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Thoughts on the NIL Era: An Introduction to the Special Issue

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In the essay “Self-Reliance” by Ralph Waldo Emerson, he wrote “A foolish consistency is the hobgoblin of little minds, adored by little statesmen and philosophers and divines.” He was speaking to the matter of being small-minded and refusing to rethink prior beliefs on the grounds that the current practices are simply the way “things” have been done. The “hobgoblin” as described by Emerson is a sense of fear and unease that limits the minds of individuals to engage in independent and original thoughts and actions.

Perhaps a “hobgoblin” has plagued the leadership of the National Collegiate Athletic Association (NCAA). To use the image of a hobgoblin to characterize the leadership of the NCAA seems at least somewhat appropriate considering the organization has long been criticized for operating its labor market with foolish and self-serving consistency while clinging to historic notions of “amateurism” in college sports. Be that as it may, changes to the status quo were finally required of the NCAA in the summer of 2021. On June 21, 2021, a historic decision was made by the United States Supreme Court. The Supreme Court, the highest court in the federal judiciary of the United States, ruled unanimously (9-0) that NCAA restrictions on “education-related benefits” for collegiate athletes was in violation of antitrust laws. By the end of that same month, the NCAA adopted a policy that would allow athletes to profit from their name, image, and likeness (NIL). This marked the first time NCAA athletes could legally generate money by selling NIL rights.

The NIL era, a departure from NCAA consistency, is not yet governed by federal law. The Supreme Court decision has opened a dialogue about the future of college sports, particularly as it pertains to the role of the NCAA as a national governing body and how state and federal governing bodies should handle issues impacting college sports. Accordingly, the goal of this special issue is to inspire scholarship and spark conversation about NIL through a variety of “think pieces” from leading researchers. Sport scholars were invited to combine their expertise with creativity to craft compelling papers about NIL and how it may be interpreted through a variety of disciplinary lenses.

The first paper from Dees, Cianfrone, and Andrew focuses on the future of NIL and sponsorships in college athletics. Among their many points, they touch on how the college athletics sponsorship model will likely morph into a model more like contemporary professional sport sponsorship. They use Petty and Cacioppo’s (1981) Elaboration Likelihood Model (ELM) to hint at how the sponsorship process might develop over the coming years. The second paper also focuses on sponsorship. Wakefield, Wakefield, Jensen, and Bennett look at NIL and consider how these changes to NCAA sports “fit” into the overall sponsorship landscape and what is likely to transpire next. Specifically, the authors discuss and share examples of NIL deals having a good fit at local, regional, and national levels as well as how fit might look for groups of athletes compared to individual athletes.

The third and fourth papers in the special issue shift away from sponsorship to take a deep dive into the management and governance of sport in the NIL era. In the third paper, Magnusen and Todd explore the idea of whether college sports, with particular reference to recruiting college athletes, has really entered a “Wild West” frontier because of NIL. The authors challenge readers to move past cinematic illusions of The West (i.e., heroes, such as a sheriff, bringing order to chaos) and consider how the American frontier was truly forged through partnerships between the railroad companies and the United States government. Thus, concerned stakeholders in the NIL era should avoid exclusively focusing on calls for order and instead scrutinize who will bring order and how those who bring order most benefit from it because when policy is power, those who shape NIL regulations will have control of the new athletics frontier. The fourth paper also issues a warning and call for careful examination of the changes being made to college sports since the Supreme Court ruling. In their paper, Southall and Nagel caution against overstating the progress that NIL means to college sports. Indeed, they argue that even though athletes are now allowed a small amount of money via NIL deals, the billions of dollars from the College Football Playoff and March Madness remain out of players’ reach. Essentially, the NIL era offers change but not revolutionary reform because the familiar and financially successful collegiate model of the NCAA is still largely intact.

In the fifth paper, Rodenberg takes the conversation in an entirely different direction as he uses his legal expertise to explore the interplay between college athletics and sports betting data dissemination. A point he considers is that whether involving real-time game scores or player-level data critical for in-game prop bets, college athletes can plausibly make the argument that any commercial dissemination agreement foreclosing them from receiving revenue could violate antitrust laws. Such an argument arises against the backdrop of legalized sports betting spreading across the country at the same time that the Supreme Court handed the NCAA a 9-0 loss in the 2021 Alston case. Whether individual colleges, one or more conferences, or the NCAA itself can sell wagering information—especially that drawn from microchips in shoulder pads or sensors in basketballs—without paying the athletes is timely as players are now actively pursuing revenue options for themselves via NIL and otherwise.

Athlete well-being is introduced to the NIL discussion in the sixth paper. Harris, Brison, and Dixon consider the potential hidden effects the NIL ruling may have on college athletes and their well-being. To inform their points, the authors turn to the literature on role engulfment, a process which describes how athletes may develop an important and singular role as an athlete. They note how, though the central identity of the athlete is likely to remain, the added responsibilities of being a college athlete plus brand manager may come with negative consequences. Thus, academic institutions should make resources available that will help educate and train athletes in ways that will better equip them to manage the NIL landscape while sustaining their well-being.

Lastly, in the seventh paper, Petersen and Judge consider the potential looming impact of both NIL and conference realignment from a sport facilities perspective. They note that because available revenue streams propel the facilities arms race, it will be enormously significant to monitor, understand, analyze, and predict the pending impact of NIL spending and conference realignment revenue changes on facility spending within collegiate athletics. For instance, the authors observe that a novel component to the facility arms race could be on the horizon with new offices and personnel being required within each school to work with NIL efforts. Though too early to say conclusively, NIL opportunities within a program or school might in due course replace facilities as a primary enticement for recruiting talent.