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Co-Editors: Alexander Brand, Simon Ličen and Arne Niemann

Editorial contact information and book review correspondence: review@sportandeu.com.

Sport&EU Review is published two times per year, in April (Spring) and October (Autumn).

Guidelines for contributors

Sport&EU Review invites submissions for peer-reviewed articles, legal commentaries, forum contributions and proposals for themed special issues for publication. Contributions should reflect the general interests of the Association for the Study of Sport and the European Union.

* Sport&EU Review aims to provide coverage of the full range of issues relevant to the study of sport and the European Union. These will include, but are not limited to governance, social and policy studies, communication, economy, sociology, legal and management issues in European sport. Sport&EU Review also welcomes work with comparative or international perspectives.

* Sport&EU Review publishes two forms of longer articles: research articles and legal commentaries. Research articles should be up to 7,000 words in length while legal commentaries should normally be about 5,000 words in length. Research articles may represent research in progress, discussion of research methodologies, or other scholarly work that is of interest to the readership. Legal commentaries present a legal issue pertinent to European sports law in a concise and accessible manner. Contributions from postgraduate research students are also welcome.

* Papers intended for peer review (research articles and legal commentaries) will be reviewed by at least two anonymous referees. In order to facilitate the review process, manuscripts must have been proofread by a native speaker before submission. They should be written in British English. In terms of referencing, authors of research articles should use the [Harvard system of referencing](#) (in the social science tradition) while legal texts should – especially regarding cases, legislation and statutes – follow the [OSCOLA style](#). Authors are welcome to include relevant hyperlinks into their contributions, though such hyperlinks shall not substitute accurate citation and references lists at the end of the manuscripts. Each paper should have an abstract of 200 words and a maximum of five key words.

* For the two issues per volume, the following deadlines apply concerning research articles and legal commentaries:

	Spring issue	Autumn issue
Deadline for submissions	31 December (for 1/2013) <i>30 November</i> (starting with 1/2014)	31 May
Deadline for revised submissions (after review)	1 March	1 September
Publication	April	October

* Forum contributions are shorter, usually up to 1,000 words including references. They are not peer-reviewed, but are intended as short items of general interest to the readership of Sport&EU Review. These include, but are not limited to debate/opinion pieces, conference reports, calls for papers, brief updates on key developments in the field and reviews of publications. Concerning language standards and style of referencing, the same guidelines as for longer contributions apply. Forum contributions, however, follow a slightly different schedule; they have to be submitted by 31 January (Spring issue) and 31 July (Autumn) to allow for eventual smaller revisions.

* Sport&EU Review anticipates that a considerable proportion of papers first presented in Sport&EU Review will subsequently be developed for publication elsewhere and that its review process will be used as a step towards publication of a final working paper elsewhere. This is to be encouraged. Whilst Sport&EU Review will retain the right to publish contributions in their original form, authors remain free to develop their contributions further in other forms, provided Sport&EU Review is acknowledged.

1. EDITORIAL

The year 2012 has been showing some stark contrasts in Europe and around the world: the Arab Spring, a wave of demonstrations and protests that started in Tunisia in late 2010, is still ongoing in a number of Middle Eastern and North African countries, and the similarly ongoing global economic crisis seems to be turning into the new norm rather than being an occasional, if extraordinary event. Sports provided joyful breaks with the football Euro 2012 and the London Olympics. Even these two events, however, were not free of controversies: protesters in Ukraine took advantage of the international spotlights to bring attention to the country's dubious freedom record, while the organizers of the Olympic Games had to deal with a number of issues on topics including sponsorships and security services.

Sport&EU's year has been less turbulent: in June, the Swiss Graduate School of Public Administration hosted an excellent conference revolving around the development of a networked governance of sport and other topical issues in contemporary sport. [Video recordings](#) of most of the speeches and presentations are still available online for scholars and professionals who were unable to attend the live event in Lausanne.

Sport&EU has also started collaborating with the Sport & Citizenship / Sport et Citoyenneté think-tank. The two organisations share many goals and interests so the cooperation will hopefully result in an increased awareness of the relevance of transparent and efficient governance in European sports.

An addition to the Sport&EU association is also a new editorial team for the Sport&EU Review. Alexander Brand and Arne Niemann, both from the Johannes Gutenberg-Universität in Mainz, join Simon Ličen from the University of Ljubljana in the editorial team in charge of the publication you are currently reading. They fill in the position left vacant by Simona Kustec-Lipicer who will now focus on other challenges within the Sport&EU community. Simona leaves a spot she has held since the introduction of the Sport&EU Newsletter, the predecessor of the Review, in 2006! She was thus in charge of Sport&EU's official publications for over six years. Her role in developing them has been vital and can hardly be put in words.

Another long-standing member has left the Sport&EU community—his departure, very sadly, will be permanent. David Allen, Emeritus Professor at Loughborough University, passed away prematurely on 17 October. Dave was an exceptional academic. He combined the role of a distinguished researcher with that of an enthusiastic teacher. His death is a huge loss to the wider community of EU Studies that he helped to build, both in the UK and beyond. Apart from his doubtless academic achievements, Dave will be remembered as an extremely kind, supportive, humorous and loyal colleague, mentor, conference companion and friend. His role and legacy are recalled by Borja García in an obituary and by the reprint of Mike

Smith's tribute first spoken when Dave was conferred Sport&EU's Honorary Membership.

The other contents of the current issue relate to a variety of academic and professional topics. In this issue's research article, Salomeja Zaksaitė looks at the factors that contribute to cheating in sports through the prism of different theoretic approaches. In a legal commentary, Zia Akhtar comments on the protection of athletes from media attention through different legal mechanisms. Albrecht Sonntag reports on the developments surrounding the Football Research in an Enlarged Europe interdisciplinary project in the third instalment of the FREE Kick column. The Sport & Citizenship think-tank contributed two comments: in the first, the association's Deputy Director Sylvain Landa summarises the main points surrounding the issue of employment in sport in Europe. In the second, Bart Ooijen starts what will hopefully grow into a debate on violence in sport. Delroy Alexander, Chairman of the Sacred Sports Foundation, presents the Sport & EU in the Caribbean initiative, a programme aimed at improving the quality of life in the Caribbean through sports initiatives at different levels. Peter Millward's book 'The Global Football League: Transnational Networks, Social Movements and Sport in the New Media Age' has been reviewed and recommended by Alexander Brand. Readers who prefer exploring other avenues might find something worth reading in this issue's Reading Corner; others might find many appealing events in the Conferences and Events section, or look for opportunities in the Journal and Resources sections.

As always we encourage potential authors to submit contributions for publication in the Review. Hopefully, a revised and simplified set of guidelines will stimulate academics and professionals to share their views on sport in society. The deadline for the submission of papers for consideration for the next issue is 31 December so there is enough time to prepare research papers or forum contributions that will be spread with the global followers of the EU and sport nexus. Do not miss the opportunity to have your say.

Alexander Brand, Simon Ličen, and Arne Niemann
Co-Editors
review@sportandeu.com

OBITUARY



Dave Allen

Dave Allen, Emeritus Professor at Loughborough University, died on 17 October, aged 63

It is with great sadness that we have to announce the death of Professor David Allen, who passed away on the morning of 17 October. For those members who never met David Allen, he was Sport&EU's first Honorary Member, a prize we were very happy to award him during our last annual conference in Lausanne.

Professor Allen, or Dave as most of us knew him, had recently retired after a very prominent 40-year career as one of the most prestigious academics in the field of EU studies and International Relations. He was made an Emeritus Professor by Loughborough University in recognition to his many achievements. Dave Allen was, with Professor Mike Smith, the author of the JCMS (Journal of Common Market Studies) Annual Review's chapter on foreign relations for many years. He was also a regular contributor to one of the textbooks on EU studies most of us have used during our undergraduate or postgraduate degrees: Wallace and Wallace's (Now Wallace, Pollack and Young) *Policy Making in the EU*.

But Dave was above all a loyal friend and firm supporter of Sport&EU. Believe me when I say, without hesitation, that without David Allen's support the association will not be what it is today and, quite probably, it may not exist. Dave's generosity and support came when it was most difficult and when it mattered most for us. Almost ten years ago, when the study of sport in the EU was not taken very seriously by most academics, David Allen stood firm in his conviction and support of this area of research. His contribution and personal commitment enabled us to organise Sport&EU's first three annual conferences. Who would have thought, back then when we were meeting in small classrooms in Loughborough that one day our conference would reach Turkey!

In recognition of his fine academic achievements and his support for Sport&EU, the association decided to make him our first honorary member.

On a more personal note, Professor Allen was of course my PhD supervisor, a career mentor and, most specially a dear friend and a fellow Nottingham Forest supporter. He was as committed to Forest as he was to Sport&EU. He drove all the way from the UK to Munich in 1979 to see Forest lift their first European Cup against Malmö. A year later he travelled to Madrid to witness yet another European Cup victory for the Reds. I was lucky to invite him back to the Bernabeu a couple of years ago.

My seat on the City Ground's Brian Clough Stand will now be very lonely. I personally want to thank Dave Allen for all his generosity on behalf of every Sport&EU member. If we are here, it is in a good part due to Dave's enthusiasm.

All our thoughts are with Dave Allen's wife (Helen), his two daughters (Rosie and Nicky), his brother (Patrick) and the rest of the family.

Borja García

Dave Allen: The Academic and the Enthusiast

A tribute by Professor Mike Smith composed on the occasion of the Sport&EU Honorary Membership Award that took place in Lausanne, 21 June 2012

Dave Allen is an academic and an enthusiast: an enthusiastic academic, and one with enthusiasms outside the academic sphere that inform and enhance his academic practice. As an academic, with a distinguished record of research and publication on European integration, he possesses the gift of articulating often difficult and complex ideas in ways that have an impact on a variety of audiences – both academic and non-academic. This is a vital asset in the study and discussion of the European integration process, and one that can inject life into even the most detailed and (dare one say it?) mundane of policy issues.

Dave is also – as generations of research and other graduate students can testify – an enthusiastic and intensely supportive supervisor, who takes on the enthusiasms of his students, and enables them, in turn, to convert their enthusiasm into focused and effective research. In this context, his espousal of the governance of sport in Europe is not an isolated instance, but it is perhaps the one that has given him the most satisfaction – firstly through his supervision of Borja García, and then through his association with the development of the field as a result of the efforts of Sport&EU in the following years.

This is of course not the whole story. The other half – or is it more? – is provided by Dave's enthusiasm for sport itself and by his involvement both as participant and spectator. As a participant, I know only by legend and reputation (I am sure it cannot all be true...) about his exploits on the football field, and only slightly more about his cricketing prowess. But for many years, I have been a close-up witness to his

commitment and varying achievements on the golf course. One can only marvel as another booming drive settles in the middle of the fairway – or possibly in the out of bounds, or the ditch – and as putts find the middle of the cup with what might be described as intermittent regularity. Not least of Dave’s assets is his well-honed competitive instinct: beware if you are three up at the end of the first nine holes, because that lead can disappear in very short order. Armed with a totally unjustified handicap, Dave is a predator on the unwary, but always with a sense of humour and of the ridiculous that are essential to life on the links.

As a spectator, Dave has – as we all do – his burdens to bear. In particular, the words Nottingham Forest are engraved on his consciousness, along with the accompanying qualities of pain, frustration and pleasure (in that order). He generously shares his predicament with many of his academic colleagues – a dysfunctional lot who among others support Wolverhampton Wanderers, Leicester City and Coventry City and who dream of times long past when glory was to be had, or at least aspired to. And especially he shares this with Borja, whose combination of support for Real Madrid and the Forest can only be marvelled at. But that’s the point – Dave has a way of making people achieve the unexpected and to achieve to their full potential, and his support for the study of sport in Europe epitomises this combination of academic commitment and personal enthusiasm. I applaud your decision to make him the first Honorary Member of your association, and to recognise this unique contribution to the study and practice of sport in Europe.

Mike Smith, Professor of European Politics, Loughborough U. (Handicap 24)

2. ORIGINAL RESEARCH

The Interrelation of Micro and Macro Factors That Contribute to Cheating in Sports

Salomeja Zaksaitė*

Abstract

Sports victories are often strived to at the cost of sportsmen's integrity, reputation, health, security, or even life. What is more, "cheating" in sports can hardly be reduced to practices which aim at increasing the chances of winning trophies. The recently much-discussed phenomenon of match-fixing is just one telling example for this. In Lithuania as in other parts of the world, cheating in sports has been getting more and more noticeable consequently. This article considers the factors that contribute to cheating in sports in general. "Cheating" comprises such different phenomena as doping, faking injuries (in order to have the opponent penalized), illegal betting and match-fixing. An integrated view of these various practices is warranted not least to identify key factors and dynamics that lead to cheating in the first place. The interrelated system of micro and macro factors entails *inter alia* the tension between desirable sport results and limited possibilities to achieve such (overestimated) goals; insufficient understanding of fair play values; the sacralisation of sports and sport prizes to the detriment of sports rules; a specific subculture of sports, which does not condemn cheating in sports; micro factors that foster the aforesaid subculture, for instance, euphemistic language and persuasion (stating that it is not wrong to cheat); various dependencies as well as the material and emotional vulnerability of sportspeople. This article advocates a cultural policy that treats cheating in sports not by condemning and trying to eradicate it, but by first grasping the wider psychosocial and legal context in which cheating is thriving.

Key words:

social factors, cheating, sports, criminological theories, deviance

* Salomeja Zaksaitė (salomeja@teise.org) is a Research Fellow at the Law Institute in Vilnius, Lithuania.

Introduction

According to recent studies carried out in Lithuania, 30.0% of coaches¹ said that sometimes the athletes attempt to lose the match to have more favourable opponents during the next stage, and 18.3% of coaches agreed that athletes sometimes gamble on the final results of the match. 41.9% of the coaches thought that referees sometimes deliberately make wrong decisions and 36.6% agreed that sometimes the team leaders make agreements on the final outcomes of contest (Šukys & Nickus, 2010).² According to a recent study conducted in Germany, the upper limit of the rate of dopers among athletes that compete in team sports is 35 percent. It was also shown that the valuation of the rate of about 2 percent 'adverse analytical findings' in the World Anti-Doping Agency's (WADA) statistics was too low to represent the true doping prevalence rate in elite sport (Pitsch & Emrich, 2011). Cheating thus seems to be becoming endemic to sports at all levels of competition. The **objective** of this article is to explore the system of micro and macro factors that contribute to cheating in sports.

Cheating in sports is understood as all forms of deviant behaviour in very general terms. It is related to the breaking of rules (i.e. the rules which govern sports) for the sake of gaining material or immaterial advantage over sports competitors or concerning practices surrounding sport events. Hence, it comprises such different activities as doping, deliberately injuring the opponent or faking injuries (in order to have the opponent penalized), illegal betting and match-fixing. As a similar objective can be derived from international legal documents such as the International Convention against Doping in Sports (see 12th paragraph of the Preamble), it is assumed that there is an ongoing need to conduct and promote research to improve the detection of doping and enhance the understanding of the factors affecting its use in order for the prevention strategies to be most effective. A need to promote research aimed at understanding other woes afflicting sport in general is called for, as well.

In this article, the analysis of the social conditionality of cheating in sports is based on criminological theories, empirical research, the author's generalizations and the assessments of experts. To grasp practitioners' different views and understandings of cheating in sports, semi-structured interviews have been carried out with 41 Lithuanian and 9 international experts (athletes, coaches, physicians, betting officials, politicians, university academics and other people having specific helpful information about cheating in sports). Keeping in mind that the information provided by experts could discredit certain persons, respondents are identified by their

¹ The data were gathered on a sample of 95 coaches (10 women and 85 men) from various sports who coached both youth and senior teams at the local and national level.

² To study the coaches' attitudes towards deception in sport a self-compiled questionnaire was used. The subjects had to evaluate how often the indicated behaviour occurred in sports on 5-point scale from 1 (not at all common in sports) to 5 (very often occurs in sports). They also had to indicate the degree of how such behaviour could be justified from 1 (totally inadmissible behaviour) to 5 (always justifiable behaviour). The inquiry was conducted personally with each coach.

profession and activity, whereas their gender, age, or title, are not specified. This method allowed respondents to feel relatively free and be sure that their reputations, jobs, or relations with other people would not be damaged. The insights gained through this empirical analysis are taken to bolster the case for specific explanations which are, at the end, synthesized in a comprehensive fashion.

The article is thus structured as follows. Several criminological theories, the insights of which are particularly important to sports, are presented: functionalism, the theory of differential association, researches on athletes' personalities, sports sociology of P. Bourdieu and postmodernism. In a second step, factors that contribute to deviant behaviour are highlighted and discussed against the background of the respective explanatory theories and with reference to specific empirical examples. These factors can be divided into micro and macro factors; into personal, interpersonal, and structural (global) factors; into sociological, legal, and psychological factors, and so on. The dimension of micro and macro factors is chosen in this research as a useful tool to reveal the general social conditionality of deviance in sports, as well as to compare various sociological-criminological theories and researches. Thus, it is attempted to see cheating in sports as a dynamic social phenomenon in order to explain its socially conditioned course.

Functionalism

Functionalists argue that the whole society, including sport, is a social system with a specific social structure which performs certain social functions; each member of the system has defined functions, which help the system to function harmoniously. T. Parsons argued that the social system is composed of interactions that involve a number of actors occupying defined positions and performing the roles arising out of those positions that are determined by the norms which control those interactions (Gardiner et al., 2006: 10-20).

Sport as a social institution can be seen as a social system consisting of interrelated segments and a lot of people interacting with each other (Delaney & Madigan, 2009: 25). Relevant segments include, for instance, training, competitions, coaches, instructors, doctors, sports journalists and others. Functionalists usually emphasise positive functions of a social phenomenon. According to them, even a crime may carry some positive features. For instance, E. Durkheim argued that crime is not only detrimental to society, but useful as well. According to him, crime is the flair of future morality, a step towards what awaits us. The very consideration of criminal behaviour as negative helps to bring together many members of society. Crime is like an indicator, showing whether the body of society is "sick". The level of criminality should be neither too high nor too low – just enough to maintain social order in society. Excessive level of crimes suggests anomie, too low a level suggests totalitarianism and too much control. So, according to Durkheim, crime is inevitable and necessary as it relates to major conditions of social life, and is even useful because it relates to conditions which are in turn necessary for the normal evolution

of morality and law (Durkheim, 2001: 42-43). There is a certain equilibrium at which crime does not harm the social order. Some contemporary sociologists also express functionalistic views. For instance, C. Brissonneau concludes that doping is an indicator of a much more significant issue related to understanding the limits of “superman” (this issue refers to a new phase in medical knowledge). The results also concern a new, more efficient medical care for ordinary people, thus the elite sport field could serve as an experimental field for the well-being of society at large (Brissonneau, 2010).

To summarise classical functionalistic provisions, it should be noted that deviant behaviour in sports is an inevitable phenomenon that cannot be removed; there should be some level of deviant behaviour, which is maintained in accordance with the order of sport’s system.

Functionalist theory was criticised by R. Merton. Despite the fact that Merton himself is often attributed to the structural functional tradition of sociology, he noted that functions of the social system may be associated not only with consistency and consensus, but also with tension and violence. Merton argued that there are certain expectations which are formed by upper classes. They are imposed to the whole society as normal and desirable. However, not everyone has equal opportunities to achieve those goals; nor are they available to all. Strain is inevitable in such a society. Merton argued further that people adapt to certain conditions in different ways. There are five modes of social adaptation: conformity, retreatism, rebellion, ritualism and innovation (with the last type of adaptation being particularly relevant for the research of deviance in sports). Violations of rules in the field of sport, where rules are broken to achieve better results, can be explained as innovation. This type of adaptation is particularly characteristic of “white collar” workers as well as of professional athletes to whom sport is a kind of business (although, for the sake of objectivity, it should be noted that Merton’s insights have not been assigned directly to athletes). It is difficult to draw a line between ingenuity, foresight and deviant behaviour. Achievement of results at any price can be the aim of professional athletes, which is to be achieved by eventually bypassing the rules. Athletes compete with each other seeking to increase the rating/score of the game, which has no end/pre-set/limit. Thus, the sports market is inherently criminogenic because of the constant need to achieve goals, which in turn creates strain. And the motive of crime becomes not only self-interest, but also the fear of losing already obtained status, income, rank, etc. (Merton, 1938).

In summary, according to Merton’s strain theory, the factors contributing to the deviance in sports are the dominance of material values in society and unequal access to material goods and thus the inability to act according to these values, resulting as the constant oppressive tension between social ideals and differentiated measures/means to achieve them. It is possible to represent Merton’s theory in a modern way as well. According to D. Hill, the manipulations of sports results can be explained by a clash/strain between the markets of sport and sports betting. Hence, the sports market does not pay the athletes for their work fairly, and this gap is

compensated for by a betting market which pays the athletes for fixing the game (Hill, 2010).

Merton's insights may be understood as supplementary to the theory of functionalism, rather than as its alternative or opposition. The synthesis of functionalism and theory of anomie promotes/offers versatility: through the prism of these theories, sport is revealed as a target, a noble action, and as a social institute full of contradictions. Too strong prominence of one or another theory would lead to a dead end in understanding what factors determine cheating in sport. In a practical situation, it would be naive to explain the contributory function of sports to a healthier society to an adult athlete who suffered numerous injuries; however, this incident alone does not deny such a contributory function of sports. Similarly, syntheses between various theories and approaches are needed when interpreting cheating in sports and the factors that lead to it.

Theory of differential associations

Differential association theory proposes that deviant behaviour is formed when unlawful behavioural patterns are supported more than conventional ones. E. Sutherland viewed deviant behaviour as a form of social behaviour and tried to define the conditions under which interaction leads to such behaviour. His arguments, which could be applied to explain deviance in sports, are: 1) deviant behaviour is learned in interaction with others, 2) deviant behaviour requires a certain technique, and 3) it is required that the deviant behaviour "outweighs" the socially acceptable behaviour (Sutherland, 1966: 81–82).

First, it should be noted that athletes and people related to them play, train, travel to competitions, and spend leisure time together. In such circumstances, an entire network of *potentially* dishonest individuals (athletes, coaches, officials, physicians, family members), who are able to share various experiences and conceal fraud by constantly communicating and instigating each other, may be created. For example, the fixing of football matches requires among other complex interaction between at least three players: the goalkeeper, a defender and a striker (Hill, 2008: 29-33). Such interaction does not indicate that athletes are necessarily faithful friends, appreciative and sympathetic to each other. Conversely, it is noted by sport sociologists that interaction between such athletes is episodic, segmented, without empathy, artificial. Such depersonalised relations promote selfishness with deception, manipulation, exploitation and violence "flourishing" in appropriate soil (Eitzen, 1988: 196-197). According to D. Matza, the process can be described as a "drift" from honest behaviour to cheating, and deviant behaviour can be understood as a stream.

Specific (learned or self-made) practices, language and patterns of behaviour help to get into the stream – the subculture of deviant behaviour (Matza, 1964: 33-40). From a cultural point of view, it should be noted that entire nations or even continents

could be seen as a “stream”. For example, it is argued that the simulation of injury in football is considered as an act of high professionalism in Latin America, but it is called a dishonourable game in Europe; while athletes of the former Yugoslavia are famous for simulating injuries in basketball (Sabonis in Donskis, 2011). Specifically, differential association and D. Matza’s theory may be illustrated by the case of Hoyzer. This German football referee was deceived by a group of match-fixing criminals. The referee was invited to spend time in a café which belonged to the criminal world. Over the time, Hoyzer was persuaded to fix matches. The referee explained how this had been achieved. Although he had always considered himself as a very honest and well-bred man, he was convinced by some gangster to behave like he never did before in a relatively short period of time: “*It was an ongoing process, at the end of which I was confused completely. It has affected me so much I couldn’t realise what is going on around. I used to visit the café very often, it was like my second living room, where I was treated like a very special person*” (Kerner in Hill, 2009: 422).

Second, with regard to a technique required to effect deviant behaviour, it can be said that the longer and more frequent violations in sports, the better they are being hidden. One of the interviewed experts stated that access to doping in Lithuania is provided, for instance, by sellers in shops where they also legally sell food supplements. In such a way dishonest activity is disguised by licit activities (interview with former karate athlete). In the case of match fixing, the more professional the player, the easier it is to simulate a “real” game so that others would not realise that the game is being thrown or tanked. The convincing language of taking or offering bribes requires technique as well. For example, a football official from Malaysia describes a case in which the corrupt persons used “neutral” language which did not allow athletes to realise they behave criminally. Bribes were called “tips” (Hill, 2009). Such euphemism also illustrates the insights of Matza, according to whom certain practices (so-called techniques of neutralisation) may help neutralise remorse (Matza, 1964: 60-62).

Finally, athletes believe that dishonesty pays off for them. When choosing a deviant behaviour, they act as entrepreneurs fully considering the pros and cons, weighing them carefully and taking the most advantageous solution from their point of view. Rationalism’s link with sports in a broader sense is discussed by some contemporary theorists. Among them, G. Ritzer emphasises the importance of the *McDonaldisation* of society. He states that contemporary culture, including sports, is characterised by rationality, predictability, efficiency, speed, the pursuit of profit and consumerism (Giulianotti, 2005: 26). In this regard, specific decisions of the European Court of Justice arguably have contributed to the greater commercialisation of sports. In the *Bosman* case, the Court has found that Article 48 of the EEC Treaty (current Article 45 of TFEU Treaty) precludes the application of rules laid down by sporting associations, under which a professional football player who is a citizen of one Member State, may not, upon the expiration of his contract with a club, be employed by a club of another Member State unless the latter club has paid to the former a transfer, training or development fee. This decision brought about more freedom in

the movement of footballers within the European Union *de jure*, but *de facto* contributed to reducing team solidarity, increased the dominance of the rich and powerful clubs and increased the gap between the “upper” and “lower” clubs (Halgreen, 2004). Therefore, the decisions of the Court may have contributed to the escalation of social inequality, which is one of the main factors influencing cheating in sports.

Thinking about how the theory of differential associations is represented in this inductive study, it should be emphasised that these theories had some form of repercussions in opinions voiced by virtually all sports experts interviewed for the purpose of this study. Almost all of them talked about interpersonal communication between the athletes and coaches, taking over both the positive and negative experiences and the ways to transfer those experiences. They also spoke about the athletes’ rational calculations. For example, a table tennis coach said that the manipulations going on behind the scenes were often among the coaches. There is even a specific slang phrase to describe fixed matches in table tennis – “dirty drops”. Among the players *“this is also happening, the connection between them is direct, it is more reliable, without witnesses. Agreements take part within youth and adult groups, excluding children, because they do not understand how to simulate”* (interview with table tennis coach).

Another important element complementary to differential association theory is the human (subjective) factor. It should be noted that the interaction between people in particular thrives where there is a relatively little space for contingency. For example, deals on the outcome in national level judo tournaments are hard to detect due to the unclear pairing system. If no computer programs are used to determine competition pairing, coaches decide and “discuss” among themselves who fights against whom, influencing the course of the competition (interview with judo wrestler).

To sum up the insights of Sutherland and other contemporary theorists of sports law and sports sociology, it may be stated that on the basis of differential association theory, deviant behaviour in sports is determined by a continuous interaction between dishonest individuals, special techniques, with particular emphasis on euphemistic language and persuasion; rational calculation (stimulated, among other things, by athletes’ low-income from sports; low tournament prizes; low level of disclosure of manipulations; not enough deterrent penalties for manipulations; subjective factor in refereeing); commercialisation and consumerism.

Sports sociology of P. Bourdieu

A former rugby player and one of the major authors in contemporary sociology, Pierre Bourdieu introduced the game metaphor to convey his own vision of social life. He refers to a passionate involvement into the game, experiences of fighting with others and one’s own limits, which we deeply sacrifice for prizes (Calhoun in Ritzer, 2003a). According to Bourdieu, one’s dedication to the game is determined by the

passion to its prizes. He stated that sport is an area where the ratio of power and body control is particularly revealed. As known, the central concepts of Bourdieu's theory are "habitus", "capital" and the "field". "Habitus" is a system of dispositions which express a well-prepared activity, habit, inclination, tendency; it is a "driving" force and consists of objective cognitive structures that organize the provisions, attitudes and activities (Calhoun in Ritzer, 2003a). Habitus in sport refers to ability to foresee and improvise the next move, the next game, another attack by playing with the body and mind. "Capital", on the other hand, stands for the economic, cultural, educational or symbolic forms of power. The prizes are assigned to symbolic capital by Bourdieu. The "field" is, consequently, an area where habitus and capital interplay (Calhoun in Ritzer, 2003a).

Contemporary theorists of sports complement Bourdieu's theory. French researchers state that athletes from lower social classes are more vulnerable to one of the forms of deviant behaviour in sports – doping – because they have very high hopes of achieving something in sports. Habitus is formed in the minds of athletes, resulting in a drain on their bodies and the very consideration of a body (only) as an instrument to secure an adequate standard of living (Peretti-Watel et al., 2004). In the modern context it would be possible to argue that not only the athletes from lower social classes are more vulnerable, but also those from smaller countries. The case of a Lithuanian woman heptathlete at the recent London Olympics³ reveals potential discrimination in the application of the doping testing system. It was a case of what is known in legal theory as "legal fiction". This fiction allows the application of the law in a (factually) discriminatory form, but *de jure* the applier might be right as the testing system is random. If it is decided that similar procedures are unlawful, anti-doping control might lose its authority as it might disproportionately and unreasonably influence the course or results of the competition.

Thinking about the way in which Bourdieu's perspective is represented in the semi-structured interviews conducted for this study, it should be noted that there were certain similar (recurring) thoughts among Lithuanian experts. For example, a representative of the Bodybuilding and Fitness Federation said that it was not fair not to support a sport, to require from the athletes to self-fund preparations for competition and then to require them not to use doping. In other words, bodybuilders are vulnerable *per se* because they do not receive enough sponsorship funds, so: "*Doping should be a business of their own and of their bodies rather than what they are frightened with by agencies or conventions*" (interview with body building federation official). To summarise the contribution of Bourdieu's theory to

³ Women heptathlete Austra Skujyte was tested after the first day of heptathlon, which is a very rare, but not forbidden occurrence. In the opinion of Lithuanian National Olympic Committee, such testing (even if the athletes are selected for testing at random) violates an athlete's right to rest as the athlete returned to the Olympic village two hours later than her competitors, tired and without having the possibility to eat normally, and as a consequence did not stand a chance to win a medal (Kazilionis, 2012).

our understanding, it should be stated that deviant behaviour in sports can be caused by **unequal distribution of economic, cultural and educational capital** in sports and constant competition for particular capital. Also, it should be emphasised that athletes tend to sacralise the game in certain way by giving more attention to victories than to the rules of sport.

Interesting parallels can be drawn when comparing Bourdieu with Durkheim, especially with regard to the latter's ambition to reveal the nature of sport, proposing that sport is closely related to religion. There are elements of ritual, worship and collectivism in both of them (Giulianotti, 2005: 3-5). This can lead to the symbolic (not necessarily material) meaning of a medal, which athletes can strive for by bypassing the rules. Athletes can even consider themselves as some sort of heroes who sacrifice their health (for example, by using doping or boxing brutally) for the glory. In 1967, cyclist Tom Simpson died during the Tour de France race and it was found that the cause of death was exhaustion caused by alcohol and amphetamine. Nevertheless, a monument was built in the place where the cyclist died, and even an unwritten moral rule developed thereafter: to stop at the monument during the race paying tribute to memory of the fellow who had sacrificed himself for the great sport (Møller, 2008: 74).

Studies on athletes' personalities, values and attitudes

D. Eitzen was one of the first scientists who studied the attitudes of athletes and the conditions under which deviant conduct is formed in sports. According to his findings, athletes are more susceptible to deviant behaviour in sports if they: 1) are physically or mentally abused by coaches; 2) are trained by coaches who encourage disrespect for opponents⁴; 3) are injured and their injuries are treated with painkilling medication to allow them to return to the field before their injuries have fully healed; 4) study in schools where they are treated disrespectfully, are required to dedicate too much time and energy to sport and their academic goals are ignored; there, student athletes are considered to be disposable; 5) are senseless, exploitative, sociopathic, treating opponents as enemies and others (only) as means for their own goals to achieve (Eitzen, 1988: 196-199).

Similar research has been carried out among schoolchildren in Lithuania. A study conducted by researchers of Klaipeda University showed that almost half (47.1%) of the respondents admire sports struggle. The fighting spirit of players, strength and obeying the rules of the game are very important to them. The outcome of competitions regardless of the way it was achieved is important to more than a third (35.1%) of the respondents. The conception of honest competition is not fully formed at this age yet: 66.3% of schoolchildren think that competitors in sport should always

⁴ Here a famous quote by renowned football coach Vince Lombardi comes to mind: *"For playing football, there must be fire inside you and nothing can fuel it better than hate"*.

be respected, competing should be under the rules, no matter what result is; 22.0% of the pupils think that victory should be achieved in all possible ways (even unfair ones); 9.6% indicated that, in principle, the rules must be respected, and 2.1% indicated that violating the rules is acceptable if the coach instructs athletes to do so (Adaškevičienė & Budreikaitė, 2007: 72).

Similar insights were presented by researchers of the Lithuanian Academy of Physical Education (LAPE). An analysis of first-year LAPE students' attitudes towards the expression of moral values in sports has revealed that students occasionally lack a comprehensive understanding of fair game as well as the respect for the sport itself. Moreover, attitudes towards moral values in sports depend on gender (male students are less likely than their female counterparts to accept the rules of respectful fight in sports, respect for opponents and other members of team, values of personal liability, and fair play), physical activity level (students practicing sports support self-centred behaviour of participants in sporting activities more than their non-training peers) and athletic experience (students that have been practicing sports for a longer period of time stood out as having less positive attitudes towards moral values) (Šukys, Kardelienė & Kardelis, 2007).

Thus, recent studies conducted in Lithuania at least show that some young people see sports as mercantile matter, as an opportunity to become famous and make money. However, the situation should not be dramatised as the proportion of such individuals is not very high and amounts to less than 50%. To sum up the findings of personality researches, it is notable that seeking results by using all possible means, and limited perception of fair play is not a feature characteristic of professional athletes only – a number of pupils and students (though not the majority) possess similar attitudes. It can be said that sport sharpens the problems of modern societies, associated with the exaggeration of victories. The idea is supported by the cited study which revealed that students who practice sports are more self-centred than those who do not (Šukys, Kardelienė & Kardelis, 2007).

It should be asked what exactly causes the self-absorption of athletes. A representative of one of the sports communities answered this question by saying that *“the practise of deception is like a compensation for the lack of talent. In other words, if you're talentless and unable to reach nice goals by lawful means, you start to resort to various subterfuges”* (interview with chess player A). A similar opinion was expressed by a second chess professional: *“the player's combativity and the uncompromising strength of purpose to win reduce the possibility of actions such as match-fixing”* (interview with chess player B).

D. Hill states that weaknesses are the key feature of players who agree to fix matches. The weaknesses can range from poor or unstable financial situation, women, alcohol, gambling, or drugs. The people who “coach” athletes to fix matches are very professional and know how to make use of these weaknesses. Persuaders have an excellent knowledge of human nature and few athletes can resist to them. They “catch” athletes at the right time when they are most vulnerable. Whatever the

weakness, they know how to exploit it. They become the most trustworthy people in life, who replace a coach (Hill, 2009).

The assessment of personality researches shows that there are certain psychosocial characteristics which make deviance in sports possible. Such characteristics include egocentrism, material and emotional insecurity, sociopathy, various addictions and weaknesses, and a lack of understanding of fair play values.

Post-modern theories

The deconstruction of metanarratives is one of the main approaches used in post-modern theories. Premises of modernity associated with sports are as follows: physical activity contributes to a healthier, stronger, happier and more united society. Meanwhile, post-modern theorists such as M. Foucault or J. Baudrillard see sport through the prism of hidden costs, social control, spectacle, exhaustion and pain. According to Baudrillard, contemporary culture is a simulation full of simulacra. Public media is one of the major provocateurs of this “fake”. Sport on TV is different than sport at the stadium – the viewer at home can see the action up close, in various, more convenient angles, not hearing the usual hustle and bustle. A spectacle becomes artificial and the audience is fascinated by what does not actually exist (Giulianotti, 2005: 172, 184-185). For the sake of accuracy, it should be noted that insights of postmodernism are not necessarily very new and modern. Similar insights were proposed by representatives of social conflict and other theories nearly three decades ago. For instance, J. Sewart argued that “*sport is associated with show business or entertainment and loses its identity as a game*” (Sewart, 1988: 45). Athletes turn into machinery, instruments “producing” victories and profits (Eitzen, 1988: 199). Even in the 1970s it was claimed that every sport involves *manipulation of the human body*. A human being is equated to a robot by doctors, psychologists, biochemists and coaches. “Production of champions” has become an industry with specialised laboratories, research institutes, training camps and experimental sport centres. Most top-level athletes are reduced to more or less conscious animals. “Promising” ones are noticed in the childhood; the less talented are sifted out and focused on the results according to their potential. Specialists in such a “sports gulag” sacrifice people (humanity) in order to transcend the biological limits of the body (Brohm, 1987: 18-19).

According to R. Giulianotti, the advantage of postmodernism is a closer look at the outside of the sport when sports activities are not idealised, but rather shown to be full of painful/ugly things as well, such as the activities of sporting bodies solely focused on capital and power. Limitations of post-modern theories are in turn as follows: these theories are quite fragmented, eclectic and not always consistent. Moreover, post-modern theories reject universal ethics by highlighting the relativity. Likewise, it is not clear when the process of deconstruction should be stopped. Postmodernism is not constructive by constantly criticising; it offers little advice for solving the problem of social exclusion (Giulianotti, 2005: 182). While it is possible to

agree with Giulianotti's insights, herein it is assumed that the cornerstones of post-modern ideas are not just eclecticism or relativity, but rather the focus on "marginal" issues, which are often marginal only because someone intends them to be marginal. That is why it is necessary to change viewpoints in order not to overlook "deliberately stifled" contours of the much broader and multi-valued picture. The reconstruction of marginal contours was felt in the interview with an experienced sports physician during the inductive study: the expert said that *"the so-called 'exceptional' permission to use doping for therapeutic purposes conceals by itself almost limitless possibilities to take doping, because the health state of top-level athletes is constantly critical, exceptional and marginal"* (interview with sports doctor).

Some insights, which are particularly important in such a "post-modern" context, can be found in the analysis of the legal regulation of the London Olympic Games. IOC banned athletes to advertise their sponsors during the Olympic Games (the so-called Rule 40, named after Rule 40 of the Olympic Charter which limits participants from appearing in advertising during and shortly before the Olympic Games) (The London Organising Committee of the Olympic Games and Paralympic Games, 2011). The paradox of this rule is that it does not bind all sponsors, but rather only those not approved by the International Olympic Committee (resulting in companies as Adidas or McDonalds being "protected" from competition). Rule 40 provides a good avenue for the application of another critical theory – that of social constructionism. Social constructionist R. Quinney interpreted law as a dynamic force, the creation and interpretation of which is in constant process. The law, according to the author, has elements of fashion. It is the result of interactions between interests, rather than an instrument that functions outside the reach of certain interests. Laws help to control interests, but at the same time they are the product of interests. They validate interests of separate individuals or groups; rarely are they a product of the whole society (Quinney, 2004: 35).

To sum up the insights of postmodernism, it should be pointed out that this theory rejects the strict classification of factors that contribute to deviant behaviour in sports, and suggests looking into sports **through the prism of spectacle, simulation and power**.

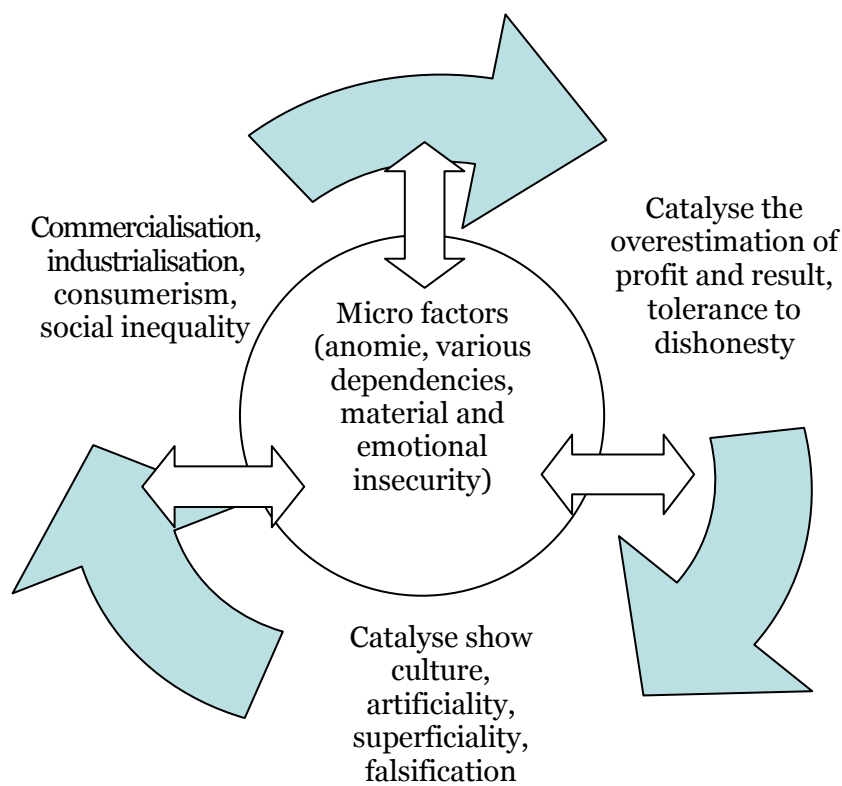
Conclusion

It can be stated that: 1) conditions that contribute to deviant behaviour in sports have been analysed in the light of micro and macro factors. The micro-dimension emphasises the individual athlete's behaviour – calculation of costs and potential benefits of deviance, struggle for honour and recognition (in illegal ways), and the interaction between dishonest people (athletes, doctors, coaches, managers, family members). The macro dimension accentuates the general context of sports, including globalisation, commercialisation and the culture of winning at any cost, and argues that these factors contribute to deviance in sports. 2) Different perspectives are accentuated by various sociological theories. Merton's theory of strain puts emphasis

on the macro dimension while the theory of differential association concentrates on the micro dimension. Bourdieu may be said to have tried to synthesise both perspectives. Post-modern theories generally question the classification of factors that contribute to deviance in sports and call to look at the presentation of sports as a spectacle, bringing profits to the most powerful sport clubs, media companies and others, instead of looking at the inside of deviance in sports.

In order to present a more comprehensive (albeit still simplified) explanatory system of deviant behaviour in sports, it is useful to combine these theories by highlighting their mutual relations. These relations are illustrated in Figure 1.

Figure 1. Interrelations between micro and macro factors



Micro and macro factors are connected by determinative, coordinative and continuum bonds. For instance, the anomie between general aims and limited means to achieve those aims might be illustrated by post-modern and critical theories that explain what (on the macro level) can cause strain (at the micro level). In other words, macro factors (commercialisation of sports, social inequality) influence micro factors (the attitudes of individual athletes) and vice versa: **dishonest sportsmen (at the micro level) “collaborate” with exploitative culture (at the macro level)** of sports and the whole society. Figuratively speaking, a “vicious circle” is created: the deviant behaviour of individual athlete “upholds” deviant subculture that

accentuates not the authentic and fair play, but *inter alia* depersonalised results, material values and profit.

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3. LEGAL COMMENTARY

Sport Regulation, Defamation and Super Injunctions

Zia Akhtar*

There is a need for increased judicial powers to enable greater stringency in defending the image of sportsmen who come to the attention of the media.

Introduction

The organisation of sport is generally configured in a 'pyramid' structure, with a single governing body controlling most regulatory and commercial aspects of each sport. Such governing bodies exercise *de jure* control over the sport and the right of discipline over players. This authority is bolstered by the *de facto* power derived from the monopoly power such bodies enjoy over a given sport. Sports governing bodies can thus compel sportsmen to abide by codes of conduct through such quasi judicial functions, however, in terms of protection of reputation, the defence of absolute privilege is applicable neither to the disciplinary hearing itself nor to the panel's findings. An examination of the power of injunctions is required to determine if the reputation of the sportsmen should take precedence over any other right to be informed.

The number of privacy cases in the UK rose by 50% between 2010 and 2011. In many, injunctions were sought by sportsmen to prevent intrusion into their private lives. A number of cases have taken the form of the super-injunctions; court orders which prohibit even reporting the fact that an injunction has been granted. In such cases the court issues an order prohibiting the defendant from proceeding with a particular action such as publishing of an article that would disseminate the information of their legal action.

Privacy injunctions are generally restrictive orders, issued quickly, with limited or no notice to the defendant or the news media. There is no need for subsequent hearings that would involve more expenditure. The judges involved in such processes rely upon legal representatives of the plaintiff to produce the details of their claim in documentary form and then based on that issue the injunction.

In past instances defendants have not been informed of the basis upon which the injunction had been granted. This made it difficult for the newspaper or a broadcaster

* Zia Akhtar (zedpen@yahoo.co.uk) is a member of Gray's Inn. He is a writer on defamation and anti-trust laws.

served with the order to be informed of the case. This practice makes challenging such orders problematic, as reflected in the judgement of **Terry v Persons Unknown** (2010)¹ where Judge Tugendhat ruled that justice had to be seen to be done and privacy injunctions involved granting such orders, rules and directions that involved a derogation from this practice. This implies that injury to reputation of the plaintiff may justify an injunctive relief order and the award of compensatory damages, whereas invasion of their privacy would not. This does not always hold true, however, and plaintiffs may on occasion appeal to breach of privacy, whilst defendants would argue doing so constitutes an abuse of the court's process by the complaint being filed as a privacy claim then a defamation claim that they could defend with justification and fair comment.

English courts will not issue privacy injunctions as a rule, as they constitute a derogation of open justice. Any exceptions must be strictly justified. If the injunction is directed at the media then they must be provided with the grounds upon which it is based even if not all the particulars of claim. This will have to show the extent of the need for the protection which it will provide and this in lieu of a super-injunction.

A super-injunction prohibits disclosure of the fact that the order has been granted. This form of injunction can ban reporting of proceedings of Parliament, whose deliberations are covered by Absolute Privilege in the Bill of Rights 1666. It has been lifted when it became public knowledge by disclosure in the House of Commons. In **RJW v Guardian News and Media Limited**² the commodities trading outfit Trafigura applied for an injunction to prevent the disclosure of a report in Parliament by the Guardian newspaper. The defence argued that it was “*simply not in a position fully to argue this case today*” and did not oppose the injunction. It was granted for a period of only 7 days for a one day hearing. The newspaper did, however, oppose the accompanying anonymity order, citing the need for open justice. Nonetheless, Judge Maddison granted the order, holding that “*in the short term the anonymity of the claimants ought to be preserved*”.

The decision does not record any argument or decision about the “super-injunction” element of the order (the prohibition on “*the publication of information relating to the proceedings or of information describing them*”). The injunction was, ultimately, discharged by consent following its disclosure in the House of Commons. The judge ruled that longer term prohibition may be justified if necessary to reinforce the earlier ban on disclosure.³

The super-injunctions have developed as a response to the advent of the internet, which has made it extremely easy to discover who has obtained an injunction intended to protect private information. The injunctions are proper to the extent that they serve to prevent the defendant informing other parties in the media before they

¹ [2010] EMLR 6

² [2009] EWHC 2540 (QB)

³ <http://www.guardian.co.uk/commentisfree/2009/oct/14/parliament-free-speech-trafigura>

can be served with the same order. There have been several English sportsmen such as football and golfing professionals who have taken out super-injunctions to reinforce the primary prohibition on disclosure. The courts will not issue an injunction where the identity of the sportsman was known to the general public.

A recent instance involved the mysterious character from the television programme Top Gear known only as “The Stig”. The BBC sought an injunction against the publisher Harper Collins to prevent publication of the autobiography of former Formula 3 driver Ben Collins in which he revealed himself as the man behind the Stig character, despite the intention that he should remain anonymous. The judge refused the injunction on the basis that The Stig’s true identity was well known despite the apparent mystery surrounding him and that therefore the information was no longer confidential.⁴

This advanced form of injunction bans disclosure of the fact that the order has been granted. There are also interim injunctions which restrain unidentified individuals. An important issue raised by orders granted against persons unknown is the impact of the European Convention of Human Rights on media third parties affected by the injunction. In applications against persons unknown one of the main purposes of an injunction is to restrain the press from publishing the protected information by serving a notice under the *Spycatcher* principle.⁵

In this article the defamation law will be explored as it affects sportsmen, considering the recent case law, important principles and ratio of case law. It will discuss the permutation of Article 8 and Article 10 and their interpretation where the contrary interests have to be balanced. The sports regulatory frameworks will be evaluated, the disciplinary criteria of these bodies will be determined and the courts will be deemed as the ultimate arbiters of the decision making process.

Protecting harm to reputation

The courts have the powers to award damages when there is proof that a sportsman has been defamed. In **Cairns v Modi**⁶ the plaintiff was a former New Zealand cricketer who sued the defendant L. Modi for his comments on Twitter. The case

⁴ <http://www.stubblelegal.co.uk/scripts/2Fam06.htm>

⁵ This is a doctrine based on privacy cases that begin with an application for an interim injunction. If granted, such an injunction will “bind” third parties who have notice of it. However, once the injunction is made final, it loses its *Spycatcher* effect and binds only the defendant. (see **Jockey Club v Buffham**, [2002] EWHC 1866 (QB)). The effect is that in most privacy cases are left in a state of “suspended animation” and the claimant does not wish to progress them to final judgment because if this happens the very protection against publication which was sought in the first place is no longer available. <http://ukhumanrightsblog.com/2011/04/25/a-privacy-injunction-binding-on-the-whole-world/>.

⁶ [2010] EWHC 2859(QB)

brought to the surface the public roles of both parties, the nature of the allegations, the events in question taking place in the context of a controversial offshoot cricket league. The defamatory comments were that the defendant “was a cheat” were made on an internet social networking website.

The defendant pleaded that as the chairman of the Indian Premier League in early 2010 commented on Twitter on the withdrawal of Cairns’s name from the initial list of players whose names were put forward for the IPL auction. He said that his removal was due to a “*past record in match-fixing*”. Modi replied to an enquiry from a journalist working for the Cricinfo website about the statement that “*We have removed him from the list for alleged allegations [sic] as we have zero tolerance of this kind of stuff*” and the site repeated the allegation in an article on the site the same day, entitled “*There is no place in the IPL for Chris Cairns*”.⁷

The defendant responded to a subsequent media enquiry by stating that he would produce that evidence at the court. He relied on the defence of justification, asserting that the claimant had engaged in match fixing. The claimant commenced proceedings in London, alleging that the tweet and the comment to Cricinfo constituted libel. The defendant pleaded justification, and also applied later for an order for the exclusion of the jurisdiction derived from the precedence in **Jameel (Youssef) v Dow Jones & Co Inc.**⁸ suggesting that the tweet did not constitute a real and substantial tort within that jurisdiction.

However, that application was later withdrawn by the defendant Modi who instead applied for the *actual* publication to be determined as a preliminary issue. This was rejected by Judge Tugendhat in this case on the basis that the court had to consider the facts more objectively. The defendant also claimed that there had been match fixing and there was also reference made to the investigation by the ICL’s anti-corruption officer, Mr Howard Beer in 2008, but the defendant’s then solicitors did have the opportunity to compile the evidence which they claim could have provided the direct evidence of match fixing.

The judge stated that “*despite prolonged, searching and occasionally intrusive questioning about his sporting, financial and personal life he emerged essentially unscathed.*” The defendant had “*singularly failed to provide any reliable evidence that Mr Cairns was involved in match fixing or spot fixing, or even that there were strong grounds for suspicion that he was.*”

The judge implied that to allege that a professional cricketer was a cheat was as serious a libel as can be made against a professional *sportsman*. As a consequence of the failure of the defence of justification, Cairns was awarded damages of £90,000 and costs of £1.4m.

⁷ <http://inform.wordpress.com/2012/03/28/case-law-cairns-v-modi-defendant-found-liable-for-twitter-comments-gervase-de-wilde/>

⁸ [2005] QB 946

In defamation, Article 10 has had the most impact by affording the defence of the freedom of expression. This can be inferred from the decision in **Chauvy and Others v France**⁹ in which there was a defamation/privacy appeal by the author Chauvy who had published a book on the French resistance which he claimed “*was to test the official truth as related at length in the media*”, about its leaders. The ECHR ruling stated that there had to be consideration of “the right of the persons attacked by the book to protect their reputation, a right which is protected by Article 8 of the Convention as part of the right to respect for private life”. Judge Thomassen held that the book “was on a subject of general interest the court gave precedence to protection of the reputation, which is part of the concept of private life that is protected by Article 8 of the Convention”.¹⁰

The freedom of expression that was protected under the Article 10 (2) was a qualified right which guarantees the right to convey information to other people and to receive it. This also guarantees the right to hold and express opinions and ideas, and journalists argue on this basis that there should be no restrictions on what they write or publish.

The rule has long been to refuse an injunction unless it is clear that no defence can possibly succeed. The Court of Appeal reaffirmed that rule in **Greene v Associated Newspapers**¹¹ when rejecting an argument based on section 12 (3) Human Rights Act 1998 that the landscape had been changed and the plaintiff had to show only “a real likelihood of success” which had been established for the breach of confidentiality.

In his judgement, Brooke LJ stated that that “*there was a clear distinction between a defamation cases and a case which raises direct issues of privacy and confidentiality. The proper test was still based on ‘a real prospect of success’ at trial*”.

The breach of Article 8 which protects the right to privacy leads to an award for damages and the justification for an injunction is that injury to reputation. This means that the sport stars will sue for defamation and defendants will contend by abusing the court’s process by defending a libel complaint as a privacy claim.

However, the court will look at the factual circumstances to objectively assess the appropriate weight to be given to Article 8. In **Re Guardian News and Media Ltd**¹² the Guardian News and Media Limited were appealing to have the anonymity orders on A, and others who had been designated by the HM Treasury under the Terrorism (United Nations Measures) Order 2006, as there was suspicion that they had facilitated acts of terrorism. The effect of this designation was the freezing of

⁹ [2005] 41EHRR 29

¹⁰ <http://www.ma-radio.gold.ac.uk/cmle/chauvy.htm>

¹¹ [2005] 1AllER 30

¹² [2010] 2AC 957

their assets. The newspapers were appealing on the basis of Article 10 of the European Convention on Human Rights.

One of the accused, M, argued that if his identity was revealed it would do serious damage to his reputation, relying for this claim on Article 8 of the Convention - the right to private family life. The appellants contended that the right to have reputation protected from the effects of publicity from any information about their identity. The Supreme Court stated that Article 8 was applicable as the alleged effect on M's reputation would seriously affect his right to private family life.

Nonetheless, it was held that M, A, K and Y 's anonymity orders would be lifted as the public had a legitimate right to be informed about who was challenging freezing orders and the mere possibility of this being abused by some members of the press was not enough to curtail the right for all members of the press. This was due to the fact that the public had a legitimate right to be informed about who was challenging freezing orders and the mere possibility of this being abused by some members of the press was not enough to curtail the right for all members of the press. The right to freedom of expression under Article 10 ultimately outweighed the Article 8 right to private family life.

The defendant is free to say anything that is true defence of justification which does not require a public interest or public benefit test. This rule has been tempered by the development of the recent case law on harassment. It may be that in sports where the activity is essentially trivial that some information that would have been said to be defamatory in some circumstances would not be categorized as such because there it would be ruled as insufficiently serious. This was the ratio of **Terry v Persons Unknown** (See Above). There is also an alternative claim in the misuse of private information.

There had to be consideration to ensure that the publication of prima facie private information be kept to a minimum and a sweeping reliance on public interest should be avoided. It may be contended that publication of the fact of the offence, and that the sportsman has been found in breach of a specific rule and that the disciplinary action taken is in the public interest. This would not include the gratuitous detail about their private lives as that would not be deemed to be in the public interest.

The provisions of Article 8 protect reputation but it has been expounded in the ECHR judgement in **A v Norway**,¹³ where the applicant alleged that the unfavourable result of his defamation case against a newspaper before the Norwegian courts was a failure to protect his right to the presumption of innocence under Article 6 § 2 of the European Convention of Human Rights and his right to protection of reputation under its Article 8. The Court held that the respondent had violated the applicant's rights by reason of the dismissal of his defamation claim against the newspaper which had implicated him in murders in which two men were later convicted. The plaintiff

13 [2009] Application no. 28070/06

had himself been a convicted murderer and was one of a number of persons interviewed by police in the immediate aftermath of these crimes.

Although, it did not name A, the newspaper published a story reporting his questioning which included details of his places of work and residence and partial photographs of him. The ECHR found that the ordinary reader would have interpreted the articles to mean that the applicant was a possible suspect. Despite the serious public interest in the murder investigation the publication “*entailed a particularly grievous prejudice to the applicant’s honour and reputation that was especially harmful to his moral and psychological integrity and to his private life and so violated Article 8*”.

It has to be determined what is the particular interest in the court’s reference to, and reliance upon Principle 8 of the Appendix to Recommendations Rec(2003) 13 of the Committee of Ministers Council of Europe on the provision of information through the media in relation to criminal proceedings.

The provision of information about suspects, accused or convicted persons or other parties to criminal proceedings should respect their right to protection of privacy in accordance with Article 8 of the Convention. Particular protection should be given to parties who are minors or other vulnerable persons, as well as to victims, to witnesses and to families of suspects, accused and convicted. In **Kurier Zeiungsvlag und Druckerei GmbH v Austria**¹⁴ the ECHR held that it was acknowledged by the parties, that the information disclosed is prescribed by law where it had served a legitimate aim, which was “the protection of the reputation or rights of others” for the purpose of Article 10. The Court held that “in all cases, particular consideration should be given to the harmful effect which the disclosure of information enabling their identification may have on the persons referred to”.

The Court noted the importance of assessing “*the contribution made by photographs or articles in the press to a debate of general interest*”. However, it went on to note that

*“the publication of photographs and articles the sole purpose of which is to satisfy the curiosity of a particular readership regarding the details of a public figure’s private life cannot be deemed to contribute to any debate of general interest to society despite the person being known to the public. In such conditions freedom of expression calls for a narrower interpretation”*¹⁵

The courts also require it to be seriously injurious to reputation in the defamatory sense, i.e. likely to lower the person’s reputation in the estimation of right thinking

¹⁴ [2012] Application no. 1593/06 (2012)

¹⁵ [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-108689#{\"itemid\":\[\"001-108689\"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-108689#{\) (accessed on 17 April 2012)

members of the public. In **Thronton v Telegraph Media Group**¹⁶ the issue was whether the defence of fair comment should be disallowed on the grounds that, even if the passage as a whole could be regarded as fair comment, the facts on which it was based had not been truly identified and stated. The Queens Bench Division held that it should be struck out as the claimant's words, as quoted, by implication may lead the jury to misinterpret them and it was a clear and material misstatement of fact. The Section 6 of the Defamation Act 1952 granting a defence would not have succeeded and the Court of Appeal refused the defendant the right to appeal the decision.¹⁷

The Court held that there was no personal defamation as the claims did not cross the seriousness threshold and nor was it business defamation. The ruling is potentially of great importance, introducing a "substantial harm" test into the definition of what constitutes a defamatory allegation. There are clear policy arguments in favour of the approach taken by the judge – particularly in view of Article 10. If harm is not "substantial" then it is unlikely that the Article 8 right to reputation will be engaged at all. Nevertheless, it might be argued that a change of this importance should be brought about by statute or by the Supreme Court and the Defamation Bill currently before Parliament does enact a law in accordance with the judgement parameters.¹⁸

Limits of investigative journalism

However, following this reasoning leaves open the possibility of arguing that the bare fact of identifying a person as under investigation could infringe Article 8 even where the report is accurate as to its detail. This was the situation in the case of **Flood v Times Newspapers**,¹⁹ where the investigation at the time was pending, even though the allegations being investigated turned out to be groundless. The significant legal development in this case was that the claimant's right to protect his reputation was recognized under Article 8.

In this case DS Flood worked for the Met's Extradition Unit and a report that he had taken bribes reached the police. The Times reported the allegations and the fact that they were being investigated. At first instance Judge Tugendhat held that the defence was successful for all print web publications until the Times was notified that the Met's investigation had found in his favour.

¹⁶ [2009] EWHC 2863

¹⁷ Section 6 states: "*In an action for libel or slander in respect of words consisting partly of allegations of fact and partly of expression of opinion, a defence of fair comment shall not fail by reason only that the truth of every allegation of fact is not proved if the expression of opinion is fair comment having regard to such of the facts alleged or referred to in the words complained of as are proved.*"

¹⁸ <http://www.casecheck.co.uk/CaseLaw.aspx?EntryID=17013> (accessed 25 February 2011)

¹⁹ [2010] EMLRB

However, DS Flood appealed against this finding, and the information that had to be evaluated was found to be in three categories. These were the fact that an allegation had been made by an unidentified person to the Met; the fact that the allegation was being investigated and information which gave evidence to the allegation – the inculpatory evidence.

The Court of Appeal concluded that the article was not a journalistic investigation into the substantive allegation concerning corruption as “*the article did not take the form of a classic piece of journalism in which the newspaper reports facts uncovered by the journalist*”. The journalistic investigation did succeed in discovering that a Met investigation was taking place and getting the informant to tell The Times what he had told the police. The newspaper investigation had not concluded that DS Flood was reasonably suspected of the crime for which he was investigated.

It was proffered that The Times could not have reached this conclusion because the trial judge found that “*no evidence was known to the journalists*” that DS Flood had behaved corruptly. The trial judge had stated that the House of Lords’ decision in Jameel meant that the inclusion of information in the article which added credence to allegations against the plaintiff (the inculpatory information) was acceptable and that in any event its inclusion was a matter of editorial judgement.

Based on this deduction the journalists did establish that DS Flood was being investigated and because they established this fact they could include the inculpatory evidence without losing the *Reynolds* defence.²⁰ In the Court of Appeal it was not an issue that stating the mere fact that Mr Flood was being investigated by the Met could be reported under the protection of privilege. The Court of Appeal concluded that it was important for the public to know that the police was policing (or not policing) itself.²¹

The appeal focused on whether the inclusion of the exculpatory information caused the article to lose the cloak of privilege. The Court of Appeal concluded that such material could only be protected by *Reynolds* if the journalists had verified it, which they had not done. The Court ruled that the Times journalists had not taken sufficient steps to verify the allegations and that there was no evidence of wrongdoing.

However, based on the ruling in the above case, if a publication were to be protected by *Reynolds* it would mean that a newspaper could publish malicious allegations made against a police officer (including details of exactly what his accuser was saying) merely because the newspaper had established that the accusations and supporting

²⁰ *Reynolds v Times Newspapers* [2001] AC 127. This case established that there had to be a balancing of interest in the protection of privacy and the freedom of expression. It meant that there was a qualified privilege to proceedings where before there was before an absolute privilege.

²¹ http://www.supremecourt.gov.uk/docs/UKSC_2010_0166_Judgment.pdf (accessed 21 March 2012)

material had been passed on to the police. This could also include a sportsman who had been maligned as corrupt and prima facie evidence about him had been divulged to the police.

This is not the ratio of the judgement in *Reynolds* when referring to the important role the media plays as a purveyor of ‘snoops’ and as a whistle-blower. The case has established that the “lingering doubts” which Lord Nicholls stated ought to be resolved in favour of the defendant were no longer valid. It was inevitable in the context of this recognition that the right to reputation is an Article 8 right. As no right in the ECHR has presumptive priority over another, in deciding whether a *Reynolds* defence succeeds or fails the court will have to engage in an “intense focus” in balancing a claimant’s right against a newspaper’s Article 10 right; it can no longer begin with a presumption in favour of a defendant’s Article 10 freedom of expression protection.

Test for determining professional conduct of sportsmen

The sportsman’s reputation has been compared in the English courts to the GMC doctor practitioner in the UK in order to determine if the court would allow an injunction. In such cases factors to be considered include the gravity of the allegations; the nature of the evidence; the seriousness of the risk of harm to patients; the reason why the case has been concluded; and the prejudice to the practitioner if the interim order is continued. The courts have concluded that the view of the regulator and its panels must be given respect, but it was only one factor to be put into the equation.

There is conflicting authority in English law on the question of when professional misconduct can be reported. In **Sandier v GMC**²² Judge Nicol rejected the submission that the reputation of the professional was not affected at the interim stage and could be protected by a final order if the charges were not made out. He found that the damage to reputation could be adversely affected if a doctor who faced serious allegations was allowed to practice while court proceedings were on going.

However, in **Bradshaw v GMC**²³ Judge Roger Kaye QC pointed out that one of the distinctions between the power to suspend and the power to penalise was that in suspension there can be no question of deterrent, which is a matter which can legitimately be taken into account when penalising a professional for misconduct.

The question generally turns on whether the regulatory body has correctly applied its powers. This is held to the benchmark of the fit and proper person, a point of reference which has been settled by both case law and statute and is used to regulate many fields of activity in public life. This test aims to ensure that an individual

²² [2010]EWHC1029

²³ [2010]EWHC1296

applying for permission to take up a position has the personal qualities and professional qualifications reasonably required to do so.

Lord Bingham MR defined this principle in **Bolton v Law Society**²⁴ as emphasizing the protective nature of regulatory jurisdiction and stated that the related concepts include “fitness to practice”, which applies to doctors under the Medical Act 1983. In that regard the concept is used as part of disciplinary jurisdiction. In some sporting contexts minimum standards are set to regulate entry into, and continued connection with the sport by participants and others. The concept of a “fit and proper person” is applied in horse racing and football.

In the former there is both a licensing and a disciplinary regime and the notion of a “fit and proper person” underpins the licensing functions of the British Horse Racing Authority for trainers and jockeys. The Authority publishes the criteria and their jurisdiction is exercised by the Licensing Committee on behalf of the Authority. In the case of jockeys, the Committee often considers riders who wish to be re-licensed following a period of disqualification for breaches of the Rules of Racing, particularly in betting cases where privileged inside information has been released to outside bodies.²⁵ The Premier League regulates shareholders and directors of clubs by specifying a range of disqualifying events and other criteria under section D, Part 1 of the Rules of the Premier League.

The enormous network of sports clubs throughout the UK is administered through their own National Governing Bodies (NGBs). These NGBs form the focal point for their sport, providing the link between recreation and development, training and competition as well as facility and policy development. The organisation’s hierarchy is responsible for the disciplinary procedures and for the regulation of the sportsmen and their codes of practice. When these regulatory bodies issue decisions the issue arises whether the results of this process can be published as a matter of public interest.

In international sports dispute resolution is referred for arbitration. A dispute may be submitted to the Court of Arbitration for Sport (CAS), but only if there is an arbitration agreement between the parties which specifies recourse to the CAS. This is a process carried out in the CAS headquarters in Lausanne, Switzerland. In defamation cases, referring disputes to the CAS has some advantages. A CAS tribunal is a private procedure, conducted without public or media interference. The arbitrators and CAS staff are obligated not to disclose any information connected with the dispute.

This adjudicatory body was created by the International Olympic Committee (IOC) in 1983. It also has two permanent offices in Sydney, Australia and New York, USA and

²⁴ [1994] IWL 512 at Parahs 518B-519E

²⁵ British Horseracing Authority. *The Rules of Racing*.

<http://rules.britishhorseracing.com/PDF&staticID=126162>

employs a minimum of 150 arbitrators from 37 countries, who are specialists in arbitration and sports law. They are appointed by the International Council of Arbitration for Sports (ICAS) for a four year renewable term and are obliged to sign a 'letter of independence'. The CAS also has a permanent President who is also the President of ICAS.

The International Council of Arbitration for Sport (ICAS) was created to supervise the administration of the CAS, replacing the IOC. The CAS was placed under the organizational and financial authority of ICAS after the Gundel decision²⁶ in which the Swiss federal Supreme Court heard a judicial challenge to a CAS award. It affirmed the power of the CAS to legally bind parties to its determinations. The Court also recommended that the CAS reduces its dependence on the IOC which in 1994 led to the creation of the ICAS to replace the IOC as the manager and its funding source. Almost all international sports federations or associations which are part of the International Olympic body refer sports disputes between themselves and sportsmen to the CAS.

Governing bodies of sporting federations whose sport bodies are not part of the Olympic federations, such as Formula 1 racing, often have their own rules and dispute settlement tribunals. However there are some sports such as soccer, which are members of the Olympics Federation, who have their own governing bodies (in this case FIFA) which have their own disciplinary tribunal.

There are two kinds of disputes that can arise between sportsmen and their governing bodies. These are either of a commercial nature, or of a disciplinary nature. The first category essentially involves disputes relating to the execution of contracts such as those relating to sponsorship, the sale of television rights, the staging of sports events, player transfers and relations between players or coaches and clubs and/or agents (employment contracts and agency contracts).

The disciplinary cases represent the second group of disputes submitted to the CAS, of which a large number are doping-related. In addition to doping cases, the CAS is called upon to rule on various disciplinary cases (violence on the field of play, abuse of a referee). Such disciplinary cases are generally dealt with in the first instance by the competent sports authorities, and subsequently become the subject of an appeal to the CAS, which then acts as a court of last instance.²⁷

The CAS is governed by its own Statutes and Rules of Procedure, namely the Statutes of the Bodies Working for the Settlement of Sports Related Disputes, Code of Sports Related Arbitration and Mediation Rules. According to Articles S12, S20, R27 and R47 of the Code, the Appeals Arbitration Procedure is open for appeal against any decision rendered by a federation or club and not limited to disciplinary matters, especially doping cases.

²⁶ TF 4P.217/1992, 15.03.1993

²⁷ <http://www.tas-cas.org/en/infogenerales.asp/4-3-239-1011-4-1-1/5-0-1011-3-0-0/>

Article R57 also empowers the CAS Panels not only to annul a certain decision, but also to replace a decision by a ruling of the arbitrators, or to refer the case back to the issuing body. In **USA Shooting & Q. / Union Internationale de Tir (UIT)**²⁸ it was held that the CAS has full power to review the facts and the law. The consequence of this decision flows from the rule that in the jurisprudence developed by the means of arbitration “*if the hearing in a given case is insufficient in the first instance (...) the fact is that, as long as there is a possibility of full appeal to the CAS, the deficiency will be cured*”.²⁹

Moreover, Article R58 authorises the Panel to apply the “rule of law” it deems most appropriate for the case. Thus the Panels may deviate from the laws of the country in which the federation is domiciled and reach a decision on the basis of laws of another country or other rules of law, such as general principles of law.³⁰

The CAS acquires its jurisdiction in a particular case only through the mutual consent of the parties involved. Currently, all Olympic International Federations and many National Olympic Committees have recognised the jurisdiction of the CAS and included in their statutes an arbitration clause referring disputes to it. The CAS hears approximately 200 cases per year. While it was the international response to the rise in the use of performance-enhancing drugs and the resulting doping cases that prompted the creation of the CAS, the court is called upon to assist in a wide range of sport conflicts, including sponsorship disputes, the eligibility of a particular athlete in accordance with a sport's constitution, as well as the resolution of disagreements concerning competition results. The determination of issues arising in doping cases remains a significant portion of the CAS' caseload.³¹

In **Canadian Olympic Committee (COC) and Beekie Scott / International Olympic Committee (IOC) award**³² the CAS considered the decision made by the IOC Executive Board on 24 February 2002 to exclude Larissa Lazutina and Olga Danilova from the XIX Olympic Winter Games of Salt Lake City. Each athlete passed their post-event doping test in the 5 km pursuit event. Then later Danilova and Lazutina each failed a subsequent doping test administered in relation to another Olympic cross-country event, when the presence of a prohibited blood doping agent, darbepoetin, was detected in each skier's sample.

The disqualification of both athletes from all the races in which they participated during the Games led to the forfeiture of all medals they won in them. Consequently,

²⁸ [1995] CAS 94/129 para 59

²⁹ <http://www.tas->

[cas.org/d2wfiles/document/5691/5048/O/Award20FINAL202083202012.02.09.pdf](http://www.tas-cas.org/d2wfiles/document/5691/5048/O/Award20FINAL202083202012.02.09.pdf)

³⁰ <http://books.google.nl/books?id=am6uHjK4m1AC&pg=PA234&lpg=PA234#v=onepage&q&f=false>

³¹ William McAuliffe, Antonio Rigozzi, Lévy Kaufmann-Kohler (2012) “Sports Arbitration”. *The European & Middle Eastern Arbitration Review*.

<http://www.globalarbitrationreview.com/reviews/40/sections/140/chapters/1434/sports-arbitration/>

³² [2003] CAS 2002/O/372

these cases were remitted to the IOC Executive Board to render a new decision in accordance with the CAS awards. Scott had appealed her 5 km race result on the basis that both Russian skiers were engaged in on going doping practices and was awarded the gold medal.³³

This ruling resulted was the first time in Olympic history that a gold medal had been awarded to an athlete as a result of a CAS ruling. The full English text of the CAS awards is published on the internet website of the Tribunal in the case law section.³⁴

In 2004, the CAS arbitration panel ruled that American sprinter Tim Montgomery be banned from international competition for two years as a result of breaching code 3.1 of the World Anti Doping Code, despite the fact that Montgomery had never failed a doping test. The CAS ruled that it could find a doping violation on the basis of the third party evidence called against Montgomery, most of which connected Montgomery to the Bay Area Laboratory Cooperative (BALCO) athlete steroid scandal that had arisen in the United States in 2003.³⁵ The outcome of the procedure where the determination took place was made public by CAS.³⁶

In February 2010, five-time Olympic speed skating champion Claudia Pechstein lost her appeal against a two-year ban for blood doping. CAS dismissed the German's appeal against a ban imposed by the International Skating Union.³⁷ The arbitration panel applied the normal "comfortable satisfaction" standard provided under Article 3.1 of the ISU, which states:

"The standard of proof shall be whether the ISU or its Member has established an Anti-Doping rule violation to the comfortable standard of the hearing panel bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond reasonable doubt."

Right to privacy of disciplined sportsmen

The regulatory bodies all have detailed procedural rules relating to disciplinary matters which provide them the veneer of a quasi-judicial function. It is clear that absolute privilege applies neither to the disciplinary hearing itself nor to the panel's findings. However, the online publication to the world at large would in most cases rule out a common law duty interest. A defence based on Qualified Privilege would

³³ <http://pedalmag.com/?p=1781&c>

³⁴ http://www.sporthill.com/news.php?pageNum_news=9&totalRows_news=55 (accessed on 19 December 2003)

³⁵ [2004] CAS 2004/0/645

³⁶ <http://www.fags.org/sports-science/Ce-Do/Court-of-Arbitration-for-Sport-CAS.html#b>

³⁷ [2010] CAS 2009/A/1912

not be sufficient to demonstrate the reciprocal interest for the electronic media of many of its readers.

The issue of whether it will apply to the online publication of a sportsman's suspension by a regulatory body has not been settled. There are no special defences that apply to publications of this nature insofar as alleged misuse of private information is concerned. These will, in most cases, be clear public interest in the promotion of the integrity of the sport in question. The sport's personality, if there has been a disciplinary code violation, will not be permitted to rely on his or her Article 8 ECHR Right to Privacy to prevent the publication of the fact of clear wrongdoing.

In several sports there are rules providing for interim suspensions. The ICC rule 4.6.1 or Anti Corruption Code led to the suspension of cricketers M Asif, M Amer and S Butt from Pakistan for receiving bribes from an agent of a betting organization during a test match. This precipitated a criminal investigation that eventually led to the conviction of the cricketers and jail sentences.³⁸ A similar case resulted in the suspension of John Higgins and his agent by the World Professional Snooker and Billiards Association in May 2010.

The courts are likely to side with the regulatory body in those circumstances where the sportsmen have been indicted. In **Fallon v HRA**³⁹ Judge Davis held that if a sportsman had been charged by the CPS, there was usually no obligation on the regulator to look behind that decision to decide whether there is requisite evidence to make considering an interim suspension an appropriate task. In this case the question of Qualified Privilege attaching to the online publication of a regulator's decision to suspend a sportsman will not arise, as it would be settled by the decision to prosecute them.

However, the precedent has been established based on the ruling in the case of **McKeown v BHA**⁴⁰ in which there was consideration of the governing authorities on the general supervising jurisdiction exercised by the High Court over sporting bodies. It was based on the Appeal Board of the British Horseracing Association upholding the finding of a Disciplinary Panel that M, a jockey, was guilty of (1) deliberately failing on four occasions to ride a horse on its merits and (2) conspiring with a trainer, owner and various gamblers to commit a corrupt practice by providing them with inside information to enable them successfully to place bets on his rides in those and four other races.⁴¹

M sued the BHA and sought a declaration that these findings were unlawful, and an injunction to prevent implementation of a penalty of 4 years' disqualification. He

³⁸ The corresponding rules in Soccer are FA Rule E16 and Rule A63 of the Rules on Racing.

³⁹ [2006] EWHC 2033.

⁴⁰ [2010] EWHC 508(QB).

⁴¹ <http://www.5rb.com/case/facts/McKeown-v-British-Horseracing-Authority> (accessed on 12 March 2010)

argued that the tribunals had erred in law, and made findings of fact which were perverse and vitiated by bias. The questions before the judge were: (1) Did the tribunals err in law in aggregating separate non-probative pieces of evidence in relation to the charges of non trying? (2) Were the tribunals' findings that M had supplied inside information relating to horses knowing that the information would be used to place lay bets perverse? and (3) Were the decisions of the Panel and/or Appeal Board vitiated by actual or apparent bias?⁴²

Judge Stradlen held that none of the tribunals' findings were perverse, but its finding that M had supplied inside information relating to horses in the knowledge that it would be used for a corrupt practice had been based on incorrect facts which could have invited a penalty. The judge, who was a non-expert on horse racing could not, on the basis of simply viewing the video evidence, surmise that the expert tribunals' findings of not-trying were perverse. The claimant was himself an expert but adduced no independent expert evidence at any stage of the proceedings.

However, his Honour stated that the Board should have remitted the matter to the Panel for a re-hearing on those important points. The court can examine the evidence that has come before the tribunal and it would not be subservient to its finding. While the court will be reluctant to interfere with findings of fact by a specialist tribunal it was not incumbent for a tribunal to hear expert evidence on issues where, as here, the tribunal had the requisite knowledge and expertise to assess the evidence. The judgement infers that the courts' have supervisory jurisdiction to review the findings of sports disciplinary tribunals.

His Honour remitted the case back to the Panel to hear evidence which would challenge the finding of fact that Mckeown was not involved in relaying information about the horse races for the purpose of betting because the "interests of justice and the requirement of fairness" needed it to be reheard. (Parah 356)⁴³

Proposed UK Defamation law

There is a new Defamation Bill in the UK Parliament that will address the issue of disparaging the private lives of sportsmen in the print and the electronic media. The change will reverse the inability of super-injunctions to protect their reputation when the court injunctions are ignored and the information is published on the internet. The amendment was initiated by the Joint Parliamentary Committee on the Draft Defamation Bill, which prepared a report detailing their suggested amendments to

⁴² <http://www.5rb.com/case/McKeown-v-British-Horseracing-Authority>

⁴³ <http://www.bailii.org/ew/cases/EWHC/QB/2010/508.html>

the Bill on 19 October 2011, and established four core principles of legislative reform.⁴⁴

These are entitled the freedom of expression and protection of reputation; reducing costs; accessibility and cultural change. It advocates a trial by jury; the test of ‘substantial harm to reputation’ in libel claims should be increased to an even higher threshold that the **Re Guardian News and Media Ltd** of “*serious and substantial harm*” with a view to facilitating the early resolution of disputes (and thus reduce costs). It seeks to provide greater protection for freedom of expression, absolute and qualified privilege, extending qualified privilege to peer-reviewed articles in scientific or academic journals, libel tourism – a strong stance on preventing unwarranted legal action in the UK.

The Committee has proposed that the Internet Service Provider (ISP) and Twitter are brought to a closure by accepting that the modern means of communication pose a massive challenge in the world of defamation claims. The multi-jurisdictional, worldwide nature of social networking requires consideration of the global damage to reputation made possible by the internet.⁴⁵ Under the proposed reform the ISPs, which provide access to the internet, will have to moderate the content of their site to maximise the balance of freedom of speech with protection of reputation.

The objective of the proposed legislation is to rectify this by means of stopping an identifiable author making a defamatory statement on the internet, and the ISP or host should promptly publish any complaint received in respect of the publication, alongside the statement. The outcome will be to override the effect of the statement and the damage to reputation, whilst preserving the author’s right to free speech. The defamed party will then be able to litigate limited damages and to have the statement removed, and the court will be able to issue an injunction which will be binding on the ISP or host.

In cases where the author of a defamatory statement is unidentifiable, a complaint will place a requirement on the ISP or host to delete the statement, unless the author identifies himself (and then the above identifiable author process applies), or the ISP or host considers the statement to be in the public interest (whereby they have the right to apply to court for exemption from an injunction).

The effect of that will be that Twitter and other social media websites, discussion forums and blogs will continue to be a medium for debate and the Article 8 and Article 10 Rights will be protected. However, it is envisaged that the proposed guidelines, if enforced, will mitigate the effect of defamatory statements on

⁴⁴ House of Lords and the House of Commons on the Draft Defamation Bill: Joint Committee report on 12 October 2011. <http://www.publications.parliament.uk/pa/jt201012/jtselect/jtdefam/203/20302.htm>

⁴⁵ <http://www.worldservicesgroup.com/publications.asp?action=article&artid=4195>

individuals' reputations, preserve the right to free speech and provide a transparent and affordable means of early dispute resolution.

Conclusion

The need for super-injunctions has arisen because of the internet age. They are a type of gagging order which prevents both allegations against sportsmen and the issuing of the order itself being reported. They are a form of redress that owes itself to the internet age, when the news media has become electronic and information is transferred on social networking websites and Twitter.

The court has power to grant an injunction restraining a breach of privacy but it also has an ancillary power to restrain publication of details of the injunction proceedings, application, hearing, proceedings or order. The court will not issue if the person's identity has become public knowledge or if there is another. The English court will issue a privacy injunction as a restrictive order based on the evidence that will deal with the application speedily and without any subsequent need for a follow up hearing.

In a recent public address the Master of the Rolls, Lord Neuberger, recognised concerns about the possibility of "secret justice" and detailed when such an injunction can be justified. He said:

"The case involved the grant of an injunction restraining the publication of alleged sexual activity of an international sportsman.⁴⁶ The issue was whether we should let the name of the sportsman be published, in which case we would have had to ban publication of details of the story, or grant the sportsman anonymity, in which case the basic nature of the story could be published. Partly because, in the light of the history, naming the sportsman might well have enabled people to work out the nature of the story, we decided to grant him anonymity. But this was also arguably justified by the point that the public interest is better served by knowing about the type of case which is coming before the courts, and the types of case in which reporting restrictions are being granted, than by knowing which famous sportsman is seeking an injunction for wholly unspecified relief. In this connection, there may well be a difference between what is in the public interest to know and what the public want to know – or perhaps what some newspapers want the public to want to know."⁴⁷

⁴⁶ JIH v News Group Newspapers [2011] ECWA Civ 42

⁴⁷ <http://www.telegraph.co.uk/news/uknews/law-and-order/8525815/Top-judge-attacks-MPs-who-reveal-injunctions.html> (accessed 20 May 2011)

The sports regulatory bodies have many regulations that have procedural rules relating to disciplinary matters that carry out the quasi-judicial function. It is clear that absolute privilege would not attach to the code of conduct violations or to the panel's findings. The publication to the outside world would in most cases rule out a common duty of interest based QP defence as the regulatory body will be precluded from demonstrating the interest in the affairs of a public personality.

There are no special defences that would apply to the publication of information on the deliberations of these sports bodies. It will not be open to abuse of this information even if it is of the private domain. This can be seen in the coverage given to the Pakistani cricketers who were caught up in the betting scandal. In this instance the information was widely distributed and exposed the stars who were later convicted.

Individuals cannot invoke Article 8 ECHR rights to prevent publication of a fact of clear abuse of their code of conduct. The court will apply a factual analysis in balancing the Article 8 and Article 10 rights. Thus care should be taken to ensure that the publication of private information is kept to a minimum and public interest should be reasonably interpreted.

In **McKeown v BHA** the ruling stated that the public interest justifies the notification of the public of the fact of the offence and that disciplinary action has been instigated rather than the detail of the findings themselves. The case also established that there was a general supervisory jurisdiction exercised by the High Court over sporting bodies such as tribunals that took precedence over their judicial functions.

Super-injunctions are commonly circumvented by electronic media identifying sports personalities who have obtained the court orders to protect their privacy. This right, which should be protected, is separate from the disclosure of a sport regulator's decision in regards to disciplinary proceedings. The law of defamation has to be adjusted to reflect the nature of the internet age, as the recent case law shows. This has been achieved by the balancing act of the two ECHR articles and preserving the ability of judges to formulate the law on libel for high value personalities.

4. THE *FREE* KICK (3)

Edited by Albrecht Sonntag

'The FREE kick' is a column about Football Research in an Enlarged Europe, a European interdisciplinary research project in the social sciences. The project will be running from April 2012 to March 2015.

Kicked off

All 7th Framework projects, whatever their research are, are expected to organise a “kick-off meeting” to mark the beginning of their work, but never had this term seemed more appropriate than last April, when it was applied to the launch of a fully football-focused research project. Rather than holding a merely administrative launch meeting the FREE consortium had opted for coupling it with an academic event and invited a series of renowned keynote speakers from different social sciences in order to engage a debate on the scientific concepts that underpin the entire project rationale. Together these contributions, which are now available in the form of working papers or PowerPoint presentations under <http://www.free-project.eu/documents-free/Pages/Workingpapers.aspx>, provided for a critical reading of the entire project and very useful advice on the pitfalls it may encounter and the challenges it will have to be up to. A photo album of the kick-off conference can also be browsed on <http://www.free-project.eu/events/Pages/kick-off-2012.aspx>.

On track

Since the kick-off conference the different work packages of the project have started their research work as planned. A first thematic conference on “The origins and birth of European football” has already been organised at the end of September by Paul Dietschy at the Université de Franche-Comté in Besançon. Contributions focused on the organisation and impact of the first European football encounters after the game had been spread from England to the continent and popularised across Europe mainly by British and Swiss businessmen.

It came as no surprise that the complicated relationship between the British football pioneers and the emerging continental federations and clubs was at the centre of the first part of the conference. Following an introduction on the paradoxes of this relationship by Tony Mason (De Montford University, Leicester), Geoff Hare (Newcastle University) reflected on the different interpretations given to the term “international game”. Michaël Delépine (Université Paris-X) traced back the story of the long series of yearly friendlies that were held in Paris between 1930 and 1962 between Arsenal and the Racing Club de France (the latter being now, contrary to its London counterpart, hopelessly lost in the abysses of the fourth division). Gertrud Pfister (University of Copenhagen) recalled the emergence of a Europe of women’s football, which quickly came to a halt due to the negative attitude by federations across the continent.

Another panel presented work in progress on three forerunners of the European Champion Clubs Cup initiated by *L'Equipe* in the 1950s. The most important of these was no doubt the Mitropa Cup, which was, between 1927 and 1939, a showcase for the brilliant football school that had developed along the Danube. Grégory Quin (Université de Lausanne) showed to what extent this competition, in prestige and quality, came closest to being an ancestor of the Champions League. Based on recent findings from different archives, Xavier Breuil (Université de Franche-Comté) and Pompiliu-Nicolae Constantin (University of Bucharest) assessed the legacy of the different Balkan Cups. The first one, a competition among national teams of a rather loosely defined geographical region, was played between the end of the 1920s and 1947 (with a short revival later in the 1970s.) The second one, a club competition, only came into being in the 1960s and was played until 1994. The panel was completed by a study of the so-called Latin Cup presented by Stéphane Mourlane (Université Aix-Marseille). This competition opposed, between 1949 and 1957, clubs from France, Italy, Spain and Portugal. All of these “regional” competitions somehow expressed a certain desire for a pan-European event, which for several reasons was impossible to set up before the 1950s. When the *Coupe d'Europe des clubs champions* finally came into existence, they became rather quickly redundant and were bound to disappear sooner or later. At the same time the very existence of these competitions highlights the active work, often based on rather idealistic motivations, of football entrepreneurs across the continent who laid the foundations on which today's Europe of football was built.

The second day of the conference was dedicated to a series of case studies. The first two opposed the biographies of two players of almost identical lifespan and talent but very different career paths: the Polish-born striker Ernst Willimowski from Silesia – until today the only player ever having scored both for and against the German national team – was presented by Diethelm Blecking (Universität Freiburg), while Claude Boli (from the French Musée National du Sport) traced back the career of the legendary Sir Stanley Matthews. Two other case studies focused on two somewhat “peripheral” countries and their relationship with European football: Alan McDougall (University of Guelph) provided insight on East-Germany's first timid integration into a European football scene whose professionalism was not exactly ideologically compatible with the state doctrine. Özgehan Senyuva (Middle East Technical University, Ankara) and Sevecen Tunç (University of Boğaziçi) analysed the integration of Turkey in European football, demonstrating that while there was an antagonistic debate between and among UEFA and FIFA, there had never been a doubt on the Turkish side that Turkey was a natural part of Europe, an attitude that was reinforced by a desire to progress by playing against the leading football nations.

Jean-Christophe Meyer (Université de Strasbourg) closed the presentations with very interesting findings from a remarkable ongoing doctoral research about different attitudes towards television coverage of European football in countries such as (West) Germany and France in the 1950s and 1960s. His paper actually already provided an excellent transition to the next FREE conference, which will be held in Stuttgart on 22-23 February 2013 and which will focus on “Football as transnational media event”

and its role as producer of collective memory. The programme of this event should be available on the FREE website in November.

At work

In the meantime other research strands have gone to work, too:

- The work package on “The Public Space of European Football” has started to work intensively on the online survey which will launch the different waves of quantitative and qualitative surveys that make up the FREE research architecture. The target group of this first survey will be an “attentive public” of football-interested individuals, and it is therefore only logical that the link towards the survey will also be highlighted on the Sport&EU website. At a later stage the general public will be surveyed through a CATI poll, which will also be carried out in the nine different target countries of the project.
- The work package on “The Anthropology of Football” has completed preliminary ethnographic field work around Euro2012, which may turn out not to be so preliminary after all, as the findings seem to be substantial enough for a special issue or an article in an anthropology journal.
- The work package on “Governance Structures and Stakeholder Empowerment” is fine-tuning its complex methodology with regard to its participant-led qualitative surveys among supporters.
- And across research strands, the three PhD projects that will be completed over the 3-year time frame in Poznan, Copenhagen and Vienna have also been started according to schedule.

More on all this, if everything continues to go according to plan, at the forthcoming Sport&EU conference 2013 in Istanbul, where consortium members Borja Garcia, David Ranc and Özgehan Senyuva have the firm intention (and the great pleasure) of updating the audience on the progress achieved by then.

Another means to remain informed on the project’s progress is, of course, to subscribe to the FREE newsletter, whose first issue has just been released and which is planned to be dispatched every three months. You can subscribe here: <http://www.free-project.eu/Pages/Newsletter.aspx/>.

Between cultures

What is already clear at this early stage of the project is that the ambition to work in a truly interdisciplinary manner will be as tough to fulfil as the senior members of our scientific advisory board kept telling us at the kick-off conference last spring. On paper, interdisciplinarity looks just great (and has an excellent effect on evaluators, as well all know). In theory, everybody is ready to remain open-minded and contribute actively to work packages led by other disciplines. In principle, there is a strong consensus that a project like this on a multi-dimensional topic like football needs the mutual enrichment of different social sciences.

But that’s on paper, in theory, and in principle.

In practice, it's a different story. I am tempted to compare the endeavour of obtaining interdisciplinary synergy to the acquisition of intercultural competence. You can learn an awful lot about the features of different cultures, you can persuade yourself to be open-minded and very tolerant towards cultural difference, and you can be actively prepared for making the best of the synergy potential. But once you are in the middle of critical incidents produced by the cultural differences encountered, very often your own cultural conditioning takes over and you quickly lose the excellent dispositions you had on paper, in theory, and in principle...

Critical empathy, this ultimate goal of intercultural competence, is something every individual is potentially capable of, but which is so difficult to achieve in practice against our interiorised perceptions of what is “normal” and what is “strange”.

The same is true for the conditioning we undergo by the academic disciplines we have studied, in which we are recognized, from which we draw our self-confidence, and whose written and unwritten rules have command over our career.

It is not an easy task for non-anthropologists, despite best intentions, to familiarise themselves with ethnographic field work methods. It is rather difficult for non-historians, despite good will, to see what all this work in dusty football archives actually brings to the understanding of contemporary identity dynamics and perception patterns. And I don't really want to know what non-sociologists think about interviews as reliable and relevant source of data collection...

It sometimes seems that interdisciplinarity between hard and soft sciences – as for instance in the case of technological projects where the engineers charged with the technical development of new prototypes are accompanied by scholars from philosophy for ethical issues and management researchers for purposes of commercialisation – process in a rather smooth manner because there is no dispute about what are “appropriate” methodologies in each field. Within the social sciences, however, what the German language nicely calls “*Deutungshoheit*” (translatable perhaps as “prerogatives of interpretation”) is a permanent concern for everybody.

One way or another, interdisciplinary is a mutual learning process. And as in intercultural matters, one of the keys to success is a good dose of humour and the capacity of self-mockery (two essential competences that are also very useful when watching football, by the way...)

Still open!

The FREE project continues to remain open to contributions from outside the consortium. All further conferences will publish a call for papers, and the FREE blog is also always open to posts from guest contributors (<http://www.free-project.eu/Blog/>).

ORIGINES & NAISSANCE DU FOOTBALL EUROPÉEN UNE AUTRE HISTOIRE DE L'EUROPE

Vendredi 28 septembre 2012 – 9h-13h & 14h30-17h

Samedi 29 septembre 2012 – 9h-13h

Université de Franche-Comté
Amphi STAPS – U-Sports
31, Chemin de l'Épitaphe
25 000 Besançon

Ligne de bus 8 – arrêt UFR STAPS

Renseignements et programmes:
paul.dietschy@univ-fcomte.fr
www.free-project.eu



“The origins and birth of European football” conference poster (design: Dàvid Ranc)

5. SPORT AND CITIZENSHIP

Sport&EU recently started developing a partnership with Sport & Citizenship / Sport et Citoyenneté, a think tank which aims to promote the core values of sport in society. As part of this cooperation, the associations agreed to contribute views and perspectives to each other's publications in an attempt to promote dialogue on topical issues in sport in Europe.

More information on Sport & Citizenship can be found on their website, <http://www.sportetcitoyennete.com>.

Employment in sport in Europe

Sylvain Landa*

Europe's priority must be dealing with the economic and social consequences of the crisis. We need to find a balanced solution in order to emerge from the current turmoil and help people to find work. It is unthinkable that this should be allowed to take a whole decade.

—Laszlo Andor, European Commissioner for
Employment, Social Affairs and Inclusion.

In the face of the economic crisis Europe is going through, it is not always easy to talk about growth and employment. Employment policy falls mainly under the competence of the member States, but according to Article 147 of the TFEU the Union “shall contribute to a high level of employment by encouraging cooperation between Member States and by supporting and, if necessary, complementing their action”.

The ‘Europe 2020’ strategy, launched on 3 March 2010 by the Commission, may set a target of 75% employment for those aged between 20 and 64, by the year 2020, but there is very little doubt that this objective will be hard to achieve.

Where does sport fit into this picture? What is the position of employment in sport in Europe? This is a vast question, given that it is so difficult to define the sports sphere of activity and to grasp the reality of this market.

According to the figures collected at the World Economic Forum at Davos in 2009, approximately 2% of global GDP is generated by the sports sector. The European

* Sylvain Landa is Deputy Director of the *Sport and Citizenship/Sport et Citoyenneté* think-tank and Editor-in-Chief of the organisation's journal.

Observatoire of Sport and Employment (EOSE), on the basis of its Vocasport study of 2004, estimates that sport represents 3.7% of EU PIB and about 15 million jobs.

As EOSE points out, however, in the *Sport and Citizenship* scientific journal n°18 (March 2012), this reliable, consolidated data is over 8 years old. Since then, the sport marketplace has seen big changes. New practices have emerged, vocational schemes have been created and new services have appeared in response to citizens' requirements. In the light of this situation and the heterogeneity of the sector, the available data on employment in sport needs to be brought up to date, to allow a better understanding of the challenges ahead. The European Union is aware of this situation. On many occasions, including in the Communication on Sport in January 2011, the Union has recognised that “sport has a strong potential to contribute to smart, sustainable and inclusive growth and new jobs through its positive effects on social inclusion, education and training, and public health”. The prospect of dedicated funding for the sports sector from 2014 should make it possible to move forward on updating the data.

Another point where the European Union provides real added value is in the recognition of qualifications. Free movement for citizens is a basic principle of the Union and mobility is a key factor for sustainable economic growth. The European Qualifications Framework (EQF), which has been developed at Union level, will make it easier for states to relate their national qualifications systems to a common European reference framework. The EQF will be in place by the end of 2012. Making national qualifications more readable will almost certainly promote workers' mobility. Sport will therefore be in a better position to pursue the objectives set in the “Europe 2020” Strategy, as the European Commissioner for Sport, Androulla Vassiliou, urged in the *Sport and Citizenship* scientific journal n°17 (December 2011).

Bart Ooijen, a representative of the European Commission, contributed a short report on the role and actions of the European Commission in preventing violence from occurring in sport. The Sport&EU Review invited several authors to provide complementary views on the issue in an attempt to develop a print and online debate. Their contributions will be published on the association website, <http://www.sportandeu.com>, and in the next issue of the journal. Other authors are likewise warmly invited to share their views in Sport&EU publications.

Violence in sport: What does the European Commission do?

Bart Ooijen*

Violence in sport, especially at football grounds, remains a disturbing problem. Violent behaviour can jeopardise the role of sport as a tool to convey positive values.

Progress to avoid violence related to sporting events has been notable since the Heysel drama in 1985. National legislation and security regulations are in place, stadiums have been upgraded, international cooperation on the level of police and clubs has improved and the approach towards supporters has changed positively and is better managed.

Although sport and violence have been associated for a long time with football hooliganism, other professional sport events (for example basketball and ice hockey) are facing similar problems, albeit on a smaller scale. The problem is no longer limited to the most popular professional football leagues in Europe such as those of Italy, the UK, Spain and Germany: other leagues and international competitions and tournaments are also affected.

The Commission is committed to contributing to the prevention of spectator violence. On the basis of [Council Decision 2002/348/JHA](#) on security at international football matches, data exchange between National Football Information Points has been developed and further reinforced with UEFA. Exchange of operational information on risk supporters among police services and/or sports authorities has been made possible. The Commission promotes a wide use of the Handbook for Police Cooperation and supports pan-European training for police officers and safety personnel, to prevent and control violence more efficiently.

The European Commission recognises that violence in sport does not only concern spectators in major sport events. Unfortunately violence and various forms of

* Bart Ooijen is a policy officer with the Sport Unit of the European Commission.

intolerance occur in many modalities on the fields of local amateur clubs, especially in team sports. For example, a [study on racism and ethnic discrimination in sport](#) (2010) by the [EU Fundamental Rights Agency](#) indicates that racism has become more common in amateur sport and even in youth sport. It involves racist and other discriminatory attitudes such as anti-Semitism, anti-Muslimism and homophobia. The results of one of the projects funded in the framework of the EU's 2011 Preparatory Action in the field of sport will inform us about sexual violence and harassment in sport. National governments and sport governing bodies have started projects in this field as well, recognising that just as many other sectors in society, sport has to fight against these phenomena.

In its 2011 Communication on sport, the Commission points out the importance of investing more in social and educational measures to prevent violence in sport. It is a fact that law enforcement authorities cannot deal with the underlying causes of violence in sport alone. To ensure that sport keeps its welcoming and enjoyable character and to minimise safety and security risks, all competent agencies should be encouraged to support or implement social and educational measures to prevent violence. By doing so, sport could also function as a positive example for other sectors in society and contribute to the fight against violence in general. The Commission encourages the exchange of best practices in this field.

A French version of this article is available at <http://www.sportetcitoyennete.com>.

6. SPORT & EU IN THE CARIBBEAN

Delroy Alexander*

Starting with this issue and for the next two issues, the Sport&EU Review will publish contributions by the Sacred Sports Foundation, a foundation based in Saint Lucia that works to increase opportunity and social inclusion for the local population. The foundation recently signed a three-year agreement with Football Against Racism in Europe (FARE) and secured important grants from UNESCO and the Australian Government among others. In June 2013, it will be hosting the Sport in Black & White conference.

* Delroy Alexander is the Chairman of the Sacred Sports Foundation, a registered independent, non-denominational not for profit charity based in St. Lucia. He is a senior sports administrator, a former Chicago Tribune senior investigative business reporter and a Pulitzer Prize nominee journalist.

While research, development and programme delivery of sport in Europe is often a highly structured activity, the same cannot be said for many places around the world – especially the Caribbean region. Despite the strong links the Caribbean has with Europe, sporting structures in the region remain weak, with limited resources allocated to sports research and development.

In the shadow of its far larger Latin America cousin, the Caribbean has become a forgotten child. Situated largely on the Caribbean Plate, the region comprises more than 7,000 islands, islets and reefs and is home to some 39 million English, French, Spanish and largely Dutch speaking peoples. Lost amid the images of a tourism paradise are social challenges every bit as daunting as in less illustrious destinations. Rare elite athletes such as Usain Bolt and Brian Lara from time to time raise the profile of the region’s sporting heritage but in general its social and sporting development needs and challenges often go unheralded and neglected.

In an effort to start to address this imbalance, an ambitious new forum for change is underway being led by one of the few dedicated sports for development agencies in the region, the Sacred Sports Foundation. Sacred Sports Foundation, one of the first local non-governmental organisations in the region to successfully tender in 2009 for an EU-funded sports development grant, will showcase the region and its challenges in June 2013, with a new forum under the banner “Sport in Black and White”.

The **“Sport in Black and White” conference and youth forum** (<http://www.sacredsportsinc.com/conference/>) will bring together a diverse range of

* Delroy Alexander is the Chairman of the Sacred Sports Foundation, a registered independent, non-denominational not for profit charity based in St. Lucia. He is a senior sports administrator, a former Chicago Tribune senior investigative business reporter and a Pulitzer Prize nominee journalist.

actors in regional sport and sports leaders from Europe, Africa, Asia and the US to collectively focus on tackling a range of youth and sport related challenges over a two week period. It will be a key event where participants will be actively looking for and implementing game changing solutions. As a catalyst for change, the conference will focus on Sport Governance, Sports Advocacy, Sports Development, and related research in the first week of the conference. The process of encouraging speakers and leaders to take part in the gathering is well underway. It is envisaged that the gathering will have a critical impact on local policy makers who often lack a rigorous approach to sports for development issues.

A unique element of the programme is the desire to establish a detailed and lasting debate about the process and quality of research in the sports for development arena. **Sacred Sports Foundation is actively seeking papers and presenters** that can offer insight into the strengths and weaknesses of different approaches. The Foundation has committed to implementing game changing solutions in the Eastern Caribbean and using the research as a basis to forward its aims of both social and physical education change in the region.

As part of its efforts to broaden this debate, the Foundation is also spearheading a new Players Advocacy Group, which will bring together the region's high profile sportspeople to work on and develop social actions to assist in broader development goals. The aim is to create a comprehensive debate, which includes the full spectrum of actors to assist in the design and development of future programmes.

In week two of the Sport in Black & White conference, the focus will switch to inputs by and from youth during a Youth in Action week, where adolescents will be engaged in a sports policy debate aimed at influencing decision makers. It is envisaged that the forum will provide a platform and a mandate for a new Players Advocacy Group, which will lobby on behalf of disempowered and disadvantaged youth.

Thus, **Sport&EU members can assist the Caribbean** in charting a sustainable path, bringing to bare their considerable expertise in the field at a pivotal moment in the development cycle.

The location of the international conference in St. Lucia will be the renowned Beausejour Cricket Stadium, one of the premier facilities in the Caribbean which regularly hosts international cricket and football matches. Nestled on the edge of the capital city, the stadium is a classic example of the challenges faced by the region, where the vast majority of facilities are government owned and lack coherent strategies for long term sustainability – with fewer than half a dozen major games per year.

The conference is a natural extension of the work already underway by the Foundation. Critically, Sacred Sports Foundation is focused on three primary areas involving youth sport:

- First and foremost, its efforts are about increased, structured access to healthy physical activities for several disadvantaged groups, which previously lacked opportunities. These include school drop outs, youth offenders, special

needs adolescents and specific programmes for girls and young women, a rarely catered for group.

- Providing youth employment opportunities and mentoring, the Foundation has encouraged youth to take leadership and coaching roles in its programme. St. Lucia has a youth unemployment rate of some 40.8 per cent; the percentage of youth between 15 to 24 years old is the eighth largest per capita among the 130 countries surveyed worldwide in the CIA Yearbook.
- Health and fitness is also a key drive for the Foundation given the increasing levels of obesity and the high prevalence of related health issues such as diabetes. A recent Universal Health Care (UHC) Programmes' Pilot Project on Diabetes and Hypertension screened more than 31,000 St. Lucians; the research found that St. Lucia had one of the highest rates of diabetes in the world per capita, with 28.1% of the population having high blood sugar and some 8.1% of the population being diabetic. The Foundation's programmes offer practical, consistent opportunities to improve healthy lifestyles activity and nutritional education for local communities.

As a result, Sacred Sports Foundation has become a force for sports development and change in the Island. It was developed by an ex-patriot local family that was concerned about the growing social challenges and lack of basic physical education among youth on the Island. Founded by the UK's first professional black football manager Keith Alexander in 2008, Sacred Sports Foundation has built several powerful alliances. Mr. Alexander died unexpectedly in March 2010 and was widely lauded by sports professionals in Europe. In fact the England football team wore black arm bands in his honour during a game shortly after his passing (www.sacredsportsinc.com).

However, Foundation activities continue apace, under the stewardship of his brother and Chairman Delroy Alexander and his sister Nova Alexander, the Foundation's Executive Director. Friends of the Foundation include former Olympic decathlon champion Daley Thompson, former West Indies cricket coach and player Roger Harper, a host of former professional soccer players including ESPN analyst Robbie Earle, former Arsenal star Paul Davis, former Chelsea captain Paul Elliott, former Norwich forward Darren Huckerby and New Zealand netball coach and star Margaret Foster to name a few.

As well as previously securing EU-funds, the Foundation has secured important grants from UNESCO (www.antidopinglucians.com) and the Australian Government's Sports Outreach Programme. It has partnered with the likes of US Peace Corp., Football Against Racism in Europe, the Professional Footballers Association, Loughborough University's Institute of Youth Sport, KitAid, Kit4Causes, Geest, telecoms provider Digicel and local agencies such as the Ministry of Social Transformation, Local Government and Community Empowerment, RISE, Centre for Adolescent Renewal and Education and the St. Lucia Football Association.

As well as developing a new youth development network for the FA and helping raise and manage US\$150,000 for the programme, the Foundation's focus is now centred

on two key areas. Firstly, youth empowerment through coaching and mentorship opportunities and, secondly, also increased focus on physical activity for youth, especially young girls.

The Foundation's four core programmes include a ground breaking collaboration with the Court Diversion Programme, the last step before going to prison for youth, a Special Needs sports programme in partnership with Special Olympics, a girls to women programme working with Upton Garden's Girls Centre, the Island's only facility for disadvantage young ladies (<http://stluciangirls2women.com>) and a comprehensive physical activity and life skills programme with the Centre for Adolescent Renewal and Education, which caters for disadvantaged youth dislocated from the traditional school system.

The Sport in Black & White conference and forum (<http://www.sacredsportsinc.com/conference/>) will provide a platform to actively impact existing and future programme design and delivery. It is expected to become an annual gathering where participants can become catalysts for substantial change in an often forgotten area of the world.

7. BOOK REVIEWS

The Global Football League: Transnational Networks, Social Movements and Sport in the New Media Age

By Peter Millward. Published by Palgrave Macmillan, 2011, Houndsmills (220pp., £ 55.00, hardcover)

Reviewed by Alexander Brand

Peter Millward has written a lucid and compellingly argued book on the English Premier League as precisely *'the global football league'* these days, a book which is certain to become a classic piece of the growing literature on football in its relation to wider socio-political developments. It is a must-read for the academic audience, but also has to offer the generally football-interested public a lot (without scaring them off too much through the eventual use of conceptual prose).

Millward's take on the Premier League (EPL) as being probably the most globalised football league nowadays tackles several dimensions of that underlying assumption. First, it is about the strategies of various EPL clubs as well as the League itself to establish themselves as 'global brands'. Here, among other things, Millward gives a fascinating account of the 'Game 39'-debate which highlights how marketing strategies indeed are a main driver for such globalisation dynamics. Indeed, as compared to other European leagues, where it is only some top clubs which have recently begun touring lucrative foreign markets after the regular season is over, the EPL seems indeed to be a forerunner in its ambition to brand *the league* as a globally accessible and tangible product.

Another dimension of the ongoing globalisation of the EPL is undoubtedly the increasing transnational diffusion of ownership and investment patterns. Especially laudable is that Millward provides a short history of and differentiations between various forms of 'foreign ownership'. Such a nuanced account is often missing in media coverage, not to speak of most articulations of fan protest. Even more interesting is Millward's take on the possible motivations and strategies behind such investments, not least since they hardly transform immediately (if ever) into cash cows (a point already made by Kuper and Szymanski in their famous book, *Soccernomics*, which is taken up here in a rather diligent way).

Third, and this is arguably the main focus of Millward's book, the globalisation of the EPL is also about the growing transnationalisation of audiences, not only in terms of spectatorship but also with regard to team-related fandom. Indeed, this seems to be a very promising avenue of research given the fact that at the level of the respective lifeworlds of spectators (fans and 'mere consumers' alike) one could really expect important socio-political consequences of the transboundary dynamics mentioned.

This seems to be true with regard to eventual changes in perceptive and identity patterns as well as against the background of the emergence of social movements of a new type. What the reader will find in the respective parts of the book is an analysis of a, until now, rather neglected field of study: the transnationally structured discursive field of fandom. As the author correctly argues (but he does not delve too much into it), this may be a consequence of the ongoing mediatisation of football – here: the EPL being beamed to households around the globe on the one hand and the proliferation of social media, online comment, message boards etc. on the other. But far more interesting is the question what types of transnational discourses and communities (if at all) emerge.

Consequently, Millward tackles such forms of the construction of transnational discourses as well as movements to react upon transnational phenomena (the ‘takeovers’ from abroad mostly). He starts with a dense and illuminating chapter on ‘traditional’ (non-transnational) forms of fandom in the EPL which also entailed musings about the alleged lack of or strive for ‘authenticity’ and some disillusionment about the loss of ‘true game’ in the wake of ongoing commercialisation. Chapter 5 then deals with instances of transnational fandom as the articulations of ManU-fans in various regional contexts (Scandinavia, Asia, USA) are assessed. Here, one really gets a feeling of the already impressive proportions of a social phenomenon which has – certainly outside UK – not really been noticed by Sports Sociology so far.

Chapter 6 again changes the perspective in asking how ManU-fans *reacted* to the ‘foreign takeover’. Here, the by now famous bottom-up project of founding the F.C. United in reaction to the Glazer buy-in and other forms of protest are discussed, especially against the background of how fans perceived what was going on and needed to be done from their perspective to counter the allegedly harmful changes taking place. Chapter 7 contrasts the insights from the analysis of the reactions of ManU-fans with those from Liverpool fans, where the ‘foreign takeover’ was far more controversially debated. It is this episode which also reveals the true level of ambiguities alongside transnationalisation: some Liverpool fans, in ‘Reclaiming the Kop’, might have resorted to the claim ‘Yanks Out!’, but what then about the New York-chapter of ardent Liverpool supporters? Not least given Liverpool’s by-now global fan base, fan protest has taken a transnational shape as well, as Millward makes clear, and this tends to make things more complicated. Chapter 8 finally attempts to broaden our perception of fan movements vis-à-vis questions of ownership again, since it highlights that the issue of foreign ownership at ManCity was in the end not that much protested by the fan base but in some sense even welcomed, not least given the sudden prospect of success in the EPL.

This indicates that Millward concentrates on ManU, Liverpool and ManCity in his analysis (alongside his interest in the EPL as a league, mostly at the beginning of the book). He presents a mixed-methods approach – case studies, some analysis of data and statistics, and a qualitative analysis of fan articulations. His focus in the second half of the book is on fanzines, message boards and other media in which fan articulations are to be found; this is fascinating and illuminating. Although he does

not introduce or handle his approach as a ‘discourse’ or ‘content analysis’, at least not in a vigorous manner, he is able to point out dynamics and phenomena which have gone largely unnoticed up to now. Except for the path-breaking pioneering study by Millward himself, together with Levermore (2007 in the *Sociological Review*), such research is only rarely conducted, and this is a sad fact. One could of course argue that any discourse analysis would need to be a bit more systematic, but I did not find the eventual lack of systematicity a real shortcoming of the book. What Millward brilliantly does is to construct a compelling narrative and to weave in some articulations which illustrate his points. That makes a fascinating read and still leaves the door open for research to be done on the subject.

If one is really to look for the fly in the ointment regarding the book, then it is perhaps the theoretical framing. One can certainly disagree with the author whether introducing all these important issues and the analysis of their interrelatedness is being helped enormously by using a framework as abstract and general as that of Castells whose ideas are taken by Millward to provide some sort of a conceptual bracket. “Spaces of flows” (p. 17, 39) and the idea of transboundary networks might be crucial from a Castellian point of view – but for Millward and his otherwise wonderful reasoning of what it means and implies, in quite *precise* terms, that the EPL might have transformed into a global league, the possible contribution of Castells seems rather negligible.

Nevertheless: Millward’s book is a brilliant, knowledgeable, thoroughly readable and fascinating piece of work. It is certain to spur further research while already becoming one of the key texts to be referenced and used as a guide for such research. Undoubtedly, the book itself will create—and for good reasons!—a huge and globalised fan base.

8. CONFERENCES AND EVENTS

Sport&EU 2013 Conference

The eighth annual conference of the Association for the Study of Sport and the European Union will be organised by the Sport Studies Research Centre at Kadir Has University in Istanbul, Turkey.

This is the third time that Sport&EU will travel outside the United Kingdom and the second time that the annual conference will be organised outside the European Union. This conference will mark a commitment of Sport&EU to open its activities to new territories and to new members.

Location: Istanbul, Turkey

Date: 27-28 June 2013

Organiser: Association for the Study of Sport and the European Union in cooperation with the Sport Studies Research Centre at Kadir Has University

Website: <http://www.sportandeu.com/2012/09/sporteu-2013-conference-to-be-held-in-istanbul/>

The Future of Sport in Small Nations

Location: Dunedin, New Zealand

Date: 21-23 November 2012

Organiser: The University of Otago

Website: <http://physed.otago.ac.nz/sportinsmallnations2012>

8th IOC World Conference on Sport, Education and Culture

Location: Amsterdam, the Netherlands

Date: 25-27 November 2012

Organiser: IOC in partnership with UNESCO and in collaboration with the National Olympic Committee of the Netherlands

Website: <http://www.olympic.org/news/save-the-date-8th-ioc-world-conference-on-sport-education-and-culture/167116>

Leveraging the Legacies of Sports Mega-Events

Location: Birmingham, England

Date: 30 November-1 December 2012

Organiser: University of Birmingham

Website: http://shop.bham.ac.uk/browse/extra_info.asp?compid=1&modid=2&prodid=554&deptid=17&catid=3

7th INSHS International Christmas Sport Scientific Conference

Location: Szombathely, Hungary

Date: 9-11 December 2012

Organiser: Institute of Sport Science of the University of West-Hungary and International Network on Sport and Health Science (INSHS)

Website: <http://conference.n2su.co.uk/>

Scholarly Colloquium on Intercollegiate Athletics: Economic Inequality within the NCAA

Location: Grapevine, Texas USA

Date: 14-16 January 2013

The 11th Annual Macintosh Sociology of Sport Conference

Location: Kingston, Ontario, Canada

Date: 19 January 2013

Organiser: School of Kinesiology and Health Studies at Queen's University

European Football and Collective Memory: Transnational Media Events

Location: Stuttgart, Germany

Date: 22-23 February 2013

Organisers: Football Research in an Enlarged Europe and Universität Stuttgart

Website: <http://www.free-project.eu/events/Pages/memory-2013.aspx>

Sixth Summit on Communication and Sport

Location: Austin, Texas, USA

Date: 22-24 February 2013

Organiser: International Association for Communication and Sport

Website: <http://www.communicationandsport.com>

26th Annual Conference on Sport, Physical Activity, Recreation and Law

Location: Denver, Colorado, USA

Date: 6-9 March 2013

Organiser: Sport and Recreation Law Association in cooperation with Metropolitan State College of Denver

“Breaking Barriers: Diverse Approaches in Sport Humanities,” 2nd Annual Tri-University Conference for the Trans/Disciplinary Study of Sport

Location: University Park, Pennsylvania, USA

Date: 22-23 March 2013

Organiser: Ohio State University, Penn State University, and University of Western Ontario

Congress of the International Association of Physical Education and Sport for Girls and Women: Adelante Muchachas: Moving together for a better world

Location: Havana, Cuba

Date: 10-13 April 2013

Organisers: International Association of Physical Education and Sport for Girls (IAPESWG)

Website: <http://www.iapesgw.org/>

Southeastern Women's Studies Association Conference

Location: Greensboro, North Carolina, USA

Date: 18-20 April 2013

Organisers: Southeastern Women's Studies Association and Women's and Gender Studies Program at the University of North Carolina Greensboro

Website: <http://sewsa2013.wordpress.com/>

2013 ISSA World Congress

Location: Vancouver, Canada

Date: 12-15 June 2013

Organisers: International Sociology of Sport Association / Association
Internationale de Sociologie du Sport

Website: <http://www.issa.otago.ac.nz/>

Fighting Women: A Symposium on Women's Boxing

Location: Toronto, Canada

Date: 21-22 June 2013

Organisers: Brock University

Website: <http://www.fighting-women.com/>

18th Annual Congress of the European College of Sport Science (ECSS): Unifying Sport Science

Location: Barcelona, Spain

Date: 26-29 June 2013

Organisers: European College of Sport Science

Website: <http://www.ecss-congress.eu/2013/13/>

Law on the Edge

Location: Vancouver, Canada

Date: 1-4 July 2013

Organisers: Canadian Law and Society Association, Law and Society Association of
Australia and New Zealand

Website: http://www.law.ubc.ca/events/law_on_the_edge/

2013 AIESEP (Association Internationale des Ecoles Superieures d'Education Physique) Conference

Location: Warsaw, Poland

Date: 4-7 July 2013

Organisers: Association Internationale des Ecoles Superieures d'Education
Physique/International Association for Physical Education in Higher Education,
Jozef Pilsudski University of Physical Education and the Polish Society for Sport
Sciences.

Website: <http://www.aiesep.org/>

19th International Symposium of Adapted Physical Activity (ISAPA)

Location: Yeditepe University, Istanbul, Turkey

Date: 19-23 July 2013

Organiser: Yeditepe University

Website: <http://www.isapa2013.com>

8th FIEP European Congress: Physical Education and Sports Perspective of Children and Youth in Europe

Location: Bratislava, Slovakia

Date: 29 August-1 September 2013

Organiser: Faculty of Physical Education and Sport, Comenius University

Website: <http://www.fiep2013bratislava.com>

2014 AIESEP (Association Internationale des Ecoles Superieures d'Education Physique) World Congress

Location: Auckland, New Zealand

Date: 10-13 February 2014

Organisers: Association Internationale des Ecoles Superieures d'Education Physique/International Association for Physical Education in Higher Education and the School of Critical Studies in Education at the University of Auckland

Website: <http://www.aiesep2014.com/>

6th IWG World Conference on Women and Sport 2014: Empower Women in Sport Today: Harvest the Fruits Tomorrow

Location: Helsinki, Finland

Date: 12-15 June 2014

Organisers: International Working Group on Women and Sport

Website: <http://www.iwg-gti.org>

9. JOURNALS

Inaugural Call for Papers for Communication and Sport

Communication and Sport, a new international research quarterly to be published starting in 2013 by SAGE Publications in alliance with the International Association for Communication and Sport would like to announce its inaugural Call for Papers. Information about the title, including its aims and scope, manuscript submission guidelines, and Editorial Board may be found at: <http://www.sagepub.com/journals/Journal202136>.

Communication and Sport is edited by Lawrence Wenner of Loyola Marymount University. Associate Editors are Andrew Billings of the University of Alabama, Marie Hardin of Pennsylvania State University, and David Rowe of the University of Western Sydney. The new journal features a distinguished international Editorial Board and will publish 400 pages annually in hard copy and via SAGE OnlineFirst. Questions concerning submissions may be directed to commsporteditor@gmail.com.

Communication and Sport will be a peer-reviewed quarterly that publishes research to foster international scholarly understanding of the nexus of communication and sport. C&S will publish research and critical analysis from diverse disciplinary and theoretical perspectives to advance understanding of communication phenomena in the varied contexts through which sport touches individuals, society, and culture. C&S will examine both communication in sport and the communication of sport by considering sport in light of communication processes, strategies, industries, texts, and reception. C&S welcomes studies of sport and media in mass and new media settings, research on sport in interpersonal, group, organizational, and other communication contexts, and analyses of sport rhetoric, discourse, and narratives. C&S encourages studies of sport communication and media from broad disciplinary vistas including sport studies/sociology, management, marketing, politics, economics, philosophy, history, education, kinesiology, health, as well as cultural, policy, urban, gender, sexuality, race, and ability studies.

Special issue of Sport Management Review on ‘Managing Disability Sport’

Disability sport draws on a well-developed body of literature with its origins in medicine and rehabilitation that developed quickly with the establishment of Stoke Mandeville Games. These games grew into the Paralympic Games and the International Paralympic Committee. From this foundation, as human performance and sports science developed so did interest in the performance of athletes with

disabilities. Within the education sector, disability advocacy and inclusive education practices challenged school physical education and sports programs to be more inclusive of the group. At the same time the rise of disability advocacy brought issues of access and inclusion into the mainstream from local level grassroots sport right through to elite international competition. Since the 1988 Seoul Olympics and Paralympics, disability sport has had international exposure. Beyond the Paralympics, and other disability specific sport events, disability sport has been integrated into the local, regional, national and international world sporting bodies. Yet, managing disability sport is characterised by a series of challenges that are unique to the area. This special edition focuses on Managing Disability Sport rather than the medical, human performance or sociocultural issues facing people with disability in sport.

Possible topics include (but are not limited to):

- Management and marketing of disability specific sport events (i.e. Paralympic Games; Special Olympics; Deaf Olympics);
- Managing disability sport across the inclusion spectrum (segregated to mainstream);
- Sport organisation approaches to disability sport delivery;
- Managing classification systems;
- Disability sport participation patterns;
- Legislation and policy related to fostering disability sport initiatives;
- Specialist infrastructure, transport and equipment considerations;
- Managing Assistive Technology within Sporting Context;
- Accessible Sport Tourism opportunities;
- Developing organisational disability sport capacity;
- Managing Volunteers and Disability Sport;
- Innovation and entrepreneurship for disability sport organisations;
- Media and Social Media Approaches to Disability Sport Promotion.

Submissions are due on or before **15 December 2012** via the SMR online submission system at <http://ees.elsevier.com/smr/>. Authors need to select “Special Issue: Managing Disability Sport” when they reach the “Article Type” step in the submission process. Please contact the guest editors Laura Misener (laura.misener@uwo.ca) or Simon Darcy (simon.darcy@uts.edu.au) for additional information.

Special issue of Mass Communication and Society on ‘The Olympics, Media, and Society’

Routledge intends to produce a set of Olympics themed special issues in several of its journals. To that end, Mass Communication and Society invites submissions for the second of two special issues exploring the relationship between the Olympics, media,

and society. The focus of this second special issue will be on the blurring of lines between producers and consumers of the 2012 London Olympic spectacle in the new media landscape. Submissions should contribute to the understanding of the increasing degree of overlap between traditional and new forms of media as it relates to production and consumption of the London Olympic or Paralympic Games. Studies should examine the ways in which audiences consume news and competition (live or as-live) or the various intersections between athletes, journalists, etc. within social, user-generated, and other online forms of media and more traditional forms of print and/or broadcast coverage.

Manuscripts that are accepted for this special journal issue are also likely to be proposed for inclusion as a book chapter in an Olympic-themed book series to be published by Routledge, giving potential for wider dissemination.

Manuscripts must be submitted by **2 January 2013**. Selected manuscripts are scheduled to be published on 1 December 2013 in Volume 16(6) of MCS. Please contact the guest editors Marie Hardin (mch208@psu.edu) or Andrew Billings (acbillings@ua.edu) for additional information.

Special issue of the International Review for the Sociology of Sport ‘Sport and Alcohol’

There is little doubt that alcohol features in many aspects of contemporary sport. While a considerable body of research has explored the relationships between sport, alcohol and masculinity, new relationships to sport and alcohol are emerging that can further advance understandings of the social meanings embedded in sport-related drinking, the range of social problems it contributes to and their implications for scholarship, policy and practice. It is timely then to re-examine sport-related drinking in ways that widen the empirical and theoretical base so as to better understand the diversity and complexity of drinking and drinkers in sport.

The research questions, topics and problematics raised and addressed in this Special Issue should aim to extend and enhance knowledge and understandings in the sociology of sport and related disciplines. Towards that goal, this special issue solicits papers that can contribute to new research agendas in the sport-alcohol nexus. Papers are invited on, but not limited to, the following themes:

- Drinking and masculinity;
- Women, sport and drinking (as sportswomen, fans, audiences, or through other identities/relationships);
- Non-drinkers in sport drinking cultures;
- Media representations and promotional culture;
- Methodological issues and innovations in exploring sport-related drinking;
- Theoretical contributions to exploring and re-defining sport-related drinking;
- Implications for policy and practice;

- Prevention and /or rehabilitation.

Papers that address these or other themes in varied cultural and /or geographical contexts are particularly encouraged.

Manuscripts for the Sport and Alcohol special issue should be submitted online by **1 March 2013** at <http://mc.manuscriptcentral.com/irss>. Authors should both note submission for the Sport and Alcohol special issue in a cover letter and choose “Sport & Alcohol Special Issue” as the “Manuscript Type.” Manuscripts should be 6000-7000 words (inclusive of references, endnotes, tables, and figures) and follow the Manuscript Submission Guidelines at <http://irs.sagepub.com/>. Expressions of interest, abstracts for consideration, and questions may be directed to the Special Issue Editor Catherine Palmer (c.palmer@deakin.edu.au).

10. RESOURCES

Journal of Communication Studies special issues

Two special issues of the now-defunct *Journal of Communication Studies* on sports are available online: <http://www.marquettebooks.com/communicationjournals/jcs.html>. The two issues were assembled from the best submissions to the Summit on Sport and Communication in Clemson (2008) and Cleveland (2010).

Research report on state of high school sports for America's girls published

The SHARP Center, a University of Michigan and Women's Sports Foundation collaboration, recently released its latest research report on gender equity in high school sports in the United States of America.

The report entitled "The Decade of Decline: Gender Equity in High School Sports" provides insight into the state of high school athletics and the inequalities that exist in the U.S. public school system, despite the passing of the landmark legislation, Title IX, 40 years ago.

The full report and more information on the SHARP (Sport, Health and Activity Research and Policy Center for Women and Girls) Center can be found here: <http://irwg.research.umich.edu/sharp/>.

11. THE READING CORNER

Disability in the Global Sport Arena: A Sporting Chance

Le Clair, Jill M. (Ed.)

Abingdon, UK: Routledge, 2012

pp. 254 ISBN 978-0-415-48851-8 (hc) £90.00

Race, Racism and Sports Journalism

Farrington, Neil, Daniel Kilvington, John Price and Amir Saeed

Abingdon, UK: Routledge, 2012

pp. 182. ISBN 978-0-415-67639-7 (hc) 978-0-415-67640-3 (pbk) £75.00 (hc) £24.99 (pbk)

Race and Sport in Canada: Intersecting Inequalities

Darnell, Simon, Janelle Joseph and Yuka Nakamura (Eds.)

Toronto: Canadian Scholars' Press, 2012

300 pp. ISBN 978-1-55130-414-4 \$39.95

Richer than God: Manchester City, Modern Football and Growing Up

Conn, David

London: Quercus, 2012

432 pp. ISBN 978-0-85738-486-7 (hc) 978-0-85738-487-4 (pbk) 978-0-85738-680-9 (ebook) £16.99 (hc) £12.99 (pbk) £16.99 (ebook)

Sexual Orientation and Gender Identity in Sport: Essays from Activists, Coaches, and Scholars

Cunningham, George (Ed.)

College Station, TX: Center for Sport Management Research and Education, Texas A&M University

77 pp. Freely available at www.diversityinsport.com

Sport for Development, Peace, and Social Justice

Schinke, Robert J. and Stephanie J. Hanrahan (Eds.)

Morgantown, WV: Fitness Information Technology, 2012

296 pp. ISBN 978-1-935412-34-2 \$48.00

Sport and Neoliberalism: Politics, Consumption, and Culture

Andrews, David L. and Michael L. Silk

Philadelphia: Temple University Press, 2012

322 pp. ISBN 978-1-43990-503-6 (cloth) 978-1-43990-504-3 (pbk) 978-1-43990-505-0 (ebook) \$89.50 (cloth) \$37.95 (pbk, ebook)

Sportista: Female Fandom in the United States

Markovits, Andrei S. and Emily Albertson

Philadelphia: Temple University Press, 2012

268 pp. ISBN 978-1-43990-963-8 (cloth) 978-1-43990-964-5 (pbk) 978-1-43990-965-2 (ebook) \$84.50 (cloth) \$28.95 (pbk, ebook)

Stop War, Start Tennis: Lessons of Life and Understanding from a Pakistani Tennis Player

Qureshi, Aisam-ul-Haq

TennisGrandstand, 2012

59 pp. \$8.04 (ebook)