



An interdisciplinary approach in identifying the legitimate regulator of anti-doping in sport: The case of the Australian Football League



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ABSTRACT

The regulation of anti-doping practices in Australian sport is overseen by the Australian Sports Anti-Doping Authority (ASADA), which is a statutory authority funded by the Australian Commonwealth Government (ACG). The 2013 ASADA investigation into the Essendon Football Club (EFC) uncovered the alleged use of performance and image enhancing drugs by a number of players and support personnel. However, despite the call for sanctions to be placed on those taking banned substances, ASADA itself became the central focus of enquiry with the EFC questioning the legitimacy of ASADA's authority in their management of the investigation. Using content analysis and Bourdieu's conceptual framework, this paper aims to determine the legitimate regulatory authority of key actors involved in the EFC investigation. The findings suggest actors in the social field, as related to the case of the EFC investigation, possess varying amounts and types of capital, which cumulatively convert to symbolic capital. Dominant actors within the social field retain more symbolic capital than others and are perceived to possess legitimate regulatory authority, which does not translate to actual legal authority. This apparent disconnect between perceived authority on the one hand and actual legal legitimacy on the other has implications for the future management of such cases, both in the Australian Football League and beyond.

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1. Introduction

Doping in sport has been a topic of great interest to scholars across a variety of disciplines such as law, management and medicine, to name a few (Fridman & Buti, 2001; Newton, 2013; Stewart, Adair, & Smith, 2011). In Australia, the regulation of doping in professional football is a topic that has generated significant scholarly attention in recent times due to issues confronting the Australian Football League (AFL) and the Essendon Football Club (EFC).

In February 2013, a joint presentation, involving Australian Federal Government Ministers and senior executives of a number of sport governing bodies, responded to damaging reports alleging systemic doping practices within a number of

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elite professional sports in Australia (Gordon, 2013). As such, fundamental questions arose as to the management, regulation and governance of the promotion and enforcement of the Australian anti-doping regime (Australian Crime Commission, 2013) and resulted in a joint media presentation labeled as the “blackest day in Australian sport” (Gordon, 2013). In this paper, we question whether the orchestration of this joint media presentation reinforced the need for collaboration among government and non-government actors to jointly tackle anti-doping in the Australian sports system. Specifically, our research question addresses the relationship between organizational capital and legitimacy in the regulation of doping in sport.

This paper adopts an interdisciplinary approach by applying social capital theory in the context of anti-doping regulation in Australian sport, in order to determine levels of organizational capital among key actors. More specifically, the joint investigation into the doping issues in Australian football and the EFC resulted in a variety of actors attempting to assert authority in the regulation of anti-doping in Australia. As a result, there was confusion as to which actor was the legitimate regulator, and whether or not that actor had the necessary authority and regulatory power to control doping regulation in this country. For the purpose of this paper, a regulator can include government and non-government actors in charge of establishing rules and regulations to be followed by others within that regulatory domain.

The notion of capital and regulatory authority within sport organizations is not new to sport management as researchers have investigated the role of capital to influence change both within organizations and the organizational fields within which they operate (Cousens & Slack, 2005; O'Brien & Slack, 2003; Stewart et al., 2011). However, the link between capital, regulation and the legitimate authority of an organization has remained surprisingly under-investigated within sport management research. Previous research has identified dominant stakeholders within an organizational field in relation to the levels of capital they possess (O'Brien and Slack, 2003, 2004; Stewart et al., 2011). However, no studies have addressed the connection between the legal regulatory authority of actors and the perceived levels of organizational capital possessed by these actors.

In the context of this paper, we argue that legal regulatory authority (or legitimate authority) can derive from contractual or legislative sources and is thought to underpin the legitimacy of the authority that organizations seek to exert within their organizational field. The concept of regulation is applied in order to determine what organization has the power to legitimately regulate anti-doping in Australian sport. The paper also investigates those organizations that are perceived to have legitimate authority within a given social field, which is determined by the capital they possess as opposed to the legislative authority awarded to them. Thus, the inclusion of legal authority in this discussion surrounding regulation and legitimacy seeks to contribute to the identified gap in the literature.

Through the application of Bourdieu's social theory and using content analysis, we seek to determine the nature of individual capital possessed by the actors involved in the EFC doping allegations and the subsequent joint investigation by the AFL and ASADA. An examination of legal and regulatory instruments provided a means to determine the legitimate authority afforded to those organizations being examined. We posed the question, ‘what is the relationship between organizational capital and legitimacy in the regulation of doping in sport?’ To address this question, our goals were to: (1) identify the key actors involved in the EFC doping allegation; (2) identify the type and level of capital each actor possessed; (3) establish the perceived authority associated with the different types and levels of capital; and last, (4) determine the legitimate authority of each actor within the doping in sport social field, based on the extent of their legal authority. In other words, government actors as state regulators act within the parameters of their legislative powers given under the relevant legislative instrument. Non-government actors do not have the legislative authority but may possess other forms of legal and regulatory authority that is often of equal significance.

2. Theoretical framework

To assist in understanding the regulation and governance of anti-doping in Australia and specifically, in the analysis of the case of the EFC, Pierre Bourdieu's social theory concepts were applied. Bourdieu's social theory has been adopted by a number of sport management researchers (Augestad, Bergsgard, & Hansen, 2006; O'Brien & Slack, 2003). Indeed, Kitchin and Howe (2013) believe the use of Bourdieu's work can lead sport management researchers to a greater understanding of the, “interplay between micro and macro pressures within the organizational field” (p. 132).

Bourdieu's contribution to sociology revolves around three key concepts: social field, capital and habitus (Swartz, 1997). Bourdieu did not examine organizations *per se*; instead, he sought to understand the setting (social field) in which actors (agents and stakeholders) operated. According to Everett (2002), Bourdieu examined the struggle of actors attempting to achieve power, prestige and influence over those within the social field. As such, Bourdieu sees organizations in relational contexts that can only act within a given social field.

2.1. Social field

The concept of the ‘social field’ is central to understanding Bourdieu's social capital theory. Bourdieu (1990) described the social field as, “networks of social relations, structured systems of social positions within which struggles or maneuvers take place over resources, stakes and access” (Bourdieu, 1990, p. 53). In other words, this ‘field of action’ sees particular capital valued or devalued by the actors occupying the social field, through the intersections between relations of power that determine the dominant actors within the field.

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