

## INTRODUCTION TO THE 2010 AMATEUR SPORTS SYMPOSIUM

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The title of the Fall 2010 Sports Law Symposium was *The Death of Amateurism: Implications for Sport and Health*. Our goal was to examine the topic of amateurism: what is it, does it exist, and what role the law should play in supporting or constructing the various notions of “amateur” athletics.

In considering this topic, we were mindful that any definition of sport, or amateur sport in particular, is a social construct. Sport is what we make it. This sentiment is reflected in the article and keynote address included in this issue, which discuss current rules for sport and how those rules, and the law, should be used to construct different sport experiences for participants (and sports fans).

Just as our conceptions of sport are socially constructed, so too then are our definitions of amateurism and what an amateur athlete should be. Such definitions necessarily privilege some groups or views over others. The law aids in this, by giving power to groups to enforce their definitions of amateurism and denying power to athletes to do much to change it.

Social constructs gather their force and staying power when they appear to be natural, inherent, or the way things have always been or should be. Our definitions of amateurism have enjoyed that force, and this symposium was meant to look behind these understandings to explore the reality of amateur athletics. Traditional definitions of amateurism are that an amateur is one who engages in sport as a pastime rather than a profession. An amateur is therefore one who participates in sports solely for the pleasure and the attendant physical, mental, or social benefits. Thus, participation is said to be for the glory of sport alone, and not financial gain. Many scholars have explained that this definition of “amateur” sport is based on a myth that ancient Greeks took part in sport for the glory and not for compensation.

Definitions of amateur athletics also can be traced to Victorian England. These definitions added the additional stipulation that an amateur athlete not only did not participate in sport for pay, but his (and it was of course until only relatively recently always a “he”) standing as an amateur was based on, and signified, his social class, making him superior to the “working man.” In the United States, the

leading voice promoting this vision of amateurism was Avery Brundage, the former president of the United States Olympic Committee (USOC) and International Olympic Committee. He believed that the essence of amateur sport was sport as recreation or a pastime and not something for which participants got paid. Brundage championed these ideas, and this definition of amateurism was adopted by amateur sports regulators like the USOC and the National Collegiate Athletic Association (NCAA) in establishing eligibility criteria. This definition persists most notably in the NCAA today.

From these early definitions of amateurism, we can see the origins of today's issues involving amateur athletes and the amateur ideal, and the issues that we examined in our symposium. First, from the notion of sport as a pastime, or an avocation, engaged in solely for the joy of participating, we heard from speakers who believe that this aspect of sport is in many ways gone, even at the youth sport level, with children overtraining and specializing like professional athletes and suffering the physical and mental effects. Second, from the notion that amateur sport is not to be engaged in for money or as entertainment, we heard from speakers who explained how amateur sport regulators have used this ideal to prevent any compensation for athletes, while the regulators are using the athletes as entertainment and profiting handsomely. Finally, from the notion that sport signifies a certain social status or class, we heard from speakers who addressed the socioeconomic barriers to sport participation that belie the notion of sport as a "level playing field."

Our symposium in this way told two stories of amateurism. The first concerns the issues facing those who participate and are regulated as amateurs in a system that is frequently driven by money and commercial appeal. The second story is one of exclusion, and who is very often left out of the paradigmatic amateur sports experience. This includes children of color, children without the resources to participate in the multibillion-dollar youth sports industry, and disabled children and adults. As a result, the symposium revealed that the amateur ideal has in many ways been constructed to exclude—exclude those who would seek to get paid for their athletic performance, those of a certain social class who cannot afford to participate, and those who do not fit our traditional understandings of what an "athlete" is. This symposium and the articles that follow consider the ways that the law has promoted and protected a certain conception of amateurism. Further, they make proposals for ways that that law can be used to establish a vision for amateur sport that is just, fair, open, and promotes the well being of athletes as well as those who regulate them.