

Fair Play

REVISTA DE FILOSOFÍA, ÉTICA Y DERECHO DEL DEPORTE

www.upf.edu/revistafairplay

Athletic Disobedience: Providing a Context for Analysis of Colin Kaepernick's Protest

Tom Rorke-Adam Copeland

Citar este artículo como: Tom Rorke-Adam Copeland (2017): Athletic Disobedience: Providing a Context for Analysis of Colin Kaepernick's Protest, *Fair Play. Revista de Filosofía, Ética y Derecho del Deporte*, vol. 10.

FECHA DE RECEPCIÓN: 21 de Febrero de 2015
FECHA DE ACEPTACIÓN: 3 de Mayo de 2016

Athletic Disobedience: Providing a Context for Analysis of Colin Kaepernick's Protest

**Tom Rorke
Adam Copeland**

Abstract

The interface between sport and political protest is not a new phenomenon. New iterations and new debates have arisen recently. Colin Kaepernick, backup quarterback for the San Francisco 49ers, found a powerful and controversial form of political action when he decided to sit for the playing of the national anthem prior to a preseason game on August 26, 2016. Kaepernick did this to draw greater attention to police violence against black and brown people in the United States. The story gained traction in the media, spurring on a renewed discussion about the intersection between athletics, Americanism, protest, and race.

This paper will provide an overview of the Kaepernick protest, analyzing it through historical, sociological, and philosophical lenses. The specifics of the protest will be presented, including important interpretations of the protest, in order to show the debates that frame the prevailing ideas about how athletes like Kaepernick should behave. Following the introduction of relevant interpretations of the protest, historical ties will be made to earlier protests that will better situate Kaepernick's protest. After the protest is historically situated, a number of philosophic principles that scholars should consider when thinking about Kaepernick's protest will be introduced. Ultimately, the goal of this paper is to offer an informative foundation from which other scholarly interpretations and arguments can be made and which other scholars can reference.

Key Words: Football, Role, Model, Ethics, Virtue

1. Context of the Protest

On August 14th, 2016, during the first of three preseason games for the San Francisco 49ers, Colin Kaepernick chose to sit during the traditional playing of the national anthem of the United States prior to the start of the game.¹ On August 20th, 2016 Colin Kaepernick made the

¹ In this paper when "the national anthem" is brought up, the specific national anthem that is being referred to is that of the United States.

same choice. His protest first became a public issue on August 26th, after a photo of the pregame sideline was tweeted by San Francisco 49ers beat writer, Jennifer Chan.

Following the August 26th game, in an exclusive interview with Steve Wyche of NFL.com, Kaepernick was asked about his motivation for sitting during the national anthem, to which Kaepernick responded with,

“I am not going to stand up to show pride in a flag for a country that oppresses black people and people of color...To me this is bigger than football and it would be selfish on my part to look the other way” (Hauser, 2016).

This moment came at a highly volatile time in modern race relations. Through the summer of 2016 leading up to the 2016-2017 NFL season, police and black citizens of the United States clashed multiple times across different metropolitan locations. The three most prominent clashes came in Baton Rouge, Louisiana when Alton Sterling was killed by police outside of a convenience store, in Falcon Heights, Minnesota when Philando Castile was shot and killed by police during a routine traffic stop, and Dallas, Texas when a sniper shot and killed multiple police officers during a rally to protest the shooting of Alton Sterling and police brutality in the United States (Balco, 2016; Karimi, 2016; Poniewozik, 2016).

Soon after Kaepernick decided to sit during the national anthem a wave of analysis, backlash, and support grew. In the same time Kaepernick’s 49ers jersey became the best-selling jersey in the NFL, and some 49ers fans decided to burn his jersey (Heitner, 2016; Boren, 2016). The story gained attention far beyond the newspapers and sports blogs of the nation. Around the United States, both pundits and the public debated the situation, intervening with everything from tweets and “hot takes” to the careful considerations of long form journalism. The case seemed unusually polarizing, with critics and supporters rapidly choosing sides, although, as always, there were also people who eschewed the choice between the two poles.

In response to his early critics, such as Tomi Lahren of the conservative news network The Blaze, Kaepernick made the choice not to stop his protest, but alter it. Responding to those who charged that his protest was directed at the military and an insult to veterans, Kaepernick switched from sitting during the National Anthem to taking a knee. The move was inspired by a conversation Kaepernick had with Nate Boyer, a former Army Green Beret. Boyer even

supposedly sanctioned the newly articulated protest (Witz, 2016). Kaepernick's critics were skeptical of the distinction, contending that the police and the military were both aspects of the same state, and a critique of one was an attack on both. Kaepernick's kneel was widely reported, and as high school sports started up around the nation in September 2016, many athletes, both in football and other sports, took him as a role model and emulated his protest.

"Taking a knee" during the anthem changed the story of the protest. Other NFLers, soccer star Megan Rapinoe, and high school athletes, including those in Beaumont, Texas, aligned themselves, politically and physically, with Kaepernick. The protest quickly developed what sociologists of social movements call an action frame, in which people identify with a cause, seek out actions that makes them an agent rather than passive subjects, and express grievance about an injustice (Johnson & Noaks, 2005). Many, not all of them African-American, were attracted to this action frame, while others saw the protests as splitting American society on us-them lines (often, this accusation was made as if the Kaepernick protest was the first ever move in this social field). The protest seemed easy enough to understand, although the many "hot takes" on the case were haunted by history.

The case, although remarkable in its resonance, was not unprecedented. Protests at sporting events had been occurring since the early twentieth century at least, if not earlier. But because it used the US national anthem as its subject, Kaepernick's protest resonated in particular with memories of the Black Power salute at the 1968 Mexico City Olympics.

In the run up to the 1968 Games, the Olympic Project for Human Rights (OPHR) targeted racism in general and racial segregation in American sport in particular. As a group of African American athletes, many of them potential Olympians, led by sociologist Harry Edwards, the OPHR worked for a number of reforms, ranging from the inclusion of black coaches on the United States Olympic team, to an early case for the exclusion of South Africa and Rhodesia from the Olympics. Some OPHR athletes, such as basketball player Lew Alcindor (later, Kareem Abdul Jabbar) boycotted the games, but the leading track-and-field athletes attended the games. Famously, 200 meter medalists Tommie Smith and John Carlos protested on the victory

podium, with the raised fist of a “Black Power” salute that was seen around the world, and is now one of the iconic images of the Olympic Games.

Smith and Carlos’ “Black Power” salute was as polarizing at the time as Kaepernick’s protests were in 2016. IOC president Avery Brundage kicked the athletes out of the games, and they returned to the United States to face a withering storm of media criticism (and some pockets of critical support). As time passed, history has judged Smith and Carlos in a much more positive light, and several of the OPHR’s demands, such as the sporting ban on apartheid states, went from radical in the late 1960s to global consensus in the 1980s. One aspect at the core of the OPHR protest, the critique of American institutions from the point of view of African-Americans, was echoed by Kaepernick in 2016.

Another similarity between the OPHR protests of 1968 and the Kaepernick protest lies in its relation to the symbolic structure of the anthems. Douglas Hartmann has argued that one of the reasons that the “Black Power” salute of 1968 resonated so strongly is that it amplified, rather than simply rejecting, the symbolic nature of the Olympic medal ceremony (Hartmann, 2003, p. 16). Hartmann, following the work of John MacAloon, contends that Olympic rituals “pay homage to a specific triad of identities: those of the individual, the nation, and the whole of humanity itself” (Hartmann, 2003, p.16). The victory ceremony, of the various Olympic rituals, is the only one in which the individual athlete is centered (and a key element of the medal ceremony is the national anthem of the victor). Hartmann contended that the reason Smith and Carlos’ protests was so powerful is that the victory ceremony is that “Olympic symbology provides no formal space for representing various nonnational social categories such as race, religion, region, ethnicity, or gender” (Hartmann, 2003, p. 17). Smith and Carlos channeled the Olympic power of the victory ceremony, while “interjecting their own blackness” into the ritual. Their protest divided America, but both sides agreed that the act was full of meaning.

Kaepernick’s first, unnoticed anthem protest on August 14th did not have the power of the Olympic victory ritual to channel. Its similarity to the 1968 Black Power Salute, however, lies in the symbolic nature of the anthem, which reinforces the national as a shared social category, and effaces nonnational categories, such as differences in race and ethnicity among national subjects.

Kaepernick's protest, in the otherwise low-powered environment of a pre-season football game, interjected race into a constellation of nationalizing symbols, from the anthem to the question of whether cotemporary United States had indeed made, out of many, one, national and on equal citizenship.

The interjection of racial identity into a ritual without a place for it constitutes one similarity between Kaepernick's protests and the 1968 Black Power Salute. Acting as an individual during the anthem, however, also contests the message of national anthems by challenging the notion that group identity outranks individual agency. Anthem protests derive strength from their inherently calm form, in which individuals demonstrate bodies capable of resisting the homogenizing power of the state to define them as docile subjects. (Additionally, any interventions in anthem protests inherently risks further profaning the ceremony, and further defeats the goal of showing the unity of the group). Evidence to support Hartmann's theory can be found at the Munich Olympics of 1972. In a medal ceremony for the 400 meter race, American sprinters Vincent Matthews and Wayne Collett, accepted their medals but refused to recognize the formality of the ceremony fooling around on the podium during and after it (Hartmann, 2003, p. 241). While a few complained, these actions did not achieve any of the powerful political resonances that Smith and Carlos tapped into in 1968 (Hartmann, 2003, p. 242). Matthews and Collett successfully sabotaged the ritual power of the ceremony, but, unlike Smith and Carlos, he failed to channel its power.

Hartmann contends that the activism of which Smith and Carlos were a key part inspired both academic critiques and analyses of sport by historians, sociologists and philosophers, and in considerable sport reforms, including the increased access to many sport institutions (Hartmann, 2003, p. xxii). Protests by African-American athletes became rarer through the next decades, as athletes such as Carl Lewis and Jackie Joyner-Kersey seemed much more at peace with mainstream white America than the 1960s generation of Tommie Smith and Muhammad Ali. Those who discuss the de-politicization of high profile African American athletes often cite a line, attributed to star basketball player Michael Jordan. During the elections in the state of North Carolina in 1990, Nike-sponsored Jordan allegedly declined to endorse a Democratic

candidate, noting that “Republicans buy sneakers too” (Zirin, 2008, p. 238).² While the provenance of this line is murky, the 1990s did seem to be characterized by a sense that the days of protest were largely over, and that the money in sport would make athletes more likely to identify with their teams and cities than with their race.³ When Charles Barkley proclaimed in his Nike ad that he was not a role model, and that he was “not paid to be a role model”, it seemed to reinforce this theme. But in the summer of 2016, in the aftermath of a number of police shootings in the United States, starting with the Michael Brown case in Ferguson Missouri that kindled the Black Lives Matter movement and the particular “Hands Up, Don’t Shoot” signal, memories of Smith, Carlos, and Muhammad Ali seemed to be in the air more than the more recent and more peaceful cases of Lewis, Jordan, and Barkley.

Smith and Carlos (and Peter Norman, who they shared the podium with) are now more often seen as heroes of the Civil Rights movement rather than as polarizing radicals, but their history influenced how many people understood the Kaepernick protests, both for the racial content, and that the protest occurred during a national anthem.

Hartmann’s analysis of the OPHR anthem protest pointed out that sport is often a site at which racial or ethnic minorities can get attention, during the moments in the spotlight such as medal ceremonies. At the Mexico Games, Czechoslovakian gymnast Vera Caslavskva also protested, albeit more subtly, turning her head down and away from the Soviet flag, in what was taken to be a protest against the USSR’s intervention in Czechoslovakia in 1968 (Guttman, 2002, p. 132). Hartmann contends that the “Black Power” salute resonated so strongly in the

² The line is reported in Sam Smith’s 1995 book *The Second Coming*, and was repeated by David Halberstam in 1999 in *Playing For Keeps*. See also Dave Zirin’s, *A People’s History of Sports in the United States* (2008, p. 238), although a case for debunking the provenance of the claim was published by Slate.com in July 2016 in the article “Did Michael Jordan Really Say Republicans Buy Sneakers too?”

³ One relevant exception is the case of Mahmoud Abdul-Rauf, a player for the NBA’s Denver Nuggets, who refused to stand for the national anthem in March 1996. The NBA, which unlike the NFLM, has an explicit policy about standing for the anthem, suspended Abdul-Rau for one game, before negotiating a deal in which he would stand but with his head down in prayer during the anthem. After the 1996 season ended, Abdul-Rauf was traded, and he left the NAB after the 1998 season (Zirin, 2008, pp. 239-240).

United States, because it threatened the ideological links between sport and ideas about the United States as a meritocratic liberal democracy (Hartmann, 2003, pp. 222-223). Certainly, many in the United States saw Smith's raised fist as a threat to social order, while seeing Caslavka's protest merely as a heroic individual resistance.

Similar valences were at work in 2016. On the last day of the Rio de Janeiro Olympics on August 21, 2016 (the day after the second time Kaepernick sat for the national anthem, but five days before the media first noticed), the Ethiopian marathoner Feyisa Lilesa, on the home stretch of a run that would win him a silver medal, repeatedly made a sign over his head by crossing his arms, signaling solidarity with Oromo political resistance (Victor & Gettleman, 2016). Many viewers across the globe struggled to "read" his gesture, which he explained in a post-race interview. Lilesa traveled to the United States after the games, and has not returned to Ethiopia, although government officials have guaranteed his safety. Lilesa's protest was seen by American media as a noble effort to bring attention to ethnic oppression. Like Caslavka, as a foreigner, protesting events overseas, his actions were seen as interesting, heroic, and distinctly non-threatening. Lilesa's protest was a powerful one, but his Olympic moment, like those of Smith and Caslavka, was singular. After the Olympics, the forum in which they made their protests no longer existed. So, while the "Black Power" salute was a widely cited historical precedent for Kaepernick's protest, it was necessarily a one-time event. Kaepernick initiated his 2016 protest during the sweltering NFL preseason games in late August, and he continued his protest throughout the weekly matchups of the regular season. As a political act, this gave the protest room for repetition and adaptation. And perhaps most importantly, emulation.

The change in Kaepernick's physical position from sitting on the bench, to taking a knee, seems to have mattered, impacting public perception and amplifying the power of the protest. This signals an important place site for sport philosophers to analyze. Around the National Football League in September 2016, other players began to join in Kaepernick's protest, including Brandon Marshall of the Denver Broncos. Another police shooting, that of Terence Crutcher in Tulsa, Oklahoma in early September 2016, added further motivation to the protesters. Significantly, the protests began to be emulated outside the NFL. Kaepernick joined high school players at Castlemont School in Oakland, California for a "die-in" on September 23, 2016.

The protest spread beyond the Bay area as well. In Beaumont, Texas, the 11 and 12-year-old players on the Beaumont Bulls told their coaches that they wanted to take a knee during the anthem of their next game (Harris, 2016). The coaches checked in with players' parents and with league officials, and got responses ranging from neutral to supportive. The Bulls kneeled during the anthem for their September 10th game. But few could have predicted the response to the Bulls anthem protest. Local news covered the story, and it was soon picked up by the national news media. The Beaumont team became part of the debate nationally, although again the story was reported in polarized terms, either casting the African-American youth players on the team as “woke” citizens who were aware of politics and wanted to make a stand for justice, or as disrespectful delinquents who deserved a firm reprimand. Social media ranged from supportive to criminally threatening, the most extreme of which consisted of online calls for lynching. League officials struggled to come to grips with the situation, although the players clearly expressed their interest in continuing the protest despite the backlash. As the storm raged in public forums and league meetings, the players continued to be clear about their case, and their protest (Harris, 2016). But by October 17th, well before scheduled, their season was over, as the controversy overwhelmed the team and the league.

For those considering the protest and its role-modelling effect, the Beaumont Bulls are an important case. Many other teams across the United States faced these issues, with the Bulls case being the one that received the most media attention. For some, the young players' awareness of their political citizenship is counter to many narratives that complain about politically disengaged youth. For others, the specter of radicalized antiestablishmentarianism in youth football triggered fears of rioting and looting. For either side, it was clear that Kaepernick was seen as a role model by youth athletes. Whatever side you were on, this protest now mattered.

Kaepernick's critics continued to characterize his protest as attention seeking, selfish, unnecessary, and unpatriotic. Despite attempts to clarify and adapt his protest, Kaepernick did not successfully convince many of the purity of his motivations, the necessity of his protest, or his patriotism. Many amateur and professional critics, including professional provocateur Tomi Lahren, often invoked the double-edged nature of the First Amendment to the Constitution of the

United States in their rhetoric raised by Kaepernick's protest. The First Amendment to the Constitution of the United States grants the following:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances” (U.S. Const. Amend, I).

Supporters of Kaepernick's protest argued that pointing out problems was an essential part of republican citizenship. Kneeling during the national anthem was the epitome of patriotism, as a modelling of the exercise of First Amendment rights, and so honoring the Constitution that grants citizens like Kaepernick right of free speech. Detractors of Kaepernick's argued that both the flag and the national anthem are sacrosanct, or in other words, that the symbols of American patriotism ought to be off limits for political arguments.

On October 10th, in an interview with Katie Couric Supreme Court Justice Ruth Bader Ginsburg weighed in on Kaepernick's protest. Ginsburg took a firm and controversial stance on the protest. In the interview, when asked about Kaepernick's decision to kneel during the national anthem, Ginsburg said, “I think it's really dumb of them. Would I arrest them for doing it? No. I think it's dumb and disrespectful” (Hauser, 2016). Ginsburg grants Kaepernick the legal right to protest, but convicts him of ignorance and a lack of respect without saying exactly what it is that Kaepernick does not know and who exactly Kaepernick is disrespecting. When given chances to better articulate her argument, Ginsburg recycles the same ideas.

“If they want to be stupid, there's no law that should be preventative...If they want to be arrogant, there's no law that prevents them from that. What I would do is strongly take issue with the point of view that they are expressing when they do that” (Hauser, 2016b).

What Ginsburg's comments demonstrate is not a correct or incorrect take on the Kaepernick protest, but the general lack of coherence to the debate over the protest. If one of the most important legal authorities in the United States can only muster the vague critique of “dumb and disrespectful,” then it is not unreasonable to believe that the issue merits further inquiry.

A wrinkle in the case that became apparent in September was that Kaepernick's emulators, such as the players for the Beaumont Bulls, were constitutionally protected by a Supreme Court

precedent that did not apply to Kaepernick himself. While neither the San Francisco 49ers team, nor the NFL itself ever sanctioned Kaepernick, it might have been legally possible for them to do so. The same was not the case for football players on public school teams. By mid-September, the 1943 Supreme Court decision in the case of *West Virginia vs. Barnette* began to be quoted by journalist and trended on social media. In 1943, the Court had ruled in a thundering decision that no state official, including school teachers, could compel acts of patriotism. Applications of this notion were further complicated by questions of the extent to which *Barnette* applies to private schools, and to military academies.

The previous examination of the historical and sociological considerations demonstrates the powerful social resonance that civically disobedient athletes have in the past and now. Society has difficulty ignoring athletes who take strong, controversial social stances. What are left to explore are the philosophic issues that underpin the social attraction and reaction to athletes like Colin Kaepernick, Tommy Smith, John Carlos, and Charles Barkley. A philosophical analysis of the historical and contemporary social draw to civically disobedient athletes in the next section will provide a more complete understanding of the values that drive the cultural captivation with controversial and highly capable athletes.

2. Philosophical Considerations

In this section of the article, philosophical issues intimately related to and imbedded within Kaepernick's protest will be identified for further consideration, with the goal of spurring on further, more nuanced and fruitful philosophical discussion on his protest. In order to achieve that goal, initially, this section will present the protest in two separate ways, each offering avenues for the raising of important philosophical issues. The purpose of this is not to resolve the issues, but rather provide fuel for more focused discussion. Finally, potential goals for future

research and discussion will be presented. This section will orient and invigorate the philosophical considerations on the Colin Kaepernick protest.⁴

Taking a broad view, Kaepernick's protest presents two possible loci of analysis. First, philosophers can analyze the protest unto itself, examining the motivations, meaning, and modality of Kaepernick's subtle yet significant resistance. Alternatively, philosophers can concern themselves with the effect of Kaepernick's protest on others, both supporters as well as detractors. While these two avenues of thought are inextricably linked, the choice between the two paths is an important division.

Both those who emphasize Kaepernick in himself and those who focus on his effect on others will likely need to consider a variety of important questions. One of these questions pertains to the value and nature of human autonomy. Further, when looking at the protest unto itself other important questions arise. There are clear aesthetic and kinesthetic inquiries to be made that consider how bodies align with, or against, state symbols. Is it important to think about how Kaepernick protested, using a non-violent, body position at a conventionally important point prior to every football game in the United States? There is an ethical question as well. Should Kaepernick have protested the way he did? Kaepernick himself contended that he was making a citizen's claim to object to state power. The ethical question begins to lead philosophers to the next avenue of inquiry, that of contemplating the effect of Colin Kaepernick's protest on others.

When thinking about the effect of Kaepernick's protest philosophers have to weigh two important, yet typically mutually exclusive ideas. The first is that of being a role model. Very often, for diverse reasons, athletes are seen as role models. In that vein, philosophers must ask themselves, what impact did Kaepernick's protest have on other people, parties of different backgrounds? As will be shown, the protest implicitly involved a great many parties, thereby complicating the understanding the protest's impact. Some chose to emulate Kaepernick, while

⁴ The writing of this section was completed following the closure of the 2016-17 NFL season, thereby providing the authors the ability to offer their takes on Kaepernick's protest after the means by which he protested (the singing of The National Anthem prior to an NFL game) were no longer available to him.

others chose to model themselves on Kaepernick's critics, doubling down on their commitment to patriotic symbols.

Philosophers ought not forget to weigh the role model effect of an athlete with the athlete's autonomy to perform their lives as they see fit. The Beaumont Bulls were criticized and threatened for performing the protest. Their actions were well-informed and freely chosen, but emulating Kaepernick brought them problems beyond what middle schools athletes usually face. Should Colin Kaepernick and athletes like him be free to protest as they see fit, despite any potential emulation by younger, perhaps, impressionable parties? That specific question raises another more general question, do athletes have autonomy? The claim to personal bodily and political autonomy potentially clashes with obligations to loyalty to the state. The argument made by Tomi Lahren, and many of Kaepernick's critics, was that since Kaepernick benefitted from living in America, he ought not to criticize it (the love-it-or-leave-it argument). With questions to guide initial philosophical thinking on the protest, the next sections will begin to grapple with them further.

3. A Closer Look at the Protest

Prior to games, in locker rooms, deep within the bowels of gargantuan football stadiums in the United States, coaches give their players chalk talks and motivational speeches. The coaches diagram and coordinate complicated plays as well as motivate their players to aggressively carry out the game plan. In the same way that coaches break down the positioning and motivations of their players, philosophers can analyze the positioning and motivations of athletes in sport. In this section of the paper, the questions previously raised in regards to thinking about the protest itself will be further discussed.

As previously noted, when thinking about the protest itself, an aesthetic question immediately arises. The way we first understood and sensed Kaepernick's protest was visually. On August 26th, Niners Nation reporter Jennifer Lee Chan took a picture of the San Francisco 49ers bench during the playing of the national anthem. In the picture, Kaepernick can be seen

seated on a bench in between two large Gatorade coolers. Even at this initial stage of philosophical consideration, an important point emerges. This protest began with an extremely simple, but powerful physical stance. As an elite athlete, Kaepernick is educated in the power of physicality. Are athletes perhaps most strongly positioned to use their bodies as means for protest in effective ways? Both spectators and athletes are conditioned to pay attention to what athletes' bodies are doing.

Philosophers have discussed the ties between the physical aesthetics of sport (movement of athletes) and the moral implications of those aesthetics. While Kaepernick's protest was not consistently categorized as a moral protest, his advocacy on behalf of oppressed people can reasonably be called a moral pursuit. Stephen Mumford argues effectively for the connection between the physical aesthetics of sport and moral content (2014). Though Mumford presents his arguments in the form of negative correlations (moral vice reduces aesthetic appeal), perhaps the opposite could be argued, that great moral purpose can increase aesthetic appeal. Colin Kaepernick's aesthetic choice stands out as unique because it came outside of game conditions. Philosophers are concerned with his aesthetic choices of sitting and kneeling, not because of what it contributed to the aesthetic pleasure of the game, but because of something else.

When contemplating the response to Kaepernick's protest by interested parties, it is important to consider why the response was so strong and significant. What narrative or idea did Colin Kaepernick's protest rupture in the mind of the fan, analyst, or scholar? In some powerful way Kaepernick challenged the conception of what an athlete is supposed to be and how an athlete is supposed to behave. To understand the protest philosophers must understand how the protest itself challenged conceptions of what athletes are and how they are to behave. Kaepernick's protest challenges conventional sport philosophers to consider the interface of sport and national politics. Kaepernick intervened to propose an alternative quality of engaged citizenship for athletes.

Philosophers of games and sport often praise "meaningful" games that offer intrinsically valuable benefits to their players, such as fun, the satisfaction of overcoming challenges, and

offering a foundation for the exploration, expression, and solidification of identity. The last of those values that sport offers its participants, personal expression, can become highly politicized.

Elite athletes often present a fascinating disconnect between physical and intellectual achievement. That is not to say that all elite athletes are necessarily not intelligent, but rather that elite athletes are capable of achieving such wondrous physical accomplishments, yet are often unable to articulate all that went into executing their physical accomplishments.

American author, David Foster Wallace, raises this point in an essay inspired by his reading of the autobiography of former tennis player, Tracy Austin: “Great athletes usually turn out to be stunningly inarticulate about just those qualities and experiences that constitute their fascination” (Wallace, 2005). In this disconnect between the physical and the meaningful, Wallace feels a disappointment that he believes others feel as well. Wallace ultimately argues that the reason for an athlete's success might be that there is no thought behind the act that can be articulated. “The real, many-veiled answer to the question of just what goes through a great player’s mind...might well be: nothing at all” (Wallace, 2005). However, Kaepernick disrupts the idea that players are not thinking, and not thinking politically. But this is certainly not the case when contemplating the content of and reaction to Kaepernick’s protest.

In contrast to Wallace’s disappointment in the lack of thought behind the movement of celebrated athletes, philosophers can find great substance in Kaepernick’s decision to sit and kneel. Philosophers have proposed solutions to reconcile the issue that Wallace sees in the physical and intellectual achievements of athletes. James Wilberding (2016) takes up Wallace’s cause and seeks to solve, as he calls it, “the problem of athletic genius” (athletes are capable of such amazing physical feats yet cannot match those physical feats with intellectual ones). Wilberding draws upon the kinesthetically-concerned philosophies of Hubert Dreyfus (2002) and Michael Polanyi (1966), but cannot support them as both seem reduce the significance of athletic genius. Philosophers such as Gunnar Brevik (2013) and Peter Hopsicker (2011) argue for a process of automatization that occurs which reduces the need for athletes to think, but Wilberding does not believe this to be a sufficient solution either. Wilberding’s rejection of

previously proposed solutions to the athletic genius problem seems reasonable given the specifics of Kaepernick's protest.

What is so remarkable about Kaepernick's physical achievement is its simultaneous simplicity of form and great meaning. Kaepernick stands out as a clear exception to the perplexing problem of athletic genius. He clearly understands that in his physicality he holds great power, and he uses that potent physicality to further a moral cause, for which he has the ability to marshal an articulate argument. With the knowledge that Kaepernick's protest presents a departure from the typical conundrum of great athletic and poor intellectual achievement, philosophers would be wise to further consider if Kaepernick's protest is a demonstration of the elite athlete's unique potential as a protester?

If elite athletes are indeed in a unique position to protest, given their tremendous physical mastery, then the problem of whether or not they *should* protest arises. Many thought Colin Kaepernick should not have protested. The dismay in response to Kaepernick's meaningful protest might be linked to a version of Wallace's idea, that we expect athletes to have empty minds. Conversely, we often express dismay when athletes cannot articulate themselves intellectually to the same degree they articulate their bodies physically. Colin Kaepernick disrupts Wallace's narrative, raising the question of whether we psychologically want to see mind and body as dual, and athletes as constituted mostly by their bodies, not their minds. Perhaps something else is at work in response to the protest. Perhaps there is a desire for athletes to be both physically and intellectually articulate, but only in a conservative manner, meaning docile athletes are preferred. Philosophers should certainly investigate the tension that athletes face when choosing to use their celebrated status and great physical skill to make a statement that fans, media, and owners might disagree with.

What is especially important about Kaepernick's protest is its form and meaning, as well as its ongoing resonance. Michel Foucault (1997) proposes that we should pay more attention to the idea of biopower, which is the ways in which bodies are disciplined and regulated in society. Sport is a clear site for the policing of bodies and the manufacture of social consent. However, paradoxically, extensive cooperation with the social system, such as sporting achievements, can

lead to an accumulation of social capital, which, at times can be applied to either reform of subvert the system. Foucault might contend that the equation of physicality to social power, and social power to moral reform might be potentially radically destabilizing to biopower. What societies often seem to like about athletes is how they model both individual achievement with social integration. Which brings us to the question of the athletic role model and the effect of athletes on others.

4. Previous Conceptions of the Athletic Role Model

The issue of athletic role models is not a new one in the minds of sport philosophers. Previous philosophers have devoted much thought to reconciling different opinions on whether or not, and perhaps how, athletes are role models. Those philosophers have yet to come to an agreement though on the nature of the athletic role model. In this section, some of the various arguments on the athletic role model will be presented in order to establish the philosophical context that in which discussions of Colin Kaepernick's role modeling effect can take place.

Prior to presenting the arguments of sport philosophers on the athletic role model, it is important to present a definition. In a neutral frame, without introducing a positive or negative spin to the definition, the idea of the athletic role model is founded upon a relation between the behavior of well-known athletes and the resultant effect on those who know and look up to that athlete. Typically, that relation is contemplated in a negative way, or in other words, when an athlete does something bad, then that behavior will negatively "rub off" on those who observe that behavior. Others hope that hard-working and high-achieving athletes will inspire others to work hard and achieve life goals. The validity of that relation is raised by many of the sport philosophers who have considered the concept of the athletic role model. Their arguments fall into three explicative categories

In surveying the arguments presented by sport philosophers on the athletic role model the arguments naturally sort themselves into three separate categories based on the ultimate conclusion that those philosophers make. Some philosophers take up an affirmative position, or

one that supports the idea that athletes are role models and their behavior has effects on those who watch and look up to them. Other philosophers stop short of the complete support and occupy a tentative position. The tentative position is defined by a conclusion which holds that athletes can be role models depending on certain factors which the philosopher deems as highly relevant. Still other philosophers disagree with any notions that athletes are role models, and those philosophers occupy a dissentive position. Each of the arguments presented in this section will be categorized into one of the three categories (affirmative, tentative, or dissentive) in order to best clarify the philosophical context of the athletic role model and where Colin Kaepernick might fit within.

Robert Simon (2015) takes a strong affirmative stance on the athletic role model. In addition to presenting a relevant landscape on the issue of the athletic role model, Simon in *Fair Play: The Ethics of Sport*, presents two primary arguments for why athletes should be considered role models. Simon's first argument is an echoing of the most popular argument, that athlete behavior has some effect on the behavior of others. This argument is not forceful in the mind of Simon. His second and more forceful argument is founded on what he calls the "inner morality" of sport. In sport, Simon believes there are certain imbedded values such as, "dedication, concern for excellence, and fair play" (Simon, 2015, pp. 235-6). For Simon, if an athlete benefits from practicing the values imbedded in sport, then it is reasonable for those same athletes to practice those values in their lives away from sport (2015, p. 236). Not all philosophers though share Simon's viewpoint on the permeating positivity of sports' values.

Claudio Tamburrini (2002) approaches the debate over the athletic role model from its deployment in the debate over performance-enhancing drugs. Nonetheless, the conclusions of Tamburrini are relevant to this more general discussion of the athletic role model. In "What's Wrong With Doping?" Tamburrini attacks the assumptions he sees underlying arguments in favor of calling athletes role models. In the process of attacking those driving assumptions, Tamburrini acknowledges that currently athletes are taken to be role models. Tamburrini sees the current state of affairs as an example of the naturalistic fallacy, or the fallacy that the way things are is also the way things should be. As of now, athletes are called role models primarily because

of what Tamburrini deems, “arbitrary delineations” that turn undeserving athletes into role models before deserving others, such as parents. “Successful athletes are indeed social models for the young. But so are parents; nobody has yet proposed to penalize parents who smoke or drink in front of their children” (Tamburrini, 2000, p. 206). Tamburrini’s argument is emblematic of the dissentive category of thought on the athletic role model.

Randolph Feezell (2005), in responding to other philosophers’ thoughts on the athletic role model, ultimately occupying a tentative category of thought on the athletic role model. In responding to Christopher Wellman’s (2003) affirmative argument in strong favor of the idea that athletes are role models present in his fictional dialogue between Charles Barkley and Karl Malone, Feezell decides that the debate over the athletic role model is in need of nuancing. Feezell presents two general views on the athletic role model, a broad one, and a narrow one. The broad view holds that an athlete, “shows us how to navigate our way through life in all sorts of situations” (Feezell, 2005, p. 21). In the narrow conception of the athletic role model, “the emphasis is on the particular role or station in which the supposed role model is involved” (Feezell, 2005, p. 21). In other words, athletes only have role modeling responsibilities within the context of their sport. Athletes should model how to best play their sport, but Feezell is against any need for an athlete’s, “life outside of sport is exemplary, noteworthy, or even interesting” (Feezell, 2005, p. 31). Feezell argument presents a tentative view on the athletic role model, that athletes can and should be role models in very specific, limited ways.

Analyzing Colin Kaepernick’s protest in the light of those three categories offers some assistance and raises some questions. Much of the debate over the athletic role model pertains to behaviors that are arguably harmful, such as drug taking. Colin Kaepernick’s actions on the sideline of the football field are very far from harmful. His actions were in fact, the opposite, they were peaceful, and safe for all present, although potentially subversive at the state-citizen interface. Philosophers must consider how this fact changes the way Kaepernick should be viewed. Does his protest make him more of a role model? But, Kaepernick was not necessarily appealing to the inner values of sport. So, was he merely commandeering the cultural entity of

sport for political purposes? Is that something that athletes should be allowed to do? If athletes continue to protest and demonstrate the way Kaepernick has, should all athletes be expected to take articulate stances on important social issues? Or is it okay if athletes soak up the limelight and enjoy the spoils that come with modern professional athletic success?

5. Considering an Athlete's Autonomy

In attempting to best understand Colin Kaepernick's protest, philosophers must turn their analytic eye to another important tension between athlete and the context in which they find themselves. Illuminated by Kaepernick's protest is the issue of athlete autonomy, or ability to act freely. As Kaepernick's protest unfolded, it became clear that the degree to which an athlete is an autonomous actor is still up for debate. Should athletes be allowed to make their own decisions, despite the possible effects of those decisions on their teammates, superiors, and fans? Does it depend on the decisions? Should consideration of the fans and organizational superiors trump an athlete's desire to make a decision similar to Kaepernick's decision to take a stance on a controversial cause?

Both Robert Simon (2015) and Randolph Feezell (2005) argue that an athlete must take into account their station as an athlete before understanding their possible effect as a role model. Both philosophers, Simon and Feezell, decrease an athlete's ultimate autonomy. Earl Spurgin (2012) though, presents a philosophy of the athlete's as a role model that offers athletes a choice in how they wish to role model, thereby expanding an athlete's autonomy. In "Hey, How did I become a Role Model?" Earl Spurgin presents the athlete's interaction with social medias (television, Instagram, Facebook, etc.) as a way for the athlete to exercise choice in how they effect and impact the various people interested in their status as an athlete. For Spurgin, if athletes take an explicit stance on an issue via media, then their fans and others are allowed to expect that athlete to behave in a way that aligns with their chosen cause. As Spurgin says, when athletes take a stance through their interaction with different media, "they invite others into their lives beyond what necessarily is required of their roles and incur more extensive role-model obligations" (Spurgin, 2012, p. 124). If you engage, your obligations increase. The most

important tenets of Spurgin's proposal is the athlete's choice and his preservation of autonomy, thereby showing that the concepts of autonomy and role modeling are not necessarily mutually exclusive.

Building on Spurgin's proposal, there is a branch of philosophy that continues to support the idea that athletes can be both autonomous individuals as well as role models. Existentialism holds that, "human beings are not predefined as essence but defined by their actions" (Aggerholm, 2015, p. 144). Existentialism allows for athletes to live out their own meaning, as a role model or not, instead of being subjected to a conventional meaning put forward by others. Acknowledging and preserving the autonomy of athletes comes along with potential advantages for both the athlete and those who choose to look up to the athlete. First, by removing the stale convention that all athletes are role models because they are athletes, athletes will feel free to live an authentic life, something that all people should reasonably be afforded the opportunity to do regardless of profession. Second, if athletes choose to become role models it is reasonable to assume that they would be better role models than the athletes who are socially coerced to be role models.

The autonomy of athletes within the debate over the athletic role model must not be disregarded, and perhaps, the autonomy of an athlete can be reconciled with the idea that athletes can be role models for others. Existentialism, as a branch of philosophy, provides a possibly productive avenue for sport philosophers to better understand the potential importance of the position of a celebrated athlete.

6. Conclusion

For such a simple, quiet protest, Colin Kaepernick's decision to take a knee during the singing of the national anthem generated a huge degree of impassioned response. It's not unreasonable to assume that part of the reason for such swift and strong response to his protest is the lack of a cohesive understanding of how athletes might fulfill possible expectations that come along with holding a celebrated position in our society and an athlete. This paper provides a context, albeit not a complete one, for further philosophical discussion on Kaepernick's protest in

the hopes that philosophers can further our collective understanding of the relation between athletes and the status of role model.

References

- Aggerholm, K. (2015). Existential Philosophy and Sport. In M. McNamee & W. Morgan (Eds.), *The Routledge Handbook of the Philosophy of Sport* (pp. 142–160). New York, NY: Routledge.
- Balko, R. (2016) Alton Sterling's death appears to be another police shooting that was both legal and preventable. Retrieved on November 14 2016 from <https://www.washingtonpost.com/news/the-watch/wp/2016/07/06/alton-sterlings-death-appears-to-be-another-police-shooting-that-was-both-legal-and-preventable/>
- Boren, C. (2016). Colin Kaepernick protest has 49ers fans burning their jerseys. Retrieved on November 21 2016 from <https://www.washingtonpost.com/news/early-lead/wp/2016/08/28/colin-kaepernick-protest-has-49ers-fans-burning-their-jerseys/>
- Breivik, G. (2013). Zombie-like or Superconscious? A Phenomenological and Conceptual Analysis of Consciousness in Elite Sport. *Journal of the Philosophy of Sport*, 40(1), 85–106.
- Dreyfus, H. (2002). Intelligence without representaiton - Merleau-Ponty's critique of mental representation. *Phenomenology and the Cognitive Sciences*, 1, 367–383.
- Feezell, R. (2005). Celebrated Athletes, Moral Exemplars, and Lusory Objects. *Journal of the Philosophy of Sport*, 32(1), 20–35.
- Foucault, M. (1997). *Society Must be Defended: Lectures at the Collège de France, 1975-76*. New York: Picador.
- Guttman, A. (2002). *The Olympics: A History of the Modern Games, 2nd Edition*. Urbana: University of Illinois Press.
- Harris, A. (2016). The Fight of their Lives. Retrieved on July 15 2017 from <http://thelab.bleacherreport.com/the-fight-of-their-lives/>

- Hartmann, D. (2003). *Race, Culture, and the Revolt of the Black Athlete*. University of Chicago Press.
- Hauser, C. (2016a). Ruth Bader Ginsburg Calls Colin Kaepernick's National Anthem Protest 'Dumb'. Retrieved on November 21 2016 from <http://www.nytimes.com/2016/10/12/us/ruth-bader-ginsburg-calls-colin-kaepernicks-national-anthem-protest-dumb.html>
- Hauser, C. (2016b). Why Colin Kaepernick Didn't Stand for the National Anthem. Retrieved on November 14 2016 from http://www.nytimes.com/2016/08/28/sports/football/colin-kaepernick-national-anthem-49ers-stand.html?_r=0
- Heitner, D. (2016). Colin Kaepernick Tops Jersey Sales in NFL. Retrieved on November 21 2016 from <https://www.forbes.com/sites/darrenheitner/2016/09/07/colin-kaepernick-tops-jersey-sales-in-nfl/#24d9eb0f7aad>
- Hopsicker, P. (2011). In Search of the "Sporting Genius": Exploring the Benchmarks to Creative Behavior in Sporting Activity. *Journal of the Philosophy of Sport*, 38(1), 113–127.
- Johnson, H. & Noaks, J. (2005). *Frames of Protest: Social Movements and the Framing Perspective*, New York: Rowman & Littlefield.
- Karimi, F. (2016) Dallas sniper attack: 5 officers killed, suspect identified. Retrieved on November 14 2016 from <http://www.cnn.com/2016/07/08/us/philando-castile-alton-sterling-protests/>
- Mumford, S. (2014). The Aesthetics of Sport. In C. Torres (Ed.), *The Bloomsbury Companion to the Philosophy of Sport* (pp. 180–194). London: Bloomsbury.
- Polanyi, M. (1966). *The Tacit Dimension*. London: Routledge.
- Poniewozik, J. (2016) A Killing. A Pointed Gun. And Two Black Lives, Witnessing. Retrieved on November 14 2016 from <http://www.nytimes.com/2016/07/08/us/philando-castile-facebook-police-shooting-minnesota.html>
- Simon, R., Torres, C., & Hager, P. (2015). *Fair Play: The Ethics of Sport* (4th ed.). Boulder, CO: Westview Press.
- Spurgin, E. (2012). Hey, How did I become a Role Model? *Journal of Applied Philosophy*, 29(2), 118–132.
- Tamburrini, C. (2000). What's wrong with doping? In T. Tännsjö & C. Tamburrini (Eds.), *Values in Sport: Elitism, nationalism, gender equality and the scientific manufacture of winners* (pp. 200–216). London: E & FN Spon.
- U.S. Const. Amend. I.

Victor, D. & Gettleman, J. (2016). Ethiopian Marathoner's Protest Puts Him at Odds with his Government. Retrieved on July 15 2017 from <https://www.nytimes.com/2016/08/22/world/africa/feyisa-lilesa-ethiopia-olympic-marathon-protest.html>

Wallace, D. F. (2006). How Tracy Austin Broke My Heart. In *Consider the Lobster*. New York, NY: Little, Brown and Co.

Wellman, C. (2003). Do Celebrated Athletes have Special Responsibilities to be Good Role Models? An Imagined Dialog Between Charles Barkley and Karl Malone. In J. Boxill (Ed.), *Sport Ethics: An Anthology* (pp. 333–336). Malden, MA: Blackwell Publishers Ltd.

Wilberding, J. (2016). David Foster Wallace on dumb jocks and athletic genius. *Journal of the Philosophy of Sport*. <https://doi.org/10.1080/00948705.2016.1255555>

Witz, B. (2016) This Time, Colin Kaepernick Takes a Stand by Kneeling. Retrieved on November 21 2016 from http://www.nytimes.com/2016/09/02/sports/football/colin-kaepernick-kneels-national-anthem-protest.html?_r=0

Zirin, D. (2008). *A People's History of Sports in the United States*. New York: The New Press