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Dark Sides of Sport

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Edited by:

JÖRG KRIEGER AND STEPHAN WASSONG

In the edited collection *Dark Sides of Sport*, leading international scholars explore multifaceted historical and contemporary challenges for sport. The book includes historical case studies, overviews on specific challenges and conceptual frameworks to explore various threats for sport. Selected topics covered in the book are governance, doping, terrorism, gender testing, sustainability and nationalism. Whilst those aspects have been covered individually by previous research, *Dark Sides of Sport* provides an insightful overview on threats to sport that allows for the identification of similarities and differences. Therewith, the book attempts to contribute to a better understanding of present political and economic actions within the international sport system. Hence, academics and students from the fields of sport history, sport sociology, sport policy and sport management might find great interest in the book.

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CHAPTER 1

Towards a Global Framework to Fight the Dark Side of Sport

Jean-Loup Chappelet

Corruption in business has probably always existed, but it first became a major issue in the management of organizations in the 1970s, following revelations that American civil and military aircraft manufacturer Lockheed had bribed politicians in several countries, most notably Germany, Italy, and Japan. As similar scandals broke in other countries, governments around the world, under pressure from the United States, began cracking down on “private corruption” involving corporations (through bribes and retro-commissions, for instance).¹ At the same time, intergovernmental organizations such as the Council of Europe, OECD (Organization for Economic Cooperation and Development), and United Nations drew up international conventions against corruption, whose recommendations have been incorporated into the national laws of the numerous countries that have ratified them. These intergovernmental organizations also put in place mechanisms to monitor (private) corruption, such as GRECO (Group of States against Corruption), a very effective body set up by the Council of Europe. In Switzerland, home to many of the world’s largest sport organizations, ratification of these international conventions was followed by new legislation to combat private corruption that went much further than the country’s existing laws, under which money laundering, dishonest management, and filing false documents were already criminal offences. The new measures were first introduced as part of a 2005 bill on unfair competition and then incorporated into the country’s criminal code in 2015 so that they could be investigated by the police on their own (without a complaint being filed by a direct party to the case).

Corruption in sport has probably always existed, too. Even the ancient Olympic Games was not immune, as attested by the statues and mini-temples dedicated to Zeus, called Zanes, that were erected beside the alley into the stadium at Olympia using money from fines imposed on cheats.

Most historians agree that modern (today’s) sport was born in 18th- and 19th-century England with the industrial revolution. The first modern sports, such as horse racing, running, boxing and football, evolved out of traditional and rural games in pre-

¹ Public corruption, that is, corruption by and of public officials, especially in relation to elections, has been illegal for a long time in most countries, and is not dealt with in this report as sport organizations’ officials

industrial Britain. Competitions involving these activities, the forerunners of contemporary sports events, became extremely popular with the newly emerging working classes, who saw them as a source of amusement away from their daily toil. For participants, competitions were a way of earning money, as athletes were generally paid and could win prizes (usually cash). Spectators could also make (and lose) money through betting, which was an essential part of sport and leisure for many people. Bets were placed with and paid off by bookmakers, a new profession that grew up around competitions. The possibility of making money tempted some bettors to try and guarantee they would win by rigging competitions (match-fixing).

One of the earliest types of competition was foot racing (running and walking, then called “pedestrianism”), which began around 1820. Pedestrianism was very popular in the British Isles, attracting large numbers of spectators, many of whom bet on the outcome. As contemporary lithographs show (See for instance the figures in Guy-Ryan, 2016), it was not unknown for spectators to attack racers (pedestrians) if they thought they had cheated to allow other bettors to win. Pedestrianism even found its way into Britain’s public schools, with Rugby School, for example, holding what it called “crick run” races as early as 1837.

Sports such as wrestling, running and cricket developed quickly in England, partly because of the betting associated with them. In fact, the main reason for establishing fixed rules for cricket in the middle of the 18th century was to avoid arguments between bettors (Munting 1996). Laws governing gambling and betting were first introduced in Great Britain in the 19th century, through the 1845 Gaming Act and the 1853 Betting Act. The tight restrictions these laws placed on commercial gambling, which were aimed specifically at the lower echelons of society encouraged the development of underground betting (Brooks and Lavorgna 2018, 79-80).

The rigging of running races (run by so-called “pedestrians”) in England (for betting purposes) in the 18th and 19th centuries is one of the reasons why Olympic sport was founded on the dogma of amateurism—gentlemen athletes did not want their competitions to be sullied by links to money (through betting or prize/appearance money).

The issue of corruption in sport has once again come into the spotlight in these early decades of the 21st century, largely as the result of scandals within FIFA (Fédération Internationale de Football Association), in 2015, and the IAAF (International Association of Athletics Federations), six months later. The later scandal was linked to doping fraud involving many athletes. Sport had, of course, been hit by other scandals prior to the FIFA and IAAF affairs. Most notably this was the case with the “Salt Lake City bid scandal”, which rocked the IOC (International Olympic Committee) in 1999, and the fallout from ISL (International Sport and Leisure)’s bankruptcy, which affected several international federations in 2001. The IOC quickly dealt with the Salt Lake scandal by expelling six members (four others resigned or had died) who had accepted cash and/or excessive gifts from the Salt Lake City bid committee prior to the election of the host city for the 2002 Winter Olympics. Another ten IOC members were reprimanded for their improper behavior. In the ISL bankruptcy, a long investigation by police from the Zug canton (where ISL was based in Switzerland) showed that around 15 senior officials within football and other sports

had accepted bribes from ISL during the 1990s. However, none of the protagonists faced serious charges, as corporate bribery was not then illegal in Switzerland (it was even corporate-tax deductible). Nevertheless, FIFA’s president when the bribes were paid (João Havelange) resigned from the IOC when the scandal documents became public in 2011. More recently, three IOC members have been accused of corruption (ticket touting, construction kickbacks, bribes for votes) in relation to the Rio 2016 Olympic Games.

Despite the numerous conferences on corruption in sport that have been held since the beginning of the 21st century, the academic literature contains very few papers on sports corruption in general, as most research has focused on a specific type of misconduct (doping, match-fixing, harassment, poor governance, etc.) (for an overview see: Chantelat 2001; Maenning 2005; Brooks, Aleem and Button 2013; Transparency International 2016; Kihl 2018; Kihl, Skinner and Engelberg 2018). Hence, this chapter provides a global overview of a problem that is often examined from a single perspective, such as doping, bad governance, conflicts of interest or vote rigging in the attribution of sporting events. It is important to have a comprehensive picture of corruption in sport that encompasses all the different scourges that exist, because all these scourges are interrelated and tarnish the sport’s fundamental values of integrity. In fact, sports corruption can be considered the antithesis of sporting integrity. This overview paves the way for a new, comprehensive approach to promoting the true spirit of sport and combatting what can be referred to, paraphrasing former US president Bill Clinton, as the “dark side of sport” (Chappelet 2009).²

CORRUPTION ON OR OFF THE FIELD OF PLAY, INDIVIDUAL OR ORGANIZATIONAL CORRUPTION

For corruption to occur there must be at least one corrupt party, a cheat who attempts to achieve some sort of personal gain (financial or other) by seeking to obtain an unfair advantage that will enable him or her to accomplish, or not, an act within his or her sphere of responsibility. *On* the field of play, cheating may be carried out by athletes (even if it is others who encourage them to cheat), referees, coaches, the athlete’s direct entourage, or even bettors and spectators.

Corruption can also take place *off* the field, for example, by people with managerial responsibilities, such as club executives, national or international federation officials, sports contract negotiators, voting members for the attribution of a sports event (Cassani and May 2017), event organizers, or administrators, etc. The corruptor may be a broker or intermediary/agent involved in negotiating agreements involving sport organizations (e.g., sponsorship, broadcasting, or construction contracts), sports event bid committees or organizing committees, sports event executives or managers, sports bettors, or betting operators, etc.

² Clinton is credited with coining the term “dark side of globalization” during a speech to the United

Sometimes, corruption is not always just down to individuals (“bad apples”); entire organizations may be imbued with a “culture of corruption” (“bad barrels”).

FOUR FACETS

It is possible to distinguish four separate though interlinked, facets to sports corruption, with each facet corresponding to one of the main types of cheating affecting sport at the beginning of the 21st century.

First, doping is an attack on the integrity of sport, as it deprives clean athletes of the elation of winning, even if they are later placed ahead after the original winner is disqualified due to a failed drugs test. Athletes who dope are not only guilty of breaking the rules of their sport, they are attempting to obtain personal gain, either directly or indirectly, as a result of their undeserved victories (cheating to win). In most cases of doping, only the athletes involved are punished (usually via sporting sanctions, although sports doping is a criminal offence in a few countries such as Germany and Italy), even if the athlete’s entourage often bears some, if not a large part, of the responsibility for this form of cheating and therefore could deserve more severe punishment than the athlete (providing performance enhancing substances to athletes is a criminal offence in many countries but is not well monitored). Doping affects all sports and all levels of sport, with even weekend athletes taking a huge variety of substances and supplements, forbidden or not, in the hope of boosting their performances. Using such substances/supplements can become an addiction and therefore, given the numbers of people involved, a public health problem. Doping and supplement misuse/addiction undermine the health benefits of sport.

Absence of fair play (or foul play) can be seen as the second facet of sports corruption. Originally coined by Shakespeare and adopted by sportsmen at the end of the 19th century, fair play is a relatively vague concept that can be defined as respecting both the letter and the spirit of the rules. Thus, an absence of fair play opens the way for behaviors, illegal or not, such as hooliganism, violence on the field of play, manipulations, tanking, unfair competition, and abuse and harassment of all types (sexual, racist, etc.). Viewed from this perspective, match-fixing (cheating in order to lose) can be categorized as demonstrating an absence of fair play. Match-fixing (manipulating the final result) and spot-fixing (manipulating a specific aspect of a game) have grown in conjunction with the growth in sports betting, especially since the arrival of online betting at the turn of the century. Any sports event can be rigged, even if football, tennis, and cricket are the sports most affected (Pielke 2016). Not playing fair and not respecting a sport’s written and unwritten rules undermines the benefits of sport for education.

These first two facets of sports corruption mostly concern athletes on the field of play, who either want to win at any price or to lose (in order to win in a different way), and their entourages. They do not directly affect the organization of competitions, unlike the third and fourth facets of sports corruption, which involve competition organizers, their managers, and their organizational cultures.

A lack of ethics among some sport organization officials is at the heart of the sports corruption problem. Unethical officials have accentuated a wide range of

inducements, in cash or in kind, in return for supporting a host candidate’s bid, awarding a contract, or supporting a potential appointee. This lack of ethics has also led some sport officials to turn a blind eye to certain cases of doping, athlete trafficking, discrimination, vote rigging, recurring abuse, or match-fixing, hence the overlap between this facet and the two previous facets. But these unethical behaviors occur mostly when the organizations involved tolerate them or do not have adequate monitoring procedures or an adequate system of governance, including rules on conflicts of interest, control mechanisms, and checks and balances.³ Under Swiss law (article 102 of the criminal code), if a case of corruption cannot be attributed to one or more individuals, the organization concerned can be prosecuted for mismanagement (in which case, the organization is criminally responsible). Ethical shortcomings and poor governance by sport officials and organizations undermine the beneficial effects of sport for economic development.

Finally, the unsustainable management of a sports event, or even a sport (such as motor sports or snow sports on totally artificial runs), can be considered a problem of corruption. It can lead to badly designed sport facilities and gigantism, which makes hosting sports events too expensive or un-respectful of the environment, or to the building of “white elephants”, that is, facilities that are too big (or unsuitable) for use after the event by current and future generations (Paramio Salcines, Babiak and Walters 2013; Bayle, Chappelet, François and Maltese 2011). Unfortunately, in many countries construction projects, whether or not they are sport-related, are synonymous with corruption due to the number, complexity, and lack of transparency of the contracts they involve. Rules governing the award of contracts for sustainable construction projects (procurement rules)⁴ can reduce this problem. At the same time, standards imposing decent working conditions, such as those drawn up by the International Labor Organization (ILO), should be met. Lack of sustainability of sport or in the running of sport undermine the beneficial effects of sport for sustainable development (balanced in the three spheres of economic, social and environmental development).⁵

³ An independent report published in December 2018 by law firm Ropes & Gray claimed the USOC (United States Olympic Committee) and USA Gymnastics (the US national governing body for this sport as recognised by USOC) had facilitated Nassar’s abuse of hundreds of athletes and had failed to act when the allegations against the disgraced team doctor emerged. Nassar is currently serving up to 175 years in prison, having been found guilty of sexually abusing dozens of American gymnasts. US Senators have called on the Federal Bureau of Investigation (FBI) to investigate both USOC and USA Gymnastics following the report, which stated Nassar “acted within an ecosystem that facilitated his criminal acts”.

⁴ Such as those drawn up by the OECD.

⁵ In December 2018, the Tokyo 2020 Olympic Organising Committee and the United Nations (UN) have signed a letter of intent aimed at promoting the contribution of sport to sustainable development, more specifically, work together to achieve the UN’s Sustainable Development Goals (SDGs).

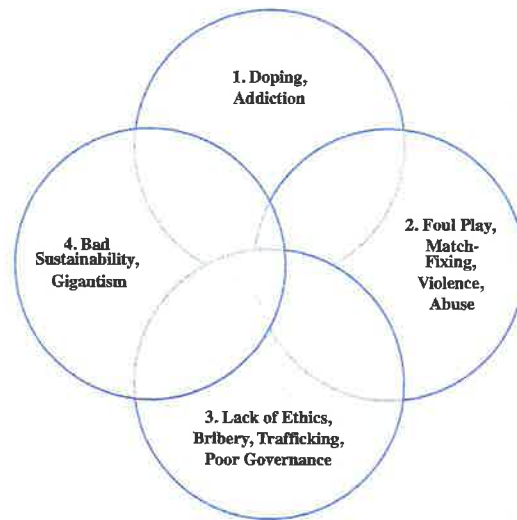


Figure 1: “The four overlapping facets of sports corruption.”
Source: Author

Figure 1 summarizes these four overlapping facets of sports corruption or the dark side of sport, which make sport unsafe and is capable of obscuring its bright side (health, education, economic development, social, and environmental development, etc.).

HOW CAN SPORTS CORRUPTION BE FOUGHT?

The fight against sports corruption is slowly but surely taking shape through a variety of public and private measures, and national and international legal frameworks, in addition to educational programme which are run in many countries (see footnote 12).

In the case of doping, numerous national laws and international conventions to combat doping have been introduced since the 1970s and 1980s, and a World Anti-Doping Agency (WADA) was created in 1999 by the Olympic Movement and national governments. WADA regulates this sector via a (private) world anti-doping code and an international anti-doping (public) convention, drawn up by UNESCO in 2005, which has now been ratified by most of the world’s governments, i.e. made law in their countries (WADA 2018). The countries which have ratified the UNESCO anti-doping convention must create a NADO (National Anti-Doping Organization) to fight the scourge within their territory and according to the World Anti-Doping Code.

In contrast to the fight against doping, which is a combined public-private undertaking, regulating fair play has traditionally been left in the hands of sport organizations (IFs and NFs –International and National sport Federations), through their sporting rules, aided by decisions by referees, sport officials and, sometimes, jurisprudence passed down by the Court of Arbitration for Sport (CAS). In 2015 the Council of Europe approved a convention (treaty under public law) against match-fixing that is open to non-member states and is undergoing ratification. In addition, a

Council of Europe convention, drawn up in 1985 and revised in 2016, provides for “an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events” and regulates the violent behaviors of spectators.

Ethical failings by sports executives are increasingly being addressed through general national legislation against corruption and lack of ethics that can also be applied to sport (e.g., France’s “Sapin 2 Act”) and by the international treaties drawn up by the United Nations, OECD, and Council of Europe mentioned in the introduction. The American, Austrian, Brazilian, French, Norwegian, and Swiss⁶ prosecutors are working on the FIFA, IAAF, IBU (International Biathlon Union), and Rio 2016 cases, as well as on other sports “scandals”. Like in the corporate sector, sport organizations are adopting increasingly stringent principles of governance; however, compliance with these principles must be monitored by independent bodies to ensure governance continues to improve over time. The recently ASOIF (Association of Summer Olympic International Federations) created GSMU (Governance Support and Monitoring Unit) is such a body (ASOIF 2018). The IOC and NOCs (National Olympic Committees) have a special responsibility of being ethical organizations according to the Olympic Charter (rule 2).

As yet, there are no national or international laws pertaining to the sustainability of sports events and sports in general, even though most countries and sport organizations recognize the importance of sustainability to life in society. Alongside countries, it is up to sport organizations to show they are accountable in this respect (Gauthier 2015). Many event organizers are following the ISO (International Organization for Standardization) 20121 standards of sustainability for sporting events established at the time of the 2012 London Olympic Games. Also of note are the recommendations relating to sports event sustainability made by the UNESCO conference of sports ministers in 2013 and by the OECD in 2016, as well as the United Nations’ Guiding Principles for Businesses and Human Rights (2011) and IUCN (International Union for Conservation of Nature) Sport and Biodiversity guide endorsed by the IOC in 2018. The IOC Sustainability Strategy for the Olympic Movement published in 2017 should also be taken into consideration. OCOGs (Organizing Committees of the Olympic Games) are particularly responsible to fight the lack of sustainability at this arguably largest sport event in the world.

In summary, the task of fighting the four facets of the dark side of sport is mainly entrusted to WADA and NADOs (doping), IFs and NFs (fool play), IOC and NOCs (ethics) and OCOGs and other event organizers (lack of sustainability), in partnership of governments and intergovernmental organizations.

Focusing on the four abovementioned facets of the fight against sports corruption generates an integrated approach to promoting the healthy and positive side of sport, an approach that is elegantly and memorably encapsulated in the acronym SAFE for a Sustainable, Anti-doping, Fair play, Ethical sport (see figure 2).



Figure 2: “The four overlapping facets of SAFE sport for sports integrity.”

Source: Author

In fact, several countries have already embraced the SAFE approach to sport or some of its underlying principles (see next section). These four facets are often overlapping because sometime a case involving one of the facets will also involve others. For instance, the 2015 IAAF scandal involved bribes (facet 2 “lack of ethics or foul-play”) related to doping sanctions (facet 1 “doping”). Gigantism (facet 4 “bad sustainability”) can be caused by poor governance of procurements and lead to corruption (facet 3 “lack of ethics”). One of the three reasons to fight doping (facet 1 “doping”) in the UNESCO convention against doping is that it goes against the “spirit of sport” and is unfair to opponents (facet 2 “foul-play”).

EXISTING PROGRAMMES INSPIRED BY THE SAFE SPORT CONCEPT

To the author’s knowledge, there is no comprehensive programme covering all four facets of sports integrity summarized by the SAFE sport acronym, although this acronym has been used recently by several organizations in relation with sports integrity issues. A short review gives food for thought to put in place programmes to fight the dark side of sport in the future.

In the USA, following the Nassar case,⁷ a non-profit organization was created under the name Center for SafeSport. It concentrates on the fight against bullying, harassment, hazing, physical abuse, emotional abuse, sexual misconduct, and other abuse in sport, i.e. on the fight against the second facet (clockwise) of the global

framework presented above (figure 1). It is supported by the USOC (United States Olympic Committee), the USPC (United States Paralympic Committee), NBC Sports Group, the NBA (National Basketball Association), WNBA (Women National Basketball Association), ESPN (a TV cable network) and private individual donors (US Center for SafeSport 2019).

In 2017 a UK charity, the NSPCC (National Society for the Prevention of Cruelty to Children), created a programme called Safeguarding in sport. Safeguarding refers to the process of protecting children (and adults) to provide safe and effective care, particularly in a sports setting. This includes all procedures designed to prevent harm to a child. Again, this programme concentrates on the fight against the second facet of the global framework presented above (figure 1) (CPSU 2019).

In other countries, programmes which aim at fighting some of the scourges of today’s sport have been launched recently. For instance, in the Netherlands, there is a programme called VeiligSportKlimaat (which could be translated by “Safe sport environment”). cf. www.veiligsportklimaat.nl. In Switzerland, the programme Cool and Clean has been in existence for more than ten years to fight the addiction to alcohol, tobacco and drugs among young club members through specific courses organized in sports clubs throughout the country (Swiss Olympic 2019).

In Japan, the “Be the Real Champion Games Education” package was created in 2017 by a joint effort of the Japan Anti-Doping Agency and Japan Sports Agency to promote the values and integrity of sport (see www.playtrue2020-sp4t.jp/edu_package/about). It wishes to expand “the infinite possibility of sport for the future of sport and society.” It promotes fair play in all its aspects (to sport, to him/herself, to other athletes, to other persons on the field, in daily life, etc.) Anti-doping education plays an important part in this programme. WADA proposes also many educational programmes and tools to fight doping.

Sport organizations have also started similar programmes. For example, the IOC set a SAFE Sport booth at the Olympic village of the Youth Olympic Games (YOG) in Buenos Aires 2018 following its launching in February 2018 of guidelines and a toolkit to safeguard athletes from harassment and abuse in sport (IOC 2019). Similar booths were organized at the Winter YOG in Innsbruck 2012 and in Lillehammer 2016.

SSI (Safe Sport International) was created several years ago but began to be well known only recently. It focuses on non-accidental harms, that is those perpetrated knowingly and deliberately, that undermine both the mental and physical health of the athlete and the integrity of sport (again the second facet of the framework). Sadly, there is plenty of evidence that such violence happens in sport. SSI feels that the time is right for a coordinated international effort to prevent and respond to this violence as part of the global effort to uphold and protect the sporting values. SSI will collaborate to develop and support the implementation of international frameworks for safe sport, developing safeguards for adult athletes and managing the transition from child to adult sport. SSI is supported by several sports organizations including the International Paralympic Committee, and brings together the thought, policy and practice leaders in sport through collaboration, such as the women in sport networks, the IOC and many others. Cf. www.safesportinternational.com

⁷ This case involves a former medical doctor for the US Gymnastics Federation who sexually abused hundreds of gymnasts training for competitions, and who was sentenced to a life in prison in 2018. Following this scandal, the leadership of the federation was totally replaced and the US Gymnastics federation might lose its accreditation with the United States Olympic Committee, allowing it to represent

In 2014 and 2015, the EU (European Union) and the Council of Europe supported a joint project called “Pro Safe Sport” (PSS) (Council of Europe 2019a). It was aimed at promoting a safe and healthy environment for young athletes. PSS was followed in 2017 by a new joint initiative: Pro Safe Sport Plus (PSS+) (Ibid.) focusing on sexual violence against children in sport. The expression Safe sport, understood mainly as a key word for the protection of athletes, is now a pillar of the sport policy of the Council of Europe (Council of Europe 2019b).

CONCLUSION

There is no need to go back to Antiquity to see massive changes in sport today, as modern sport has evolved almost beyond recognition since the late 19th century, when its foundations were built on a strict ethos of amateurism. The abandonment of this ethos in the 1970s and 1980s in response to the increased commodification of sport is one of these main changes. Although modern sport is governed mostly by private, non-profit associations, it received enthusiastic support from the public authorities throughout the 20th century, often via physical education at school and subsidies for local sport clubs and national governing bodies. Today, the sports sector is an economic, social, and environmental phenomenon of great importance. In the fight for integrity, against the dark side of sport, against sports corruption, in the widest sense of the term, sport organizations are starting to work intelligently with the public authorities, which are showing greater readiness to legislate in this area, even criminalizing certain offences, especially when the underworld (mafia) is involved. The IAAF, which created an independent Athletics Integrity Board (AIB) in 2017, is a prominent example of how some sport federations are responding to the problem of corruption in all its forms. As the board’s chairman has stated, the AIB is intended to do much more than deal with cases of doping; its objective is to drive all cheats out of athletics. In 2018, the IOC has also launched an International Partnerships Against Corruption in Sport (IPACS), uniting the sport movement with intergovernmental organizations including OECD, UNODC (United Nations Office on Drugs and Crime) and the Council of Europe, as well as the UK Government. IPACS currently concentrates on three topics: corruption in sports procurements, awarding of sports events, governance of sports organizations. These topics relate to facets 2 and 3 of figure 1).

Nevertheless, sport today often lacks credibility and legitimacy with both politicians and the general public. It is known to be beneficial for health, education, economic development, and social integration, etc., but a seemingly never-ending stream of scandals, eagerly reported by the media, is undermining sport’s acknowledged benefits to such an extent that, as for globalization, it is now possible to talk about a dark side of sport, about unsafe sport.

The ethos of amateurism has been abandoned in the 1970-1980s, but it has not been replaced. Today, it is essential to promote an approach that can be used to fight corruption while reminding us of sport’s positive objectives. SAFE sport provides such an approach.

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