want. Sue those who failed to fulfill their duty to report, if the evidence warrants it. Suspend the football program and strip it of scholarships, if that sends the right kind of message. But let's lose the death penalty term. Notwithstanding the atrocious actions of one and inexcusable inactions of others, the metaphor for NCAA sanctioning must go.

I understand that the capital punishment metaphor is meant to represent the most extreme penalty that the NCAA can impose. But fines and suspensions have nothing to do with death. There is no similarity or connection between losing a year of competition or a crop of recruits and being strapped into a gurney and having lethal poison sent through one's veins.

I also realize, as my son pointed out to me, that sports, especially football, is full of death-connected metaphors, such as "sudden death" and the "coffin corner." But those references do not touch upon a vitally important and sensitive issue for many folks.

Go ask one of the thousands of prisoners awaiting an assigned end-date to earthly existence whether his or her destiny with death is anything at all like sitting out a year of athletic competition. Or maybe ask the mother of a brutally murdered child whether the egregious crime that forever broke her heart is at all akin to under-the-table payments for amateur student-athletes or even high-level cover-ups of pedophilia.

The NCAA's authority is over the operations of a game, albeit one that has the dimensions of a multimillion-dollar business enterprise. And, of course, the intensity of the fan base in some parts of the country has even been compared to religious fervor. But nowhere and in no way is college sport a matter of life and death, even for the most "die-hard" fan.

Beyond the utter lack of comparability in severity between the punishment dictated by some NCAA executive and the grim death work carried out by the executioner, the two are fundamentally different in terms of permanence. College programs such as University of Kentucky basketball and Southern Methodist University football did eventually recover from their punishments, arguably not any worse off than they had been previously. By contrast, the real death penalty imposed by the state upon human beings is literally the nail in the coffin.

As a university professor and a follower of college sports, I am outraged by the shameful activities that go on in top-tier (and not so top-tier) college athletics programs, all at the expense of the core mission of academic institutions. But as a someone who has worked with condemned inmates and has witnessed lethal injection, I am also offended by the attempt to link sanctions given athletics programs with capital punishment. Let's not trivialize a very serious matter -- the barbaric practice of state-sponsored killing--by using the death penalty as a metaphor for anything to do with sports and entertainment.

Author's note: Certain passages were borrowed from an earlier blog post. They are as relevant now as they were back then.