

## **“Proud, rebel, political”: How Maradona influenced football governance**

Rusa Agafonova  
University of Zurich  
rusa.agafonova@gmail.com

### **Abstract**

It is difficult to put the phenomenon of Diego Armando Maradona into legal terms. Nevertheless, Maradona contributed to the economic and political landscapes of football as we know them today. The Argentinian legend played an enormous role in popularising football on a global scale and made it a part of popular culture. Maradona was also known for his turbulent relations with football governing bodies, notably with the FIFA, the international football federation. On some occasions he acted as FIFA's ambassador, on others he criticised the organisation harshly. In this article, the author wants to revisit Maradona's style of making political statements and his manner to interact with sports organisations in order to understand whether his personality would fit modern sports regulatory framework and which lessons can be drawn from his approach by athletes and by governing bodies.

**Keywords:** Maradona; sports governance; freedom of expression; FIFA; democratisation.

### **1. Introduction**

Diego Armando Maradona is not only the best football player of the 20th century but also stands out as the loudest voice advocating for the rights of athletes and for human rights in general. In some sense, he was bound to become “the voice of the voiceless”. First, given his background and biography, Maradona knew firsthand about political injustice, arbitrariness of football management, commercial interests steadily invading football, corruption of the game he loved. Second, having built an astonishing football career, strong bonds with the fans of all the teams he played in, an influential market brand around his name and a reputation of an outspoken leader, he was perfectly placed to speak up and to be listened to.

Today, freedom of expression in sport as well as its limits have attracted a lot of public attention and sparked many debates. The case of Colin Kaepernick's kneeling during the American anthem in support of racial injustice in the USA was one of the most discussed. For multiple

reasons, sports governing bodies (hereafter: SGBs) make an all-out effort to keep the sporting environment as neutral as possible by strictly regulating public behaviour of participants on and off the field. Rule 50 of the Olympic Charter, Law 4 of the IFAB Laws of the Game 2021-22, Article 110 b). of FIBA General Provisions 2021 are the products of the “neutrality approach”. Athletes performing under the auspices of sports federations are normally prohibited from making overt references to political and social topics unless these are pre-authorised by the sports federations themselves. Every collective initiative or individual message is placed under firm control of governing institutions. It is true that these rules give a certain leeway for interpretation by SGBs. Notwithstanding, violation of these rules might cause serious consequences for an athlete and result in disqualification or suspension from competitions (which are provided by Rule 59 of the Olympic Charter). The position of SGBs is subject to critics as it violates the right of athletes to freedom of expression and also because, by preventing sports personalities from tackling certain social issues, it creates an artificial gap between society and sport, contributes to the isolation of the sporting community from the external world, whereas this community could potentially make a real positive change.

It need hardly be said that, in this context, Maradona’s figure stands out in strong contrast to such a neutral approach. Amidst all the eccentricities and controversies in his biography there is a firm position aimed at altering the governing landscape of sport towards a more democratic model and at providing a level playing field for all the parties. Maradona’s aspiration for defending the voices of the weakest expands well beyond the sports framework. In history, there have been a few athletes distinguished for their activism in support or opposition to various social, political and religious issues, and no sport has been exempted from it. In terms of its mediatic coverage and, in the long run, its global cultural impact, the figure of Maradona may be justly likened to that of Muhammad Ali, who, alongside a brilliant boxing career, was a high-profile personality in the civil rights movement. Given its ultimate level of publicity, universal popularity, high financial stakes and strong governing institutions, football represents a unique area of interest for analysing the relationships between athletes and SGBs and the role of the former in shaping governance.

The rest of this article is organised as follows. Part 2 gives a biographical outline of the legendary Argentinian. Part 3 inspects different angles of Maradona’s activism: first, it introduces the term “freedom of expression” and applies it to various cases in which political statements were made by Maradona or some other sports personalities (3.1); after that, we define Maradona’s role in his fight for the rights of athletes and for good governance in football (3.2). Part 4 deduces the main principles and legacies left by Maradona-sports activists. At the end, we offer some conclusions.

## 2. Portrait

The impact of Diego Maradona on football and on governance would not have been so deep without his popularity locally and globally. According to Carrión (2020), such overwhelming acclaim stemmed from the relation between football and identity, which created a solid interdependence (Antezana, 2003, pp. 91-92) between the teams represented by Maradona and the fans of those teams.

Born in a family with Italian and indigenous roots, raised in a poor neighbourhood of Buenos Aires, Villa Fiorito, Maradona was discovered by a scout aged eight<sup>1</sup>. He soon signed with Argentinos Juniors and shortly after attracted national-wide attention. His professional track started with the same club in 1976, where he scored 115 goals in 167 games. In 1982, he won the Argentine league title with Boca Juniors, and the following year moved to FC Barcelona to begin his European career. With the Catalan club he won two leagues, but the most fruitful period lasted from 1984 to 1991 when he played for the S.S.C. Napoli. He turned into an unprecedented figure in the club's history bringing to it the first league title ever, conquering the UEFA Cup, and then another scudetto. In total, he scored 115 goals in 259 matches for the Neapolitan club. On top of that, the pinnacle of his international career also coincided with that period: 1986 was marked by the victory of the national team of Argentina at the FIFA World Cup in Mexico.

After Naples, in 1992, Maradona moved back to the Spanish championship, this time to play for FC Sevilla. One year later, he returned to Argentina to finish his career at home, first playing with Newell's Old Boys (1993-1994) and later with Boca Juniors (1995-1997). Maradona-coach worked both in clubs (in Argentina, the United Arab Emirates, Belarus and Mexico) and in the national team of Argentina.

Alabarces (2021, pp. 9-10) argues that the effect from the unique talent and prodigy of Maradona-player was multiplied by his simple but bright identity, which found association among millions of people in different parts of the world. In the home country, Maradona is viewed as the very embodiment of the Argentinian character: Archetti (2002) describes him as "the archetypal Argentine *pibe*" (pp. 158-160), Bertoglio (2016) as "the last, the most 'real' and authentic Argentine football hero" (p. 190). For Pizarro and Benavente (2014), Maradona is characteristic of Latin America in general: the region of ancient tribes has been colonised, welcomed several waves of immigration, passed through the Golden Age followed by a chain of deep economic crises, considerable social inequality and poverty (Williamson, 2015). In the same vein, Maradona's image constitutes an inalienable part of Neapolitan identity since day one when his presentation at the stadium San Paolo attracted 70000 Neapolitan fans (Garganese, n.d.). Maradona represents not only the first serious titles of S.S.C. Napoli but also

<sup>1</sup> Vázquez, A. (2021, October 30). Los grandes momentos en la vida de Maradona. *Goal.com*. Retrieved October 31, 2021, from <https://www.goal.com/es-ar/noticias/los-grandes-momentos-en-la-vida-de-maradona/fucbsdt5zc4qzd01hg4yetr0>.

receives the status of a “saint of social redemption against the arrogant North, against the rich North” (Bifulco, 2020).

All these identities were nurtured by his charisma and non-conformism (“a social, psychological, and physical revolutionary”)<sup>2</sup>. He is also referred to as “a political revolutionary”, since alongside football excellence, Maradona is famous for his lifelong political positions. In his autobiography (2021) he called himself “the voice of the voiceless” and a “representative” of the people and stuck to this principle on multiple occasions throughout his life, expressed solidarity with Palestine and advocated for the Palestinian state and publicly denounced Vatican for being an extremely lavish institution while poverty was a real problem. Being openly leftwing (“*de pie, de fe y de cerebro*”), he supported the socialist leaders across Latin America: referred to the Cuban chief of state Fidel Castro as to his “second father”, promoted the social reforms for the poorest undertaken by Hugo Chavez in Venezuela, supported the Bolivian ex-leader Evo Morales, openly demonstrated a longstanding anti-American and anti-imperialist sentiment leading an unrelenting war against US politics in Latin America<sup>3</sup>.

Being the undisputed master of attracting public attention on and off the field, Maradona managed to safeguard his sporting value and market power even despite – often controversial – political opinions and numerous scandals (excessive partying, cocaine addiction, health problems, close relationship with the Camorra, incidents with reporters)<sup>4</sup>.

He remained among the most expensive players of his times<sup>5</sup>: FC Barcelona paid for the registration rights a world-record amount of 7 million US dollars, S.S.C. Napoli paid 7,5 million dollars, the transfer to FC Sevilla was finalised for 37,5 million Swiss francs. Maradona’s sponsorship deals were also among the most significant in the market. According to its official website, a religion dedicated to Diego, the ‘Church of Maradona’ (Iglesia Maradoniana), comprises around 200,000 members around the world<sup>6</sup>.

Assessed against the standards of the 1980s, when football was yet to undergo the industrialisation phase, it was an impressive achievement. Despite all the scandals, Maradona’s sporting, economic, marketing and social profiles vested him with sufficient influence to acquire enough bargaining power in the relations with big organisations, therefore, enabling

<sup>2</sup> Bird, J. (n.d). Searching for Maradona. *Mundial*. Retrieved October 31, 2021, from <https://mundialmag.com/blogs/articles/diego-maradona-naples>.

<sup>3</sup> Azmi, H. (2020, November 26). Beyond soccer, here are some of the political causes, leaders, and movements Diego Maradona supported in his life. *Insider*. Retrieved October 21, 2021 from <https://www.insider.com/here-are-the-major-political-causes-diego-maradona-supported-2020-11>.

<sup>4</sup> Dunbar, G. (2018, July 4). FIFA rebukes Maradona for criticizing World Cup referee. *AP News*. Retrieved October 31, 2021 <https://apnews.com/article/23c55201566345fca94c6e729c01642b>.

<sup>5</sup> ¿Cómo pagaba el Nápoles el sueldo de Maradona antes de la explosión de los derechos televisivos y los patrocinios?. (2020, December 4). *La Voz de Galicia*. Retrieved October 31, 2021, from <https://www.lavozdeg Galicia.es/noticia/deportes/2020/12/04/pagaba-napoles-sueldo-maradona-explosion-derechos-televisivos-patrocinios/00031607075303394463770.htm>.

<sup>6</sup> More about the institution Iglesia Maradoniana, see <https://iglesiamaradoniana.wordpress.com/>.

him to also revendicate the rights of those who is placed in the position of a weak party, be it a socially vulnerable group of population vis-à-vis the state government or athletes in their relations with powerful sports governing bodies, such as FIFA - Fédération Internationale de Football Association (the International Football Federation) and CONMEBOL (South American Football Confederation).

Today, these organisations, just like many other SGBs, control in a very strict way the presence of political content during the sporting competitions or in relation to them. It is a deliberate policy of most SGBs worldwide to keep their events free from any kind of displays of social and political character. As Maradona's image is inextricably tied to many such displays, it would be justified to ask whether his image and behaviour would fit this present regulatory setup. Irrespective of the answer to this question, it would be also useful both for athletes and SGBs to draw some conclusions from the story of Maradona-activist.

### **3. Athletes and freedom of expression**

As Galeano related (2018), Maradona was football's "most strident rebel [...] [not] only disobedient player, but his was the voice that made the most offensive questions ring out loud and clear". As a starting point, it seems reasonable to distinguish the cases when the Argentinian spoke on extra-sporting topics, such as political and social problems, and those when he addressed internal governance issues as well as topics related to the rights of football players.

#### **3.1. Athletes and politics**

The right to freedom of expression is one of the fundamental rights embedded in many legal orders, e.g. in Article 19 of the Universal Declaration of Human Rights; Article 10 of the European Convention on Human Rights; Article 10 of the Human Rights Act of the United Kingdom; Déclaration des droits de l'homme et du citoyen, Article XI of France.

The European Court of Human Rights provides that "[F]reedom of expression constitutes one of the essential foundations of [a democratic] society, one of the basic conditions for its progress and for the development of every man"<sup>7</sup> and that "[f]ree elections and freedom of expression, particularly freedom of political debate, together form the bedrock of any democratic system"<sup>8</sup>.

---

<sup>7</sup> Handyside v. the United Kingdom, 5493/72, ECHR judgement of 7 December 1976, para 49.

<sup>8</sup> Bowman v. the United Kingdom, 24839/94, ECHR judgement of 19 February 1988, para 42.



The central tenet of the freedom of expression is “a freedom from governmental interference with free speech” (Lindholm, 2017, p. 1). That said, as Lindholm (2017) fairly mentions, in the case with athletes’ freedom of expression, the interference comes from SGBs and athletes’ employers, rather than from governmental and other public entities (pp. 1-2).

More specifically, in the recent decades, sports organisations worldwide have adopted multiple regulations and policies restricting the right of athletes competing under the auspices of these organisations to make political and other similar statements in the sporting context.

Rule 50 of the Olympic Charter, which provides that “[N]o kind of demonstration or political, religious or racial propaganda is permitted in any Olympic sites, venues or other areas” has triggered a lot of critics and debates. The rationale behind this Rule, according to the IOC’s (the International Olympic Committee) Guidelines to this Rule, is that “[T]he focus at the Olympic Games must remain on athletes’ performances, sport and the international unity and harmony that the Olympic Movement seeks to advance. Athletes at the Olympic Games are part of a global community with many different views, lifestyles and values [...] It is a fundamental principle that sport is neutral and must be separate from political, religious or any other type of interference. Specifically, the focus for the field of play and related ceremonies must be on celebrating athletes’ performance and showcasing sport and its values”.

The application of Rule 50 has a wide scope. The Guidelines attribute to the notion “demonstration” any political messaging irrespective of form, including not only verbal or written statements, but also by showing signs, armbands, gestures or by refusing to follow the protocol of the Olympic ceremonies. Every breach of Rule 50 is assessed on a case-by-case basis and the competent bodies (the IOC alongside with the respective international federation and the national Olympic committee) consider all the circumstances of the violation. In terms of sanctions provided in Rule 59 of the Olympic Charter, the worst-case scenarios for athletes (teams, officials and other participants) include disqualification, and permanent or temporary ineligibility.

The football SGBs have equally brought into existence rules limiting political statements in the framework of their competitions. For example, according to Article 11 para. 2 let. c). of the FIFA Disciplinary Code, “using a sports event for demonstrations of a non-sporting nature” is considered offensive behaviour and may be subject to disciplinary measures. The Disciplinary Regulations of the UEFA (the Union of European Football Associations) (Art. 11 para. 2 let. c).) and CONMEBOL (Art. 12 para. 2 let. b), c), e)) incorporate the same rule.

The displays of political nature can equally breach other regulations. For instance, Art. 4 of the FIFA Statutes provides that (1) any kind of discrimination, including that against a country or a person on account of political opinion is punishable by suspension or expulsion, while (2) FIFA is proclaimed “neutral in matters of politics and religion”. In addition, in conformity with Article 22 of the FIFA Code of Ethics, players (as well as staff and officials) “shall not offend the dignity or integrity of a country, private person or group of people through contemptuous,

discriminatory or denigratory words or actions on account of race, skin colour, ethnicity, nationality, social origin, gender, disability, language, religion, political opinion or any other opinion, wealth, birth or any other status, sexual orientation or any other reason". The violation of this rule is sanctioned with a "fine of at least CHF 10,000 as well as a ban on taking part in any football-related activity for a maximum of two years" while in aggravated cases a ban may amount to up to five years.

The actions which could potentially fall under these bans are of various nature. The wording of FIFA's regulations, including the definition of what is considered "political", remains open to subjective interpretation. On the one hand, it can be a demonstration of support of a widely denounced political movement, as it was in the case with the Croatian defender Josip Simunic, who shouted nationalist slogans (a Croatian salute used during World War II by the fascist 'Ustase' movement) with fans at the end of a game in 2013 (and was banned for 10 matches by FIFA's Disciplinary Committee)<sup>9</sup>. On the other hand, it also can be a simple gesture of solidarity or an attempt to attract public attention to the problems of vulnerable groups of population, like Robbie Fowler's demonstration of a t-shirt supporting sacked local dockers after scoring in a Cup Winners' Cup match in 1997 (which UEFA sanctioned with a fine)<sup>10</sup>.

Responding to multiple cases of violation of the regulations, the International Football Association Board (IFAB), FIFA's law-making body, adopted a blanket ban on any kind of slogans including birthday wishes and other harmless personal statements: Law 4 of the Laws of the Game, the universal football rulebook issued by IFAB, prohibits players, staff and officials from using equipment, wearing clothes or revealing undergarments that show "any political, religious or personal slogans, statements or images" on the pitch and in the technical areas. In the comment to the Rule, the category "political" comprises any person(s), party/organisation/group, government, any organisation which is discriminatory or likely to offend a notable number of people, any specific political act or event.

In 2016, England, Scotland, Wales and Northern Ireland were sanctioned by FIFA for their use of the poppy to commemorate Armistice Day. The Irish SGB was fined for displaying a badge commemorating the 100th anniversary of an uprising against British rule. In both cases, FIFA qualified the situations as demonstrations of a political symbol<sup>11</sup>.

Since then, FIFA decided to relax the blanket ban "permitting slogans, statements or images" if opposing teams and the competition organiser agreed in advance. Law 4 of the Laws of the Game provides that "[W]hen commemorating a significant national or international event, the sensibilities of the opposing team (including its supporters) and the general public should be

<sup>9</sup> Croatia's Josip Simunic fined by prosecutors for pro-Nazi chant. (2013, November 21). *The Guardian*. Retrieved October 31, 2021 from <https://www.theguardian.com/football/2013/nov/21/croatia-josip-simunic-fined-pro-nazi-chants>.

<sup>10</sup> Robbie Fowler - fined for supporting Liverpool dockers. (2005, April 13). *libcom.org*. Retrieved October 31, 2021, from <https://libcom.org/library/robbie-fowler-fined-supporting-liverpool-dockers>.

<sup>11</sup> FIFA fines England, Scotland, Wales & Northern Ireland over poppies. (2016, December 19). *BBC*. Retrieved on October 31, 2021, from <https://www.bbc.com/sport/football/38368144>.

carefully considered". In practice, authorised slogans are limited to official actions, such as UEFA's anti-discrimination campaign 'Respect'.

The rationale behind these rules in application to football is understandable: this sport has always dealt with strong nationalist presence and frequent expression of political feelings (Penn, 2013). However, the idea of keeping politics totally out of sports might also be naive and not easily implementable: football is life and life is full of politics. Maradona is an excellent example of this thesis. How would the Argentinian legend fit in today's regulatory setup?

In the times when Maradona's football career was in full bloom, the political atmosphere turned around the Falkland Islands armed conflict between Argentina and Great Britain. As Alabarces (2021) mentions, it lasted a few months in 1982 but left a deep and painful mark for years on the Argentinian people. In the midst of the military crisis in 1982, the Argentinian team featuring Maradona displayed a banner "Las Malvinas son Argentinas" ("The Falklands are Argentine") before one of the international friendlies<sup>12</sup>. How would it be assessed today in the light of modern policies? The answer was given in June 2014. Thirty-two years later, Argentinian players repeated that campaign and stood behind a banner bearing the same slogan before an international friendly game against Slovenia held in Buenos Aires. In June 2014, the Argentinian Federation was sanctioned for it by FIFA with a financial penalty<sup>13</sup>.

Another episode related to the Falkland crisis is far more famous. The strongest and the most memorable Maradona's political statement on the football pitch, undoubtedly, was the quarterfinal against England at the World Cup in 1986, which took place four years following Argentina's painful defeat from England in the Falkland Islands War. Emmanuel Macron later called that quarterfinal "the most geopolitical match in football history"<sup>14</sup>. Argentina scored twice, both goals were authored by Maradona: the first was scored with a hand, the other entered history as the "Goal of the Century". At the press conference after that match Maradona pronounced his famous phrase referring to his first goal – "I did it with the head of Maradona but with the hand of God" – which immediately created a strong association with the divine approval and the historical revenge over the events of 1982<sup>15</sup>. This political statement was subtle and ambiguous. There were no open opinions shared by Maradona in the times of the events. Only years later, Maradona admitted that even though all the players had proclaimed

<sup>12</sup> Fernández, V. (2020, December 3). Cómo influyó en Maradona la guerra de las Malvinas. *La Razón*. Retrieved October 31, 2021, from <https://www.larazon.es/cataluna/20201203/5pg6hljnvjdq3h2nxbnyoxqlcq.html>.

<sup>13</sup> Argentina face disciplinary action from FIFA over Malvinas banner. (2014, June 14). *The Guardian*. Retrieved October 31, 2021, from <https://www.theguardian.com/football/2014/jun/14/argentina-fifa-malvinas-banner-slovenia>.

<sup>14</sup> The statement of the President of the French Republic Mr. Emmanuel Macron: Décès de Diego Maradona. (2020, November 15). *Élysée*. Retrieved October 31, 2021, from <https://www.elysee.fr/emmanuel-macron/2020/11/25/deces-de-diego-maradona>.

<sup>15</sup> Rahman, L. (n.d.). Falklands and Football: Diego Maradona's "Hand of God" Goal. *Soccer politics: A discussion forum about the power of the global game* Retrieved October 31, 2021, from <https://sites.duke.edu/wcwp/capturing-the-game/goals/falklands-and-football-diego-maradonas-hand-of-god-goal/>.



beforehand that football and politics shouldn't be mixed up, it was a lie since they didn't think of anything except the politics (2021).

Drawing a parallel with today's realities, one can wonder how it would be assessed by FIFA today. While the "hand of God" goal would definitely fail the scrutiny test of VAR, would the "hand of God" statement pass the scrutiny test of FIFA Disciplinary Committee? It seems that the answer is rather in affirmative. The solution remains in the case-by-case approach. As Lindholm (2021) suggests, "legal framework ought to be considered when sports governing bodies and dispute resolution bodies decide whether and how to discipline athletes making political expressions. The circumstances in the individual case and the relative weight of the interests of the athlete and the sport governing body must be considered and balanced against each other" (p. 2). The lesson which may be drawn from this episode is that, in certain cases, the ultimate sporting performance and rendition on the field is the best political statement available in the athlete's toolkit and it outweighs any other form of political statements.

The situation is more complicated when there is a need in delivering a message of social character. For example, the campaigns against mistreatment on the ground of race, gender and sex orientation are also considered political and often banned by SGBs. In recent few years, FIFA has gradually started to change its position. When players in Bundesliga displayed slogans supporting the "Black Lives Matter" movement and when Premier League footballers 'took the knee' and wore movement's logos on their sleeves, they were praised by the FIFA President Gianni Infantino who said that they deserved "applause and not a punishment"<sup>16</sup>.

In the same vein, the controversy around Qatar, host of FIFA World Cup 2022, accused of poor treatment and poor conditions for migrant labourers, is another example of how FIFA is revisiting its approach towards political and social protesting. In March 2021, Norway players wore garments declaring "Human rights - on and off the pitch" before the World Cup qualifier against Gibraltar, the same campaign was undertaken by Team Germany before their qualifier against Iceland. While formally such protests should have been sanctioned by the Disciplinary Committee of FIFA, the SGB preferred instead not to take any action and proclaimed its new direction towards the freedom of speech and "the power of football as a force for good"<sup>17</sup>.

### 3.2. Athletes and sports governance

The legal relationship between an athlete and an SGB(s) is based on a membership agreement, a licence, which is a regulatory relationship (O'Leary, 2017, p. 14). It gives an athlete the access

<sup>16</sup> Statement by Gianni Infantino: Stop racism. Stop violence. (2020, June 2). *Fifa.com*. Retrieved October 31, 2021, from <https://www.fifa.com/about-fifa/organisation/media-releases/stop-racism-stop-violence>.

<sup>17</sup> Evans, S. (2021, March 26). Politics and protest in sport: have FIFA's rules changed?. *Reuters*. Retrieved October 31, 2021, from <https://www.reuters.com/article/us-soccer-fifa-protests-idUSKBN2BI2FN>.

to the competitions organised by the SGB in exchange to the acceptance of all the SGB's "elaborate and intricate" (Baddeley, 2020, p. 5) rules and regulations. The vast majority of international SGBs are domiciled in Switzerland and are governed by Swiss association law, benefiting from very wide autonomy (Baddeley, 2020). In the absence of alternatives, athletes willing to compete on the elite level are forced to accept the regulations of the SGBs in their integrity. The legal relationship between an athlete and a club is based on an employment agreement. As O'Leary (2017) points out, the employment relationship is special because it contains 'power disparities that almost always favour the employer', i.e. athletes again find themselves in the position of a weaker party vis-à-vis their clubs.

That said, athletes stay the main protagonists of sporting events and, therefore, the decisive factors of production of the sporting industry (Cattaneo, 2018, p. 121). In addition, as Schwab (2017, p. 6) underlines they are also most affected by the rules and decisions adopted by the SGBs. It was not difficult to foresee that some regulations imposed forcefully on athletes by SGBs would trigger litigation and a crisis of sports governance (Agafonova, 2019). That is why, as fairly concludes O'Leary (2017, p. 13), the efforts of SGBs to autonomously govern sport should inevitably incorporate the mechanism of athlete representation within the regulatory relationship with athletes making it "less vertical". Freeburn (2019, p. 186) agrees with it explaining that "[w]hilst democracy is usually associated with the legitimisation of governmental rather than private power, the public nature of the regulatory power of international federations such as FIFA, makes representative democracy an apt and relevant justification for such power".

The best examples of such representation belong to the North American major professional leagues (NBA, MLB, and NFL) heavily relying on collective bargaining agreements, an instrument of reaching consensus among the interests of teams, players, and fans on various questions inherent to the organisation and functioning of sport (Dryer, 2008, pp. 291–292). These agreements set forth a democratic process, ensure the organisational success of the league and grant the immunity from litigation on many grounds.

In Europe, this practice is only at the beginning of its path. There are more players' unions (such as FIFPro) and athletes' commissions active integrated in the structures of many SGBs (Schwab, 2018). However, they are yet to undergo a long way to become powerful institutions. The success of representative bodies depends primarily on the engagement and motivation of athletes.

Maradona can be viewed as a visionary in athletes' representation vis-à-vis football organisation. His relationships with FIFA, CONMEBOL and AFA were always turbulent. On different occasions, the Argentinian acted as SGBs' ambassador, counterweight to their powers and the loudest critic of their decisions and policies.

During the fruitful for Maradona World Cup 1986 in Mexico, Maradona was at the forefront of the collective players' protest against the games' schedule. In order to mitigate the difference

between time zones and to attract most of the European TV audience, FIFA scheduled many games at noon (and in direct sunlight with extremely high temperatures). In recent years, the discussion on playing in the heat reappeared in the context of Qatar's FIFA World Cup 2022. The World Cup 2026 hosted by Canada, USA and Mexico provokes similar fears. Presently, the players' discontent is channelled in a more centralised way and on a more formal level, through the world players' union FIFPRO<sup>18</sup>. Maradona saw the future in the representative bodies of athletes. In 1995, he founded the International Professional Players Association alongside with George Weah and Eric Cantona with the intention "to leverage their fame to help impoverished footballers lower down the sport's rungs"<sup>19</sup>.

In May 2007, FIFA placed a ban on playing international matches at high altitudes (2500 m above sea level and higher) to protect players' health and fair competition. The primary victims of this measure were the Andean countries, notably Peru, Bolivia, Ecuador and Colombia: Bolivia's capital La Paz is located at the altitude of 3,600m, Ecuador's capital Quito at 2,800m, Colombia's capital Bogota at 2640m. The measure was met by protests in the affected countries. Bolivia's President, Evo Morales, launched a campaign against the ban claiming that the FIFA's ruling was discriminatory against mountainous nations and violated "the universality of sports." The Andean Community of Nations (CAN), a trade bloc constituted by Bolivia, Columbia, Ecuador and Peru, also denounced the ban and urged the national football federations to lobby against the implementation of this rule. While the ban favoured Argentina, Maradona joined the protest and played in a charity match organised by Morales in La Paz in 2008. Later, the ban was successfully overturned.

Galeano (2018) wrote that in the 1986 World Cup, alongside with the heat controversies, Maradona first tackled the deeper problems of football governance, such as the non-application of the international standards for labour rights to football, non-transparency of FIFA's books, exclusion of players ("the true owners of the show", Maradona, 2006) from decision-making processes, lack of accountability in exploitation of advertising and broadcasting rights. All these topics would reappear years later and would trigger the biggest crisis in the FIFA's history. In the absence of any reforms, the separate governance failures worsened and resulted in the so-called FIFA Gate, the corruption scandal which broke out in FIFA in May 2015 following a series of cases of fraud, organised crime and money laundering by FIFA's top officials.

While many people refer to football as to a religion, Maradona once drew a parallel between football governance and the Catholic church. Having reconciled with the Vatican, Maradona claimed that he wanted "to do in the FIFA the same as Pope Francis does in Vatican. If the

<sup>18</sup> See <https://www.fifpro.org/en>.

<sup>19</sup> Niren, T. (2020, December 2). The political life of Diego Maradona. *New Frame*. Retrieved October 31, 2021 <https://www.newframe.com/long-read-the-political-life-of-diego-maradona>.

Pope cares for those who starve, the FIFA officers should care for those who play and who are watched playing”<sup>20</sup>.

#### 4. Influences and legacies

Maradona left an impact on football in many ways: through his game, charisma, principles, straightforwardness and non-conformism. His football heritage is unique. FIFA recognised him as the best football player of the 20th century. In Naples, San Paolo stadium was renamed Diego Armando Maradona Stadium. The Argentinian Football Federation (AFA) named its principal cup competition after the star - Copa Diego Armando Maradona.

Sporting merits apart, the Argentinian also left important political legacy. Maradona’s manner of expressing himself on what he believed in, can be very instructive today in several ways.

First, political statements and messages related to social issues have become an alienable and natural part of the public environment. The freedom of expression has been admitted as a fundamental human right, and athletes also have the right to enjoy it. In certain situations, athletes are the people capable of bringing about positive changes and of resolving many social problems by using their visibility and influence. It is especially true in the case of big stars, such as Maradona. In these circumstances, the blanket ban on all political statements in the sporting framework can hardly be legally justified or practically implemented. Second, sport can win more popularity and support if it has personalities like Maradona who communicate with the audience directly and honestly and do not turn a blind eye on social topics. Third, Maradona demonstrated to other players that the best statement that can be made by an athlete should be delivered in the form of a strong sporting performance. Forth, Maradona maintained an almost permanent dialogue with the FIFA and other SGBs on different issues and was unique in his straightforwardness talking about what he considered destructive for football. Maradona set the trend to deal with big organisations standing on equal footing with them, as partners. Maradona’s style can serve as an inspiration for many athletes in order to build truly “horizontal relations” with SGBs.

The necessity in athletes’ representation in sports governance is already an axiom. The reluctance of FIFA to improve its governance from inside “may invite the reverse civil society to impose “certain basic ‘constitutional’ requirements” from outside (Hock, Gomtsian, 2017, p. 202). Therefore, from the point of view of Cattaneo (2018, p. 126), the internal measures and co-regulation are more advisable as they safeguard the autonomy of sport. And the bigger and the more powerful an SGB is, the more interested it should be in setting up an effective consultation process with its stakeholders (Agafonova, p. 100). However, the success of the

<sup>20</sup> Sahuc, S. (2020, November 25). Quand Maradona écrivait “sa vérité”. *L’Humanité*. Retrieved October 31, 2021, from <https://www.humanite.fr/quand-maradona-ecrivait-sa-verite-696760>.

implementation of a democratic system remains conditional. In order to achieve it, athletes should ensure their full presence during negotiations, actively participate by providing feedback on the policy projects, keep the spirit of partnership with sports organisations.

Finally, and most importantly, Maradona's legacy is based on his love and dedication to football. Citing Bertoglio (2016, p. 235), "Maradona's ball does not stain even in the hyper-commoditized sport, therefore, amounts to "a utopia" in a corrupted and social and political environment". Maradona tried to remaster that environment and to redefine football governance to the extent a single person can do it: by playing football and by speaking about problems impairing its development. His philosophy and his work might be useful today.

## **5. Conclusion**

Maradona's uniqueness is outstanding both on and off the football pitch. Partly because of the immensity of the player's talent outweighing other qualities, partly due to the polemic image and the lack of consistency in his undertakings, he is rarely seen as a personality capable of providing guidance on where football should go as an organised sport. But some lessons drawn from his life are very useful to dissect and to apply today, when many SGBs, especially in football, have found themselves in the state of deep crisis.

In the first place, Maradona is an example of that sport can be political (and often is) and that it may be unfair to prohibit athletes from expressing their opinion, thus depriving them of a fundamental human right granted to every member of society. Maradona's example can also inspire many athletes to bring about positive change by using their voices and their mediatic platforms.

Second, Maradona's story confirms that athletes have sufficient potential to change sports organisation for the better. Moreover, elite athletes like him, having considerable economic power and wide popularity and acclaim, are better placed to cause or accelerate these changes. And finally, the lesson of Maradona's story is that the sports organisations permanently ignoring the voices of their stakeholders, trigger a self-destructive mechanism. A highly hierarchical and disbalanced system, in which SGBs adopt and impose policies and decisions on athletes unilaterally, skipping any consultation phase, creates a risk of arbitrariness, corruption and breach of human rights. As a result, the danger sits not only in the risk of loss of credibility as it happened with the FIFA after FIFA Gate, but also in the damage to the reputation of sport in general. In this case scenario, one can only hope that the ball indeed does not stain.



## Bibliography

- Agafonova, R. (2019). International Skating Union versus European Commission: Is the European sports model under threat?, *International Sports Law Journal*, 19 (1), 87-101.
- Alabarces, P. (2002). *Fútbol y Patria: El fútbol y las narrativas de la nación en la Argentina*. Buenos Aires: Prometeo libros.
- Alabarces, P. (2021). Maradona: mito popular, símbolo peronista, voz plebeya, *Papeles del CEIC*, 1 (2), 1-11.
- Antezana, J. L. H. (2003). Fútbol: espectáculo e identidad. In P. Alabarces (Ed.), *Futbologías: Fútbol, identidad y violencia en América Latina* (pp. 85-98). Buenos Aires: CLACSO, Consejo Latinoamericano de Ciencias Sociales.
- Archetti, E. P. (2002). The Spectacle of a heroic life: The case of Diego Maradona. In D. L. Andrews, & S. J. Jackson (Eds.), *Sports Stars: The Cultural Politics of Sporting* (pp. 151-163). London: Routledge.
- Baddeley, M. (2020). The extraordinary autonomy of sports bodies under Swiss law: lessons to be drawn. *International Sports Law Journal*, 20, 3-17.
- Bertoglio, C. A. (2016). *Football Is Dead! Long Live Football! Argentine Football Literature Between Tradition And Resistance* (dissertation). University Of Florida.
- Bifulco, L. (2020). *Maradona, un héroe deportivo: tres estudios sociológicos de Italia*. Buenos Aires: Ediciones Godot.
- Carrión, F. M. (2020). Diego Armando Maradona: un mito nacionalista y popular. *Ciudad Neoliberal y Derechos Urbanos*. Retrieved October 31, 2021, from [https://cidur.org/notas\\_cidur/diego-armando-maradona-un-mito-nacionalista-y-popular/](https://cidur.org/notas_cidur/diego-armando-maradona-un-mito-nacionalista-y-popular/).
- Cattaneo, A. (2018). Social dialogue and the regulatory power of governing bodies. *International Sports Law Journal*, 17, 119-127.
- Galeano, E. (2018). *Football in Sun and Shadow*. London: Penguin UK.

Garganese, C. (n.d.). Diego Maradona: The God of Naples. *Goal.com*. Retrieved October 31, 2021 from <https://www.goal.com/story/diegomaradonathegodofnaples/index.html>.

Dryer, R. (2008). Beyond the box score: a look at collective bargaining agreements in professional sports and their effect on competition. *Journal of Dispute Resolution* 1, 267–292.

Dunmore, T. (2015). *Encyclopedia of the FIFA WorldCup*. Maryland: Scarecrow Press.

Hock, B., & Gomtsian, S. (2018). Private order building: the state in the role of the civil society and the case of FIFA. *International Sports Law Journal*, 17, 186-204.

Lindholm, J. (2017). From Carlos to Kaepernick and beyond: athletes' right to freedom of expression. *International Sports Law Journal*, 17, 1–3.

Lisi, C. A. (2011). *A History of the World Cup, 1930-2010*. Maryland: Scarecrow Press.

Maradona, D. A. (2006). *Maradona: Autobiography of Soccer's Greatest and Most Controversial Star*. New York: Simon and Schuster.

Maradona, D. A. (2021). *Yo soy el Diego* (6th ed.). Barcelona: Planeta.

O'Leary, L. (2017). *Employment and labour relations law in the Premier League, NBA and International Rugby Union*. The Hague: T.M.C Asser Press.

Penn, R. (2013). Football, nationalism and globalisation: A comparison of English and Italian football between 1930 and 2010. *European Journal for Sport and Society*, 10 (4), 345-364.

Pizarro, A., & Benavente, C. (2014). El Diego y el dribbling simbólico en el Cono Sur. *Iberoamericana. América Latina - España - Portugal*, 7 (27), 143-152.

Schwab, B. (2018). Embedding the human rights of players in world sport, *International Sports Law Journal*, 17, 214–232.

Williamson, J. G. (2015). Latin American Inequality: Colonial Origins, Commodity Booms, Or A Missed 20th Century Leveling?. *NBER Working Paper Series*. Massachusetts: Cambridge. Working Paper 2015.

## Case law

Bowman v. the United Kingdom, 24839/94, ECHR, judgment of 19 February 1988.

Handyside v. the United Kingdom, 5493/72, ECHR, judgment of 7 December 1976.

## Regulations

Olympic Charter (in force as for July 17, 2020). Retrieved October 31, 2021 from [https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/General/EN-Olympic-Charter.pdf?\\_ga=2.183646629.2059152241.1635722669-553434601.1619805525](https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/General/EN-Olympic-Charter.pdf?_ga=2.183646629.2059152241.1635722669-553434601.1619805525).

Rule 50 Guidelines Developed by the IOC Athletes' Commission (2020). Retrieved October 31, 2021 from <https://stillmedab.olympic.org/media/Document%20Library/OlympicOrg/News/2020/01/Rule-50-Guidelines-Tokyo-2020.pdf>.

FIFA Statutes, 2020 Edition. Retrieved October 31, 2021 from <https://digitalhub.fifa.com/m/4b2bac74655c7c13/original/viz2gmyb5x0pd24qrhrx-pdf.pdf>.

FIFA Disciplinary Code, 2019 Edition. Retrieved October 31, 2021 from <https://digitalhub.fifa.com/m/1b1c85f7bbc8b3e6/original/i8zsk8xws0pyl8uay9i-pdf.pdf>.

FIFA Code of Ethics, 2018 Edition. Retrieved October 31, 2021 from <https://digitalhub.fifa.com/m/5ec414a3940bac07/original/uemlkcy8wwdtlll6sy3j-pdf.pdf>.

UEFA Disciplinary Regulations, 2020 Edition. Retrieved October 31, 2021 from [https://documents.uefa.com/v/u/ZNsWJsRSmOuSS2QL\\_y8~qQ](https://documents.uefa.com/v/u/ZNsWJsRSmOuSS2QL_y8~qQ).

CONMEBOL Disciplinary Code, 2021 Edition. Retrieved October 31, 2021 from <https://www.conmebol.com/sites/default/files/codigo-disciplinario-conmebol-2021.pdf>.

IFAB Laws of the Game 2021-22. Retrieved October 31, 2021 from <https://www.thefa.com/football-rules-governance/lawsandrules/laws/football-11-11/law-4---the-players-equipment#:~:text=A%20player%20must%20not%20use,forbidden%20and%20must%20be%20removed>.