

1974

## The Regulation of Transnational Sports Competition: Down from Mount Olympus

James A.R. Nafziger

Follow this and additional works at: <https://scholarship.law.vanderbilt.edu/vjtl>



Part of the [Labor and Employment Law Commons](#), and the [Transnational Law Commons](#)

---

### Recommended Citation

James A.R. Nafziger, *The Regulation of Transnational Sports Competition: Down from Mount Olympus*, 5 *Vanderbilt Law Review* 180 (2021)

Available at: <https://scholarship.law.vanderbilt.edu/vjtl/vol5/iss1/5>

This Article is brought to you for free and open access by Scholarship@Vanderbilt Law. It has been accepted for inclusion in *Vanderbilt Journal of Transnational Law* by an authorized editor of Scholarship@Vanderbilt Law. For more information, please contact [mark.j.williams@vanderbilt.edu](mailto:mark.j.williams@vanderbilt.edu).

THE REGULATION OF TRANSNATIONAL  
SPORTS COMPETITION:  
DOWN FROM MOUNT OLYMPUS

*James A. R. Nafziger\**

The continuing reverberations from the "ping-pong diplomacy" of the Peoples' Republic of China, political pulsations from the 1969 "soccer war" between Honduras and El Salvador, and the emerging influence of world sports standards in combatting *apartheid* policies in southern Africa have stimulated fresh interest in the interplay between transnational sports and politics. The growing importance of this interaction is underscored by the increasing frequency of such sports-related items in international coverage by the mass media.

Despite the apparent importance of such athletic diplomacy within the world community, the informed scholarly response has been negligible. To be sure, the role of transnational competition as either an agent or a catalyst of world order has been the focus of considerable intuitive and theoretical commentary. Only rarely, however, have the resulting theories and hypotheses been submitted to empirical examination and analysis.<sup>1</sup> Consequently, it is not surprising that there has been little systematic study of the world-order implications of the rules and norms that govern the administration of transnational sports competition. This deficiency may reflect that lesser importance is attached to the underlying scope-value of skill than to such values as power, wealth and well-being.

This article seeks first to identify the behavioral and organizational characteristics, and to clarify the shared goals of transnational sports competition. Against this background, the article will examine the formal characteristics of decision-making within the Olympic Movement,<sup>2</sup> whose quadrennial Games provide the most highly developed

---

\* Administrative Director, American Society of International Law; Lecturer, the Catholic University of America School of Law. B.A., 1962, M.A., 1969, University of Wisconsin; J.D., 1967, Harvard Law School. The author wishes to thank Monique Berlioux, Director of Administration and Information of the International Olympic Committee, for her cooperation, courtesy and responsiveness in reply to his many inquiries.

1. *But see* J. MEYNAUD, *SPORT ET POLITIQUE* (1966).

2. The organization of the modern Olympic Games has been chosen as a paradigm for this study because of several factors: first, the propinquity of the 1972 Olympics and the length of the pertinent historical experience; second, the

fora for these events. Finally, four case studies are used to evaluate the Olympic organization's performance—that is, the efficacy of relevant policies, rules and procedures that are available to decision-makers to achieve the shared goals of the organization. Several modest proposals are advanced. Aside from these, however, a comprehensive prescription of alternative policies, rules and procedures must await subsequent research.

## I. CHARACTERISTICS AND GOALS OF SPORTS COMPETITION

### A. *General Characteristics of Athletic Activity*

Sports competition is conflict for its own sake involving rewards which are typically intrinsic: individual pleasure, satisfaction and accolades. Such conflict generally constitutes a zero-sum game—what one side wins, the other loses.<sup>3</sup> This characterization may not apply, however, to the individual activities of the Olympic Games, such as track and field events and swimming, where the multiplicity of both national allegiances and rewards in the form of gold, silver and bronze medals suggest a more than zero-sum game. This diffusion of gain and loss may reduce the threat of international tension in the Olympics. Notwithstanding this qualification, sports contests seem to function characteristically as a ritual of conflict or pseudo-event in which action is influenced, not by shared tasks which might generate cooperation, but rather by shared ritual and rules,<sup>4</sup> which both engender and control conflict. Whether that conflict leads to international tension is of major concern to all participants in transnational sports competition.

In all team endeavors, two relevant concepts of social interaction may be distinguished: *cooperation* among members of the same team, and *association* among members of opposing teams.

---

importance from the public viewpoint of the Games as a theater of interaction within the athletic sphere; third, the availability of related data; fourth, the significance to international law of the continuing transformation within the Olympic organization from a reliance upon discretionary decision-making to a quasi-legal process of rule-creation and supervision; and finally, the organizational feature of interaction among individual, non-governmental and governmental components.

3. See, e.g., Lüschen, *Cooperation, Association, and Contest*, 14 J. CONFLICT RESOLUTION 21 (1970). This article contains a very useful theoretical and empirical study of certain sociological components of athletic competition.

4. See Nieburg, *Agonistics—Rituals of Conflict*, 391 ANNALS 56 (1970). The philosopher Paul Weiss has defined sport as a "rule-governed bodily adventure."

Cooperation, with its elements of liking and mutual dependency, emerges when rewards are shared within a group. Association, on the other hand, is merely a degree of toleration by which groups accommodate their respective self-interests, but not so much as to preclude conflicts of interests and continuing competition.<sup>5</sup> The strength of the association among members of opposing teams relates to such external influences as sports organizations; spectators; symbolic identification with schools, communities and nations; and the social-cultural milieu. In regulated sports competition, these influences operate within a competitive atmosphere characterized by an artificially generated and controlled tension. Other characteristics include the non-representative nature of the conflict, the observation of ritual, and a systemic response fundamentally to a rule-premised equilibrium. The external influences operating within this context may serve to expose sports competition to disassociation and unprescribed conflict as contrasted with the characteristic task-sharing patterns of cooperation present among members of the same team.

Although it is widely believed that sport functions cathartically to eliminate conflict among groups, available data suggest that this is an overstatement. Actually, since genuine cooperation would be self-defeating in athletic competition, the social relationship between athletic opponents indicates only a limited integrative function.<sup>6</sup> There is no established correlation between transnational athletic activity and the development of social order.

A better case can be made, however, for the argument that sport is a microcosm of society. This contention is supported by the close correlation between individual motivation and capacity,<sup>7</sup> the presence of increased specialization<sup>8</sup> among athletes as in society as a whole

---

5. Lüschen, *supra* note 3, at 25, 26. Lüschen acknowledges his debt to Max Weber for the distinction between *vergemeinschaftung* and *vergesellschaftung*.

6. Lüschen, *supra* note 3; Heinilä, *Notes on the Inter-Group Conflicts in International Sport*, 1 INT'L REV. OF SPORT SOCIOLOGY 31 (1966). This study which is premised on an analytical distinction between "in-group" and "out-group" attitudes is noteworthy to the international lawyer particularly because of its rule-oriented plea for an "identification and clarification of the very concept of fair play," about which there is a surprising lack of consensus, and thereafter for a "common recognition of and a commitment to the clarified principles and norms by international authorities." *Id.* at 37.

7. Janeau, *Sport et Psychologie*, 3 SPORT: REVUE BELGE DE L'EDUCATION PHYSIQUE, DES SPORTS ET DE LA VIE EN PLEIN AIR 194 (1970).

8. Noting a trend toward greater specialization, quantification and reliance on equipment, one writer comments that "play is changing everywhere from a

and by the demise of the myth that sport operates as a privileged sanctuary from real life. One need only be reminded that although the Greek Olympic tradition was inspired by the ideal of educating harmonious human types, and was self-enforced for 1200 years, it nonetheless degenerated into commercialism, violence and eventual dissolution in 394 A.D.<sup>9</sup> Further proof that sport is a microcosm of society is found in the recent incidents involving drugs in sport, racism among athletes and an obvious indication that the sports establishment is quite capable of defying the public interest.<sup>10</sup>

### B. Clarification of Shared Goals

While the introduction of a common enemy, or the creation *in vacuo* of organizational goals, may stimulate efforts to overcome intergroup conflicts, these conflicts are most readily surmounted by a concurrence among the participants regarding superordinate problems and goals. The perceived necessity of attaining these goals and of overcoming these problems will encourage the growth of communication, leader contacts and, ultimately, attitude changes.

One recent study<sup>11</sup> of socializing behavior in a summer sports camp, frighteningly suggestive of Golding's classic, *Lord of the Flies*, is illustrative of this sharing effect. The camp was first fragmented into mutually hostile groups by the artificial kindling of interpersonal conflict. To resolve this conflict, several conventional techniques were initially employed, including mutual information gathering, intergroup leadership conferences and negotiation, the introduction of a common enemy (which proved temporarily productive) and limited mutual

---

complex, multi-dimensional activity which earlier helped man to relate to his social and cultural environment, to a simple but extremely specialized activity which affords him greater and greater control over a small and, in itself insignificant, area of experience." Csikszentmihalyi, *The Rigors of Play*, 208 THE NATION 210, 212 (1969).

9. See Paleologos, *Causes of the Decadence of the Ancient Games*, 48 OLYMPIC REV. 475 (1971).

10. Rather than being a romantically inspired panacea for the world's ills or an escape from them, the "plain truth is that sport is reflection of the society, that it is human life in microcosm, that it has within it the maladies of the society, that some athletes do drink, that some athletes do take drugs, that there is racism in sport, that the sports establishment is quite capable of defying the public interest, and that in this contemporary civilization sport does invade sociology, economics, law and politics." Cosell, *Sports and Good-by to All That*, N.Y. Times, April 5, 1971, at 33, col. 1.

11. M. SHERIF, IN COMMON PREDICAMENT: SOCIAL PSYCHOLOGY OF INTERGROUP CONFLICT AND COOPERATION (1966).

contacts and communication. Having achieved little success thereby, the experimenters then created conditions for the emergence of superordinate goals; these staged conditions included an imminent campwide water shortage and the stalling of a truck en route to a vital food distribution point. The resulting forced cooperation among previously hostile groups developed intergroup ties and interpersonal attitude changes. Once this harmony was achieved, it continued even without the presence of shared problems.<sup>12</sup>

The results of this experiment appear to support the hypotheses of scholars concerning functional cooperation on an international plane: that transnational cooperation in resolving superordinate problems leads to persistent patterns of cooperation among participating nations.<sup>13</sup> The integration or convergence of policies and values among decision-makers within the International Labor Organization is an excellent example. This organization advantageously harnesses the competition and frequent political conflict between divergent interests. Through a dynamic process of interaction, "certain kinds of organizational tasks most intimately related to groups and national aspirations can be expected to result in integration *even though* the actors responsible for this development may not deliberately work toward such an end."<sup>14</sup>

What, then, are the implications for this article of the importance to social integration of superordinate group goals? The earlier discussion about the fundamentally associational, as opposed to cooperative, nature of intergroup athletic activity raises a serious question about the relevance of such goals. The response by an association of opposing participants to what is essentially an

---

12. Focusing on a much higher and more complex level of social interaction, recent legal scholarship has reflected an interest in problem-oriented premises of global integration that transcend available nation-state machinery. See, e.g., R.A. FALK, *THIS ENDANGERED PLANET: PROSPECTS AND PROPOSALS FOR HUMAN SURVIVAL* (1971); Lasswell, *International Lawyers and Scientists as Agents and Counter Agents of World Public Order*, 65 AM. J. INT'L L. 366 (Proceedings) (1971) (address delivered at the American Society of International Law Annual Dinner, April 30, 1971).

13. D. MITRANY, *A WORKING PEACE SYSTEM* (Quadrangle ed. 1966); Mitrany, *The Functional Approach in Historical Perspective*, 47 INT'L AFFAIRS 532 (1971). The assumption that international cooperation in non-political activities leads to cooperation in political activities was recommended for reexamination by the 1965 White House Conference on International Cooperation. Report of the Committee on Peaceful Settlement of Disputes, Dec. 1, 1965.

14. E. HAAS, *BEYOND THE NATION STATE: FUNCTIONALISM AND INTERNATIONAL ORGANIZATION* 35 (1964).

equilibrium, is not extrinsically rewarding or materially productive, but rather is conditioned upon intrinsic, individual satisfactions. Rewards within the Olympic context are often unshared. They are either intangible or, when tangible, they are individualized; for example, winners receive special medals, and all participants receive commendation medals. Therefore, if the intergroup association carries with it little potential for the emergence of mutual rewards and the resolution of common problems, then the chance is small that superordinate goals can simply emerge, as in the summer camp experiment.

It is similarly unlikely that articulated goals that are designed to provide a fundamental symbolic reference, as with the standards set by the International Labor Organization, will produce cooperation among competing athletes and athletic organizations. Sports competition is not only a form of conflict unrelated to the performance of productive tasks, but also a highly artificial and regulated form with prescribed limits of outcome and a fixed order. Only if the system itself were to be jeopardized would mutual, superordinate goals become important. Occasionally, relations between nations with teams engaged in athletic competition are, indeed, strained to the breaking point and existing patterns of athletic competition are thereby jeopardized, such as in the Central American soccer war. As the Olympic experience instructs us, however, systemic breakdown generally is not likely in pseudo-events that are rooted in configurations of artificially induced and rationally controlled encounters. Hence, decision-making within the Olympic model is usually concerned not with the achievement of goals that transcend the system and potentially encourage cooperation, but rather with more modest shared goals for the maintenance of an equilibrium in which association may occur. And yet, four principal Olympic goals, expressed in rule 3 of the *Olympic Rules and Regulations*, indicate higher, superordinate purposes while relating primarily to this maintenance of equilibrium:

The aims of the Olympic Movement are [1] to promote the development of those fine physical and moral qualities which are the basis of amateur sport and [2] to bring together the athletes of the world in a great quadrennial festival of sports thereby creating international respect and goodwill and [3] thus helping to construct a better and [4] more peaceful world.<sup>15</sup>

---

15. Rule 3, OLYMPIC RULES AND REGULATIONS 11 (1971) [hereinafter Rules are cited as RULE with reference to enumerated rule or regulation, not page; for citation to Eligibility Code see *infra* note 17].

In considering the role of established norms and law in the process of achieving these goals, it is useful to note three bases which have been used to justify a permanent, authoritative, domestic intervention into sports competition. These are, first, the amelioration of the physical condition of the population; second, the safeguarding of the public order; and third, the affirmation of national prestige.<sup>16</sup> On the international plane, similarly, there are arrangements which address these same aims. These arrangements include, respectively, international controls over the conduct of boxing matches and the use of stimulants and drugs;<sup>17</sup> the encouragement of transnational track and field contests which, in turn, have generated mass physical training programs; and bilateral agreements, often based upon FNC treaties, to stimulate joint international sports rivalry with third states.<sup>18</sup>

In promoting the goals expressed in rule 3, the Olympic model assumes the first two of these three bases for legal implementation and explicitly rejects the third in favor of a denationalization of competition. In addition, a fourth basis for legal implementation, which might be seen to encompass the first three, is introduced: the promotion of more comprehensive, external goals, such as the protection of human rights through the interaction of competitive sports. This basis for legal implementation can be related to the goal of "helping to construct a better . . . world."<sup>19</sup>

---

16. J. MEYNAUD, *supra* note 1, at 126-27.

17. See, e.g., *Eligibility Code*, OLYMPIC RULES AND REGULATIONS 47 (1971) (prohibition against the use of drugs) [hereinafter the Eligibility Code is cited as OLYMPIC ELIGIBILITY CODE with reference to page]; Constant, *Belgian Legislation Against the Use of Drugs in Sport*, 19 N. IR. L.Q. 160 (1968).

18. See, e.g., Agreement between the German Association for Gymnastics and Sports (DTSB) of East Germany and the Main Committee for Physical Culture and Sports of Poland, based on a 1967 FNC treaty between the two countries and directed against West Germany. Treaty on Friendship, Cooperation and Mutual Assistance between the German Democratic Republic and the People's Republic of Poland, 6 INT'L LEGAL MATERIALS 514 (1967), *ratification noted* 6 INT'L LEGAL MATERIALS 862 (1967). Article 2 of the agreement reads: "In this spirit, both sides will come out for a strict observation of the principles of mutual respect, recognition, and equal rights; they will oppose all forms of discrimination in international sports and fight for the adherence to the statutes and rules of the international sports organizations." For recent examples of the importance of Olympic sports participation to national prestige see, *Moscow's Olympic Dialogue*, SPORT IN THE U.S.S.R., No. 4 (1970); *Olympic Ideas Put into Practice*, 10 FOREIGN AFFAIRS BULL. 219 (1970) (published by the Press and Information Department of the Ministry of Foreign Affairs of the German Democratic Republic).

19. RULE 3, *supra* note 15.



After briefly examining the structure and characteristics of the Olympic model, this article will consider its performance in response to four current situations, each of which relates to one of the four basic goals of the Olympic movement articulated in rule 3 and each of which affords a study of one or more of the corresponding bases for legal implementation. The situations to be considered are "creeping professionalism"; the politicization of competition by nations; the "ping-pong diplomacy" of China especially as it bears on the conduct of the Olympic Games; and the conflict between the *apartheid* practices of South Africa and the Olympic rules, as officially interpreted.

## II. STRUCTURE AND CHARACTERISTICS OF OLYMPIC DECISION-MAKING

### A. *The Institutional Structure*

The 1894 Congress of Paris launched the modern Olympic Games and established a permanent International Olympic Committee (I.O.C.) which is "the final authority on all questions concerning the Olympic Games and the Olympic Movement."<sup>20</sup> Specifically, it is responsible principally for creating rules and regulations applicable to Olympic decision-making, electing its own officers and chairmen of certain committees, determining the qualifications of Olympic participants and selecting a site for each Olympiad.<sup>21</sup> According to one classification of non-governmental organizations, the I.O.C. is a "cosmopolitan" organization—that is, one composed of individuals rather than nation-states or organizational representatives.<sup>22</sup> The I.O.C., together with several other bodies, forms an Olympic organization which includes individual, national and international members.

The I.O.C. is unique in coopting its membership not on the basis of their representation from, but rather to, other organizations—namely, to officially recognized national federations and committees.<sup>23</sup> Before elaborating further on the characteristics of the I.O.C.'s membership, let us look briefly at the remaining institutional structure of the Olympic organization.

An Executive Board, composed of the President, three Vice-Presidents, and five additional members, performs ministerial duties

---

20. RULE 23, *supra* note 15.

21. RULE 4, 13, 14 & 34, *supra* note 15.

22. L.C. WHITE, *THE STRUCTURE OF PRIVATE INTERNATIONAL ORGANIZATIONS* 34 (1933). *See generally id.* at 244-48; L.C. WHITE, *INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS: THEIR PURPOSES, METHODS, AND ACCOMPLISHMENTS* 199-200 (1951).

23. RULE 11, *supra* note 15.

assigned to it by the I.O.C.<sup>24</sup> Administrative support is provided by an efficient secretariat, located in Lausanne, Switzerland.<sup>25</sup> Income is derived from the annual subscriptions of the I.O.C. itself. Technical control over the conduct of sports competition is given to the 26 authorized international federations, each of which employs technical rules to govern a particular official sport.<sup>26</sup> For example, the International Amateur Athletic Federation, the body with responsibility for rule-making, supervision, control and development in respect to track and field competitions, announced in early 1971 its own new qualifying standards for the 1972 Games in order to reflect "the bettering of world standards in both track and field events."<sup>27</sup> The international federations also regulate the number of entrants in each sport within limits set by the I.O.C., the equipment standards and controls, the selection of judges and the exercise of what could be described as limited appellate jurisdiction. Municipal components of the international federations are called national federations. Five of these components constitute a national Olympic committee.<sup>28</sup> The authority and role of the national Olympic committees in Olympic decision-making<sup>29</sup> are comparable to those of the National Red Cross Societies in relation to the International Committee of the Red Cross. All I.O.C. rules and regulations must be adopted and enforced by the national committees through their own rules and regulations.<sup>30</sup> Two delegates from each of the international federations and national committees are invited from time to time to confer on a consultative basis with the Executive Board of the I.O.C.<sup>31</sup> Occasionally, an Olympic Congress is convened, which for discussion and planning purposes brings together the I.O.C., and representatives from the international federations and the national committees.

---

24. The Executive Board is assigned the responsibility for observation of the Rules and Regulations, the preparation of an agenda for meetings of the I.O.C., the nomination of members of the I.O.C., the management of the I.O.C.'s finances, the preparation of its annual report, the appointment of its Director, the ultimate responsibility for its administration and the maintenance of its records. RULE 15, *supra* note 15.

25. RULE 22, *supra* note 15.

26. RULE 46, *supra* note 15.

27. See Announcement of the International Amateur Athletic Federation (IAAF), April 4, 1971 (published in London). The IAAF's decision, *inter alia*, raised the pole vault minimum to 16 feet 8 3/4 inches and the mens' high jump to 7 feet.

28. RULE 24, *supra* note 15.

29. RULE 24, 25, *supra* note 15.

30. RULE 24, *supra* note 15.

31. RULE 17, *supra* note 15.

### B. *The Participants and Their Perspectives*

Participants in the Olympic process include the individual competitors, whose average age in the 1968 Olympics ranged from 17.6 (women swimmers) to 32.5 (men rifle shooters);<sup>32</sup> nations; and the officially designated decision-making institutions and individuals within the Olympic institutional apparatus. The individual competitors are selected during try-outs by the national Olympic committees. These athletes play only a minor role in formal decision-making but are instrumental in shaping, sharing and promoting the goals of the system.

Recruitment of the primary decision-makers, the I.O.C. members, is conducted by that body itself according to several criteria: facility in French or English, citizenship and residency in a country with a national Olympic committee, and independence from binding instructions from any individual, organization, or sovereign government.<sup>33</sup> It is provided that "there shall be only one member in any country except in the largest and most active in the Olympic Movement, and in the countries where the Olympic Games have been held, where there may be two."<sup>34</sup> The President of the I.O.C. is elected for an eight-year term by absolute majority, by a secret ballot, and is eligible for reelection for successive four-year terms.<sup>35</sup> The remaining members of an Executive Board are elected for four-year terms.

The I.O.C. has been criticized frequently because its membership appears to be based upon wealth, elitism, age and geographical non-representation.<sup>36</sup> The I.O.C. for long has been identified with Western Europe; it has had, for example, only three members from sub-Saharan Africa, one of whom was an aristocratic Englishman from Kenya. In addition, the amount of power and prerogative formally accorded the office of the President has been especially criticized.<sup>37</sup> Without evaluating such criticism, it should be noted that the three newest members of the I.O.C. are from Ethiopia, Thailand, and the U.S.S.R.,<sup>38</sup> and that the President's discretion is increasingly subject to the application of the organizational rules.

32. 38, 39 OLYMPIC REV. (1979).

33. RULE 11, *supra* note 15.

34. RULE 13, *supra* note 15.

35. RULE 13, *supra* note 15.

36. On the perspectives of the incumbent president, see Brundage, *The Olympic Movement: Objectives and Achievements*, 3 GYMNASION 3 (1966).

37. See, e.g., J. MEYNAUD, *supra* note 1, at 105.

38. I.O.C., REPORT ON THE 71ST SESSION (SEPT. 15-17, 1971) AND MEETING OF EXECUTIVE BOARD (SEPT. 10-11, 1971), at 8, Oct. 4, 1971 [hereinafter cited as I.O.C., REPORT].

Several rules and regulations would seem to encourage the traditional pattern of membership on the I.O.C.: members are coopted and must be free of governmental and private influence, and who but the rich, it is argued, can be free of such influence; they are elected for life, although rule 12(2) now requires retirement at age 72 of members elected after 1965; one of the three Vice-Presidents must be a European; past host countries are entitled to double membership; and the size of the I.O.C. is restricted, despite the growth in the number of national committees.<sup>39</sup>

The I.O.C., its Executive Board, and particularly its President, have been given great discretionary powers in the administration of the Olympic Games by the international federations, national committees, and responsible individuals. For example, the President may take action or make a decision subject to later ratification by the I.O.C. when "circumstances" do not permit such action to be taken by the I.O.C. or its Executive Board.<sup>40</sup> Moreover, the continuing practice of the Olympic organization to keep its deliberations secret and unpublished, except in summary form, serves to protect the freedom of discretion in decision-making. However, the trend in recent years seems to have been away from discretionary administration by a narrowly representative "clique" of gentlemen toward a rule-oriented administration by a more widely representative I.O.C. Only the pace of this transformation is controversial.

### C. Legal Tools of Regulation

Legal tools available to the Olympic organization include the technical rules governing competition within each sport, to which reference has been made and about which this article is not primarily concerned; and the organizational rules, about which this article is primarily concerned. The Charter of the Olympic Games and various ministerial and protocol provisions form a document entitled *Olympic Rules and Regulations*,<sup>41</sup> which includes the organizational rules, together with an Eligibility Code and "decisions" made under it. The document is a curious composite of "basic law" provisions, rules,

---

39. See RULE 11, *supra* note 15.

40. RULE 16, *supra* note 15. The President is authorized to name the time and place of I.O.C. meetings, although he must convoke a meeting upon the request of one-third of the membership. He settles all "procedural" questions and exercises independent discretion at I.O.C. sessions in deciding whether or not to entertain new action not indicated by the agenda. RULE 17, 18 & 19, *supra* note 15.

41. See note 15 *supra*.

norms and a few admonitions. In style, it is rather loosely written and presents several conflicts of language between the English and French versions. In addition, it contains several spelling and grammatical errors.<sup>42</sup> Proposals for changes in the rules are referred to a Legislation Commission which drafts revisions for submission to and adoption by the I.O.C.

Under the rules, technical disputes, such as disqualifications, timekeeping and the like, are settled by a jury for each sport. The jury is appointed by the appropriate international federation. The jury's decisions are final.<sup>43</sup> All controversies of a non-technical nature must be submitted to the I.O.C. Executive Board by a national committee, an international federation or the organizing committee of the city where the games are being held.<sup>44</sup> Violations under rule 26, which governs eligibility, until recently were handled under the provisions of the Eligibility Code and referred to a special committee of the Executive Board "for investigation and report with a view to action."<sup>45</sup> It is unclear what action could properly be taken. The single sanction seems to be disqualification, either of an individual or a team, depending upon the circumstances.<sup>46</sup> As will be noted later,<sup>47</sup> the enforcement machinery was changed in 1971, but the question of available or contemplated sanctions persists.

Rule-creation and rule-supervision within the Olympic arena are shared by the international federations, which also deal with technical matters; the national committees; and the I.O.C. The nature of the legal tools available to both recognized and non-recognized international athletic federations varies; but in general, the devices are better defined and more penetrating than those available to the I.O.C. For example, the International Federation of Motor Cyclists, a non-recognized federation, proceeds according to a code containing a defined hierarchy of sanctions for rule infractions, *e.g.*, reprimand,

---

42. *E.g.*, "[The] Olympiad and Games are numbered consecutively from [1896], even though it has been impossible to hold the Games in *any* [sic] Olympiad." RULE 2, *supra* note 15 (emphasis added). *See generally* RULE 15, at line 12 & RULE 54, *supra* note 15; OLYMPIC ELIGIBILITY CODE, *supra* note 17. The punctuation and wording of rule 45 was improved during the September, 1971 meeting of the I.O.C. In case of discrepancy between the French and English text, the French text prevails. RULE 19, *supra* note 15.

43. RULE 40, *supra* note 15.

44. RULE 41, *supra* note 15.

45. OLYMPIC ELIGIBILITY CODE, *supra* note 17, at 44.

46. RULE 42, *supra* note 15.

47. *See* Part III. A. of this article *infra*.

apology, suspension and exclusion. Similarly, the code of the International Association of Recognized Automobile Clubs imposes standards on automobile manufacturers of racing vehicles in international competition; this feature is reputedly "one of the principal causes of automobile progress."<sup>48</sup>

### III. CASE STUDIES

#### A. *Creeping Professionalism*

"to promote the development of those fine physical and moral qualities which are the basis of amateur sport"<sup>49</sup>

The Olympic Games subordinate universal participation to the above expressed goal.<sup>50</sup> Thus, all participants must be "amateur,"<sup>51</sup> as interpreted by rule 26 of the Olympic Rules, which governs eligibility. Until April, 1971, rule 26 read:

To be eligible for the Olympic Games a competitor must always have participated in sport as an avocation without material gain of any kind. He can avail himself of this qualification: a) if he has a basic occupation designed to ensure his present and future livelihood; b) if he does not receive or has never received any remuneration for participation in sport; c) if he complies with the rules of the International Federation concerned, and the official interpretations of this rule (see Eligibility Code).

As indicated, an Eligibility Code was adopted as a means of interpreting these provisions. In general, it barred eligible amateurs from accepting any compensation, other than limited expense money,

48. L.C. WHITE, INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS: THEIR PURPOSES, METHODS, AND ACCOMPLISHMENTS 199 (1951).

49. RULE 3, *supra* note 15.

50. One writer has summarized the several leading theoretical commentaries on the developmental value of athletics as follows: "(Barnes and Ruedi) Spencer held that play was needed to get rid of surplus energy. Tarde pointed out the role of imitation in play. Lazarus felt play was 'recreative' and a means of recovering from fatigue. Groos held that play was preparation for adult life. Appleton assigned to play a physical basis and associated it with bodily changes occurring during growth. Hall developed the 'Recapitulation Theory' in which play was viewed as a reliving of our savage ancestral activities. Shand saw play as expressing joy. McDougall felt play was motivated by the instinct of rivalry. Adler held play was used to overcome inferiority complexes." Daniels, *The Study of Sport as an Element of the Culture*, 1 INT'L REV. OF SPORT SOCIOLOGY 153, 157 (1966).

51. RULE 1 & 26, *supra* note 15.

which might be attributable to their athletic activity or status.<sup>52</sup> This prohibition extended to receiving compensation for playing, teaching or coaching competitive sports and making promotional endorsements or appearances. The athlete could neither use his fame to obtain a job nor interrupt his job or studies for more than four weeks of training in a camp per year. Eligibility "decisions" by the I.O.C. interpreted these rules strictly. For instance, individuals subsidized because of their athletic ability by governments, institutions or business concerns were held not to be amateurs.<sup>53</sup>

The Eligibility Code was useful up to a point. But by 1971, fed by demands for greater precision in response to individual cases, the Code had become a rather baroque and disorganized framework for decision making. Moreover, it was an interpretative device, not a set of binding

---

52. Any athlete was disqualified who, without permission of the appropriate national federation, accepted any prize worth \$50 or more; had capitalized on or secured employment promotion on the basis of athletic fame or success; became a professional in any sport or had decided to become one or played in a professional team with a view to become a professional; had been paid for teaching or coaching others for competition in sport; had been awarded a scholarship mainly for his athletic ability; had demanded payment or expense money for a manager, coach, relative or friend; had received payment of expenses in excess of the actual outlay, although he might receive clothing and equipment in addition to reimbursement of expenses or "pocket money to cover petty daily expenses during the Games;" interrupted his occupation, studies or employment for special training in a camp for more than four weeks in any one calendar year; had received expense money for more than 30 days exclusive of the time spent in travelling in any one calendar year; had neglected his usual vocation or employment for competitive sport whether at home or abroad; or was paid for the use of his name or picture or for a radio or television appearance. OLYMPIC ELIGIBILITY CODE, *supra* note 17, at 44-46.

53. "Business and industrial concerns sometimes employ athletes for their advertising value. The athletes are given paid employment with little work to do and are free to practice and compete at all times. For national aggrandizement, governments occasionally adopt the same methods and give athletes positions in the Army, on the police force or in a government office. They also operate training camps for extended periods. Some colleges and universities offer outstanding athletes scholarships and inducements of various kinds. Recipients of these special favors which are granted only because of athletic ability are not eligible to compete in the Olympic Games." OLYMPIC ELIGIBILITY CODE, *supra* note 17, at 48. However, "An athlete paid for teaching elementary sport (beginners or school-children) on a temporary basis without abandoning his usual occupation remains eligible. An athlete may be a full time professional journalist, radio or television reporter or a full time manager of or worker in an athletic facility without forfeiting his amateur status." OLYMPIC ELIGIBILITY CODE, *supra* note 17, at 47.

rules. Ranging from overly detailed provisions to "ball-park" size injunctions, the Code's provisions offered little legal support to the principle of amateur participation.

In April, 1971, the I.O.C. adopted a new rule 26.<sup>54</sup> It provides a clarified, streamlined and better focused restatement of the pre-1971 Eligibility Code. Moreover, it is binding on the participants. The Code itself was reduced to four matters: the use of dope; the participation of women, a matter to be revised later and incorporated into rule 27; penalties in the case of fraud; and non-amateurs and semi-professionals. The incorporation of most of the Code into rule 26 represents another step in the gradual transformation of the I.O.C. into a rule-creating and rule-enforcing organization.

More important than the rephrasing and editing of the bulk of the Eligibility Code, as incorporated into rule 26, were the several substantive modifications. The subjective "intent to become a professional" provision and the even more subjective "neglect of usual employment" provisions were eliminated; physical education teachers of beginners became eligible without qualification as to the extent of the teaching or the existence of another occupation; the definition of acceptable assistance was broadened to include prizes without dollar limit, insurance related to training, medical care, and sports equipment; scholarships to athletes became acceptable when awarded on the basis of "academic and technical" standards; and the recognized period for full-time training was extended from 30 to 60 days in one calendar year. In general, the new rule 26, though strict, is responsive to changing conditions.

Most important were three new "directives." One of these appears to limit the advertising prohibition to those cases where an athlete permits his name, photograph, or sports performance to be used "individually" for advertising purposes. A second directive permits athletes to associate themselves or their names with the mass media during the Olympic Games, subject to the approval of their *chefs de mission*. The third directive provides that, subject to certain controls, advertising is permitted that results from equipment contracts entered into by the national federations.

Finally, a flexible enforcement mechanism is provided in the form of a commission which was established to "consult and cooperate" with the international federations and the national Olympic committees.<sup>55</sup> The old provision had provided for a more formal

---

54. See 43 OLYMPIC REV. 202 (1971).

55. The Commission was appointed on November 23, 1971, to serve primarily as a watchdog over the national Olympic committees. N.Y. Times, Nov. 24, 1971, § C, at 42, col. 2.



investigatory committee that proved weak because it did not involve the federations and committees in the enforcement process.

To understand the reasons for these modifications of rule 26, we must examine the background and recent history of the "amateur" requirement. Fundamentally, it is the product of the times and personal philosophy of the founder of the modern Olympic Games, Baron de Coubertin. The amateur requirement marked a sharp departure from the practice of the ancient Greek Olympics, whose participants were state-supported and had official status. Arising when organized sports were thought of principally as activities of "gentlemen," the protection of the amateur character of the Olympics has continued to appeal not only to those genuinely concerned about the encouragement of mass participation in athletics, but also to those who favor a perpetuation of elitism. To them, professionalism is "entertainment"—only amateurism is "sport." Recent developments, however, have tended to undermine the concept of amateurism: there has been an emerging pattern of correspondence between athletic status and closely related professional endeavor, such as physical education teaching; temptation in the form of increasing advertising money has grown in proportion to the expansion of the sports equipment industry; and finally, an increased interest by the spectator public in, and its demand for, higher levels of performance has required amateurs to devote increased amounts of time to training and dry-runs.<sup>56</sup> Nevertheless, unlike other sports organizations, such as the British Lawn Tennis Association, which have removed the distinction between "professional" and "amateur," the Olympic rule has not only remained on the books but the pre-1971 Eligibility Code had become more and more elaborate in response to specific claims that it was flagrantly breached. For this reason, the rule was becoming not only hypocritical, but probably dysfunctional. For example, in Africa a good "amateur" athlete is often a police inspector or an army lieutenant who may spend 90 per cent of his time in training. In Scandinavia, an Olympic bound cross-country skier is often a customs official who can devote much of his time to training. In the Soviet Union, athletes are state supported; and in the United States, top "amateur" college athletes typically receive compensation in the form of all-inclusive scholarships.

The ineffectiveness of the old rule 26 and Code provisions was seen in the dispute over the wisdom and legality of permitting Olympic participants to receive money for releasing their image or name for advertising purposes. Rule 34 provides that "no commercial

---

56. See generally J. MEYNAUD, *supra* note 1, at 144-49.

advertising is permitted on equipment used in the Games nor on the uniforms or numbers worn by contestants or officials." Enforcement is provided by rule 54:

The display of any clothing or equipment such as shoes, skis [,] handbags, hats, etc. marked conspicuously for advertising purposes in any Olympic venue (training grounds, Olympic Village, or fields of competition), by participants[,], either competitors, coaches trainers, or anyone else associated with an Olympic team in [an] official capacity, will normally result in immediate disqualification or withdrawal of credentials.

Rules 34 and 54 cover the athletes during the Games only. Rule 26 and the Eligibility Code had to be invoked to determine initial eligibility of competitors for the Olympic competition. Apparently ignoring the limited enforcement machinery available to him under the Eligibility Code, the President of the I.O.C. took the highly unusual step in 1971 of proposing the elimination of alpine skiing from the 1972 Winter Olympics because of numerous incidents involving the remuneration of alpine skiers by ski equipment manufacturers. Acting primarily in response to the President's threat, the I.O.C. Executive Board, meeting March 13-14, 1971, unanimously approved the text of the revised rule 26, which was subsequently adopted by the I.O.C. As we have seen, the new rule considerably relaxes restraints on monetary inducements, while at the same time retaining a dichotomy between amateurs and professionals. The rule is, of course, applicable to the eligibility of all athletes, but was intended immediately to resolve the alpine skiing crisis by means of the directive that bars any athlete who has "directly or indirectly allowed his name, his photograph or his sports performance to be used individually for advertising purposes."<sup>57</sup> Because of the lack of enforcement machinery within the Olympic apparatus, aside from the consultative commission; the importance to the Winter Olympics of alpine skiing, which represents about 50 per cent of all events; and the Japanese investment of an estimated \$20 million in preparation of the 1972 site, the authority of rule 26 was put to a severe early test.

Despite the customary precedence of Olympic rules over conflicting decisions by the international federations, the real efficacy of the new rule depended on its acceptance by the international ski federation, Federation Internationale de Ski (F.I.S.), whose first response was to threaten a boycott of the 1972 Winter Games.<sup>58</sup> The conflict between

---

57. Washington Post, March 27, 1971, § E, at 3, col. 3.

58. As this article was going to press in February, 1972, the author was able to summarize the resolution of this conflict as of the beginning of the 1972 Winter

the F.I.S. and the I.O.C. is noteworthy because it arose out of a direct clash between the new Olympic rule and a recently revised and far

---

Olympic Games. Briefly, the boycott was never undertaken and to a limited extent rule 26 prevailed. One important national committee implemented rule 26 by expelling several top skiers although the general reaction to rule 26 remained mixed and the threat of a boycott persisted. *Washington Post*, Nov. 30, 1971, § D, at 5, col. 3. The I.O.C. warned the national committees that they risked the disqualification of entire teams if they should nominate individual entries who were later found to have violated rule 26. *Washington Post*, Jan. 1, 1972, § C, at 3, col. 4. Shortly before the 1972 Winter Olympics, the F.I.S., ostensibly out of deference to the Japanese Organizing Committee, dropped its plans to boycott the Games with the qualification that if the I.O.C. did not accept its "good faith" interpretation of the rules it would not recognize the Olympics as the world championships. Also on the eve of the Games, a four man eligibility commission, established under the new rule and chaired by Hugh Weir of Australia, reviewed evidence of individual rule 26 violations that had been submitted to it from several quarters, primarily from the I.O.C. President. *Washington Post*, Jan. 28, 1972, § F, at 4, col. 5. The I.O.C. President remained firm in asserting his conviction that many skiers were "trained seals," captive of the ski equipment industry. *Washington Post*, Jan. 30, 1972, § K, at 8, col. 1.

The evidence presented to the Weir Commission included the testimony of several athletes, including an East German refugee who charged the East German Government with encouraging "state amateurism" in violation of rule 26 by providing successful athletes with handsome cash bonuses, higher salaries, priority in military promotions and special housing and automobile allocations. *Washington Post*, Jan. 28, 1972, § F, at 4, col. 6. Aside from such testimony, the evidence was limited apparently to scattered clippings of advertisements from newspapers and periodicals. This evidence, however, was found to be unacceptable by both the eligibility commission and the Executive Board. Moreover, the commission refused to apply rule 26 retroactively prior to April 2, 1971, when it went into force and before which many of the alleged violations had occurred. In doing so, the commission clearly distinguished the ineffectiveness of the old code provisions from the effectiveness of the new rule 26. *N.Y. Times*, Jan. 29, 1972, at 22, col. 5; *Washington Post*, Jan. 29, 1972, § E, at 1, col. 4. After deciding these procedural questions, the Weir Commission reported its somewhat surprising recommendation to the I.O.C. that only one athlete, Karl Schranz of Austria, be disqualified for violations of rule 26. The commission's report was adopted by the I.O.C. after a two hour debate. Mr. Schranz was excluded from the 1972 Olympics and all threats of boycott by several national committees fizzled upon the decision of the Austrian National Committee to participate in the Games. The feeling remained in the Austrian Committee, however, that Mr. Schranz was "singled-out" and excluded because of his candidness and militancy in opposing both the I.O.C. President and the application of rule 26 by the President and the I.O.C. *N.Y. Times*, Feb. 1, 1972, at 43, col. 6.

The resolution of the amateur standing crisis on the eve of the 1972 Winter Games was accomplished politically by the last minute cooperation of the F.I.S.,

more liberal rule of the F.I.S.<sup>59</sup> Ironically, the F.I.S. rule might be given some force by a provision in the new rule 26 that “[a] competitor must observe and abide by the Rules of the International Federation that controls the sport in which he participates, even if these Rules should be stricter than those imposed by the International Olympic Committee.” Although the intent of the provision was no doubt to further fortify resistance to creeping professionalism, a literal reading would seem to upset the customary precedence of the Olympic rules. A subsequent provision, however, may rescue the presumption favoring Olympic regulation whenever a rule of an international federation, such as the F.I.S., is weaker than rule 26: “[the competitor] must comply with his Federation’s directives and those issued by the International Olympic Committee.” Thus, it would seem that, to comply with the latter provision, a prospective competitor would have to observe the stricter of two conflicting provisions, in this case the I.O.C. directives.

The new enforcement machinery, which is established by rule and emphasizes consultation and conciliation, rather than formal quasi-adjudication, offers hope for a resolution of this conflict despite the

---

and legally by the application of the new rule 26, together with a skillful treatment of evidence that had been submitted to the Weir Commission. In predicting the continuing vitality of rule 26, it is important to recognize that its application may have been restricted in context of the skiing crisis to a single, notorious violation of rule 26 as a sort of expedient that may preserve it for a time but cannot often be repeated without disparaging the due process, objectivity and equal protection afforded by Olympic decision-making, and thereby damaging the organization’s legitimacy. With an eye to the future, a few final observations may be cogent: in resolving the dispute, which had clearly challenged the integrity of the entire Olympic organization, the I.O.C. and its eligibility commission, though acting reasonably, proceeded without granting a hearing to either Mr. Schranz or to any of the others accused of violating rule 26; nor was its decision adequately subjected to the appellate process. On the other hand, the prosecutorial process seems to have been handicapped by the I.O.C.’s lack of policing authority and capability in gathering evidence, a lack of cooperation from the national committees and a consensus that a lawsuit for perjury in sports is inappropriate. *Washington Post*, Jan. 30, 1972, § K, at 8, col. 1. These are the types of problems that characterize most transnational organizations; they are nevertheless problems that deserve serious and sustained attention. Perhaps the 1973 Olympic Congress in Sofia would provide one appropriate forum for discussion of such matters. *See note 97 infra*.

59. This rule allows compensation for the loss of income during training, open competition between amateurs and professionals, more liberal compensation for travel accommodations and insurance coverage. *Washington Post*, June 12, 1971, § D, at 6, col. 2.

initial reaction of the F.I.S. Such dilemmas could, of course, be avoided if the I.O.C. interpreted its rules as prohibiting the commercialization of only the actual sports competition, not the non-competitive aspects of sport.<sup>60</sup> This would not, however, eliminate fundamental differences in philosophy such as that between the I.O.C. and the F.I.S.

Although rule 26 appears to be resolving a major crisis, it is unequivocally clear that the Olympic rules regarding amateur standing have been honored more in their breach than in practice. Moreover, the increasing complexity of the pre-1971 Code further weakened their authority. Hopefully, the new rule will restore this authority. It is apparent, however, that no evidence exists to support the notion that the amateur requirement serves to encourage truly amateur athletic participation. Thus, faced with growing professionalism among the ranks of participants, the blurring of the dichotomy between "amateur" and "professional" status, and the deteriorating authority of the entire legal regime, the I.O.C. proved itself both sensitive and sensible in revising rule 26. But further relaxation of its strictures may be indicated. Aside from the establishment of a costly monitoring system, the only alternative to the process of reshaping rule 26 to meet changing conditions would appear to be either the creation of two levels of competition, one for professionals and one for amateurs in the modern sense, or the more direct and effective remedy of complete elimination of the amateur requirement.

#### B. *Sports and Minimum Public Order: The Nation-State Politicization of Competition*

"to bring together the athletes of the world . . . thereby creating international respect and goodwill"<sup>61</sup>

The symbolic importance of Olympic participation and success to national prestige, which may serve to inject international politics into the Olympic arena, suggests the need for responsive rules to safeguard the public order by denationalizing the Games.<sup>62</sup> Mutual hostility

---

60. A decision of the I.O.C. under rule 26 permits the I.O.C. to make an exception, so long as the "basic principles" are not infringed, that an athlete does not "make a profit or livelihood out of his sport." Arguably the words "his sport" might be construed to refer to a particular act of competition, rather than to his image as an athlete; thus, profit related not to a specific sports event might be considered beyond the reach of the provision. But the line is fine.

61. RULE 3, *supra* note 15.

62. "Participation" of nation-states in the Olympic Games as a political technique, with its concomitant regimentation and exploitation of the athlete and

between nations is often channeled into the pseudo-event of sports competition, where, ironically, it may serve to create or exacerbate political conflict.

The thousands of spectators, and sometime the players as well, seem to behold a mighty contest between their 'country' and the 'enemy.' The national prestige is at stake; a victory is no longer the success of the team that could play better but becomes a national victory and is an occasion for national rejoicings, out of all proportion with reality. Such an attitude is not favorable to international understanding.<sup>63</sup>

Resulting tension may range from unfavorable propaganda and diplomatic strain, as in the aftermath of the Swedish victory over Germany in the 1962 World Soccer Championships, to the open warfare of the 1969 "soccer war."<sup>64</sup> Available data suggest that a strong "reference group" relationship between two competing countries greatly enhances the possibility of such tension. Thus, rival countries that habitually turn to each other for power cues are very apt to experience the most serious mutual tension from sports competition between their nationals.

The group dynamics of tension between "in-groups" and "out-groups" serve to establish patterns of identification which resist otherwise transcending values. These group identifications, fed by stereotyped national perceptions, are quickly exaggerated into ethnocentrism. Two other situational determinants, publicity and professionalism, also tend to produce an arousal of inter-group conflict, and as victory becomes paramount, lead to a lessening of loyalty to prescribed rules.<sup>65</sup> Only full adherence to the technical rules of fair play and the internalization by participants of the organization goals of respect and goodwill can overcome these situational determinants.<sup>66</sup>

The competition itself may serve to create a measure of respect and goodwill. Various sociological data and commentaries support the

---

insistence upon winning, dates back generally to the Berlin Olympics of 1936. J. HOLMES, *OLYMPIAD 1936* (1971); R.D. MANDELL, *THE NAZI OLYMPICS* (1971).

63. Jones, *Sport and International Understanding*, REPORT OF THE UNESCO-CONGRESS "SPORT-WORK-CULTURE" IN HELSINKI 1959, at 163 (1959), quoted in Heinilä, *supra* note 6, at 33 & n.6.

64. See generally Documents Concerning Conflict Between El Salvador and Honduras, 8 INT'L LEGAL MATERIALS 1079 (1969). These documents relate to the serious ensuing crisis between El Salvador and Honduras and include material relating to the action taken by the O.A.S.

65. Heinilä, *supra* note 6, at 35.

66. Heinilä, *supra* note 6, at 36-37.

theoretical notion,<sup>67</sup> implicit in the "Objects and Powers" provision of rule 10(4),<sup>68</sup> that well-organized athletic competition can generate mutual contacts and confidences and decrease social distance among participants.<sup>69</sup> It has also been contended that athletes with record-breaking aspirations lay more stress on personal and fellowship relations than on more objective, competitive values.<sup>70</sup> There are heroic instances of goodwill overcoming the compulsions of national prestige in Olympic competition, as, for example, the crucial assistance that was given to Jesse Owens by his chief competitor in the broad jump in the politically-charged 1936 Olympics. In addition, the rule-based nature of sports activity prevents individual and group tensions from developing into more dangerous forms of power conflict. Moreover, the individual nature of most events minimizes the potentiality of conflict in the Olympic Games as compared with the more volatile team-oriented contests, notwithstanding the tension generated by any transnational competition, including the Olympics.<sup>71</sup> Thus, within the Games, conflict can be controlled in such a way as to encourage a degree of associational comraderie during the contests. Yet, on the whole, it is probable that beyond the contests themselves transnational sports competition supports world social integration no more than disintegration.<sup>72</sup>

---

67. See, e.g., Nieburg, *supra* note 4, at 66.

68. "[The I.O.C. is responsible for] inspiring, and leading sport within the Olympic ideal, thereby promoting and strengthening friendship between the sportsmen of all countries." RULE 10 (4), *supra* note 15.

69. See Bouet, *The Function of Sport in Human Relations*, 1 INT'L REV. OF SPORT SOCIOLOGY 137, 139 (1966).

70. See G. LÜSCHEN, 2 DIE FREIZEIT DER ARBEITERSCHAFT UND IHRE BEZIEHUNG ZUM SPORT (1962), noted in Hammerich, *Critical Remarks Regarding the State of Sociological Research in the German Federal Republic*, 1 INT'L REV. OF SPORT SOCIOLOGY 229, 236 n. 51 (1966).

71. See, e.g., Heinilä, *supra* note 6, at 33.

72. See Wohl, *Conception and Range of Sport Sociology*, 1 INT'L REV. OF SPORT SOCIOLOGY 5 (1966). The author of a history of the politically charged 1936 Games in Berlin concludes that they "seem to have contributed more to international misunderstanding than to the peace of the world and the furtherance of international sportsmanship." J. HOLMES, *supra* note 62, at 159. Two fiction writers have echoed the notion that sports competition helps relieve inter-jurisdictional tensions. Albert Camus wrote, "And unable to lay seige to each other, Oran and Algiers meet, compete, and insult each other on the field of sports . . ." A. CAMUS, "Sports" from *The Minotaur in THE MYTH OF SISYPHUS AND OTHER ESSAYS* 123 (Vintage Books ed. 1955). Agatha Christie, too, wrote, "You know, I don't like the sound of Vietnam at all. It's all very confusing, North Vietnam and South Vietnam and the Viet-Cong and the

Although the Olympic Games are expressly "between individuals and not between countries or areas,"<sup>73</sup> the disintegrating influence of nation-states cannot be avoided.<sup>74</sup> The mere presence of an element as innocuous as a national flag has prompted controversy and complaints over the creation of unnecessary international rivalry. There is a danger of increased political pressure resulting from subtle diplomatic ploys designed to pollute the non-political atmosphere of Olympic competition. To the extent that such pressure is successful, the world-ordering potential of the Games is correspondingly inhibited.

The interplay of nation-state politics and Olympic competition is, of course, often not so much a result of the sports competition, itself, as it is of external factors. It is obvious, first, that established patterns of political rivalry and conflict can enhance the possibility of unprescribed conflict in the sports arena. An example is the outbreak centering on the Honduras-El Salvador soccer match. Sometimes exclusionary municipal law stimulates controversy and poses conflicts between Olympic decisions and municipal law. One such conflict concerns the policy of state recognition pursued by participating countries. Rule 7 provides for recognition by a national Olympic committee when a "country or area [has] had a stable government for

---

Viet—whatever the other thing is and all wanting each other and nobody wanting to stop. They won't go to Paris or wherever it is and sit round tables and talk sensible . . . I've been thinking it over and I thought it would be a very nice solution—couldn't you make a lot of football fields and then they could all go and fight each other there, but with less lethal weapons. Not that nasty palm burning stuff. You know. Just hit each other and punch each other and all that. They'd enjoy it, everyone would enjoy it and you could charge admission for people to go and see them do it. I do think really that we don't understand giving people the things they really want." A. CHRISTIE, PASSENGER TO FRANKFURT 50-51 (1970).

73. RULE 8, *supra* note 15. "Governments cannot designate members of National Olympic Committees." RULE 24, *supra* note 15. "[The] Olympics are not contests between nations and no scoring by countries is recognized." RULE 44, *supra* note 15. Further, a decision of the I.O.C. considered it "dangerous to the Olympic ideals, that, besides the proper development of sports in accordance with the principles of amateurism, certain tendencies exist which aim primarily at a national exaltation of the results gained instead of the realization that the sharing of friendly effort and rivalry is the essential aim of the Olympic Games." OLYMPIC ELIGIBILITY CODE, *supra* note 17, at 48. The President reiterated the importance of the Olympic Movement's independence from governments at the I.O.C. September, 1971 meetings. I.O.C., REPORT, *supra* note 38, at 13.

74. The use of national anthems and flags at appropriate ceremonial times during the Games, authorized by rules 56, 57, 58 and 59, has proven to be



a reasonable period." Disparities between applications of this criterion and the application by nation-states of other recognition policies have proved troublesome. Thus, although Australia did not recognize the Soviet Union in 1956, it was obliged, against its initial objection, to permit the participation of Soviet athletes in the Melbourne Games that year. Similarly, France permitted East Germans to participate in the 1968 Winter Olympics, although the issuance of visas to them ordinarily would have violated NATO regulations. Finally, contrary to a U.N. resolution, the West German Government, not a U.N. member, has drawn upon these Olympic precedents to clear the way for the participation of Rhodesian athletes in the 1972 Games. In each of these cases, a conflict of laws was settled by the waiver of municipal visa requirements and the issuance of special clearance papers.

Thus, we can readily see the problems in merely "bring[ing] together the athletes of the world," much less in "thereby creating international respect and goodwill." But the Olympic regime nevertheless has proven effective in resisting a preponderance of diplomatic machinations within the Olympic arena<sup>75</sup> and in assuring a continuing measure of universality to the Games. In doing so, the Olympic model depends not on the efforts of the I.O.C. alone, but, perhaps more importantly, on a close working association between the I.O.C. and the international federations, and on the national committees which are charged "not to associate themselves with affairs of a political or commercial nature"<sup>76</sup> but to "be completely independent and autonomous and [to] resist all political . . . pressure."<sup>77</sup>

Beyond the success of the Olympic rules in promoting stability in transnational sports competition, the potential impact of the Olympic model in harmonizing nation-state interaction is apt to be limited.

---

controversial. According to one viewpoint, the use of national symbols, unlike the use of the Olympic torch, flag and other symbols designed to promote association, unnecessarily promotes international rivalry and derogates from the individualized spirit of the competition. An opposing viewpoint identified especially with the developing countries and those of the socialist bloc, maintains that their use serves to stimulate all three classes of Olympic participants, as well as the public. This seems to have been the view of the national Olympic committees during their 1969 Dubrovnik meeting when they approved the practice of raising national flags and playing national anthems. *SPORT*, Nos. 5 & 6 (Prague 1969).

75. At times, the I.O.C. has taken positive action to discourage politics from entering the sports arena. For example, it suspended Indonesia in 1962 for refusing to permit Israeli and Taiwanese athletes to come to Djakarta for that year's Asian Games. See also J. MEYNAUD, *supra* note 1.

76. RULE 24, *supra* note 15.

77. RULE 25, *supra* note 15.

Indeed, the wisest course for the I.O.C. would seem to be that of maintaining a delicate balance between a tolerance for national identity, with its presumed importance in generating mass public interest in sports, and the individual-oriented spirit of the Olympic model, with its importance in dampening potentially disruptive factionalism. Such a balance is encouraged by existing rules, which permit the display of national symbols at appropriate times, while at the same time advancing the overarching Olympic ideal by means of such well known symbols as the torch runner and the Olympic emblem, with its interlocking rings; and by denying official recognition to national standings based on the composite scores of individual participants.

### C. Ping-Pong Diplomacy

“and thus helping to construct a . . . more peaceful world”<sup>78</sup>

In April, 1971, during the 31st World Table Tennis Championships in Nagoya, Japan, the government of the Peoples' Republic of China invited the United States table tennis team to visit mainland China. The invitation was the first one officially extended to a group of United States citizens since the establishment of the Peking Government and it was quickly accepted by the team members. During the visit, media accounts consistently emphasized the warmth of both the reception and the interaction of hosts and guests.<sup>79</sup> As the United States press noted, ping-pong, with its onomatopoeic symbolism of initiative and response, was an especially appropriate metaphor for the process of rapprochement between the two countries. Later, the United States Government officially proposed a reciprocal visit by Chinese players. Fresh diplomatic overtures, including the President's acceptance of an invitation to visit China, followed. For their part, the Chinese succeeded in generating an immense amount of favorable global opinion in a manner that saved face for both countries involved. Rarely has athletic competition been employed so effectively as a tool of international diplomacy.

The timing and location of the Chinese invitation was propitious. It occurred in the year of China's return to world table tennis competition after a six year absence. The United States appeared to be

---

78. RULE 3, *supra* note 15.

79. It should, of course, be remembered that similar invitations were extended to other co-participants from the United Kingdom, Canada, Colombia and Nigeria. The circumstances of the invitation nevertheless indicate strongly that bilateral considerations centered on Chinese-American relations were paramount in the Chinese initiatives.

committed to a gradual renewal of amicable ties with China,<sup>80</sup> and had in fact already implemented unilateral offers of cultural exchange and limited trade. It was also significant that the United States had begun its military withdrawal from Viet Nam.

The Chinese seem to have taken pains to de-emphasize any political underpinnings of their hospitality, ostensibly inviting the Americans so that each side could learn athletic skills from the other and thereby elevate their standards of performance.<sup>81</sup> This represented a significant change from the stridently political International Table Tennis Tournament hosted in 1966 by Peking, at which almost all participants were from countries friendly with China. But there are games that nations as well as people play, and no doubt the Chinese felt that the prevailing political atmosphere was most conducive to this move. The demise of the Cultural Revolution and perhaps the inclination of some United States citizens to engage in interpersonal diplomacy in pursuit of peace in Indochina encouraged rapprochement with the United States.

The Chinese wisely selected a posture which stressed the merits of conducting "people's diplomacy" in preference to nation-state dealings. Two incidental aspects of this approach are noteworthy: first, the hosts chose a sport in which any competitive tension would be minimized, and the visitor's national prestige least tied to athletic success; second, the almost simultaneous withdrawal of the Chinese from the International Lawn Tennis Federation in protest over the admission of Taiwan to membership indicates that ping-pong diplomacy operates only within an organizational context free of the "two China" threat or any other possible undermining of the fundamental tenets of Communist Chinese sovereignty and diplomacy.<sup>82</sup>

The relevance of ping-pong diplomacy to the present discussion is to illustrate the continuing interplay of politics and the pseudo-events of sports competition. The role of an athletic contest seems to be, first, to provide an orderly, ritualized, but politically harmless setting for initiating a process of interaction among former adversaries; second, to prepare for diplomatic contacts by means of interpersonal contacts that are consonant with conceptions of "people's diplomacy"; third, through public opinion to stimulate popular approval of forthcoming diplomatic initiatives; and, fourth, to permit the host some assurance of victory without significant loss-of-face to guest nationals.

---

80. For example, the notation on United States passports of their invalidity for travel to China had been scrapped only three weeks prior to the invitation.

81. See 14 PEKING REV. 10-12 (1971).

82. See N.Y. Times, Apr. 23, 1971, at 7, col. 1 (city ed.).

It is unlikely that ping-pong diplomacy would be as effective within the Olympic arena. There, the lack of bilateral confrontation and the diffusion of actors and types of encounter renders directed, bilateral diplomacy almost impossible. Participation in the Olympics, however, may serve either intentionally or inadvertently as a less dramatic process of encounter among political adversaries in which political stakes are minimal and the highly ritualized nature of the interaction is predetermined and therefore dependable. With this potential, the pertinent rules should continue to be designed and exercised to permit maximum participation without regard to national affiliation.

In any event, the minimal impact that the Olympic model may have for the promotion of friendly relations among nation-states should not diminish expectations that other forums of sports competition, particularly bilateral ones, will continue to serve as relatively low risk, face-saving vehicles of rapprochement. Thus in August, 1971, the government of Syria opened its doors to American citizens for the first time in several years by inviting a United States team to participate in an international basketball tournament. This invitation arrived amid reports of a growing interest of the Syrian Government to improve its relations with the United States. Once again, sports competition represented a calculated first step.

#### D. *The Protection of Human Rights*

“and thus helping to construct a better . . . world.”<sup>83</sup>

Rule 1 of the Olympic Rules and Regulations prohibits discrimination in the Games against any country or person on grounds of race, religion or politics. Moreover, rule 34 requires that “National Olympic Committees must . . . make sure that no one has been left out for racial, religious, or political reasons.” These provisions have served as legal references for a growing controversy within the I.O.C. concerning the relationship between the I.O.C. and participants from nation-states whose governments pursue racist domestic policies. To be sure, rule 1 appears simply to bar the I.O.C. from three types of discrimination against participants and their parent countries and, indeed, might at first be interpreted to bar the I.O.C. from “discriminating” against countries which pursue politically racist policies. But the I.O.C. is charged also with supervision of the obligations of the national committees, which, as noted above, are responsible under rule 34 for assuring that “no one has been left out for racial . . . reasons.” The I.O.C. has, therefore, invoked rule 1 to

---

83. RULE 3, *supra* note 15.

bar participation of nationals of several countries, reasoning that admission of persons from countries whose governments engage in racial discrimination would put the I.O.C. in the position of sanctioning *de facto* segregation against the victims of the discriminatory policies. In adopting this principle, the prime targets of the I.O.C. have been the governments of Rhodesia and South Africa. Each presents an illuminating case history.

1. *South-Africa*.—All South African athletes were prevented from participating in the 1964 Olympics because of opposition to a strict *apartheid* policy that restricted South African Olympic candidates to whites. Between the 1964 and 1968 Olympics, the South African Government agreed to adopt a non-discriminatory policy of training, selecting<sup>84</sup> and lodging its Olympic participants, but continued to enforce its policy against the holding of multi-racial competition within the country by insisting on segregated trials. Despite this latter manifestation of a continued adherence to *apartheid* policies, the I.O.C. decided by majority vote on February 15, 1968, that South Africa was in fact meeting the standards demanded by the Olympic rules and could therefore participate in the Mexico City Games. Thirty-two nations, however, were incensed by South Africa's *apartheid* restrictions on tryouts for membership on teams, and threatened a boycott of the Games by their nationals unless the I.O.C. excluded South African nationals. The I.O.C. President, apparently adhering to a strict interpretation of rule 1, maintained that South Africa had satisfied the literal requirements of rule 1 and that an exclusion would harm South Africa's black athletes more than anyone else. Throughout the controversy his basic premise was that "[w]e can't change the politics of any country—that's not our business." Furthermore, he maintained that "if participation in sport is to be stopped every time the laws of humanity are violated, there will never be any international contests."<sup>85</sup> The goals of promoting world athletic participation and the implementation of global standards of human rights were in seeming conflict.

Pressure quickly mounted in favor of rescinding the invitation to the South Africans. The Olympic host, Mexico, was justifiably nervous about the probable effect of a massive boycott of the games, and an incipient black-power movement threatening the composition and quality of the U.S. team. On the request of the Supreme Council for

---

84. The selection was to be performed by an eight-man committee consisting of four whites and four non-whites.

85. Furlong, *A Bad Week for Mr. B.*, SPORTS ILLUS., March 11, 1968, at 18.

Sports in Africa, representing 33 African nations, and supported by a South African black pressure group, the I.O.C. President under the "urgency" provision of rule 20 agreed to submit a resolution by mail to the I.O.C. members that would bar South African participation in the 1968 games.<sup>86</sup>

The I.O.C. voted to rescind the invitation. Its decision was supported and amplified after the games by the U.N. General Assembly,<sup>87</sup> which requested all states and organizations to suspend domestic sports competition with South Africa and any organizations and institutions in that country which continued to practice *apartheid*. The U.N. Committee on the Elimination of Racial Discrimination, established in January, 1970, called for strict implementation of the resolution. The Committee publicized the identity of both violators and adherents of the resolution.<sup>88</sup> On May 15, 1970, the I.O.C. voted to exclude not only South African competitors from the 1972 games, but also their national committee from the Olympic Movement.

Pressures exerted through sports competition to protect human rights in South Africa are apt to be surprisingly effective because of the importance traditionally given to athletics in South Africa, which even has a Minister of Sports. Consequently, it is not surprising that the application of legal sanctions by the I.O.C. and affiliated international sports federations has in every instance resulted in more liberal policies and practices in South African sports competition.

---

86. Lobbying for the banishment of South African nationals was skillfully led by a Congolese, Jean Claude Ganya. In addition to what was reported to be a well argued brief in legal support of his position, Mr. Ganya was substantially aided by current fears of a retaliatory boycott by United States black athletes. Moreover, the Congolese Government had created a receptive atmosphere by presenting the President of the I.O.C. with the Insignia of the Commander of the Republic of the Congo.

87. The General Assembly obviously assumed that its intervention did not contravene article 2 of the U.N. Charter, which provides: "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter . . ." U.N. CHARTER art. 2. para. 7.

88. G.A. Res. 2396, 23 U.N. GAOR Supp. 18, at 19, U.N. Doc. A/7348 (1968).

89. See, e.g., Statements by Gary Player, Arthur Ashe and Dennis Brutus in *Racism and International Sports*, 2 OBJECTIVE: JUSTICE, No. 3, at 4 (U.N. Office of Public Information, July, 1970). The latter two individuals appeared before the U.N. Special Committee on Apartheid.

In addition to these actions by the U.N. and the I.O.C., pressure from various other sources has been leveled against the South African Government to modify its racial restrictions in sports competition. Objections and threats were voiced by the otherwise conservative South African Cricket Association when the Pretoria Government refused to allow two non-white cricketers to accompany a domestic team on a tour of Australia. The International Amateur Athletics Federation and the International Lawn Tennis Association have both taken stands against the South African policy. Nationally and internationally prominent athletes have demanded reform.<sup>89</sup> In response, the South African Government has further eased its rules in several selected sports—principally lawn tennis and Olympic competition.<sup>90</sup> Despite this undoubted improvement, much unpalatable racism remains. For example, multi-racial teams of South Africans are still prohibited; thus, South African participation in international sporting events would be by teams or groups of racially segregated athletes. White and non-white South African teams cannot compete against each other except in “international” events.<sup>91</sup> Furthermore, whites are prohibited from watching matches between white and non-white teams.

The impact of the Olympic sanctions on the easing of *apartheid* in South Africa is demonstrated not only by the announcement of the policy with its special provisions for integration of participation in Olympic sports, but in the decision of the South African Amateur Athletic Union in taking a first step to get back into the Olympic Games by organizing a completely integrated invitational meet to be held there in 1972.<sup>92</sup>

The world community may well continue to be dissatisfied with the slow pace of incursions into the policy of *apartheid* and will no doubt wish to continue to press for further change.<sup>93</sup> But even a brief

---

90. See Washington Post, April 20, 1971, § D, at 3, col. 3; *id.*, April 23, 1971, § D at 4, col. 2. The Davis Cup organization has responded by lifting a controversial two year ban on South African participation, while at the same time maintaining a ban on Rhodesian participation in view of U.N. sanctions against Rhodesia. Washington Post, Jan. 15, 1972, § C, at 3, col. 4.

91. See Washington Post, June 20, 1971, § C, at 6, col. 5. This is an account of the first competition between white and non-white South African athletes, which took place in Salisbury, Rhodesia. Because of the participation of athletes from Malawi and Rhodesia, the competition was “international” under the new South African definition.

92. Announcement of the South African Amateur Athletic Union, May 16, 1971.

93. For an interesting commentary on the efficacy of another non-governmental initiative in combatting *apartheid*, see generally Reisman, *Polaroid Power*:

study of the Olympics regime verifies its efficacy in setting in motion a gradual transformation in an external system, a transformation attributable both to a combination of Olympic influences and to special cultural factors in the target country.

A global consensus to exclude individuals of target nation-states from such an important stage of non-political interaction as the Olympics, if judiciously employed, may well provide one of the sharpest tools for implementing such broad human objectives as racial equality. The conversion of the Olympic model from a politically free to a politically involved instrument of human rights is consonant with the injunction of rule 3, and may eventually prove to be one of the most significant contributions to world order of organized, transnational sports competition.

2. *Rhodesia*.—The *apartheid* policies of the Rhodesian Government<sup>94</sup> have had only limited recent application to sports competition. Multi-racial competition of foreign teams is permitted in the country, and multi-racial teams representing Rhodesia have competed outside the country since July, 1971. An investigatory mission dispatched by the I.O.C. reported favorably on conditions in Rhodesia, and recommended that country's continued involvement in the Games. Accordingly, the Rhodesian Olympic Committee, which was not invited to participate in the 1968 Olympics, has been invited for 1972. In response to this invitation, 20 of the 24 members of the U.N. Special Committee on Decolonization adopted a resolution which urged the I.O.C. to take urgent steps to "suspend the so-called 'National Olympic Committee of Rhodesia' from its membership and to ask the Organizing Committee of the 20th Olympic Games to annul forthwith its invitation for the Olympic Games in Munich."<sup>95</sup>

The response of the I.O.C. to the resolution of the U.N. Special Committee struck a sensible compromise that served to accommodate the relatively favorable situation for black athletes in Rhodesia, to distinguish Rhodesia from South Africa in this respect, and permit Rhodesian nationals to compete in 1972, and yet to suspend official recognition of an independent, white-supremist government in

---

*Taxing Business for Human Rights*, 4 FOREIGN POLICY 101 (1971). The U.N. General Assembly recently adopted a resolution that expressed its concern and "affirmed that merit should be the sole criterion for participation in sports activities." U.N. Press Release WS/531, at 3, Dec. 3, 1971 (publicizing adoption of G.A. Res. 2775 D).

94. Separative practices are encouraged by the laws and policies of Rhodesia. See, e.g., Zimmerli, *Human Rights and the Rule of Law in Southern Rhodesia*, 20 INT'L & COMP. L.Q. 239 (1971).

95. Decolonization Committee Deplores Olympic Invitation to Rhodesian Team, U.N. Press Release WS/501, at 4, May 7, 1971.



Salisbury. On September 10, 1971, during a joint meeting between the I.O.C. Executive Board and representatives of the National Olympic Committees, the President of the I.O.C., referring to his recent meetings with African delegates to the joint meetings, proposed on behalf of the committees that a Rhodesian team compete with the same flag and anthem, namely the Union Jack and British anthem, under which they had competed in the "pre-independence" 1964 Games while still a member of the British Commonwealth, and that the matter be reviewed after the 1972 Games.<sup>96</sup> The proposal, which had been drafted by a special commission consisting of an Australian, a Nigerian, and a Swiss national, already had been accepted by both the Rhodesian delegation, participating as an observer, and their adversaries from black Africa. It had also been endorsed by the Permanent General Assembly of the National Olympic Committees (70 affirmative votes to 6 abstentions). The I.O.C. Executive Board concurred.

The Rhodesian compromise is especially interesting because it is explicitly premised in the "uncertain international position" of Rhodesia. Accordingly, although the Rhodesian team will be identified by colonial symbols it has rejected, and may therefore decline to compete in the 1972 Games, no official political significance is to be attributed to these symbols. At the same time, no recognition will be given to the "post-independence" regime, since its trappings will be barred from the Games. Thus, the Olympic system was able to meet the threat of politicization, and at the same time to apply basic standards of participation in a highly political context in order to encourage the involvement of a national entity in one of the only spheres of human interaction in which that national entity has, for whatever reason, committed itself to global standards of racial non-discrimination. Unlike the South African context, that of Rhodesia may not admit of any further impact on internal development from Olympic participatory standards; nevertheless, it is significant that the Olympic system has proven capable of positively encouraging sovereign adherence to basic human rights. In doing so, an acceptable resolution of an essentially political issue was achieved without further politicizing the system.

---

96. I.O.C., REPORT, *supra* note 38, at 9.

97. The 1973 Olympic Congress to be held in Sofia, Bulgaria will bring together all components of the Olympic organization and will address three themes: the promotion of the Olympic Movement and amateur sport; the definition of jurisdictions among the I.O.C., the international federations and the national committees; and a consideration of the pattern and resulting consequences of future Olympic Games. I.O.C., REPORT, *supra* note 38, at 10.

## IV. CONCLUSION

These four studies confirm the continuing vitality of sports competition as a setting for transnational interaction involving both political and non-political participants. In examining the Olympic organization as a paradigm, we have seen that this vitality is nourished not only by such technical rules as qualifying standards, but by organizational rules as well. These organizational rules, particularly rules 1 and 26, are playing an increasingly important role in internal dispute settlement and pattern maintenance within the Olympic Movement. In the process of creating, invoking and applying them, the Olympic organization has come to rely less on administrative discretion and more on formal decision-making.

As we have seen, the Olympic organization has performed satisfactorily in meeting the perceived threats to its internal operation of professionalism and politicization, despite external pressures to yield to these threats. Whether the success of the Olympic organization in maintaining internal order and stability bodes well for the accomplishment of the lofty goals expressed in rule 3 is of great interest. Available historical and sociological data do not indicate any inherent capacity of sports competition to create world order and integration. Nevertheless, the growth of Olympic decision-making as a rule-oriented process offers much promise. We have seen that in insisting upon an adherence to a minimum global standard of racial equality, the I.O.C. has employed legal tools as much as elitist discretion to convert the Olympics into a potentially effective agent of human aspirations. Moreover, recent experience outside the Olympic context with "ping-pong diplomacy" teaches us that transnational sports competition may serve as a setting for international rapprochement.

The regulation of transnational sports competition has been concerned primarily with the enhancement of association among competitors, rather than with the inducement of cooperation among them sufficient to spill over into the global environment.<sup>97</sup> What sustained contributions the Olympic organization has made to world order seem to have been more the unintended consequences of pluralistic decision-making than the result of a conscientious promotion of its organizational goals. In this respect, the I.O.C. has performed in a manner similar to the I.L.O. Nevertheless, as the Olympic Movement becomes legitimized through the growing authority of its rules, its decision-making structure may be expected to become more goal-oriented. As the techniques of the I.O.C. develop to implement the values and goals that transcend its internal system, the Olympic organization may well assume importance as an agent of world order.