

# **Australian Rules Football and Distributive Justice**

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## Abstract

Australian Rules football captures the public imagination like no other sport in the country, commanding an almost religious following and monopolising the media. A number of economic and social goods are produced, especially by or through the Australian Football League. Australian football has never been more popular; yet, there are concerns about changes to how the game is played, how it is governed, and who benefits. Corporatisation is often blamed for undermining traditions, suggesting an increased need for public accountability.

What is 'good for the game' in the modern era is a complex question that cannot be resolved by simply a sentimental appeal to tradition or a by a wholesale condemnation of corporatisation. This thesis introduces a set of tools for the analysis and evaluation of goods allocation in Australian football. These tools comprise MacIntyre's 'practice-institution' concept, theories of distributive justice, and social-cultural analysis.

The thesis concluded that the use of MacIntyre's conceptual scheme allows for a more comprehensive identification of the range and type of goods in Australian football, while theories of distributive justice provide a critical framework for making judgements on their distribution. When applied to Australian Rules football and, in particular, to the early decades of the game, the social-cultural analysis demonstrated how the goods of the game and their distribution are contingent upon the dominant social interests of the time.

Cultural-historical analysis, used in conjunction with MacIntyre's account of practices and theories of distributive justice, could also shed light on other pivotal events in the game's development. This, in turn, could help inform current ethical debates about the goods of the game and shape policy directions for the Australian Football League. These tools, taken together, could also be applied to other sports or other institutions where widespread goods are at stake.

## Student Declaration

### Master by Research Declaration

Date: 30/3/11

"I, Ralph Gotlib, declare that the Master by Research thesis entitled Australian Rules Football and Distributive Justice is no more than 60,000 words in length including quotes and exclusive of tables, figures, appendices, bibliography, references and footnotes. This thesis contains no material that has been submitted previously, in whole or in part, for the award of any other academic degree or diploma. Except where otherwise indicated, this thesis is my own work".

Signature

A large black rectangular box redacting the signature of the student.

Date 30/3/11

## **Acknowledgements**

Thanks, Kate.

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# Chapter 1

## Introduction

Australian football, which emerged in Melbourne in 1858, is largely regarded as the national game. It captures the public imagination like no other sport, and it is comparable to a national religion that monopolises the media for much of the year. The Australian Football League (AFL), which began as the Victorian Football League (VFL) in 1897, has grown to be an institution of national proportions.

Australian football: game, religion and institution. There is something about the game itself; it is fast paced and free-flowing; and there are a variety of sporting skills and a high degree of athleticism. Excellence is marked by team success in league competition culminating in a 'premiership' and by individual 'best and fairest' awards, both of which is mimicked at the junior levels of the game. 'Barracking' for a team is a source of local identity and pride, and exemplary players are often elevated to 'god-like' or 'legend' status. The more recent corporatisation and professionalism now make football a career for players, coaches, managers, and allied health professionals, not to mention league officials, journalists, and player agents.

The scale and complexity of Australian football in the present day are vastly greater than those of the game's origins or at the time of the formation of the VFL. Bob Stewart describes this transformation from simple recreational pastime to corporatised business product in terms of four evolutionary phases. The first of these he refers to as the 'kitchen-table' phase. At this point of development sport is approached as:

a recreational and cultural practice where sport organisations are rudimentary, their revenue streams are small, sport is played mainly for fun, and activities are organised and managed by volunteer officials. (Stewart, 2007, p. 6)

Australian football around the time of its inception in 1858 was clearly operating in this 'kitchen-table' phase. Although, the table might more likely have been found at a local pub rather than in any official's home. A key element of this stage is that the game fosters "a strong set of values that centre on playing the game for its own sake" (Stewart, 2007, p. 7).

The second phase identified by Stewart is 'commercialisation'. He describes it in this way:

Sport is still a recreational and cultural practice, where the sport's overall development is the primary goal, but there is also an emerging or secondary strategy that focuses on elite development and the building of pathways by which players can move to the premier league or competition (Stewart, 2007, p. 7).

During this phase, player registration fees and social activities, as the primary source of funding, make way for revenue streams resulting from the attraction of larger crowds, such as gate receipts and sponsorship. Also at this stage, players and staff begin to receive payment for their services.

Australian football around the time of the formation of the VFL in 1897 would seem to have entered Stewart's evolutionary phase of 'commercialisation'. One of the biggest factors in this shift would seem to have been the fencing off of grounds and the subsequent imposition of admission fees on spectators, beginning with the Carlton ground in 1876. This practice resulted in surplus revenue for football clubs at the time. Most clubs became more seriously committed to on field success, and many players were able to supplement their otherwise modest incomes with match payments.

However, not all features of this phase seem to have been adopted, at least not by all clubs. Indeed, many years later the administrative structure of both league and clubs appeared to consist of a curious mix of ‘kitchen table’ and ‘commercial’ elements.

Hess et al describe the situation during the 1940s and 50s:

The VFL’s twelve teams were member-based clubs. Despite the money that moved in and out of them, they were still managed by volunteer committees with only one or two paid employees – usually the club secretary and a personal assistant. The VFL central administration, which could be likened to a secretariat, was managed by a committee of delegates from each of the twelve member clubs, and supported by a small core of paid staff. (Hess et al, 2008, pp. 204-205)

The transition from one evolutionary phase to the next is not a matter of moving from one discrete category to another. Rather, it seems to be a gradual process, involving periods where a sport may be viewed as being in transition from one phase to the next.

This view might seem to draw support from Nicholson and Hess (2007) who state:

Although the 1970’s are regarded by many as the watershed in terms of the commercial transformation of Australian sport, commercial interests had begun to change the sport in the early twentieth century, as players were paid and grounds enclosed in order that spectators could be charged for admission. (Nicholson & Hess, 2007, p. 28)

Whenever the shift to commercialism began in VFL football, it was clearly fully adopted in the 1970s. This is described by Hess et al who state:

The 1970s was a chaotic and unstable period in all sorts of ways... Too much commercial intrusion was thought to taint all that was good about sport... But this social divide between sport and business changed when advertisers, sponsors and media organisations became aware not only of the potential of sport to attract audiences, but also of sport’s ability (and willingness) to sell products. Football was at the forefront of the commercialisation of sport in Australia. (Hess et al, 2008, p. 258)

Stewart's third phase is termed 'bureaucratisation'. Of this he describes:

In this phase, league and association structures are transformed so as to include a board of directors whose prime responsibilities are to set the strategic direction and ensure compliance with government regulation. (Stewart, 2007, p. 7).

It involves an increase in the complexity of the structures of sport organisations, the establishment of administrative controls and an increase in the specialisation of functions.

One significant development in this process was the establishment of the VFL's Properties Division. This was achieved in 1975 with the intention of generating income through the granting of licences to use club emblems in association with certain products (Hess et al, 2008, pp. 266-7). Another important event was the introduction of the VFL Commission in 1984. Prior to this the VFL Board of Directors, comprised of delegates from the clubs, was the league's principal decision making body. (Hess et al, 2008, pp. 310-11)

The final phase is 'corporatisation', in which, as Stewart describes:

Sport embraces the business model by valuing brand management as much as it does player and fan relations. Revenue streams are increasingly dominated by sponsorships and broadcast rights fees, merchandise sales are deepened, and the need to secure a competitive edge overrides the desire to hold on to old traditions. This is the phase in which players become full-time employees, the market for the game is expanded, and merchandise that bears the names, colours, and logos of clubs is sold to fans across the nation and around the world. At the same time, associations are established to protect player interests, and a formal industrial relations system is created that leads to collective bargaining agreements and codes of conduct. The marketing process also becomes increasingly more sophisticated as the sport club, association or league becomes a brand, members and fans become customers, sponsors become corporate partners, and the brand name and image is used to strengthen corporate partner agreements and merchandising arms. (Stewart, 2007, p. 8)

It is abundantly clear that, on this model, Australian football now exists in this corporate phase. The implications of corporatisation for a sport are considered by Stewart:

Once a sport has moved through all of these stages we can say it has become fully captured by the sport-as-business model. The cultural dimensions of sport, which focus on its capacity to provide meaning, identity and sociability, are still relevant, but an increasing amount of resources are allocated to sport's commercial imperatives, which in the corporate phase is essentially about attracting fans, selling merchandise, securing sponsors, getting the best broadcast rights deal, and building the brand. In other words, cultural and community values are subordinated to business and commercial values. (Stewart, 2007, p. 10)

This corporatisation of the game has not been without its challenges and problems.

The cartel structure of the AFL sees monopoly control of the markets, pooling of resources, revenue distribution schemes to prop up financially weaker teams, and control of player entry and movement in the market. While these restrictive measures would be considered illegal restraints of trade in any other industry, they are justified on the basis of providing financial parity and thus close competition, both on and off the field.

There are other issues. Ground rationalisation in Melbourne, which saw the shifting of games from nine smaller, traditional suburban football grounds to a couple of large stadiums located in the central business district, is seen to weaken the tie of a sport club to the community. This, combined with increased prices for tickets, food, beverages, and travel, makes it increasingly difficult for the 'ordinary Aussie' to attend live AFL events.

At the same time, Australian football, is thought to be the 'great equaliser,' giving all a 'fair go' in terms of participation, regardless of gender, race, ethnicity, religion, or

ability. The AFL has often been the leader in taking positive steps to reduce violence and injuries, as well as to eliminate racial or religious vilification. While women have had a significant presence as spectators and supporters, and while participation for girls and women has increased at the junior levels, the growing rewards of participation at the professional level (e.g., fame and fortune) are still restricted to men.

This overview shows that there are a number of economic and social goods produced by, or flow through, AFL. For every good produced, there appears to be beneficiaries and those who miss out. While corporatisation is often blamed for undermining certain cherished traditions, the game has never been more popular. The professionalisation of the sport, from players through to management, has seen an increase in the need for public accountability. What is 'good for the game' in the modern era is much more complex, and requires much more than a sentimental appeal to tradition or a wholesale condemnation of corporatisation to address it.

Chapter 2, *The Goods of the Game*, will lay the foundations for identifying and analysing the goods of Australian football. These are often thought to be economic goods (e.g., revenues, salaries), or social goods (e.g., community identity and pride, player fame). Goods also include those related to the sport itself (e.g., participation, skilled play, flowing play, close contests) which account for its longstanding appeal.

MacIntyre's 'practice' – 'institution' framework, based on a type of virtue ethics, provides a tool to critically discuss and evaluate the goods of the game. MacIntyre (1984) proposed that the concept of a virtue is made intelligible by consideration of

what he terms *practice*, where a practice refers to an established community with specific standards of excellence that define and guide behaviour. Sports can be thought of as practices because each has its internal goods/standards of excellence and virtues (e.g., hard work, discipline) that define a sporting way of life.

MacIntyre makes a distinction between internal and external goods. While practices have internal goods, their associated institutions are generally responsible for managing external goods such as economic resources (i.e. income generation and distribution), as well as the human resources and legal requirements affecting an organisation and its practices. Practices are sustained by institutions, but there can be at times a precarious relationship between the two. This chapter will examine to what extent the institution of football support or corrupts the practice it bears.

The overview of the corporatization of football by Stewart above indicates that as the sport-as-business model takes hold, it subsumes cultural and social values associated with the game. Yet, the corporatisation of football has seen the standards of play raised to higher levels, and the AFL has had to address a number of dubious (e.g., violent, racist, sexist) behaviours that in a previous era would have been considered just part of the game. The MacIntyre ‘practice-institution’ concept provides a useful tool for identifying and assessing the relationship and impact of sometimes competing goods in football.

Chapter 3, Just Distributions, will introduce several of the main theories of distributive justice as implements to assess the fairness of the distribution of goods in Australian football. Distributive justice is the branch of philosophy that deals with

who should get what benefits and who should bear what burdens, and why. The task of philosophers in distributive justice is to provide a satisfactory account of justice in the distribution of benefits and burdens that is based on logic and reason rather than merely intuition.

To begin, a common intuitive response to questions of distributive justice is egalitarianism. Egalitarianism is the principle that benefits and burdens should be distributed equally amongst members of a society. There are many supporters of egalitarianism; yet, there is also common recognition that simple forms of equality, where every benefit and burden is shared equally by every person at all times, are not feasible.

Equality often conflicts with liberty. This is a central theme running through debates on distributive justice. Libertarianism, which often goes hand in hand with free market economics, sees attempts to preserve contrived patterns of distribution as antithetical to personal liberty. While free markets are thought to promote efficiency, they are open to the charge that relationships can be exploitative.

The dominant philosophical account of distributive justice until the latter part of the twentieth century was utilitarianism. Utilitarianism is the theory that benefits and burdens are best distributed to maximise the total amount of good or happiness in a society. Egalitarians tend to critique the idea of maximising goods regardless of distribution, for it can generate gross inequalities; and libertarians would object to the sacrifice of one person's liberty for the sake of some greater benefit to others.

One proposed solution to the problem of requiring individuals to sacrifice certain rights or benefits for the greater good is to rationally extract a commitment by all to general principles that protect individual freedom, but also justify certain sacrifices. Contractarianism is the theory that the origin of political relations between groups of individuals lies in some form of, usually hypothetical, contract or agreement. Rawls (1971), for example, would say that no one would rationally agree to a system of inequality if they knew that he or she would lose out by it. Rawls (1971) proposes that everyone has an equal right to freedom, but that benefits and burdens should be distributed evenly except in cases where an uneven distribution is to the benefit of the least well off in society.

Nozick (1974) criticises Rawls' theory as overly restrictive, and defends the view that inequalities are warranted if the acquisition and transfers are just, and violations carry compensation. Dworkin (2000), another defender of free markets, suggests that certain inequalities can be compensated for by voluntary auction systems or insurance schemes. Rather than rely on a single set of criteria for justice, Walzer (1983) argues that different sets of goods ought to be distributed according to different sets of principles depending on what is appropriate for each good. In this way inequalities in certain distributions or "spheres" are tolerated on the understanding that these will be balanced by inequalities in others.

When applied to Australian football, it is clear that there exist the same tensions between equality and liberty. For example, there are restrictive trade practices that limit the entry of clubs and the movement of players; and there are revenue distribution schemes that keep member clubs on a relatively even financial footing.

All clubs operate within a salary cap and minimum salary conditions, but have the freedom to structure uneven payments based on player merit and revenue generating potential. Some clubs have unequal access to resources (e.g., father-son rule), but compensation mechanisms are now in place to deal with it. Most athletes have access to the shared benefits of sport (e.g., skill development, fitness, camaraderie, way of life), but only a few enjoy the exclusive ones (e.g., fame and fortune).

Chapter 4, The Early Years of Australian Football, traces the early institutionalisation of Australian football and its impact on the nature and goods of the game. This analysis is divided into two sections. Section one examines the birth of Australian football in 1858. Section two looks at the formation of the VFL in 1897. Both periods are of interest because they give some insight into how the game began, the major social groups and forces that contributed to its development, the nature of the goods produced, and how they were distributed.

The birth of Australian football in 1858 initially involved a loose collection of players partaking in an undefined ball game. With the assistance of a few key stakeholders (mostly cricketers and publicans), a distinct sporting practice was begun. Games were organised, rules were established, clubs were formed and common standards were developed. The few goods attached were shared equally, but football was restricted to participants of a certain type.

By 1897 Australian football clubs were plentiful, tied to suburban communities and organised in an association. Rules and standards had evolved but there was not always a consensus. Spectators paid to watch games and this brought with it the attachment

of significant money. Greater goods, in type and volume, were now associated with the game. More people, and from different walks of life, were able to shape and share in these. But the earlier pattern of even distribution was lost: now, the goods of Australian football were contested.

This chapter will have a social history feel to it, bringing alive certain pivotal events that shaped Australian football, some which still resonate in modern times. The social history will be informed by both MacIntyre's notion of 'practice – institution' and by various theories of distributive justice. An analysis of the goods of the game and the justice of distributions could be applied to the entire development of the game.

However, this would go beyond the scope of a Masters level thesis.

The final chapter, Summary, Conclusions and Recommendations, will restate the main aims and methods, the major findings and conclusions, plus set the direction for future research and application. The thesis employs a set of tools for the analysis and evaluation of how a broad range of goods are produced and allocated between various stakeholders in the particular context of Australian football. These tools comprise MacIntyre's 'practice-institution' concept, plus various theories of distributive justice and their application to sport generally and Australian football in particular.

The use of Macintyre allows for a more comprehensive identification of the range and type of goods produced and distributed through participation in Australian football. Theories of distributive justice provide a critical means of making judgements on the rightness and wrongness of how these goods have been allocated. Applying these

tools in a social history context ensures that the analysis remains grounded in the traditions and customs of the game itself.

These tools could be applied to any number of pivotal periods and events in the evolution of Australian football. Examples include periods of labour market intervention and revenue sharing, the displacement of distinct local suburban grounds by fewer larger stadiums, the management of the introduction of a national league, the increased role of media, and the changed relationship of fans to the game. This could be the first philosophically informed social history of Australian football, with implications for the analysis and policy direction of other sports or other institutions (e.g., healthcare, education) where widespread social goods are at stake.

## Chapter 2

### The Goods of the Game

The operations of the AFL (formerly VFL) have undergone significant professionalisation in the past several decades. As a result, there has been a shift away from the traditional view of football as a non-profit, nominally amateur local sporting competition to the now commonly accepted view of football as a professional industry within a modern capitalist marketplace.

This metamorphosis has received significant attention in academic research, particularly in the areas of history, political economy and industrial relations. Work in these disciplines has served to document the transformation of the league and highlight associated problems. Concerns have been raised regarding the pressured relocation of clubs, club mergers, ground rationalisation, expansion to a national competition, plus dramatic increases in player payments, increasing costs for supporters, the increased influence of media and business interests, and the diminishing sense of connectedness between clubs, players, supporters and local communities.

Furthermore, perhaps the most contentious concern at present regarding AFL football is the restrictive trade practices (e.g., player draft, protected markets, revenue sharing, salary cap) employed by the sport's governing body in the name of maintaining a balanced competition. The AFL operates as a cartel, and engages in trade practices that would be considered illegal restraints of trade in any other industry. Yet, these restrictive practices are often justified on the basis of what is considered the 'good of

the game.’ But what exactly does the ‘good of the game’ mean? The purpose of this chapter is to identify and evaluate what can be considered the goods of Australian football and especially the AFL.

The AFL has clearly adopted a big business approach to its operations, especially over the last two decades. The expansion of the league from its Victorian base has been thought good for the game because it seeks to establish football as the national game. Increasing revenues from the sale of television broadcasting rights and corporate sponsorship are thought to be good in the sense of providing a sound financial base for club operations.

Player salaries are still on the rise, and are high enough to support the full-time professionalism of players, coaches, and associated sport scientists and managers. Standards of athleticism and skill are improving yearly, and rule changes or refinements are often designed to ensure that football remains a fast paced and flowing game. Players generate additional revenues through sponsorship and promotional activities, and there is no doubt that AFL players enjoy social notoriety like no other sport in Australia.

Some of the goods identified above have to do with the corporate structure and the flow of economic goods in the game and other goods have to do with the quality of the football product. Those who criticize the AFL often focus on the impact of league expansion, club relocation and ground rationalisation on the loyalty of fans; or on the impact of high salaries on player loyalty; or on co-optation of the game as a marketing tool for corporate interests.

This chapter will employ MacIntyre's 'practice' – 'institution' framework in order to discuss critically the goods of Australian football. This framework, based upon a virtue ethics foundation, also provides a tool to evaluate these goods. While this tool will be shown to be useful, MacIntyre has his critics, and efforts will be made to reconcile criticisms in a way that doesn't blunt the usefulness of the tool.

Hemphill identifies that the dominant discourse of sport these days is a business one (Hemphill, 1997, p. 193). In other words, there is a tendency to reduce more and more about football to the economic bottom line. Hemphill observes that this "prominent business discourse of sport seems to suggest that there is very little about sport that is intelligible in other than commercial terms" (Hemphill, 1997, p. 195). However, Hemphill also notes that there is opposition to this trend. He, amongst others (Arnold, 1992; Morgan, 1994; McNamee, 1995), argues that this presents an overly narrow view that does not allow us to fully appreciate the complexity of what is at stake in sport. Put simply, there is much more of value in sport than that which can be measured simply in dollars and cents.

A practical example of the dilemma of economic and sporting goods is provided by Tim Lane (2008) in an article relating to the prospect of a Tasmanian syndicate gaining a licence for an AFL team. Lane questions the emphasis that AFL administrators are placing on the areas of South East Queensland and Western Sydney for league expansion. This emphasis seems to be based mostly on financial considerations. That is, West Sydney and the Gold Coast are far more lucrative

markets than Tasmania. However, Tasmania has a much richer football heritage and culture. Lane reports:

The conventional wisdom relating to Tasmania's bid for AFL inclusion is that no matter how worthy a submission it mounts... the AFL will knock it back. Within the grand ambition to take the game to the Gold Coast and western Sydney, there is no room for the underdog, albeit one that is football to its bootstraps.

What is overlooked in this kind of thinking is that there is a grander ambition than that for economic expansion: it's the ambition for fairness. (Lane, 2008).

Lane is suggesting that there are non-economic factors that should be taken into account in the AFL's plans to expand the league to Tasmania. That is, there is merit in considering how an 'underdog' community, whose commitment and passion for the game, can support a new club, especially if the AFL is expanding into areas (i.e. markets) that have no longstanding tradition in the game.

A similar case might be constructed using an example taken from a recent newspaper piece by Chris Judd (2008). In this article Judd made reference to the measure of Gross National Happiness (GNH) employed by the Bhutanese Government as a contrast to simply an economic measure of Gross Domestic Product (GDP). This caused Judd to pose the question: "how much consideration does the AFL give to the impact its decisions have on the happiness of footballers and fans?" (Judd, 2008). As with Lane's views on the expansion prospects of Tasmania, Judd's view suggests that there is a need to consider more than just economic goods in AFL decision making.

This was made clear by Judd as he addressed the issue of league expansion:

There is no doubt that increasing the number of teams will have significant short-term revenue benefits for the AFL...

While there's nothing wrong with revenue increases, I hope someone on the AFL Commission has a little bit of the Bhutanese spirit in them, and is weighing up the costs that such revenue increases will bring.

Because if the quality of games suffers, then so, too, will the levels of happiness being enjoyed by the players and fans. (Judd, 2008)

This example suggests that league expansion plans need to assess the impact on the quality of the game. While Judd does not discuss this, it may be the case that expansion may dilute the stock of playing talent in the league, thus reducing overall quality of play, and thus the happiness of spectators.

A fuller, or at least more nuanced, picture of sport can be achieved by employing Alasdair MacIntyre's theory of "practices". For Hemphill,

The rendering and concrete application of MacIntyre's "institution – social practice" idiom presents an alternative image of sport organizations, one that highlights the tension between business and "non-economic" goods and the sporting ways of life they sponsor. It also shows that there is some "substance" to sport, and that the internal goods such as skilled play and close contests can be turned to as a measure of sport product quality. (Hemphill, 1997, p. 204)

A fuller description and consideration of MacIntyre's theory and its potential application in the context of Australian football follows.

### **Practices and Institutions**

MacIntyre seeks to identify a core concept of virtue, disentangled from various conflicting historical accounts. Virtue ethics has its beginnings in ancient Greek philosophy. Socrates, Plato and Aristotle all believed that the answer to the question, "How should one live?" was "Virtuously" (Crisp, 1998, 622). This approach contrasts with both deontological and consequentialist approaches to ethics. Deontological ethics maintain that good behaviour is dictated by an adherence to rules of good conduct, as defined by a higher authority. Consequentialist ethics maintain that good behaviour is determined by the goodness of the effects created through it. Virtue ethics looks at the reasons a person has for acting in a particular way.

Using sport examples, player A's conduct may be deemed ethically good because he adheres to the rules of sport out of a sense of duty (to the rules defined by the higher authority of the league (deontological). Player B's conduct may be deemed ethically good if rule adherence generates more praise/rewards than blame. For example, the infamous underarm bowl incident in cricket was based on a rational calculation that a bowl along the ground would reduce the likelihood of the ball being lofted for a possible six runs, which would have won the match for New Zealand over Australia. However, it produced more harm than good, and thus was denounced as being "just not cricket". Similarly, most forms of body contact in basketball are acceptable to all, even though the official rules say it is a non-contact sport (consequentialist). Player C's conduct is considered ethically good if she abides by a code/way of life that defines her as a sportsperson. A sportsperson in this instance may not cheat because it defeats the purpose of sport as the test of natural/acquired abilities and hard work under standard conditions (virtue).

MacIntyre proposed that the concept of a virtue is made intelligible by consideration of what he terms *practice*. Particular types of practice are understood by him to provide an arena for the inculcation and demonstration of virtues.

MacIntyre defined practice in the following way:

By a 'practice' I am going to mean any coherent and complex form of socially established cooperative human activity through which goods internal to that form of activity are realised in the course of trying to achieve those standards of excellence which are appropriate to, and partially definitive of, that form of activity, with the result that human powers to achieve excellence, and human conceptions of the ends and goods involved, are systematically extended.  
(MacIntyre, 1984, p. 187)

In other words, a practice refers to an established community with specific standards of excellence that define membership and guide behaviour.

Music, medicine, science and sport can be thought of as perfectionist practices in this way. Each is a discipline that makes actions within it (and within the sub-disciplines of each) intelligible. For example, making any type of random sound is not music. Rather, sounds are music when they have a recognisable structure, whether as jazz, classical or rock. For MacIntyre, throwing a ball with skill is not in itself a practice, but is so in a rule defined genre such as football or netball. Goods internal to a particular practice can only be specified in terms of that particular practice and can only be identified and recognized via the experience of having participated in that practice. Each practice also has formal or informal standards to judge whether a practitioner is a novice or an expert.

MacIntyre makes a distinction between internal and external goods. He demonstrates this distinction using an example of an intelligent seven year old child being taught to play chess. The child has no real interest in playing chess. The child, however, has a profound interest in obtaining candy. If someone wanted to teach this child how to play chess it would be possible to motivate the child to play by offering him inducements of candy, firstly for participating and additionally for achieving success. In this instance the candy would be an example of external goods gained by the child from playing chess. If over time the child develops a new set of reasons to play that are based on enjoyment or achievement in the skills specific to chess, such as a certain type of analysis, imagination, concentration and competitiveness, then these would be examples of internal goods gained from playing chess.

One can readily imagine a similar example of a child being motivated to play football, not for any genuine interest in the game itself, but in order to receive gifts, treats or

the praise of a parent. All of these goods, being external to the practice of football, could be acquired through some other means. The child motivated to play only for the external goods of candy has no reason not to cheat, provided this can be done without detection. However, the internal goods of football can only be acquired through the specific activity of playing football.

So, according to MacIntyre's rendering of a practice, a player with a genuine interest in Australian football and a desire to acquire the internal goods of the practice can take no pleasure in beating an opponent, or doing well in any sense, if this comes about through cheating. This might include the defender who holds a jumper unfairly, an overage player competing in a junior competition or a performance enhancing drug user. All of these activities would rob the participant of the possibility of acquiring internal goods.

The achievement of internal goods seems to be of benefit to all persons who participate in the practice. MacIntyre (1984) cites as an example the batting feats of W.G. Grace in cricket. He argues that Grace advanced the art of batting in such a way that his achievement enriched the entire cricket community. Innovative practices that extend or refine the standards of excellence are inclusive goods. That is, if one practitioner discovers and introduces an improved technique or method, all other practitioners can benefit by it, within the limits of their own capabilities.

The development of techniques such as the drop punt, the use of flowing run-on handball, the application of zoning defences and "tempo football" are all examples of innovations in Australian Rules football that, while originally developed by one or a

few practitioners, have come to be adopted throughout the football community.

Unlike the fame and fortune for some that often goes with winning, these innovations have mutual benefits.

The virtues of sport are those dispositions and behaviours that define the legitimate or valued means for pursuing internal goods. For MacIntyre,

A virtue is an acquired human quality the possession and exercise of which tends to enable us to achieve those goods which are internal to practices and the lack of which effectively prevents us from achieving any such goods. (MacIntyre, 1984, p. 191)

A refined version sees virtue defined as:

those dispositions which will not only sustain practices and enable us to achieve the goods internal to practices, but which will also sustain us in the relevant kind of quest for the good, by enabling us to overcome the harms, dangers, temptations and distractions which we encounter, and which will furnish us with increasing self-knowledge and increasing knowledge of the good. (MacIntyre, 1984, p. 204)

To be a practitioner is to define and evaluate oneself in terms of the standards of excellence of the practice and the acceptable means for achieving them.

For MacIntyre, the virtues of a practice include justice, courage and honesty.

A practice involves standards of excellence and obedience to rules as well as the achievement of goods. To enter into a practice is to accept the authority of those standards and the inadequacy of my own performance as judged by them. It is to subject my own attitudes, choices, preferences and tastes to the standards which currently and partially define the practices. (MacIntyre, 1984, p. 190)

In other words, a virtuous practitioner is the bearer of a tradition and the collected knowledge of the discipline. Virtuous practitioners, on this account, give credit to others where it is due, 'put themselves out there' courageously to uphold, refine or

extend standards of excellence, subject themselves to the professional judgement of their peers, and reflect honestly on their shortcomings and how to overcome them.

Many practices have long and extended histories. Although practitioners may come and go, a practice is able to persist through time due to the ongoing socialisation of new members. Practices are also sustainable through the support of their associated institutions. Institutions are generally responsible for managing the economic resources (i.e. income generation and distribution), as well as the human resources and legal requirements affecting an organisation and its practices. For example, a medical practitioner is accountable to a professional body, but also operates within the institution of a hospital. This is similar to that of a scientific researcher within a university or a sportsperson within a league.

For MacIntyre,

Institutions are characteristically and necessarily concerned with what I have called external goods. They are involved in acquiring money and other material goods; they are structured in terms of power and status, and they distribute money, power and status as rewards. Nor could they do otherwise if they are to sustain not only themselves, but also the practices of which they are bearers. For no practices can survive any length of time unsustained by institutions. (MacIntyre, 1984, p. 194)

Institutions are necessarily required to sustain practices over time. In the case of sports these institutions usually take the form of sporting clubs and associations that undertake the role of organising players and teams in competition. But sporting institutions clearly are not limited to this basic function of organising competition. Institutions help to “standardise instructions, keep practitioners in working contact, and direct practices into the future” (Ballard, 2000, p. 15). Australian football as a practice is administered by the Australian Football League at the professional level,

and by smaller scale associations and clubs at the junior level. Football institutions, in turn, interact with other institutions, whether it be government bodies (e.g., Australian Sport Commission), media, corporate sponsors, or players and coaches associations.

For MacIntyre, “practices must not be confused with institutions” (MacIntyre, 1984, p. 194). While practices rely on institutions for their survival, institutions can pose a threat to the integrity of the practices they bear. According to MacIntyre:

so intimate is the relationship of practices to institutions – and consequently of the goods external to the goods internal to the practice in question – that institutions and practices characteristically form a single causal order in which the ideas and the creativity of the practice are always vulnerable to the acquisitiveness of the institution, in which the cooperative care for common goods of the practice is always vulnerable to the competitiveness of the institution. In this context the essential function of the virtues is clear. Without corrupting power of institutions. (MacIntyre, 1984, p. 194)

A university institution, for example, can corrupt teaching and research practice excellence. In a quest to maximise enrolment funding, a university may increase student enrolments and increase class sizes without hiring new teachers, thereby increasing teacher-student ratios to a point where it threatens the quality of teaching and learning. So too can a researcher corrupt the practice. Desperate to gain promotion for its financial rewards, a research supervisor may compromise the quality of the mentor-student relationship by ruthlessly exploiting a student’s work for personal gain. In each case, the pursuit of external goods can compromise the integrity of the respective practices.

External goods tend also to be exclusive goods. Unlike the mutual benefits produced by the achievement of an internal good, the achievement of an external good means that someone misses out. The financial and social rewards that attach to achievement

in a practice often go to the best, as you would expect in a competition for scarce resources.

Philosophers of sport have made use of MacIntyre's practice-institution distinction to both identify and condemn the corruption or degradation of sport. Arnold states:

When... sport is used by individuals, institutions or society only for the values or goals that are associated with it, be they political or commercial, there is a danger that it will become but a means to these ends and so have its nature as an inherently worthwhile human practice altered and corrupted. (Arnold, 1992, p. 239)

This picture is not unlike that painted by Rawls (1971) of what he refers to as 'private society', where self interested individuals enter into cooperative, but contract-like relationships to secure private goods, with no sense of their being common goods that sustain a sense of community identity and purpose.

Arnold was amongst the first to identify the usefulness of MacIntyre's view of practices in the philosophy of sport. He claimed that "an account of sport as a valued human practice can provide normative criteria by means of which it is possible to assist with the making of moral judgements in and about sport" (Arnold, 1992, p. 237). It is the connection of the internal goods of a practice to the virtues contained within a particular practice that provide this theory with its normative power.

It is important to note that in philosophy the use of the adjective 'normative' has a particular emphasis. In everyday use this may be used, in the first instance, interchangeably with 'normal' or, otherwise, to signify "a standard, rule, principle used to judge or direct human conduct as something to be complied with" (Dent, 1995, p. 626). In philosophical discussion it is generally the latter understanding of

the term that is applied. This interpretation is important as it allows for a prescriptive element to discussion in addition to a merely descriptive one.

Morgan provided a more detailed treatment stating that “MacIntyre’s rendering of the practice-institution distinction... is able to account for what is potentially corrupting about the double standing (as business ventures and as endeavours geared towards excellence) of practices like sport” (Morgan, 1994, p. 130). While Arnold maintains that sport as a practice when pursued for its own sake is ennobling and worthwhile, he also notes a potential for corruption, stating:

The more the practice view of sport is coloured by the pursuit of external goals and interests, the more debased and corrupted it is likely to become. Instead of being personally ennobling and socially enriching there is danger of it becoming a vehicle of degradation and alienation. (Arnold, 1992, p. 239)

Similarly, Morgan observes:

The history of almost every sporting practice that we know anything definitive about is replete with arguments among its interested parties over whether the external goods that are meted out to successful athletes might impede, distract, or otherwise distort their quest for athletic excellence. (Morgan, 1994, p. 132)

Examples are not hard to come by. Players may be tempted by payments by bookmakers to ‘play dead’ or ‘throw’ a game. Cases like this corrupt the internal goods of skilled play and genuine contest. In other cases, players on performance contracts may forego team play and ignore team goals simply to achieve personal success.

Institutions may corrupt practices by introducing changes to the game that are thought to increase spectatorship, thus the funding that can be derived from gate receipts, the sale of television rights, and the sale of sponsorship rights, etc. but do so in a way that may undermine or threaten the quality goods of the game. For example, media

networks may want sport events scheduled during prime time to maximise the sale of ad time, but in doing so, it may threaten the safety and performance of the athletes, or the quality of the event. McNamee cites how the Olympic marathon has been run in the midday sun, posing serious threats to the health of competitors, but run just the same in order to maximise media revenue. He also cites the complaints of professional tennis players who are forced to play in the twilight hours under floodlights for similar reasons (McNamee, 1995, p. 66).

Moreover, intrusive and regular play stoppages for television ad breaks can disrupt the flow of the game, an internal good in many sports. An overemphasis on the promotion of chauvinistic rivalries (and highlighting player and spectator acts of violence) may undermine the appreciation of the quality of play, skilled and fair play. Players and spectators may ignore quality play and fairness by a one-eyed concern for the success of the favoured player or team.

In Australian football the Carlton Football Club, traditionally known as the navy 'Blues' swapped to the light blue colour of a new brand of confectionery for one game. In another case, a high profile player of the Geelong (Cats) Football Club had his name legally, but temporarily, changed to match a brand of cat food called "Whiskas". For one AFL game commentators and other media were asked to refer to this player simply as "Whiskas". Both cases were criticised as being cheap stunts, demeaning both to the Carlton Football Club and the Geelong Football Club respectively, not to mention the game itself. It is demeaning in the sense that an attempt was made to hijack the traditional link of a community to a team, and player to team, by replacing it with a link to a commodity unrelated to the sport.

The view of sport as a MacIntyrean practice can be summarised as follows. Unlike a 'private society,' where individuals seek only individual rewards from their association with others, practices have common standards of excellence and shared acceptable means for achieving them. Sports can be thought of as practices because each has its internal goods/standards of excellence and virtues (e.g., hard work, discipline) that define a sporting way of life. Practices are sustained by institutions, the administrative bodies that generate and distribute the economic and social rewards associated with the practice. However, the external goods of the institution (e.g., fame and fortune) can corrupt the practice. The institution may attempt to maximise economic profits at the expense of the internal goods; or practitioners may 'cheat' themselves and the practice by resorting to dubious means simply to achieve the external goods.

### **Critique**

There are three aspects of MacIntyre's rendering of practices and institutions that are open to challenge. On MacIntyre's account, it appears that 1) internal and external goods are mutually exclusive, 2) institutions always have a corrupting influence on practices, and 3) practices are, by definition, virtuous. This section will address each and draw out the implications for the usefulness of MacIntyre's practice-institution idiom for the understanding and evaluation of sport.

It appears that, on MacIntyre's account, internal goods and external goods, and the human motivations and dispositions that go with them, are mutually exclusive. This

would seem to lead to a contradiction for, say, the professional athlete. That is, can an often highly paid and socially rewarded athlete still be considered a practitioner?

McNamee notes that at times in philosophy the value of all goods are characterised as belonging to either of two broad groups. That is, either those that are valued in their own right, or otherwise, those that are valued for their consequences. This criticism applies to MacIntyre. For McNamee,

MacIntyre is not prepared to concede the relationship between the participant who is at one and the same time fully committed to the practice (a) for both the internal goods that are intrinsically rewarding *and* (b) for the value of his or her commitments to the athletic form of life *and* for the external rewards that he or she can only gain from *that* particular practice. (McNamee, 1995, p. 75)

In other words, MacIntyre's account of practices and institutions suggests that practitioners need to be motivated only by the internal goods.

McNamee argues that MacIntyre's account of the goods in practices could be supplemented by a conception of "mixed goods". That is, goods valued for both their consequences and internal properties.

For an agent to conceive of an activity in its wholeness is to include both its internal features and the direct consequences it produces as a product of that participation. (McNamee, 1995, p. 75)

We should avoid the "isolationism" entailed in considering activities apart from their direct consequences and consequences apart from the activity that wrought them. This enables us to see that if a good is valuable for its internal features and for the consequences it secures then it may be seen to confer greater benefit than that which is "simply" valued for its own sake and that which is valued merely for its consequences. (McNamee, 1995, p. 75)

On McNamee's account, a sport practitioner can pursue the internal goods authentically, yet at the same time reap financial and social rewards from that participation without running into a contradiction.

In football it is easy to detect among AFL players a genuine love of playing football, displaying a commitment to professional development and sporting excellence that seems to go beyond simply financial reward. As with any professional practice, a doctor, teacher or sportsperson may have mixed motivations. However, having mixed motivations as a practitioner is not in itself the problem. Rather, the problem is when the motivation to achieve the external goods is so strong that the practitioner compromises the internal goods and virtues.

There is another way to look at the relationship between internal and external goods. An internal good, when pursued and achieved, but not necessarily for its own sake, can also produce external goods. A skilfully played sport contest, for example, is an internal good. Sport leagues provide awards for excellent and fair play (e.g., the AFL's 'Best and Fairest'), including trophies, all-star recognition, hall of fame induction, etc. Presumably, skilled contests are activities that attract ticket-buying spectators, thus providing a revenue stream (i.e., external good) for the institution.

Close contests between relatively balanced teams is also an internal good. Close contests focus attention and commitment of players, often leading to highly skilled play. Contests where the outcome is unpredictable create dramatic tension that adds to sustained spectator interest and thus willingness to spend money for tickets. For

Fraleigh,

Prospective profit making is generally dependent upon contest marketability and also generally, a contest which has the prospect of being an even match is more marketable than one which is not. In principle, then, fulfilment of the good marketing characteristic of the opponents being known as equally competent performers before the contest is important in relation to the economically valued end of profit making. In principle, contests which have

this characteristic are more attractive to the ticket buying public than contests which are known mismatches (Fraleigh, 1983).

A sporting season, where the playoff hopes remain high for as long as possible during the season, is desirable from both a spectator satisfaction point of view and the league's economic revenue generating point of view.

MacIntyre's account suggests that institutions and the external goods they trade in can only have a corrupting influence on the internal goods of the practices they bear.

Numerous examples of this have been provided above. But, on closer inspection, institutions can at times protect internal goods or advance their achievement.

McNamee is aware of such possibilities. He states:

Just as examples of usurpation are legion, so too are examples in which the institution has chided players, coaches, and spectators alike for poor ethical standards in their chosen activities. (McNamee, 1995, p. 68)

Sport leagues, often backed up by media organisations, have instituted harsher penalties to eradicate dubious conduct, as well as introduced player, coach and spectator education programs to model desirable sporting behaviours.

For example, in recent years, the AFL has made a stance against racist, violent and other forms of behaviour thought to bring the game into disrepute. For many years racial abuse and taunting was a prevalent and largely accepted part of the practice of football. The AFL now has acknowledged its responsibility by changing the culture through policy, penalties and player education. To reduce violence, the AFL has not only instituted harsher penalties, but has introduced additional umpires and video surveillance to back it up.

The AFL has also introduced many rule changes in order to curb delay tactics and maintain free flowing play, an internal good of Australian football. Included amongst them are the introduction of the ‘out of bounds on the full rule’, the ‘fifty-metre penalty’ and more recently the ‘free kick for a deliberate rushed behind’. All of these rule changes involve an increase in the severity of penalties for certain tactics, especially those that cause undue delays or impediments, or that give defenders an easy out when pressured. The ‘out of bounds on the full’ rule means that kicking the ball in the air out of bounds, intentionally or not, results in a turnover to the opposition. The fifty metre penalty was instituted to penalise delay tactics (e.g., grabbing an opponent’s jumper, holding a player to the ground) that impeded the rightful progress of an opponent and the flow of play.

The most recent rule change designed to maintain the flow of play is the ‘free kick for a deliberate rushed behind.’ Previously, when defenders were pressured in their defensive goal square, they could simply intentionally dispose of the ball through the goal posts and concede a single point. Now, this deliberate action will result in a free kick to the opposition at very close range, which will likely result in a six-point goal. Leigh Matthews, one of the most successful and well respected players and coaches in the game’s history, had this to say about the new rule:

I think the excitement that it creates on the defensive goal line because the defender has to try to get the ball clear rather than concede the behind is exactly what the rule was intended to do. It adds a great excitement to the game in my opinion. (cited in Phelan, 2009)

Journalist Rohan Connolly, writing on the same rule, connects the changes with a need to preserve a valued element of the style in which the game has been traditionally played. He opined:

This is one of the more significant rule changes AFL football has seen, up there with the introduction of the out-of-bounds-on-the-full rule in 1969. It has the potential to prove every bit as enlightened.

Like that change 40 years ago, the rushed-behind rule protects the philosophical spirit of a game founded on forward movement and continuous play. And, like 1969, it's one that simply had to happen. (Connolly, 2009)

These examples show that institutions can take a positive role in preserving the internal goods of practices. Or, as McNamee writes, "It is not the case that MacIntyre's monsters of modernity have brought about a new (over-) emphasis on rewards to the detriment of practices" (McNamee, 1995, p. 65). Indeed, at times institutions are able assist in the promotion and sustenance of practices.

MacIntyre suggests that the internal goods and virtues of practices can provide a normative framework for critiquing their host institutions. This seems to suggest that practices are beyond reproach. However, this may not always be the case.

Frazer and Lacey (1994), for example, praise MacIntyre's account of practices for providing a social context for ethical analysis (or a socially grounded ethics as opposed to a universal one). However, they are critical of the assumption that the exercise of virtue within practices is sufficient as a test of ethical goodness. Frazer and Lacey explain:

MacIntyre, as we have seen, defines virtue as the exercise of what is necessary to attain goods internal to practices. Truth, courage and justice are necessary if we are genuinely to enter into a relationship with past and present practitioners. The integrity of a practice requires the exercise of the virtues. Conversely, the exercise of a virtue is bound up with the existence and moral value of practices. This analysis obviously makes practices, as such, by definition good. (Frazer & Lacey, 1994, p. 273)

So, it would appear that for any activity to meet the criteria of being a practice, it must therefore be good.

According to MacIntyre, the internal goods and virtues of practices provide an ethical touchstone when practitioners are tempted to 'cheat' or when the acquisitiveness of institutions undermines practice goods. In this way the practice itself, protected through its grounding in the virtue of seeking its internal goods, is seen to remain untainted in instances of ethical impropriety. While practices offer up ethical criteria by which to judge institutions, they appear to lack the capacity for self-critique, and it may be the case that a practice is unvirtuous itself.

Some sporting examples of this problem might be found in boxing or rodeo. Boxing is argued to produce excessive levels of pain and injury, glorify violence, promote social violence, and require that opponents be treated in a morally objectionable way (Davis, 1995, pp. 49-51). Yet, it can be viewed as a sporting practice. Similarly, rodeo competitions have been charged with unnecessarily causing pain and distress to animals (Rollin, 1996). Yet, both sports have internal goods, standards of excellence and virtues that, by definition, make them practices.

The example of racist behaviour, which for many decades was part and parcel of the practice of Australian football, also seems to demonstrate the point. Racism is morally reprehensible. There is no justice in the situation when racial differences are used to advantage some players and disadvantage others in what is supposed to be a fair contest based on sporting skill and prowess. Yet, for some time, racial taunts and harassment were often brushed off as just 'part of the game'.

One could even argue that racist, as well as sexist and homophobic taunts, could well become 'gamesmanship', an attempt to put the opponent off his or her game. Racial 'trash talk' may become so ingrained as to become immune from criticism. The ability to get under an opponent's skin becomes part of the players' repertoire of offensive 'skills', while the ability to ignore these taunts becomes a defensive virtue in itself. In other words, becoming 'thick-skinned' becomes a valued sporting trait, for it shows poise and mental toughness under pressure.

However, in this case the practice is ethically suspect because it appears to be out of step with changing public sentiment and anti-discrimination legislation. The anti-vilification code adopted by the AFL, plus player education, seeks to eradicate racial taunting and abuse as acceptable forms of behaviour in the sport. In addition to this external critique, there is also an internal vantage point to critique racial taunting as skill or virtue of the game. For example, racial taunting can be considered unvirtuous because it makes the achievement of the internal goods (e.g., skilled play) contingent upon the athlete's ability to put the opponent off their game by methods (e.g., personal attacks) that have nothing to do with athletic skills. In this case, skilled play defined in one way can be used as a standard to prevent other behaviours creeping in under the name of skilled play.

The value of Frazer and Lacey's point is that ethically dubious tactics and strategies may in fact get overlooked when they are considered simply part of the game. In other words, it might be claimed that violence, sexist or homophobic taunts ought to be shrugged off as simply part of the game. Frazer and Lacey also open the door to critique sport practices on feminist grounds.

“Feminism” is an umbrella term used to represent a range of different feminist philosophies. The common element is “the belief that women are oppressed or disadvantaged by comparison with men, and that their oppression is in some way illegitimate or unjustified” (James, 1998, p. 576). Early feminist phases tended to focus on improving the social position of women through improved access to fundamental privileges such as education and employment. Later phases have focussed more on gaining insight into how understandings of masculinity and femininity are maintained through social practices. (James, 1998, p. 576)

An aspect of sport practices that often goes unnoticed, despite the fact that opportunities and resources for participation are improving, is what English (1978) refers to as the ‘masculine bias’ in sport. English argues that since sports have historically been developed by men for men, they implicitly favour male characteristics. She argues:

I am suggesting that our concept of “sports” contains a male bias. Historically, this is understandable, because sports were an exclusively male domain, probably based on war and hunting, and actually used to assert male dominance. The few athletic activities permitted to women – mostly forms of dance – were not thought to fall under the *concept* of sport, and are still classified as arts or entertainment instead. Speed, size, and strength seem to be the essence of sports. Women are naturally inferior at “sports” so conceived. (English, 1978, p. 276)

Australian football certainly appears to contain this male bias, as skilled play and success depends largely on strength, size and power. Statistically speaking, most men are stronger, bigger and more powerful than most women, thereby giving men a particular advantage when it comes to achieving the internal goods of football and reaping its external goods. It is therefore clear from these examples that while the internal goods and virtues of a practice provide normative criteria to judge

institutions, the practice itself may embody unjust or unvirtuous elements that often go unnoticed.

### **Summary**

MacIntyre provides a useful instrument for the description and evaluation of sports. His conceptualisation of 'practices' and 'institutions' allows for a consideration of goods internal to, or embedded in sport, in addition to the economic ones. The goods embedded in Australian football (e.g., skilled play, free flowing play, and close contests) can be used as a check against dubious tactics and behaviour.

In this chapter a number of refinements to MacIntyre's framework are suggested that serve to increase its usefulness. McNamee shows that not all goods associated with sports fit neatly into the category of either internal or external goods. The achievement of some internal goods may also produce external benefits. Likewise, motives for participation may be mixed without running into a contradiction. An understanding of mixed goods allows for a more nuanced description of the distributions of a variety of goods in Australian football.

Furthermore, MacIntyre's view that the external goods of the institution corrupt practices was shown to be one-sided and deficient. There is no doubt that the pursuit of the external goods can tempt practitioners to employ dubious means, and that the institution can undermine the internal goods by a ruthless pursuit of external goods. However, several counter-examples were employed to demonstrate that institutions do recognise internal goods and have at times stepped in to redress non-virtuous behaviours. Adjusting MacIntyre's model to allow for the reciprocal relationship and

influence of practices and institutions again improves the degree of subtlety with which it can be used to describe and evaluate sport, in this case, football.

Finally, MacIntyre's model suggests that any behaviour within what is defined as a practice must be virtuous. However, a consideration of some apparently non-virtuous practices makes it clear that this is not the case. Once more, the descriptive element of MacIntyre's theory can be improved by taking into account such instances. The most significant consequence of this change to the model is that practices, per se, cannot be relied upon to guarantee the rightness of their constituent behaviours. Instead, there may also need to be some external critique (e.g., liberal, feminist) to expose and rectify dubious, but often taken-for-granted (racist and sexist) behaviour within them.

The internal goods, and its attendant virtues, may provide normative criteria to guide the institution (i.e., the AFL) in its judgement about rule changes and resource allocations. However, the AFL may also embody longstanding social interests and beliefs that have a bearing on the creation and distribution of both its internal and external goods. That is, both the practice and the institution are open to the play of social interests that may, unwittingly or not, limit access to and equal sharing of the goods on offer in AFL. It is to the question of distributive justice that the thesis now turns.

## Chapter 3

# Just Distributions

The previous chapter made a distinction between the external goods of sport (e.g., money and social status) and the internal goods (e.g., skilled play, close contests) and the relation between them. The purpose of this chapter is to examine the justness of the distribution of goods in the AFL. This will involve the use of another set of tools. The chapter will outline several theories of justice and their applicability to institutional practices in the AFL, especially with regard to the generation and distribution of external goods.

The Mission Statement outlined in the Australian Football League Strategic Plan 2004-2006 listed “Equality” as one of “four broad reference points” that guide the organisation.

Australian Football is a game that captures the essence of equality in this country. Anyone who plays football is an equal member of the team regardless of their background.

The ethos of equality underpins the way we manage and grow the game for players, supporters and the whole community.

Equality between individuals promotes respect. Equality between teams promotes excitement, uncertainty and the highest form of competition. (AFL, 2004, 3)

The AFL, formerly the Victorian Football League (VFL) has been pursuing a policy of equalisation for over twenty years. While other stakeholders are mentioned with regard to equality, the principal application of the league’s equalisation policy relates to the AFL clubs in terms of their on-field competitive strength. In detailing its Strategic Priorities for the period 2004-2006, the AFL commits, as one of four major strategies, to “grow the game via appropriate policies” (AFL, 2004, p. 4). The first point of elaboration of this strategy states the desire to “ensure the core elements of

on-field equalisation are maintained – maintain draft and salary cap” (AFL, 2004, p. 4). It is further detailed that “We strive to have an even competition where any Club is capable of beating another on any day or night to produce uncertainty of outcomes and drive supporter interest – regardless of the relative financial strength of each Club” (AFL, 2004, p. 4).

The AFL’s Strategic Plan for 2007-11, “Next Generation: Securing the Future of Australian Football”, omits nearly all explicit reference to ‘equalisation’. However, a range of measures are detailed to “make sure our clubs are financially secure and competitive – on and off the field” (AFL, 2007). These include the payment of ‘Annual Special Distributions’ to disadvantaged clubs and allocations from a “Facility Redevelopment Reserve” to assist in the building of training and administration facilities. No mention is made of the draft and salary cap, or the connection between a club’s on-field strength, relative supporter base and financial success.

Acknowledging the role of supporters, the 2004-2006 Strategic Plan states, “We recognise that the supporters of our AFL clubs and the game are Australian Football’s biggest asset” (AFL, 2004, p. 5). In ‘Next Generation...’ it states:

The AFL recognises that supporters care about the future of their clubs and is committed to investing in the AFL clubs to secure for them a financially viable and stable future.

Recognising that many supporters are also participants we will invest in the development of the game to provide quality environments to maximise the experience.

The AFL will ensure our supporters will share in the health of the game by freezing general admission and the base club membership prices. (AFL, 2007)

and:

The AFL will continue to improve the customer experience and comfort of supporters attending AFL games by supporting the upgrade of facilities. (AFL, 2007)

The peak administrative body for the organisation of Australian football is the Commission of the Australian Football League. Its essential role is to manage the national competition, but also act as 'keeper of the code', giving attention to the preservation and growth of the game. There are two key features of the AFL as an institution that relate directly to notions of justice and equality: member ownership and cartelisation.

Member-ownership is a key feature of the organisation of the AFL. There are currently sixteen AFL clubs organised as a national competition. The AFL is managed by representatives of its member clubs; and individual clubs are managed by their respective members. The league and the constituent teams operate on a not-for-profit basis, which means that there are no privately owned clubs and no stockholders. The league also operates as a cartel, which means that a single producer (i.e., the AFL) controls access to, exchanges within, and movement of clubs and players out of, the football market. The revenues of AFL are generated by restrictive trade practices in the product market and player market (e.g., limited number of clubs, player draft, salary cap). Clubs generate income through membership sales and sponsorship, and pooled resources of the AFL are used for purposes such as marketing, junior football development, and financial subsidies to clubs.

### **Distributive Justice and Egalitarianism**

Philosophy can be defined as “rationally critical thinking, of a more or less systematic kind about the general nature of the world (metaphysics or theory of existence), the

justification of belief (epistemology or theory of knowledge), and the conduct of life (ethics or theory of value)” (Quinton, 1995, p. 666). Distributive justice, as distinct from retributive or corrective justice, is the branch of ethics that deals with who should get what benefits and who should bear what burdens, and why. Various criteria have been used to answer these questions, including contribution, effort, need, desert and history (Honderich, 1995, p. 433).

It is difficult to discuss distributive justice without referring to equality.

Egalitarianism is the principle that benefits and burdens should be distributed equally amongst members of a society. However, there is also common recognition that the form of equality that entails that every benefit and burden is shared equally by every person at all times, is not feasible.

Amartya Sen identifies two important questions that may be posed of egalitarian theories of social arrangements. These are, ‘why equality?’ and, ‘equality of what?’ (Sen, 1992). On the question of ‘why equality?’ Sen offers the following:

Any kind of plausible, ethical reasoning on social matters must involve elementary equal consideration for all at *some* level that is seen as critical. The absence of such equality would make a theory arbitrarily discriminating and hard to defend. A theory may accept – indeed demand – inequality in terms of many variables, but in defending those inequalities it would be hard to duck the need to relate them, ultimately, to equal consideration for all in some adequately substantial way. (Sen, 1992, p. 17)

Brian Barry considers the question of ‘why equality?’ to be such a foregone conclusion that he perceives the onus of proof to have rested with those who have advocated inequality throughout the history of western philosophy. He states that, “In Plato’s time as in ours, the central issue in any theory of justice is the defensibility of unequal relations between people.” (Barry, 1989, p. 3)

Sen argues that all major theories of distributive justice are egalitarian in some sense. That is, all major theories call for equal treatment in some regard. For strict egalitarians, this might entail equality of wealth or income. Utilitarians might call for an equal weighting of people's preferences. A libertarian might insist on an equal set of freedoms. Sen states:

A common characteristic of virtually all the approaches to the ethics of social arrangements that have stood the test of time is to want equality of *something* – something that has an important place in the particular theory. Not only do income-egalitarians... demand equal incomes, and welfare egalitarians ask for equal welfare levels, but also classical utilitarians insist on equal weights on the utilities of all, and pure libertarians demand equality with respect to an entire class of rights and liberties. They are all 'egalitarians' in some essential way – arguing resolutely for equality of something with which everyone should have and which is quite crucial to their own particular approach. To see this battle as one between those 'in favour of' and those 'against' equality (as the problem is often posed in the literature) is to miss something central to the subject. (Sen, 1992, p. ix)

This observation leads Sen to introduce the notion of equality in different 'spaces'. He notes that different theories tend to focus on equality in one variable or another, and this generally results in some inequalities in other variables. While the question "why equality?" is not unimportant, he maintains that because egalitarianism (in some form or another) is universally employed, it is not in urgent need of justification. Therefore the central question becomes "equality of what?"

Considering the AFL, there may be spaces where it is most desirable for equality between clubs to obtain and analyse whether the strategies of equalisation that have been put in place are most likely to achieve the desired outcome. An understanding of varying theories of distributive justice is can be useful in developing a framework for this analysis.

A distributive justice framework can also be useful for considering the question ‘equality between whom?’ Formal equalisation measures exist in the AFL for on-field opportunities between clubs (draft and salary cap, adequacy of training facilities), and the AFL has made a commitment to equality and fairness for all stakeholders. However, the AFL Mission Statement 2004-2006 recognises players, members, supporters, clubs, sponsors and the community as stakeholders in the game (AFL, 2004). What consideration is given to the provision of equality within these other groups of ‘key stakeholders’? Within what ‘spaces’ should this equality operate?

Theories of distributive justice offer a possible framework to help settle the issue of whether restrictive trade practices and revenue distribution schemes are just or not. A detailed account of these is provided as follows.

### **Utilitarianism**

Utilitarianism is the theory that benefits and burdens should be distributed to maximise the total amount of good or happiness in a society. The first comprehensive account of the theory was developed by Jeremy Bentham. Bentham’s account of the ‘principle of utility’ is outlined below:

By the principle of utility is meant that principle which approves or disapproves of every action whatsoever, according to the tendency which it appears to have to augment or diminish the happiness of the party whose interest is in question: or, what is the same thing in other words, to promote or oppose that happiness. I say of every action whatsoever; and therefore not only of every action of a private individual, but of every measure of government. (Bentham, 1789, pp. 306-7)

By utility it is meant that property in any object, whereby it tends to produce benefit, advantage, good or happiness, (all this in the present case comes to the same thing) or what comes again to the same thing) to prevent the happening of mischief, pain, evil, or unhappiness to the party whose interest is considered: if that party be the community in general, then the happiness of

the community: if a particular individual, then the happiness of that individual. (Bentham, 1789, p. 307)

The work of Bentham, along with that of John Stuart Mill and Henry Sidgwick, is known as “classical utilitarianism”. Rawls summarises classical utilitarianism in the following way:

The main idea is that society is rightly ordered, and therefore just, when its major institutions are arranged so as to achieve the greatest net balance of satisfaction summed over all the individuals belonging to it. (Rawls, 1971, p. 20)

In contrast to strict egalitarianism, which aims for equal distribution regardless of the sum of all goods, utilitarianism aims for the maximisation of total goods regardless of the equality of distribution.

The idea that happiness ought to be maximised and unhappiness minimised has intuitive appeal. However, concentrating on maximising goods regardless of distribution allows for the possibility of gross inequalities. This is the main criticism of the theory.

Rawls claims that the theory allows for greater gains of some individuals to be compensated by losses borne by other individuals. He also notes that it might also permit for some individuals to suffer a loss of liberty if it results in some greater good for others. On this he writes:

The striking feature of the utilitarian view of justice is that it does not matter, except indirectly, how this sum of satisfactions is distributed among individuals any more than it matters, except indirectly, how one man distributes his satisfactions over time. The correct distribution in either case is that which yields the maximum fulfilment. (Rawls, 1971, p. 23)

The fact that some may be required to bear heavier burdens without any individual benefit, if these burdens are offset by a greater sum of benefits gained by other individuals, also appears to be intuitively unjust.

While Rawls acknowledges that in most cases the greatest sum of advantages would not be achieved in this way, he is troubled by a theory that could allow it at all. He is especially uncomfortable at the thought of utilitarian principles being strictly adhered to in circumstances where violations of certain individuals, justified on the grounds of achieving some greater good, goes against common sense ideas of justice (Rawls, 1971, p. 23).

In the context of AFL expansion (from 12 Victoria-based teams in 1982 to the current 16 teams, 10 of which are Victoria-based, with two teams each from Western Australia and South Australia, and one team each from New South Wales and Queensland), utilitarianism could be used to help answer the question of whether it is in the best interests of the game to expand the competition nationally or limit it to its traditional homeland in the State of Victoria. Maintaining the status quo means that the quality is high and there is a traditional and dependable fan base, but fewer employment opportunities for players and no non-Victorian based teams for local spectators to call their own.

League expansion to other States may solidify AFL's place as the 'national game,' but club financial viability and product quality may suffer if there are too many teams. The demise of the Fitzroy Football Club in 1996 might be presented as a case of utilitarian sacrifice for the benefit of the greater good. In this instance the AFL was

committed to the expansion of the national competition by admitting a second Adelaide (South Australia) team. However, at the same time, it was reluctant to stage a competition with more than 16 teams. As a consequence Fitzroy, facing intense financial pressure, found itself in a position where it would collapse or have to merge with another club. One club, it would seem in this case, had to take a bullet 'for the good of the game'. As it turned out, the longstanding (i.e., league foundation member in 1897) Fitzroy Football Club merged with the expansion team Brisbane Bears to form the Brisbane Lions, but it was based in the metropolitan city of Brisbane (Queensland).

At the same time, league expansion can be justified on utilitarian grounds. In a relative sense existing clubs will be worse off for the inclusion of extra teams. Their share of playing talent, consolidated revenue redistributions and access to sponsors will be reduced. However, it is argued that in an absolute sense existing clubs will be better off. This is thought to be so because opening up new markets and an expanded competition will create a greater pool for player development, increased total revenue (particularly from media streams) and a wider reach in the national marketplace.

### **Intuitionism**

From the discussion above, it seems to make sense that the AFL would need to expand to other states if it was to call itself the national game. It also seems clear that, with the limited population base (~25million) in Australia, the AFL cannot sustain itself if there were too many teams. Intuitively, it seems fair that more spectators in Australia should have a team that they can call their own, and it seems fair that more footballers should have an opportunity to make a career out of what they do best. At

the same time, it seems unfair that a traditional club like Fitzroy should have to close up shop in Melbourne or merge and relocate to another state.

In its traditional form, intuitionism is simply the idea that people have a capacity to intuit knowledge and that this knowledge, once intuited, is in no need of any further justification. But how do you sort out intuitions if they clash? Rawls gives the following summation of criticisms of intuitionism:

Intuitionist theories, then, have two features: first, they consist of a plurality of first principles which may conflict to give contrary directives in particular types of cases; and second, they include no explicit method, no priority rules, for weighing these principles against one another: we are simply to strike a balance by intuition, by what seems to us most nearly right. Or if there are priority rules, these are thought to be more or less trivial and of no substantial assistance in reaching a judgement. (Rawls, 1971, p. 30)

In other words, intuitions offer no solution to what Rawls refers to as the ‘priority problem’. So it follows that these judgements might appear to be somewhat arbitrary, which robs them of any moral legitimacy. In the case of the Fitzroy Football Club, it seems intuitively unfair that a traditional team has to merge with another to stay alive, but equally unfair for one State (i.e., Victoria) to have a monopoly on the number of teams.

A further problem with this, according to Rawls, is that:

This weighting, however, is normally influenced by the demands of different social interests and so by relative positions of power and influence. This is particularly likely to be true since persons with different interests are likely to stress the criteria that advance their ends. Those with more ability and education are prone to emphasize the claims of skill and training, whereas those lacking these advantages urge the claim of need. But not only are our everyday ideas of justice influenced by our own situation, they are also strongly coloured by custom and current expectations. (Rawls, 1971, p. 31)

In other words, intuitions can come across as being arbitrary, so that moral judgements about justice, for example, tend to reflect personal bias, social custom or traditional values that favour one set of interests over others.

### **Rawls and Contract Theory**

Rawls proposes a solution to the minority rights issue in utilitarian theory (i.e., 'greatest good for the greatest number'), and to the issue of personal bias, social custom and traditional values and its effect on judgments about justice. As a means of doing so, he devises a type of contract theory. Contractarianism refers to the idea that the origin of political relations between groups of individuals lies in some form of contract or agreement. Common agreement on principles creates a mutual reliance and motivation for all parties to hold to their commitments.

Rawls employs the idea of a social contract to devise his own theory of distributive justice. Rawls argues that principles of justice can be derived from a hypothetical situation, which he labels the 'original position.' From behind a 'veil of ignorance,' individuals are aware that there are advantages and disadvantages attached to certain social positions in the 'real' world, but they do not know their specific social positions.

On this, Rawls states:

Somehow we must nullify the effects of specific contingencies which put men at odds and tempt them to exploit social and natural circumstances to their own advantage. Now in order to do this I assume the parties are situated behind a veil of ignorance. They do not know how the various alternatives will affect their own particular case and they are obliged to evaluate principles solely on the basis of general considerations. (Rawls, 1971, p. 118)

He argues that from a hypothetical 'original position' rational and fully informed persons will choose for goods to be distributed according to two basic principles. Firstly, everyone has an equal right to freedom. Secondly, benefits and burdens should be distributed evenly except in cases where an uneven distribution is to the benefit of the least well off in society. That is, you wouldn't expect that members would intentionally design principles that would favour certain social groups and disadvantage others. In other words, individuals would not want to purposely leave one group in a disadvantaged or vulnerable position, especially if it was the case that they found themselves in that disadvantage group once the veil was lifted.

The upshot of this hypothetical situation is that individuals would cover themselves by devising principles that favour equality. It is not unlike the situation of giving the birthday girl instructions to cut the cake for her and her five friends in any way she pleases, but she gets the last piece; the result is likely to be that the cake gets cut into six equally sized portions. Variations on this distribution could be justified if, for example, one girl was given a larger portion of cake because she arrived late at the party and missed out on the other food served earlier.

In football terms, the player draft is a classic case of where unequal distributions of playing talent are designed to benefit the least well off team(s). That is, the teams that have the worst win-loss record at the end of the season have priority pick of the new playing talent entering the league in the following year. This is justified on the basis that relatively balanced on-field competition will be good in sporting and economic terms. That is, it is expected that bolstering the playing strengths of the weaker teams

will produce better skilled and closer contests, which sustains spectator interest and financial revenues over the duration of a season.

In another case, the AFL's father-son rule gives clubs priority to draft the sons of their former players. However, it is only of benefit to clubs with a long enough tradition for players to have played at least one hundred games and to have a pool of adult children to select from. Newly established clubs would be unable to benefit from these conditions and therefore be put at a disadvantage. Without a Rawlsian device, powerful traditional clubs would be expected to lobby for father-son priority picks, whereas newer clubs would be expected to oppose them.

However, from a Rawlsian original position, one might expect a different outcome. Parties to an agreement may be inclined to either abolish such a rule or institute a compensation scheme for those clubs likely to be disadvantaged by it. The latest revision of the father-son selection process, the priority to the father's club is maintained, but only within each particular round of the draft. Clubs must now nominate which draft pick they intend to use to select a father-son player and all other clubs are given the opportunity to bid for this player with a pick from an earlier round. This way a club can always ensure they gain access to the father-son player's services, but may have to use a valuable pick to do so. (Austin, 2007)

In yet another case, the newly formed Brisbane Lions (the result of the merger between Brisbane Bears and Fitzroy Lions in 1996) were given priority draft picks and other forms of support by the AFL as a boost to their development in a new football market. This contributed to the team's triple premiership (2001-2003)

success, but dynasties are not considered ‘good for the game’ in terms of sustaining spectator interest and dedication across the league. Generous draft concessions and inflated salary caps are to be provided to two new clubs as part of the AFL’s expansion plan (2011-2012) into Gold Coast and Western Sydney. However, subsidies and concessions to a team may need to be curtailed if it gives the subsidised team(s) a sustained sporting and financial advantage over other teams or comes at the expense of equality, in this case, the level playing field (i.e., balanced league competition).

### **Libertarianism and Nozick**

Equalisation schemes are often thought to conflict with individual liberty. This is a central theme running through many debates on distributive justice. Libertarianism is the label applied to the range of views which take as their central value liberty or freedom. Robert Nozick, a leading libertarian, argues that any attempts to preserve contrived patterns of distribution must inevitably disrespect personal liberty. For Nozick,

Individuals have rights, and there are things no person or group may do to them (without violating their rights). So strong and far-reaching are these rights that they raise the question of what, if anything, the state and its officials may do. (Nozick, 1974, p. ix)

What often goes hand in hand with the prescription of unfettered liberty is the recommendation of a free market distribution of goods and services.

Nozick emphasises the importance of taking into account the history of distributions and aims to minimise interference by the state. Nozick’s entitlement theory of justice in holdings refers to three major topics: justice in acquisition, justice in transfer, and justice in rectification (Nozick, 1974, p. 150). Justice in acquisition refers to principles of justice in initial acquisition of property. In detailing these, Nozick draws

heavily from Locke and includes the proviso that an individual's appropriation must not worsen any third party's condition. Justice in transfer refers to how property, once acquired, might legitimately have its ownership transferred from one party to another. Essentially, this states that a transfer is just, if and only if, it is voluntary. Justice in rectification refers to how amends might rightly be made in the event that either of the first two principles is violated. In sum, "If each person's holdings are just, then the total set (distribution) of holdings is just" (Nozick, 1974, p. 153).

He illustrates this by referring to former National Basketball Association star player (1959-1973) Wilt Chamberlain. Nozick surmised that, as an extraordinarily good basketball player in high demand as a gate attraction, he was entitled to the rewards offered up in a free market. Let's say that Chamberlain signed a contract with one team whereby he received twenty-five cents from the proceeds of each one dollar admission ticket that was sold to the team's home games, and spectators were fully aware of the portion that goes directly to the star player. It would be a just distribution if, in one season a million people attend the home games and Chamberlain reaped an additional \$250,000, even if it happens to be a much larger sum than the average income and larger than any other player has.

This, Nozick argues, serves to "illuminate the nature and defects of other concepts of distributive justice" (Nozick, 1974, p. 153).

The general point illustrated by the Wilt Chamberlain example ... is that no end-state principle or distributional patterned principle of justice can be continually realized without continuous interference with people's lives. (Nozick, 1974, p. 163)

For Nozick,

The term “distributive justice” is not a neutral one. Hearing the term “distribution,” most people presume that some thing or mechanism uses some principle or criterion to give out a supply of things. (Nozick, 1974, p. 149).

However, we are not in the position of children who have been given portions of pie by someone who now makes last minute adjustments to rectify careless cutting. There is no *central* distribution, no person or group entitled to control all the resources, jointly deciding how they are to be doled out. (Nozick, 1974, p. 149)

One would suspect that Nozick, and those of libertarian leanings, would have serious objections to the AFL’s equalisation policies and the range of interventions and controls (e.g., player draft, salary cap) that are put in place to control the generation and distribution of revenues.

In a free market system, supported as it might by a libertarian rationale, one would expect that players would be free to move to different teams as they saw fit and be paid according to market demand. Sport clubs could negotiate among different cities or municipalities to secure the best stadium rentals and sponsorship arrangements.

The market would shape the number of teams in a league, and the distribution of premierships skewed heavily in favour of a few traditionally strong clubs would be of no concern in itself. What would be important is that these premierships were achieved through a process of just acquisitions and transfers, be it in the trade of money, players, coaches, equipment or any other good. From a Nozickian perspective, so long as the principles of justice in holdings are adhered to, then the premierships will go to the most deserving clubs, and the distribution of these is just no matter how uneven.

One might also expect that traditionally powerful AFL clubs such as Carlton, Collingwood and Essendon might be tempted to employ a Nozickian line of argument against the league’s equalisation policies and strategies. In this instance it would be reasoned that because the historically uneven distribution of both on-field and

financial success in favour of certain clubs has come about through just acquisitions and transfers in property, then the distribution itself must also be just. Any measures put in place to modify this just distribution violates the liberty of these clubs. In other words, why should successfully operating clubs have resources redistributed to less successfully operating clubs? These clubs might rejoin: Where's the incentive to field a sporting and financially sustainable club if profits are siphoned off to bolster inefficient clubs?

The AFL is clearly an institution that controls the bulk of league resources and doles them out to clubs. Many of the controls in the market, including the allocation of clubs, the consolidation and distribution of revenues (in some cases to weaker clubs), plus the salary cap and player draft would represent illegal restraints of trade in most industries. But as is the case with any legal determination of restraint of trade, it must stand a test of 'reasonableness.' In football terms, is it in the best interests of Australian football to have a purely market driven system that might produce a competition amongst only a handful of independently wealthy and powerful clubs or to use market controls and revenue redistribution to create a relatively balanced and more widely representative competition?

Critics might say that Nozick's form of distributive justice is concerned too heavily with individual rights. In theory, unfettered competition for players would result in a free-for-all, where the most financially sound teams would be in a position to buy up the best talent, thus reducing the total number of teams across the country to a smaller number of more highly skilled teams. A smaller number of players would be employed, but paid more handsomely than a situation with more teams and more players. Also, there would be a fewer number of players who would enjoy the

additional social benefits (i.e., external goods) of AFL. Similarly, a fewer number of fans would have the opportunity to support a team that represented their own community. Prior to the introduction of equalising measures, Australian football at the elite level was heading down this path. Hess et al describe that “The VFL competition was chronically uneven during the 1970s and dominated by a handful of clubs” (Hess et al, 2008, p. 258).

There are other shortcomings with a market approach to professional football. The AFL flirted with private club ownership at one stage. In 1985 ownership of the Sydney Swans was transferred to private interests. Dr Geoffrey Edelsten agreed to pay \$6.5 million dollars for the licence but, unable to finance the deal himself, sought investors. Hess et al describe the management style of the new owners as follows:

The Swans became the epitome of a marketing approach that could only be described as ‘showbiz’. High-flying and tight-shorted full-forward Warwick Capper was an attraction for women, the American-style Swanettes cheerleaders attracted men, and the flamboyant antics of Edelsten and his wife, Leanne, attracted the media and anyone else who valued style more than substance. (Hess et al, 2008, p. 300)

An investor interested in profit, and club management that represents investors, has an obligation to maximise profit. For them the facilitation of the attainment of the internal goods of the game (e.g., skilled play, close contests) is valuable only to the degree that this increases profit. For this reason it is to be expected that at some point, when the two objectives do not correspond, the interests of the game will be compromised. For example, in 1987 the owners of the Swans began selling players to recover personal financial losses from stock market trading. It was clearly not in the interest of the club to lose quality players and the revenue raised was not invested back into the club. In 1988 the VFL paid \$10 for the return of the licence. (Hess et al, 2008, p. 300).

The AFL presents an interesting case as to how external goods are generated and distributed. Restraints of individual liberty are compensated for by greater financial parity and stability among member clubs, the result being, in theory, more equal competition, better competition and sustained spectator interest.

Other goods, many of which have a significant effect upon on field opportunity, are not subject to measures of equalisation. Membership numbers, sponsorship revenue and expenditure on football departments, for example, are essentially left open to market forces and consequently have potential to produce inequalities. Records of expenditure by clubs and the correlation to successful performance are widely reported. An example by Denham (2008) details:

In figures taken between 2003 and 2007 inclusive, the top four football department spenders -- Sydney, Collingwood, Brisbane and West Coast -- averaged \$66m. They all played in at least one grand final after winning, on average, 63 home-and-away games.

The bottom four -- St Kilda, Richmond, Western Bulldogs and the Kangaroos -- spent about \$12m on average less and won an average of 46 home-and-away games. During that five-year period, Sydney, the 2005 premier and 2006 runner-up, spent the most on its football department -- \$66.7m. At the bottom end of the scale are the Kangaroos, who spent \$50.1m, \$8.1m below the competition average. (Denham, 2008)

Inequalities are acceptable as a strategy to equalize on-field and off-field competitive playing strengths. However, they may need to be seen as short-term strategies; otherwise, they could tip the competition in favour of the more heavily subsidized teams, creating a new underclass of clubs who would be at-risk from a sporting and financial point of view.

**Dworkin**

Ronald Dworkin, an egalitarian, believes there is room within a theory of distributive justice for both liberty and equality. According to Dworkin, the market has been celebrated “as a device for both achieving certain communitywide goals variously described as prosperity, efficiency, and overall utility” and “as a necessary condition of individual liberty” but also regarded as “the enemy of equality” (Dworkin, 2000, p. 66). In order to reconcile the two, Dworkin is advocating a free market system, but having the State provide ‘equality of resources’, a base amount of resources to be allocated to individuals to be able to make the best use of upon entering the marketplace.

The principles that underpin Dworkin’s theory are: firstly, that every human life is equally important and, secondly, that each person has a special responsibility for the success of their own life (Dworkin, 2000, p. 5). Dworkin makes use of two general theories of distributional equality: ‘equality of welfare’ and ‘equality of resources’. The essential difference appears to be that ‘equality of welfare’ theories are principally concerned with creating a state of equality that accounts for individual differences in need, whereas ‘equality of resources’ theories are principally concerned with providing an equal share of resources regardless of differences of need.

Dworkin sees flaws in any theory of equality of welfare. In particular, he is concerned that equality of welfare might warrant special treatment of people with expensive tastes or particular desires. If the prescribed outcome of a theory is to ensure that everyone has an equally happy and fulfilled life then, on account of differences in personal circumstances, it becomes clear that different people will require different

levels of resources allocated to achieve this. In the case of people with disabilities, a distribution of additional resources seems warranted by an appeal to equality of welfare. However, it doesn't seem just that resources are distributed to compensate people for having expensive tastes for, say, food and entertainment. For Dworkin,

Most people would resist the conclusion that those who have expensive tastes are, for that reason, entitled to a larger share than others. Someone with champagne tastes (as we might describe his condition) also needs more resources to achieve welfare equal to those who prefer beer. But it does not seem fair that he should have more resources on that account. (Dworkin, 2000, p. 14-15)

When applied to AFL, it may be worthwhile to examine how the league salary cap may disadvantage clubs located in larger metropolitan centres with higher costs of living for players and other club personnel.

Be that as it may, Dworkin prefers equality of resources as the basis of his theory of distributive justice. He posits that "equality of resources is a matter of equality in whatever resources are owned privately by individuals" (Dworkin, 2000, p. 65).

Using the example of shipwreck survivors washed up on an uninhabited but abundantly resourced island, Dworkin argues that it is reasonable for people to adopt the principles that all resources should be divided equally and that any acceptable equal distribution should satisfy an 'envy test'. That is, no person should prefer someone else's allocated resources to their own. The best way to achieve such an outcome, according to Dworkin, is through some form of auction. (Dworkin, 2000, p. 66-68)

The operation of a free market in some form is essential to these concerns. On this he writes:

The idea of an economic market, as a device for setting prices for a vast variety of goods and services, must be at the centre of any attractive theoretical development of equality of resources. (Dworkin, 2000, p. 66)

David Miller defines markets as “systems of exchange in which people with money or commodities to sell voluntarily trade these for other items which they prefer to have” (Miller, 1998, p. 107). On Nozick’s account, equally resourced individuals enter the market and bid and trade for what they want. Accordingly, this theory accounts for both equality and liberty.

To deal with the likelihood that any state of equality of resources would be corrupted over time through the operation of a free market, Dworkin draws a distinction between “brute luck” and “option luck”. Brute luck pertains to unforeseeable developments that cannot be accounted for, while option luck refers to calculated gambles on considered variables. Dworkin argues that misfortune resulting from poor brute luck should be compensated, while the consequences of poor option luck should be borne by the responsible individual. Compensation for poor brute luck would be paid for via levies on all members of society based on a hypothetical insurance market where everyone is considered to face an equal risk of catastrophe.

This distinction is relevant because it would seem important to the maintenance of equality of resources over time that people are compensated for instances of brute (i.e. bad) luck. In cases of poor brute luck, this seems reasonable. However, in cases of poor option luck, this is less clear. Consider the person who wagers their entire savings on a horse race and loses. This person would not seem to be as worthy of compensation as a person who was required to spend their entire savings on an expensive cancer treatment.

The various equalization schemes in the AFL, which distribute sporting and financial resources to member clubs in a way to create a level playing field, seems to be close to this idea of equality of resources. Once the AFL resources are allocated, clubs manage them in a way to enhance the sporting skill base of the team, thus increasing the prospects of on-field success and thus financial sustainability. A relatively level playing field (an internal good of sport) is thought to enhance the quality of the contest, with close contests expected to maintain spectator interest and support more so than one-sided ones.

As discussed above, club membership numbers and sponsorship revenue, for example, are essentially left to market forces and consequently have the potential to produce inequalities among clubs. For example, risky business decisions within this domain might exacerbate inequalities, and it is unclear how the AFL would consider this worthy of compensation. More telling, however, is the instance where a lower placed team acquires top players through the draft, only to have one or several of them injured. This would prove disastrous for a team and for the league's desire for balanced competition in the league, but nowhere is there mention of compensation for these instances of poor brute luck. Here is where this aspect of distributive justice may be relevant to AFL policy.

### **Pluralism and Walzer**

Amartya Sen acknowledges the intuitive appeal of egalitarianism and identifies the central question in formulating a working account of the theory as “equality of what?” He introduces the notion that equality operates in different ‘spaces’. Equality in one variable generally results in inequalities in others. Therefore, the ethical task is to

select the most important variable or variables to keep equal. This is a similar idea to the ‘complex equality’ envisaged by Michael Walzer. For him, equality is not to be understood in a literal sense. Inequalities are allowable but should be constrained when they result in some social groups dominating others.

Walzer is a defender of egalitarianism. However, he takes care to point out that he does not support the ideal of equality in a literal sense. Instead he aims for the elimination of domination of some individuals or social groups over others. On this he writes:

The aim of political egalitarianism is a society free from domination. This is the lively hope named by the word *equality*: no more bowing and scraping, fawning and toadying; no more fearful trembling; no more high-and-mightiness; no more masters, no more slaves. It is not a hope for the elimination of differences; we don’t all have to be the same or have the same amounts of the same things. Men and women are one another’s equals (for all the important moral and political purposes) when no one possesses or controls the means of domination. (Walzer, 1983, p. xiii)

Walzer observes that in the history of the philosophy of distributive justice there has been a tendency towards the creation of some single universal set of criteria or unifying theory. However, he claims that this has never been successfully achieved. Furthermore he believes this has been the case because it involves a fundamental misunderstanding. Instead, Walzer claims:

the principles of justice are themselves pluralistic in form; that different social goods ought to be distributed for different reasons, in accordance with different procedures, by different agents; and that all these differences derive from different understandings of the social goods themselves – the inevitable product of historical and cultural particularism. (Walzer, 1983, p. 6)

Pluralism is the view that “moral values, norms, ideals, duties and virtues are irreducibly diverse: morality serves many purposes relating to a wide range of human interests, and it is therefore unlikely that a theory unified around a single moral consideration will account for all the resulting values” (Weinstock, 1998, p. 529).

Some critics argue that moral pluralism is akin to moral relativism. This appears to be a similar line of argument to that employed by Rawls in criticism of intuitionism.

Defenders of pluralism counter that while the theory allows for numerous different judgments of justice in different circumstances, this is not an endless list and therefore these judgements are far from arbitrary. (Weinstock, 1998, pp. 529-530)

Walzer argues that the test of a just distribution is one that does not involve the domination of any single person or ruling group over others. He observes that historically this has occurred when control over some particular dominant good is monopolised by a particular group. So long as such dominance does not eventuate, Walzer argues that inequalities in the distribution of particular goods should not be problematic. He envisages a 'complex equality' where "different outcomes for different people in different spheres make a just society" (Walzer, 1983, p. 320).

Through history and across cultures, as dominant goods are varied, we should expect our ideas of distributive justice to be modified accordingly.

Walzer identifies three kinds of distributive principles that are both commonly employed and acceptable to him. These are free exchange, desert and need (Walzer, 1983, p. 21). It is foreseen that in each particular sphere of goods the most appropriate of these principles should be employed. In the AFL there would appear to be a good deal of contention regarding the appropriate principles for certain spheres of goods. The very nature of the competition seems to demand that premierships are distributed according to desert. Yet for victory to be truly deserved, it must be earned on a level playing field. To establish such a competition, opportunity for success must be

equalised according to the principle of desert. And if some teams or clubs require greater assistance to access that level playing field this may be provided according to a principle of need. Intervention by the AFL has taken place in the distribution of playing talent amongst clubs, the distribution of revenue and the provision of training facilities. There appears to be several distribution schemes operating in the AFL, some justified perhaps by appeal to one principle, others to other principles.

The notion of 'spheres' employed by Walzer does seem to be akin to Sen's idea of 'spaces', within which equality is thought to operate. Not surprisingly, Sen notes that pluralism has a good deal to offer the distributive justice debate, particularly when it comes to the practical application of theories in real world settings. In relation to this he writes:

We may be concerned with both liberties and with levels of well-being. We may attach intrinsic importance to both well-being and agency. We may value freedom as well as achievement. Indeed pluralist proposals make up much of practical ethics, even though descriptive homogeneity evidently appeals to many moral philosophers (utilitarians among them). (Sen, 1992, p. 132)

Such leanings towards pluralism indicate an understanding of the complexity of the ethical debate regarding distributive justice. As much as there is variety in the possible means of distributing goods, there is equal variety in the types of goods to be distributed. Furthermore, it seems reasonable not to expect that all goods lend themselves to distribution by a single method. As such, it would appear that the task of justly distributing the goods of Australian football must involve matching each good or set of goods with an appropriate principle of distributive justice.

## Summary

This chapter has shown that theories of distributive justice can be applied to inform judgments about the distribution of goods in the AFL. Philosophically, utilitarianism is criticised from both sides of the egalitarian/libertarian divide. Egalitarians are averse to maximisation regardless of distribution for it can generate gross inequalities or the sacrificing of individuals (e.g. Fitzroy Football Club). Libertarians object to the loss of individual liberty for the sake of some greater benefit (e.g. draft & salary cap).

Rawls argued that benefits and burdens should only be distributed unevenly in cases where this was to the benefit of the least well off in society. Nozick defended the view that inequalities are warranted if the acquisition and transfers are just, and violations carry compensation. Dworkin suggested voluntary auction systems or insurance schemes to compensate for certain inequalities. Walzer argued that inequalities in certain distributions or “spheres” are tolerated on the understanding that these will be balanced by inequalities in others.

There are clearly some institutional features of the AFL that are free market driven, and others that are not. Australian Football competes in the marketplace with other sports (especially rugby and cricket) for the corporate (e.g., sponsorship, sale of broadcasting rights) and consumer dollar (e.g., gate receipts, stadiums, amenities, merchandising). The AFL has undertaken an expansion plan to entrench football as the national game.

There are many restrictive trade practices in the AFL that would be considered illegal restraints of trade in most other industries. The restrictive practices are justified

largely on the basis of equality. That is, the centralised control and distribution of clubs and revenues, plus the salary cap and player draft, are justified on the basis of creating the level playing field in sporting (as an internal good) and financial terms. In addition to these measures, the AFL may allocate additional resources to boost the chances of new expansion teams or prop up financially struggling clubs to ensure competitive balance. Previous practices (e.g., father-son rule) that have favoured traditionally strong teams have been altered by compensation schemes, again by an appeal to equalization.

Within these restrictive practices and the mutual benefits they provide to clubs, there is some market leeway. Some clubs can generate additional revenues through marketing, sponsorship and promotion activities, which can act as rewards for good club management. Within the salary cap, there is room for individual reward structures, and higher profile athletes may be eligible for additional income through product sponsorship and media appearances. By and large, the AFL, with its member-ownership and not-for-profit structure, has eschewed free market principles in favour of centralised management of goods, thereby avoiding some issues of domination by member clubs.

Chapter 2 made use of MacIntyre's 'social practice – institution' framework to identify two distinct types of social goods and the normative role that the internal goods and virtues of the practice can have on the AFL's external goods. This chapter outlined the major theories of distributive justice and their application to social goods, especially those identified as being MacIntyrean internal and external goods. The internal and external goods of AFL were shown to be socially contingent, and their

method of distribution subject to socially contingent relations of power. The next chapter will provide further insights into the origins of social goods in Australian football.

## Chapter 4

### Early Years of Australian Football

In Chapter 2, emphasis was put on the use of the MacIntyrean ‘social practice-institution’ idiom to identify various internal goods of AFL (e.g., skilled play, free flow, close contests) and the relationship they have to its host institution. In Chapter 3, much was made of the notion of equality and the justness of financial controls and distribution measures that have been put in place to promote a sporting and economic level playing field among member clubs in the league. Chapter 4 employs a cultural historical analysis to add another layer of understanding of goods and distributive justice in the AFL.

This chapter will take as its departure point Walzer’s notion of a plurality of goods, being alert to how certain social groups may come to possess these goods over others. This chapter aims not to settle justice matters once and for all, but to use cultural history as another tool to unearth some of the major social interests that have shaped the game.

This is very much in keeping with MacIntyre’s notion of practices as historically dependent and continually evolving. For MacIntyre, the internal goods and virtues of a practice are not timeless universals. Rather, they are built up and refined over time, but, for MacIntyre, “the standards [embedded within practices] are not themselves immune from criticism” (MacIntyre, 1984, p. 190). An understanding of Australian football as a social practice, and the AFL as an institution for that matter, could benefit from a concrete examination of its origins.

The use of the cultural history tool will be limited to the early days of the AFL in order to provide some context for understanding the institutionalisation of the game, the emergence of internal and external goods, and the issues of justice that arise as a result. This chapter, like the others, introduces tools to understand AFL and acts as a precursor to a more comprehensive (i.e., ethically informed social-cultural) history of AFL. It is divided into two sections. Section one examines the birth of Australian football in 1858. Section two looks at the formation of the VFL in 1897.

### **1858: Birth of the Game**

The question of exactly when the game of Australian football became established as a practice is not easily settled. Football in various forms has been played in Melbourne since some time in the first half of the nineteenth century. Geoffrey Blainey states that “it is likely that in every year since at least 1840 one match – and in certain years perhaps up to five matches – was played” (Blainey, 2003, p. 11). But the birth of Australian football is generally traced to the publication of a letter written by Tom Wills in 1858. In this famous letter, published in *Bell's Life*, a weekly sporting publication in Melbourne, Wills suggests:

Now that cricket has been put aside for some few months to come, and cricketers have assumed somewhat of a chrysalis nature (for a time only 'tis true), but at length will again burst forth in all their varied hues, rather than allow this state of torpor to creep over them, and stifle their new supple limbs, why can they not, I say, form a foot-ball club, and form a committee of three or more to draw up a code of laws? (Hess et al, 2008, p. 5)

The motivation for forming a football club for Wills, a member of the Melbourne Cricket Club (MCC), had little or nothing to do with football per se; rather, it was mainly to provide an opportunity for cricketers to stay in shape in the off-season.

In the second half of his letter Wills seems nonplussed as to the type of winter activity adopted by cricketers. A significant portion is devoted to outlining the benefits of otherwise forming a rifle-club. Towards the end of the letter he states that he is, “trusting that some one will take up the matter, and form either of the above clubs, or, at any rate, some athletic games” (Hess et al, 2008, p. 5). Given his indifference to the nature of the winter game, it might seem only a quirk of fate that this letter gave rise to the birth of Australian football rather than any number of variations or alternatives.

Another significant figure in the early development of the game was publican and cricketer Jerry Bryant. His involvement would appear to be the first instance of corporate sponsorship of Australian football. Shortly after the publication of Wills’ letter, it was advertised (again in *Bell’s Life*) that at his hotel on a Saturday afternoon Bryant would “provide a football for those who wished to play the game in the adjacent park” (Blainey, 2003, p. 23). According to Blainey, “Bryant’s hope, apart from fostering games, was presumably that the thirsty players would drink in his hotel when they brought back his football at the end of the afternoon” (Blainey, 2003, pp. 23-24). This notion is supported and elaborated on by Hess et al who report:

The life Bryant led, and indeed the life of all professional cricketers, was a tough one, and all avenues were used to eke out money. During this period Bryant used his bowling and the publican business to cultivate a close relationship with the MCC to help him obtain a licence to sell alcohol at major cricket games. Despite a lack of evidence, his involvement in football seems to have been motivated at least as much by a desire to promote his public house as to foster sport. (Hess et al, 2008, p. 8).

Both accounts suggest that Bryant viewed Australian football principally as a means to expand the clientele of his pub.

Hess et al suggest that Bryant's contribution to Australian football has been underrated, and they summarise his significance as follows:

Jerry Bryant was important in three particular areas: the provision of material goods for the conducting of football games; the notion that professional sportsmen, not just amateurs, were important in early football; and the importance of the links between football and commerce – in this case the liquor industry. In the early games of football it was often Bryant who provided the ball, goal posts and boundary flags. Although he was a professional cricketer, the early days of football did not involve payment to players. In an era when amateurs were deemed a superior breed to their professional brethren, the game was egalitarian to its beginnings. (Hess et al, 2008, p. 9)

The role that Bryant plays is noteworthy because he appears to have had a significant effect on the development of the game and who it was open to.

While Bryant's contribution gives some insight into the very early institutionalisation of the game, what in fact was the game? Blainey offers this colourful description of the first match sponsored by Bryant:

Nearly every imaginable code of scratch football was imitated in the one afternoon. The English players tried a version of Rugby and the Scots played a game that defied description while the Irishmen yelled and punted the ball straight up into the air. While that day some players followed the rules they had learned in the British Isles, other footballers followed 'no rules at all'. (Blainey, 2003, p. 24)

At this stage, there was football-like activity, but nothing that was codified or that could be understood as a 'practice' in a MacIntyrean sense. The game was in its infancy, without few rules or ethos to guide behaviour.

A major institution that played a significant role in the establishment of Australian football was the public school. The 'public' schools of the day were in fact private institutions largely for the education of children from privileged families. There appear to be two main factors that led to this relationship. Firstly, students provided a

pool of playing talent; and secondly, these schools generally had adopted and promoted the idea of a “muscular Christianity”. This has been articulated by Blainey as follows:

In Melbourne, football made its first jump forward when it became the game of people possessing more leisure time. Schoolboys then formed the main leisure class: their relatively short working week allowed them some time for sports, especially on Saturday. Moreover, by the late 1850s, some of those headmasters fresh from England were eager to encourage that emphasis on ‘manly games’ which was now visible in many English boarding schools. (Blainey, 2003, p. 12)

The movement is known to have been influential throughout the second half of the nineteenth century. Watson, Weir and Friend explain, “The basic premise of Victorian Muscular Christianity was that participation in sport could contribute to the development of Christian morality, physical fitness, and “manly” character” (Watson, Weir & Friend, 2005).

Martin Crotty notes that, during this time, Australian public school education took up the ideals of manliness and became “less focussed on religion and intellectualism, and more on athleticism, muscularity, patriotism and military capability” (Crotty, 2000, p. 12). Further to this he observes:

Australian public schools recruited their headmasters and other staff overwhelmingly from the English public schools and the Oxbridge universities, so the practices and ideologies of athleticism were diffused throughout the Australian schools in the latter half of the nineteenth century much as they were in England. (Crotty, 2000, p. 17)

Sport, they argued, would teach a boy to be obedient, to be disciplined, to work for the greater good and devote himself to a cause. (Crotty, 2000, p. 20)

The role of the public schools in the development of Australian football is perhaps best encapsulated in a famous match held between Scotch College and Melbourne Grammar. The match was held over three (non-consecutive) Saturdays beginning on 7 August 1858 and ended in a draw, near the Melbourne Cricket Ground (Blainey,

2003, pp. 15-18; Hess et al, 2008, p. 10). In reference to this match, Hess et al echo Blainey regarding the role of the schools in the game's development. They state:

It is no coincidence that such a game should be played by schools. They had a ready-made organisational structure and a body of young men from which they could select a team. Elsewhere there was no existing club structure of any kind that was immediately accessible. It also reflected the well-established program of school football in numerous English public schools. (Hess et al, 2008, p. 9-10)

While the elite grammar schools saw in the game of football a possible vehicle for the promotion of the values of muscular Christianity, their impact on the game itself was also significant.

The unofficial rules that emerged were first codified by a group headed by Wills as the Melbourne Rules shortly after the first matches. These were:

- 1 *The distance between the goal post shall be decided upon by the captains of the sides playing.*
- 2 *The captains on each side shall toss for choice of goal. The side losing the toss has the kick-off from the centre-point between the goals.*
- 3 *A goal must be kicked fairly between the posts without touching either of them or a portion of the person of any player of either side.*
- 4 *The game shall be played within the space of not more than 200 yards wide, the same to be measured equally upon each side of the line drawn through the centre of the two goals and two posts to be called the kick-off points shall be erected at a distance of 20 yards on each side of the goal posts at both ends and in a straight line with them.*
- 5 *In case the ball is kicked behind the goals, anyone of the side behind whose goal it is kicked, may bring it back 20 yards in front of any portion of the space between the kick-off posts and shall kick it as nearly as possible in the line of the opposite goal.*
- 6 *Any player catching the ball directly from the boot may call 'mark'. He then has a free kick. No players from the opposite side being allowed to come into the spot marked.*
- 7 *Tripping and pushing are both allowed but no hacking when any player is in rapid motion or in possession of the ball except for the case provided by rule 6.*
- 8 *The ball may be taken in hand only when caught from the boot or on the hop. In no case shall it be lifted from the ground.*
- 9 *When the ball goes out of bounds (the same being indicated by a row of posts) it shall be brought back to the point where it crossed the boundary line and thrown in right angles with that line.*
- 10 *The ball while in play may under no circumstances be thrown. (Hess et al, 2008, pp. 26-28)*

Far from being a ‘free-for-all’, the key aim embodied in the rules was to move the ball through kicking and running with it in order to get into a position to score by kicking the ball through the opponent’s goal posts. It is interesting that tripping and pushing are permissible, except in cases where the player in possession of the ball is in full flight or preparing to kick the ball after a mark.

Another associated institution with an interest in Australian football was the Melbourne Cricket Club (MCC). Blainey describes how sustenance in the form of *some* facilities was provided by the club during the famous Scotch College v. Melbourne Grammar game.

The pavilion was almost certainly the Melbourne Cricket Club’s low bungalow-type club house, but the cricket ground itself was not opened for the schoolboy footballers. Its strip of turf, if it could be called turf, was considered precious. (Blainey, 2003, p. 15)

Blainey is not specific about the terms under which these facilities were offered, but it is clear that the MCC was providing support for Australian football.

In another passage Blainey considers the part played by the MCC in the “mounting excitement about football” (Blainey, 2003, p. 26). Despite the initial refusal of the MCC to let football be played upon the cricket ground, Blainey notes that many key figures associated with the birth of football were MCC members. Most notably, Wills was the MCC secretary and Bryant was the club’s professional. Blainey also states:

there can be little doubt that most of the keenest players and supporters of the game of football were members of the Melbourne Cricket Club. Indeed there is evidence that the Melbourne Football Club, which was tentatively formed late in the winter of 1858, was at first confined to members of the cricket club. (Blainey, 2003, p. 26)

The popularity and organisation of football grew, due in part to the impact of the three major stakeholders at the time: pubs, public schools, and the MCC. This included the

provision of some infrastructure (e.g., equipment, playing fields, school club organisation, schoolboy participants). It also included the influence of the public schools and muscular Christianity on the codification of the game in terms of embedding certain features (e.g., physicality, aggression, team work, heroic sacrifice) into the game. In MacIntyrean terms, we see the emergence of football as an institution, and the early signs of the development of internal goods and virtues of a practice.

Having identified the stakeholders in Australian football at this point, we are now in a position to consider the distribution of goods associated with football. Hess et al provide valuable historical evidence of the commercial links to Australian football. They also claim that “the game was egalitarian to its beginnings” (Hess et al, 2008, p. 9), referring to the distribution of player payment amongst participants and the fact that all players at this time were unpaid. Sen’s notion of inequalities across variables, plus Walzer’s notion of ‘complex equality’ and the avoidance of social domination, will be relevant here.

So what are we to make of the justness of the distribution of the benefits and burdens of Australian football in 1858? While the early days of the game seem to indicate that the activity was engaged in for its own sake, there are also signs of its colonisation by certain class interests. Egalitarian practices go beyond simply the amateur or professional status of players. From a cultural point of view, the activity originated largely by and for male cricketers; it was an activity taken up by elite, male-only public schools, whose students had leisure on weekends; it embedded upper class

male virtues into the game; and it was an activity supported by a bastion of traditional male power – the MCC.

Following Walzer, the use of a cultural historical approach can help identify social groups that have had a significant influence on the development of football. In the case of Australian football, dominant as it was by white, Anglo elite males, it means that certain interests/values get embedded in what we know as football, while other, excluded groups have little or no say in its development. Working class members of society, for example, are excluded from the power to influence the game, at least in the early days. Women, likewise, are involved largely as spectators and supporters, but not as players or administrators.

The most obvious barrier to participation at this time was socio-economic. Consider that only in 1856 was the Eight Hour Day Movement formed by the Stonemasons in Melbourne and Sydney (ACTU, 2008). Accordingly, only wealthier citizens were afforded the luxury of enough leisure time to engage in or watch sports.

The socio-economic link to participation in Australian football at this time is supported by Blainey who notes that, “Serious sports in this period were more for young men who worked at desks or sat on high stools in offices than for those who did hard physical labour (Blainey, 2003, p. 35). He later reinforces this sentiment in an explanation of why small towns were more unlikely to foster the development of the game:

Nearly all men, whether miners or shopkeepers or farmers, worked on a Saturday afternoon, and it was not easy for employees to obtain leave merely to play football. Even then they usually lost part of their salary or wages if they gained permission to leave work early on Saturday afternoon in order to

go to the football ground. Only a large town possessed a sufficient number of those bank clerks, school teachers, self-employed tradesmen, owners of gold claims and other men of property who had the freedom on Saturday afternoon to chase a football. (Blainey, 2003, p. 40)

Accordingly, what should not go unnoticed is the influence of the Australian union movement in advocating workers rights and shorter working weeks, thereby expanding public access to the game.

Gender can also be thought of as a barrier to participation. Women did not originally play football but they do seem to have always been a part of the culture of spectatorship. Hess et al state, “It has been an observation from the inception of the Australian game that women have been prominent among spectators” (Hess et al, 2008, p. 66). But this seems to be the limit of their involvement. Hess et al also note, “In the early decades of football the sport was run exclusively by men” (Hess et al, 2008, p. 66). Again this would seem to be a reflection of commonly held social values at the time. The role of women in society was seen to be primarily a domestic one.

However, Hess et al also make the important observation that, “There is no reason to think that women did not from the beginning watch the game and understand it fully and support a given team or at least certain players (Hess et al, 2008, p. 68). This is important when considering the role of women in the establishment of complimentary activities, particularly spectatorship and supporting, surrounding the central activity of playing football and their share in the ownership of the game.

Australian football in 1858 was largely an amateur affair with few, if any, external goods for distribution. The early signs of institutionalisation saw the linking of football to local pubs, to the public school system, and to the MCC. As male

dominated institutions, so began, recalling English (1978), a ‘masculine bias’ in football. The game was socio-economically, culturally and gender restrictive, as upper class men imported and entrenched ‘manly’ virtues and values into the game.

### **1897: Breakaway of the VFL**

The institutionalisation of the game had a different flavour to it in the second half of the nineteenth century. Many Australian football clubs were formed in Melbourne. The first of these to establish an administrative branch was the Melbourne Football Club in 1859. This was comprised of a “secretary, treasurer, and committee of five... appointed to conduct the affairs of the club, in which about 60 gentlemen have already enrolled themselves” as reported by Hess et al (Hess et al, 2008, p. 41).

It appears that these clubs all, more or less, took on the same form. That is, they were membership based organisations with players comprising the membership base. They were run on a not-for-profit basis with the sole objective of facilitating games of football for members. Players, at least initially, were not particularly loyal to any given club. On this Hess et al state, “There was a fluid movement of players between teams in this period” (Hess et al, 2008, p. 38).

The role of the club was simply to arrange equipment, opponents, venues and facilities for playing football. Equipment was sometimes procured through modest levies on members. Opponents were at first organised on a fairly ad hoc basis. Venues were found in local parks as Blainey describes: “the game developed in the tree-studded parklands of Melbourne” (Blainey, 2003, p. 50). Other facilities were typically secured through affiliations with hotels. In these early years of Australian

rules football, most clubs were dependent on the support of local hotels. The nature of this reliance is illustrated by Hess et al in a description of Geelong Football Club's association with the Argyle Hotel:

The football ground in Geelong was next to Mr O'Brien's Argyle Hotel, where the teams got ready and dressed. Before the game and also at intervals during it, players ate and drank at the hotel. The Argyle Hotel was also the administrative venue for Geelong Football Club meetings. The pattern of using hotels in this manner was repeated throughout the colony. Proprietors had a vested interest in making sure that teams were fed, provided with drink and looked after with baths following a game. For example, the Clyde Hotel on the corner of Elgin and Cardigan streets in Carlton offered refuge and drink to the Carlton Football Club in the 1870s. (Hess et al, 2008, p. 45)

These arrangements reflected a similar tradition in British sports. Collins and Vamplew (2000) report that, "Many clubs developed long and mutually beneficial relationships with the pubs that provided them with facilities" (Collins & Vamplew, 2000, p. 6).

The reliance on public parks as venues seems to have had a profound and lasting effect on the relationship of players and spectators in Australian rules football. Yarra Park, where the MCG now stands, was the main ground used and other matches were played in Royal Park and Albert Park. At Yarra Park footballers were not allowed to make use of the cricket ground itself, so games were instead played in the parkland alongside.

Blainey notes that while the conditions of the playing surface were far from ideal, there was one particularly significant and positive consequence. On this he states, "The only advantage of playing here rather than on the Melbourne Cricket Ground, just across the tall iron fence, was that spectators were admitted without paying. The land was essentially a public park" (Blainey, 2003, p. 101). Blainey argues that the

ready access this afforded to all members of society regardless of socio-economic standing was an important factor in the game being rapidly adopted by a broader cross section of society than at its inception. He writes:

Australian football in its early years was a completely free sport. If a few pence had been charged for admission, football might not so quickly have become a sport for the people. (Blainey, 2003, p. 101)

While this is a compelling argument, it is difficult to imagine that such an effect could have been achieved without the simultaneous gains being made by the labour movement in terms of increased leisure time for workers.

In any case, it is curious that players and spectators of football seemed to be on a roughly level pegging during games. Blainey describes:

As most games were played in public parklands, the footballers usually had no special rights over those who chose to use the park for other pleasures. Footballers wielded little power over the spectators. The line of flagposts that marked the football boundary was easily crossed by spectators, and even law-abiding citizens who watched the football had no hesitation in moving onto the playing field in order to improve their view when the match became exciting. (Blainey, 2003, p. 103-104)

Encroaching on the arena was almost a tradition. (Blainey, 2003, p. 104)

The involvement of spectators seems to have been so complete that Blainey even credits this group of stakeholders with a role in the invention of Australian football. Blainey's argument rests with an observation he makes on the resolution of an early argument amongst rule makers about whether to encourage a tight rugby-like style of play or an open free-flowing one. He states:

More and more players grabbed the ball and ran. By 1864 the runners were winning the debate on which style of football should prevail. They were winning partly because the game they played was more appealing to the people. The spectators who stood near the boundary flags were therefore to be counted amongst the inventors of the new code of football, for their preferences influenced the rules which, for the most part, were slowly rewritten or reinterpreted to encourage open play. (Blainey, 2003, p. 74)

The importance of the Blainey passage above cannot be underestimated; it is not just that spectators seemed to be influential in the shaping of the game, but this is a crucial moment in the development of one of the internal goods of the game – free flowing play. This internal good, established at this moment, becomes throughout the subsequent history of the game, one of those preferred styles of play that act as a standard against which to justify rule changes (e.g., 50 metre penalty) to rule out contrary forms of play (e.g., delay tactics), as discussed in chapter 2.

Another entrenched feature of Australian football throughout the years has been the strong connection felt by supporters to their own particular team. Initially this was based upon the links between football clubs and their local communities. Hess et al observe, “As the game spread through Melbourne’s suburbs, teams became identified strongly with local communities” (Hess et al, 2008, p. 51). Hess et al elaborate:

Clubs developed rapidly throughout Melbourne and Victoria during the 1870s. A successful football club became an emblem that adorned local businesses and inspired schoolchildren, churches, and working and professional men and women. Clubs came to symbolise the area from which they originated, and links were established with small businesses. Community pride was increased when teams won, and the game in the 1870s was perhaps the most talked-about recreation. It brought together different social classes. Local schools and church groups all came to link in and be identified with football clubs in a manner that perhaps had not happened with any other sport in colonial society. (Hess et al, 2008, p. 70)

The links between clubs and their local communities appears to have produced benefits related to social identity and community.

This association between football club and its respective community meant that a greater amount, and different type, of importance was placed on winning games. Prior to the link between winning football games and the civic pride of suburbs, there was no external incentive for players to want to win. The notion that the benefits and

burdens of a team's winning or losing are somehow conferred upon or borne by the suburb they represent has an important bearing on the importance attached to winning and barracking for the local team, plus increased competition for talented footballers.

In the earliest decades of Australian football the players remained unpaid. Hess et al write, "There was no indication that players were paid money, but it is still possible that under-the-table payments were made to induce men to play for given teams (Hess et al, 2008, p. 51). The potential for illegal payments was made even greater due to the higher stakes of local allegiances.

With the rise of representative sport, one would expect increased competition among teams for talented players. Presumably, good players are valuable in terms of bringing their ability and skill to bear on the outcome. The amateur ethos prevents players from having football skills rewarded on merit. The increased surplus produced by teams, especially the stronger teams, would likely increase the temptation to pay good players under the table if it was thought that it would increase the chances of team success. At the same time, there are those who would be encouraged to bribe players to throw games in order to produce favourable outcomes, especially for gamblers and bookies.

The appeal to amateurism was founded on assumptions that players motivated either wholly or partly by the pursuit of external goods (i.e., money) would somehow lack a commitment to maintaining the integrity of the practice itself. In other words, football might become 'ungentlemanly'. The notion that sport is necessarily sullied through the association of external goods through institutions has been disputed in Chapter 3

of this thesis. However, there may have been other factors at work (e.g., class distinctiveness) to explain why the middle and upper classes in particular might have been so committed to amateurism.

Soon after the development of football clubs came the development of associations and leagues. These represented a further institutional layer surrounding the practice of playing Australian football. The precursor to them was the Challenge Cup. The organisation of this competition is described by Hess et al as follows:

In 1863 the clubs competed for a trophy offered by the Caledonian Society. They challenged one another in designated matches to compete for the cup, and the winner of each challenge would hold the cup until defeated. If a team won on three successive occasions they would hold on to the cup presumably for the entire year. (Hess et al, 2008, p. 47)

It is clear that by this time in the game's history winning had become even more important. This must have been due, at least in part, to the growing value attached to a successful football team by its suburban communities. It is evident in calls for limits to be put upon player movement between clubs. Hess et al observe, "The stipulation that players remain with one club while playing for the Challenge Cup reflected an ongoing concern with players moving from club to club" (Hess et al, 2008, p. 51). This would appear to be amongst the very first instances of any form of control in Australian rules football over which players might be eligible to play for a given team at a given time.

Another important change to the nature of the relationship between supporters and their clubs occurred in 1876. For the first time in the history of the game, one held on the new Carlton ground at the top of Swanston St., spectators were required to pay for admission. Blainey describes how this came to pass:

At much expense the Carlton committee levelled the ground, compacted the soil with a horse drawn roller and erected an ornamental fence around the north-south playing arena. (Blainey, 2003, pp. 111-112)

As an iron fence controlled entry to the new ground, Carlton was able to charge sixpence to each spectator until the arena's initial expenses were defrayed. (Blainey, 2003, p. 112)

Although there was an initial drop in crowd numbers, other clubs, beginning with Melbourne on the MCG, followed suit and the custom soon became commonplace. This move was also important as it provided a means for clubs to move away from their dependence on local pubs as changing rooms and meeting places.

As the practice of playing Australian football grew and developed, its need for organising institutions grew accordingly. As a result, the Victorian Football Association (VFA) was formed in 1877 as an overarching organising body (Hess et al, 2008, p. 88). The reported reasons for its formation were “to promote the game throughout the colony of Victoria; to have control over intercolonial contests; to ‘act as a court of appeal’ in case of disputes; to review the rules as needed; and to manage the overall interests of the game (Hess et al, 2008, p. 88).

The VFA, as an institution, appeared to be very egalitarian in its set up with regard to the distribution of both political representation and material goods.

The association was constituted with delegates from all senior clubs; no more than two delegates were allowed per club. The profits of the matches after expenses had been deducted were to be divided among the clubs in proportion to the number of delegates from each club. (Hess et al, 2008, p. 88)

Hess et al describe the VFA as “paternalistic”, and it is estimated that 133 teams were affiliated in 1877 and state that, “All were eager to find a place ‘under its sheltering wing’.” (Hess et al, 2008, p. 97)

One dubious feature of football competitions had been the ad hoc organisation of matches. This led to difficulty in determining the relative standing of teams given that some teams might boast a superior win-loss record to others primarily because they had played weaker teams more often. Furthermore, while playing weaker teams was of benefit to win-loss ratios, it was detrimental to gate receipts because one-sided matches were less popular with crowds. Blainey observes that “For the 1889 season the Association, in a bold step, organised the fixtures on a rough principle of equality” (Blainey, 2003, p. 160). However, this move was not well received by the stronger clubs.

The efforts of the VFA administration to promote equality were undermined in a number of ways. With the introduction of admission charges for spectators, clubs were easily able to meet the costs of maintaining grounds and providing facilities to stage the football matches. In fact, there were large amounts of money remaining after costs had been met. As Blainey describes:

Money crept into football. The jingle of the sixpences could be heard behind the grandstand. Those attending Association matches on Saturday afternoon had to pay a silver coin at the entrance gate. Crowds were often so large that money accumulated in the bank accounts of the stronger clubs.” (Blainey, 2003, p. 160)

This is echoed by Hess et al, who indicate, “With the enclosure and the development of venues came admission charges, growing revenue and the problem of distributing funds” (Hess et al, 2008, p. 99).

This benefitted the stronger clubs more because it entrenched their position of relative power over other clubs. A stronger playing group and greater on field prowess led to a

larger numbers of supporters and greater revenue. This off-field success in turn provided the means to ensure on field success, and vice versa.

Since players could not be paid without compromising amateur ideals, it was thought that these funds could really only be fairly spent on improving grounds and other facilities. However, it soon became clear that the revenue raised was far greater than what was required to organise and stage competitions. The prescribed solution to the problem was for surplus funds to be handed over to charity. This custom is described by Hess et al as follows:

As revenue increased, a percentage of the gate receipts was given to hospitals and charities (and sometimes even strike funds), but the greater part was allocated to ground improvements. In line with the amateur ethos of the nineteenth century, the Association endorsed these arrangements and stipulated that any surplus funds left over after costs had been met would be distributed not to members but to charities. Hence the tradition arose that one day of the season was nominated as ‘Hospital Saturday’ and all proceeds that day from gate receipts and collection boxes were distributed to a charity or hospital. (Hess et al, 2008, p. 100)

In terms of justice, this distribution scheme appears to embody both the amateur ethos plus the Christian virtue of charity. In terms of justice along the lines suggested by Rawls, this distribution served to benefit the least well off in society at the time.

However, the temptation to use the surplus funds to further partial interests proved too great for most involved in the administration of the game at club level. In fact, player payments were frequently being made at this time. These were disguised in numerous ways. As Blainey explains:

A player’s weekly rent, in the football season, might be paid to his estate agent. Money was lawfully given to a player in the form of a silver watch, a valuable trophy or a diamond ring for his girlfriend. Rich local supporters gave money to the best players or employed them – in a hotel or factory – when they were not very employable. (Blainey, 2003, p. 161)

An ideological rift seemed to have formed in the football community at this time, roughly organised along class lines. Hess et al report that the pressure to maintain football's amateur ideals seemed to stem from the middle classes of society stating, "Payments to players were condemned in strongly emotive language by middle-class opinion-makers" (Hess et al, 2008, p. 101). On the other hand, members of society's lower bands were more pragmatic in their views. Hess et al state:

In this context, anachronistic amateur ideals that were inherent in the early administration of the game were being challenged by an increasingly large urban working class that had few scruples about the concept of professional or semi-professional sport. Thus while few fans or commentators objected to football revenue being used to improve ground amenities and facilities for spectators, the issue of payments to players was increasingly divisive. (Hess et al, 2008, p. 101)

Blainey provides a similar account of the state of financial affairs in football at the time:

The avalanche of silver coins was used to help charities, to pay existing players and to poach others from rival clubs. A few banknotes easily persuaded a young player – especially one who was newly married with a rented house and inadequate furniture – to join a wealthier club. In most teams, however, were players who remained amateur in spirit. They believed that a love of the game, not love of money, should be the goal. Some genuinely combined the acceptance of a little money – they needed it – with the belief that football transcends money. From a lofty height a waterfall of morality splashed down on players of that era, and many viewed sport both as an enjoyable contest and a way of displaying practical Christianity. (Blainey, 2003, p. 161)

Blainey also reports that the problems associated with player payments, although widely known, were generally not challenged from within the football community.

This he believes was due to the fact that most clubs were compromised. He writes:

Most delegates who attended meetings of the Victorian Football Association knew sooner or later of the existence of certain silent financial ideals. They did not denounce their colleagues, maybe fearing that their own club would be denounced in turn. (Blainey, 2003, pp. 162-163)

Another group of institutions associated with football at this time were bookmakers.

Their association with the game appears to have been entirely self interested and

harmful to the integrity of the practice. Blainey explains their influence on the game:

Bookmakers slipped through the football gates. There was public gambling on the outcome of important matches – more gambling, probably, than half a century later. Bookmakers attended certain grounds, paraded at a prominent spot and made bets. (Blainey, 2003, p. 163)

The danger, then as now, was that footballers would gamble on games and, just occasionally, under persuasion from bookmakers try to influence the result. (Blainey, 2003, p. 163)

Blainey also reports that there are several known cases of players being either expelled, suspended or disqualified for life on charges of match fixing. Instances of match fixing in football are also reported by Hess et al who state:

In the early 1890s, a number of poor performances by highly fancied teams were attributed to bribes, and it appears that betting and touting for players became widespread if not endemic. (Hess et al, 2008, p. 102)

While winning became more important with the rise of representative football, there were still signs that the football public found unappealing one-sided or predictable outcomes, either because of the uneven strength of teams or through match fixing. The cases of match fixing in particular demonstrates how the pursuit of external goods (i.e., money) can undermine the efforts of the association to promote virtues (e.g., amateurism) and in and through Australian football.

Yet, the temptation to take a bribe, and thus compromise the internal goods for external goods, may have been more keenly felt by poorer players. Wealthy participants need not bother to “play dead” for a bookmaker’s bribe and were therefore free to sanctimoniously decry such practices as immoral. Similarly the ideal of amateurism could be upheld as an important moral good by those in no need of any additional income.

The stronger clubs in the association were able to maintain their position through a mixture of legitimate and illegitimate means. Stronger on-field performance bred greater community support, larger crowds and more money to ensure future on field success. A cycle of advantage and disadvantage was entrenched. Tension grew between these stronger clubs and the VFA administration. The VFA wanted to implement measures to equalise the competition while the clubs were keen to protect their own interests. Eventually this led to a rift as described by Hess et al:

The crucial issue that precipitated the schism was 'relativity'. In short, the stronger wealthier clubs had grown resentful of carrying the poorer weaker ones. Therefore, when the secretary of the Association put forward his plan to centralise and equalise the distribution of revenue, the clubs in a stronger financial position felt disadvantaged and soon realised they would be better off without their poorer neighbours. (Hess et al, 2008, pp. 108-109)

Hess et al also describe how the factors that precipitated the split also ensured the success of the new Victorian Football League (VFL):

Those well-established clubs at the top of the hierarchy were able to strengthen and consolidate their position during the 1880s and 1890s because they had well-developed venues and advantageous tenancy arrangements, and most of their grounds were situated close to existing forms of public transport, including not only rail but cable trams and horse cabs. It was these same factors that guaranteed the success of the new League in the years that followed, and on this basis it is clear that the VFL was well placed to become the dominant competition even before a ball was kicked in the opening round of the 1897 season. (Hess et al, 2008, pp. 109-110)

The VFL was comprised only of the wealthiest, most successful and well supported teams. Although there was some backlash on account of a perceived desertion from the VFA, the eventual success of the new competition was predictable. Blainey notes:

The League, slowly, was to prove a success. Becoming the dominant body in all Australia, irrespective of code, it supervised many facets of the game and its growth. (Blainey, 2003, p. 169)

Hess et al also observe:

After a shaky start, crowds were eventually attracted to the VFL by keenly contested end-of-season matches and the initiative of finals games. The generally higher attendances at League games were naturally facilitated by the very same factor that had caused the initial split in 1896: better grounds, and in particular access to the MCG, which became available for finals games from 1902, meant that crowds – and revenue – remained with the stronger VFL competition. Moreover, the relative evenness of the top teams in the VFL, and the way in which the league was increasingly associated with successful finals, gripped the public imagination as an increasing amount of newspaper column space was devoted to the League, although the VFA was never entirely ignored. By the time the season ended, it was clear that the VFL had established itself as the premier competition in the colony. (Hess et al, 2008, pp. 113-114)

Instead of agreeing to a revenue distribution scheme that aimed to produce evenness of competition in the entire VFA, the top teams of the time decided presumably that they had enough relatively evenly matched teams to sustain a competition without having to subscribe to a revenue equalisation scheme. Just the same, the evenness of competition came to be embedded as an internal good important for spectator appeal and financial sustainability of the new VFL.

### **Summary**

The years between 1858 and 1897 saw Australian football undergo several institutional developments and take on a variety of meanings. Australian football began as an amateur activity engaged in, or spectator, for its own sake. The three major stakeholders at the time (pubs, public schools, and the MCC) in one way or another supported the development of football, through either providing infrastructure (e.g., equipment, playing fields, school club organisation, schoolboy participants), codifying game rules, or introducing the virtues of ‘muscular Christianity’ (e.g., physicality, aggression, team work, heroic sacrifice) into the game. Advances by the workers’ rights movement helped to ensure that access to participation in playing

football was no longer restricted to the upper and middle classes, but women's participation was still restricted largely to a spectator role.

The growing popularity of the game saw greater investment in infrastructure, paid admission, and player payments. As a semi-professional activity, winning became important for the financial rewards for players and for the civic pride and increased commercial activity it spawned in communities. Support for professionalisation was split along class lines, with the middle and upper classes clinging to the amateur ethos.

Through the cycle of supremacy involving greater on-field success, the attraction of more fans and revenue and the buying power this afforded to attract more talented players, certain clubs were able to cultivate overwhelming status and strength. This culminated in the creation of a private league at the exclusion of the poorer performing clubs. While the VFL was operating on egalitarian principles, it was clear that market forces were factored into the move to form a breakaway league.

Consistent though in the transition from the VFA to the VFL is the commitment to relatively even playing strengths to produce the best quality contests, even though this was accomplished by forming a breakaway group of strong clubs rather than by a significant resource redistribution scheme to prop up weaker clubs.

It is clear that Australian football had emerged as a distinct practice with a significant number of associated goods, some financial and others related to the internal goods and virtues of the game. The important point to take from this chapter is how the internal goods and virtues are not to be seen as timeless ideals, but the result of certain

powerful social interests. The cultural-historical investigation undertaken here has demonstrated that the institutionalisation of the game was socially grounded and contested amongst differing social classes/groups and their respective interests.

## **Chapter 5**

### **Summary, Conclusions and Future Directions**

Australian football has a special place in Australian culture and society. The AFL is the most popular sporting league in the country and, as fully corporatised in the twenty-first century, it commands enormous media attention and generates significant revenue. Many elements contribute to this success. Partly, it is the unique characteristics of the game itself. But it is also the history, traditions and special connection that fans feel for their own team. Many people have a stake in Australian football, for a range of different reasons. For some, it is a passion; for others, a vocation/business; and for many, it is both.

#### **The Goods of the Game**

There are a number of goods at stake in Australian football. This is true in terms of both range and magnitude. Chapter 2 was concerned with the identification and analysis of the goods of Australian football. These include economic goods (e.g., revenues, salaries), social goods (e.g., community identity and pride, player fame) and those related to the sport itself (e.g., participation, skilled play, flowing play, close contests). Concern about the corporatisation of sport is often voiced as a worry that an overemphasis on economics has a detrimental effect on the sport itself. Australian football has not been immune from this claim.

In this chapter MacIntyre's 'practice' – 'institution' framework (1984) was introduced as a tool to critically discuss and evaluate the goods of the game. Australian football

can be understood as a practice, that is, as an established community (i.e., players, coaches, knowledgeable spectators and journalists) with specific internal goods (i.e., standards of excellence and virtues) that define and guide behaviour. Australian football is also an institution in the sense of it being organised and managed by the AFL, which in turn is connected to other institutions (e.g., government, media).

Institutions sustain associated practices by taking responsibility for the management (i.e., production and distribution) of relevant external (i.e., financial) goods, and make decisions often on the basis of what's considered 'good for the game'. However, there is the concern that institutions and external goods can corrupt practices. That is, institutions may attempt to maximise profits at the expense of a practice's integrity, or practitioners may be tempted to forego some internal goods to achieve greater external goods for themselves.

In this chapter, the case was made that MacIntyre's social practice – institution framework provides a useful tool to describe and evaluate Australian football, as it makes a distinction, and examines the relationship between, goods that are more financial in nature and those that are related to football as a sporting practice.

While useful, it is suggested that MacIntyre's conceptualisation of practices and institutions could be refined in a number of ways. Firstly, an understanding of mixed goods, following McNamee (1995), would make possible more sophisticated descriptions of the different types of goods in Australian football. This acknowledges that not all associated goods can be neatly placed in the category of being either an internal or external good. External goods may be produced through the achievement

of internal goods and some stakeholders (e.g., players, coaches, managers) might hold mixed motives for participation which can be comfortably reconciled.

A second suggested refinement has to do with the contention that institutions always tend to corrupt practices. While examples of the corruption of practices by institutions abound, it is not always the case. Other examples discussed in this chapter showed how institutions have recognised and protected the internal goods and virtues of practices, with a particular emphasis on Australian football.

Lastly, it should be recognised that the internal goods of a practice are not necessarily or always a guide to virtuous behaviour. There are cases where certain forms of behaviour (e.g., violence, racial vilification, homophobic slurs) are condemned as illegal, illegitimate, discriminatory or unjust in larger society, but have been or are considered 'just part of the game' in sport. In cases like these, there may be a need for additional external critique to identify and redress dubious on-field behaviours as well as some entrenched social attitudes in sport that underpin them.

### **Just Distributions**

Chapter 3 introduced theories of distributive justice and how they could be used to inform judgements around the distribution of the goods of sport and to those in Australian football in particular. This philosophical tool helped to deal with ethical questions such as: who should get what benefits; who should bear what burdens; and why? It was put forward that all major theories of distributive justice are egalitarian in some sense, whether they call for equal income, equal rights or opportunity, equality of preferences, or how inequalities can be justified or compensated for.

This chapter identified two key features of the AFL as an institution that relate directly to notions of justice and equality: member ownership and cartelisation. The league and its constituent teams operate on a not-for-profit, membership basis; there are no privately owned clubs and no stockholders. The cartel structure of the league, with monopoly control of the player and product market, generates and distributes revenue in ways that are thought to be good for the game.

It was demonstrated that there are some institutional features of the AFL that are free market driven, and others that are not. The AFL competes in the marketplace with other sports for its share of the corporate (e.g., sponsorship, sale of broadcasting rights) and consumer dollar (e.g., gate receipts, stadiums, amenities, merchandising). The AFL has also undertaken an expansion plan in an attempt to solidify its claim to be the national game.

By and large, the revenues of AFL were shown to be generated by restrictive trade practices in the product market and player market (e.g., limited number of clubs, player draft, salary cap). These restrictive trade practices in the AFL, which would be considered illegal restraints of trade in most other industries, are justified largely on the basis of equality. That is, the centralised control and distribution of clubs and revenues, through measures such as the salary cap and player draft, are justified on the basis of creating a level playing field. A level playing field is thought to produce higher skilled play and close contests, making them mixed goods that benefit the AFL in both sporting (as an internal good) and financial terms.

The AFL may allocate resources to boost the chances of expansion teams or prop up financially struggling clubs to ensure competitive balance. The pooled revenues of the AFL may also be used for marketing and junior football development in order to 'grow' the game. While some clubs can generate additional revenues for themselves through marketing, sponsorship and promotion activities, the AFL was shown to abandon certain free market principles in favour of centralised management of goods, thereby reducing the likelihood of certain clubs dominating the competition.

The tension between equality and liberty was shown to be a central theme running through debates on distributive justice. Not surprisingly, they have been identified in many debates about Australian football policy. Equalisation has been a major policy platform of the AFL administration for several decades, and continues to influence many current initiatives.

### **The Early Years of Australian Football**

In Chapter 2 it was noted that MacIntyre suggests that practices, and institutions for that matter, are historically dependent and continually evolving. That is, while it was shown that the internal goods and virtues of a practice have normative force, they are not timeless universals. Rather, they are built up and refined over time. In Chapter 3, Walzer's argument against the notion of a unified theory of distributive justice was introduced, preferring pluralist concepts to deal with a variety of goods as they evolve, and not allowing the social interests and goods of some to dominate those of others. Chapter 4 used a cultural-historical approach to trace in concrete terms the early development of the institution and social practice of Australian football.

The first section looked at the birth of Australian football in 1858, while the second looked at the formation of the VFL in 1897. These periods were selected to give insight into the major social groups and forces that gave rise to and shaped the goods of Australian football and their patterns of distribution.

The beginnings of Australian football are described as a call for players of an undefined game which led to the organisation of games, establishment of rules, formation of clubs and the development of the common standards of a sporting practice. The first players were drawn from disparate sporting backgrounds so the game emerged under the influence of a variety of ball games. Through a process of trial and error it started to take form as a distinct and unique game in its own right. The players defined the aim, methods and style but were heavily influenced by spectators, particularly with regard to the establishment of a free, open and fast moving style of play.

There were few key stakeholders and while goods were shared equally, participation was restricted. Institutionally, support of the practice at this point in time can be seen to have come from three major social groups; pub owners, public schools and MCC members. These bodies had a telling influence upon the type of virtues that became embedded in the game. Important influences exerted through these groups were a commitment to amateurism and the privileging of the values of muscular Christianity within the virtues of the newly established practice.

1897 marked the breakaway of the Victorian Football League. By this time many clubs were established and linked strongly to their local suburban communities. These clubs were organised into the Victorian Football Association. Participation was now open to a broader range of participants. Advances by the workers' rights movement helped to ensure that participation in playing football was no longer restricted to the upper and middle classes, but women were still largely excluded from all but spectating.

As the practice grew, so to did its network of surrounding institutions. Many of these existed with no obvious agenda other than to support the practice, particularly clubs and associations. But, digging deeper, there can be seen to have existed a number of other, and sometimes conflicting, interests. For the working class, football came to represent a means of social and financial advancement, and consequently success in football took on greater meaning to individuals and local suburban communities. Resistance to the commercialisation of football came from middle and upper classes under the guise of commitments to amateurism and other moral ideals.

The professionalisation of Australian football was resisted, with a split emerging along class lines. The middle and upper classes fought to preserve the amateur ethos while lower classes had no scruples about improving their lot in life through paid participation in sports.

These tensions were exacerbated as paying spectators resulted in significantly greater amounts of money to be distributed by and for the game's stakeholders. While more people from various classes of society were able to share in these, they were no longer

shared evenly. A small group of powerful clubs emerged who were able to cement their position of supremacy through a cycle of on-field success. Greater supporter numbers, revenue and buying power in turn allowed them to attract more talented players and thus ensure future on field success.

Eventually these powerful clubs formed a breakaway league, the VFL. The VFL clubs acknowledged the benefits of equality, with value being placed on close contests between evenly matched teams. However this ought not be confused with a commitment to egalitarian principles. The establishment of the league in the first place, at the exclusion of all other teams, was distinctly inegalitarian.

The social history approach to this chapter gives life to these pivotal events in Australian football. A full discussion of their justness or otherwise goes beyond the scope of this thesis. However, it has been clearly shown that Australian football had developed into a distinct practice with significant associated goods, both internal and external. The key conclusion to be drawn is that the internal goods of the practice and their associated virtues were then, as they are now, contingent upon the dominant social interests of the time. A cultural-historical investigation, used in conjunction with MacIntyre's account of practices and theories of distributive justice, can help to shed light on ethical questions about significant events in Australian football.

### **Future Directions**

This thesis has employed MacIntyrean (institution-social practice) virtue ethics, distributive justice theories and cultural-history to Australian football, especially the birth of Australian football in 1858 and formation of the VFL in 1897. However, there

is much more in the evolution of Australian football and the AFL that could be subject to similar investigations. It needs to be made clear that there have been many pivotal periods and events in the evolution of Australian football, but it is beyond the scope of this thesis to cover them all.

Ross Booth (2000, 2004 & 2005) has identified six Periods of Labour Market Intervention and Revenue Sharing in VFL/AFL football in his economic analysis of competitive balance mechanisms. These highlight the significance of various applications of free agency, metropolitan and country zoning, the Coulter Law, revenue sharing, salary caps and player drafts throughout the history of Australian football at the elite level. All administrative decisions regarding, and public debate around, the implementation of any of these are ripe for analysis in terms of their effect on the distribution of significant goods of Australian football.

Research along the lines undertaken in this thesis could focus on the evolution of playing grounds. Numerous distinct local suburban grounds have been displaced by fewer larger stadiums. Along the way decisions have been made to purchase land and establish VFL/Waverley Park, invest (or not invest) in upgrades such as new stands and lighting, relocate teams, sell Waverley Park, and establish the Docklands stadium. Each of these decisions has had an impact on the amount and types of goods produced through Australian football and, significantly, their distribution.

Further research could be undertaken on the pre-eminence of the VFL, its transformation to the AFL and usurpation of the National Football Council, particularly in light of the battles fought over control of a national night series

competition in the late 1970s. These events appear to contain certain similarities to those surrounding the formation of the VFL over one hundred years prior. It seems inevitable that similar challenges will arise in some form of international expansion of Australian football in a now globalised world of sport.

Using the methods prescribed in this thesis, research could explore the labour movement's impact on Australian football. Of special interest too is the changing relationship of fans to the game, as loyal supporters and as customers. Supporters have helped shape the game itself and form a significant part of its culture. Supporter groups have played significant roles in various 'fight back' campaigns to save teams from dissolution or to prevent mergers. Spectator rights and community activism could easily constitute a research paper in its own right.

The AFL seems to be becoming the moral guardian of the game with increased on-field and off-field regulation of behaviour and a greater emphasis on addressing political and social issues. Programs to promote respect towards women, anti-vilification, the responsible consumption of alcohol, and professionalism both on and off the field, are all examples of the social, moral and political interests at play within Australian football. The type of philosophical and cultural-historical tools employed in this thesis might prove useful in informing public debate and AFL policy making as the nation's game moves forward. The insights gained from a more comprehensive analysis of the distribution of goods in the high-profile AFL could also inform an analysis and policy direction of other institutions (e.g., healthcare, education) where widespread social goods are at stake.

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