

Some Arguments Regarding the Necessity of Changing the Paradigm of Olympic Education in Agreement With an Adequate Legal Pedagogy

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The purpose of the work

- **Aim of this paper:** to provide the interested parties with some information regarding the professional ethics requirements for sports related professions.
- The New Romanian Civil Code defines **professionals** as all those who operate an undertaking.
- By the *operation of an undertaking* it is understood the systematic exercise by one or more persons, of organized activities which consist of the following: *the production, management, or alienation of goods* or the **provision of services**, regardless of the [undertaking's] purpose being lucrative or not.
- Consequently, according to the previously mentioned facts, a **professional can be any natural or legal person who operates an undertaking**, and “the concept of professional referred to in Article 3 of the Civil Code includes the categories of merchant, entrepreneur, economic operator, as well as any other persons authorized to carry out economic or professional activities in accordance with the manner in which these concepts are laid down by the law at the date of entry into force of the Civil Code”.
- In the context of Romanian legislation - we approach the issue of sports activities as an object of activity of sports structures.

- **The meaning of the terms of *contemporary life, current, timeliness*** shall always include a historic landmark, i.e. a relation of a past reality to difference.
- Naturally the assessment of the status of the values of sport, considered today a remarkable social phenomenon - depends on a certain optic of value.
- The valuation of this phenomenon performed by an individual is influenced by their social representation, which is in turn influenced by their life experience, age, sports experience, general knowledge and their sports knowledge in particular, etc.
- However, we are in a situation in which we notice that **this valuation of sport also depends on the interests of those who invoke the values and functions of sport**, especially the value of representative status for the country.
- **The valuation of the sports phenomenon** should not ignore the existence or the construction of an ideology of sport, in agreement with the ideology of the social system of which it is a part, seen as a whole.
- However, we must pay attention to the connection between ideologies and distorted communication.
- “As effect of *distorted communication*, ideologies compete as soon as it is stabilized”.
- What do I actually understand by the term ideology? Nothing but a functional or functionalized theory used or devised for political purposes...

The main objective of scientific conferences is communication.

- “We communicate to inform, to gain information, to understand, to understand each other”
- Specialists in the field of communication argue that **comprehension is only possible within the same paradigms.**
- Thus, *communication* is not only a specific and limited phenomenon, but an integrating phenomenon - which helps us rethink the relationships between the individual and society, between society and culture - also favored by sport - in the beginning facilitated by the elites of this field, and then spread within mass culture.
- **A definition with a possible impact to this paper**, formulated by Warren Weaver: “Communication is the *totality of the processes by which a mind may affect another*”
- I hope that my endeavor in respect of the projection of a new paradigm of Olympic Education imposed by the contemporary realities shall find in this conference a fertile land with echoes in the sphere of trainers for specialists in the field of sport and related professions, including mass media, which, not rarely, target the function of social control, a source of social pressure on the individual.

- **The field of globalized sport** may be an extremely favorable environment to the completion of the desideratum of implementation of cultural cohabitation - the natural pre-programmed instincts of ἀγών [*agon*] and *ludus* of man seen as an individual and/or organized in different collective entities, with or without legal personality, may be domesticated via culture, via “the rule of the game” - marked by the spirit of sportsmanship, understood in the terms of *fair-play*.
- **A summary diagnosis of the manifestation of the illicit conduct** occurring in sporting activities and other related activities reflects an insufficient civic education of their authors.
- The authors of the illicit conduct are, in the first place, the active and passive participants to sporting activities, favored in some circumstances by the immovability of the state’s authorities, and the rule of law.
- Counting on the ancestral need of a part of the population to be satisfied, in the case of its material and spiritual unfulfillment by the circus show, of the game which manifests its ego and spirit of justice without foundations of social normativity - “*panem et circenses*” (bread and circus) was formed as a fundamental principle of a current or future government.

- **The permissiveness of human natural and preprogrammed antisocial manifestations**, untamed by the imperatives of civic culture, allow maintaining a high rate of popularity of those who hold or aim to hold political power - especially in situations of material and spiritual precariousness of society.
- An illusion is created, that for the population dissatisfied with the bad management of the country's affairs, represented by the so-called sports fans, there is no greater happiness than the victory of their favorite athletes.
- It is necessary to know other opinions regarding the current values of sport, others than those invoking the values of sport without believing in them.
- The active and passive participants to sporting activities should be touched by the spirit of *fair play*, generated by a moral society and transferred on the sports field and in its vicinity.

- **Arguments concerning the need to desacralize sport** - on a pessimistic note, but with a strong argumentation, Johan Huizinga states that “the professionalization of sport inhibits it from emitting spontaneity and nonchalance... In contemporary society, sports occupies a place detached from the process of culture itself, which is extraneous to it. In archaic civilizations, competitions were part of the sacred celebrations and were indispensable as sacred and delivering activities... Authentic civilization claims at any time and in any respect *fair-play*, and the *fair-play* is nothing else but the equivalent, expressed in playful terms, of good faith. He who spoils the game spoils culture itself. In order for this playful content of civilization to be creative and a promoter of culture, it must be pure. It should not consist from the deviation or desertion from the norms prescribed by reason and compassion. It must not be deceptive appearance, behind which an intention to achieve specific purposes via forms of play is concealed. The authentic game excludes any propaganda. The target is within itself”.
- Johan Huizinga, „Homo ludens – încercare de determinare a elementului ludic al culturii”, Ed. Humanitas, București, 2003, p. 289-311.

The legal and moral dimension of “game rules”

- Similar to the rules of law, the *rules of the game*, should satisfy the requirement to defend the subjective rights of the participants, and last but not least, to provide a guarantee that these activities will not disturb the order and the rules of social cohabitation.
- The rules of the game are both legal in nature, as well as having a moral character.
- Deviations from them are necessarily sanctioned both by the judges, as well as by the leading forums of these fields of activity.
- Thus, on the sports field, we shall have both *responsibility*, and *liability*.

The components of the professional ethics process

- ***Morals*** - on the one hand, a form of social consciousness and, on the other hand, it is made up of all the norms, rules, requirements, precepts, duties, ideas, etc. which govern the relationships between people.
- ***The morals of labor*** governs the conduct of people during labor, as well as their behavior in relation to their own professional activity.
- ***The morals of profession*** takes into account the relationships between professionals and between them and the object of their profession.

- **Ethics** is the science of morality.
- The science of **metaethics** - a science about the science of morals.
- **Labor ethics** deals with the issue of labor morality and **professional ethics** concerns itself with the issue of the morality of the profession.
- **Professional ethics** deals with the moral relationships involved in the pursuit of a given profession - beside it, the **code of professional ethics** adds other types of mandatory social rules: **legal rules, administrative rules, technical-professional rules** specific to the profession concerned and whose observance, together with the rules of the morality of the profession of trainer, is strictly necessary in order to achieve the correct objectives of labor.
- In the world of sport we invoke **sports ethics norms**, the concept of **fair-play** and that of **olympism**. These shall need to be reconsidered in the light of the practical ethics of sport, Olympic education being a task of National Olympic Academies.

The areas of lawfulness of sport.

- On the *sports field* both the *legality of the state* as well as the *legality* of structures of the sport produce effects.
- Sports law incorporates special social relations, covered by legal rules belonging to different branches of law, but also by rules of non-governmental sports organizations, which have received the investiture of legitimacy and legality.
- The validity of the norms, their specific way of existence is not determined only by the formal criterion of their expression in a form acceptable as a source of law, but results from the combination of three elements: *the formal, the effectiveness* and *legitimacy*.
- The formal validity of these rules of the game generates a presumption of legitimacy and effectiveness, constituting a decisive element for the production of the effects desired of the rule in question.

The relationship between ethical and legal in sports must be included in the contents of an academic discipline “The Legal Pedagogy of Olympism”.

- The comparison between the current paradigm of Olympic education with a new paradigm will generate the prerequisites for the achievement of the epistemological progress of scientific knowledge in the field we referred to.
- This epistemological progress, achievable following the transition from one paradigm to another paradigm, involves a revolution in the sciences of law and sport, possible and necessary at different periods of time.
- With regard to the relationship between legal and ethical in sports it should not be regarded as completely contradictory. It works tautologically because the two terms seem to be the same: either because the legal exercise is seen as the practice of ethics itself, or because the entirety of ethics is considered to be shaped by legal normativity - both of the state order, as well as of the “sports field” - expressed by the rules of the game.

- Sports ethics, still owing to its inclusion in the so called “religion of modernity” appears to be impossible to pair with the legal field.
- On the contrary, the current trend of the globalization of sport and the need for creating competences for the future specialists in the field of sport requires awareness, according to our statements, of **the acute need of the harmonious inclusion of this phenomenon in the context of and within the rigors of civilized conduct, of the highest morality, but also by strict legality and responsibility.**
- In this last respect, in addition to the radical change of paradigm of the pedagogy of olympism, a pragmatic approach of a legal pedagogy of olympism is clearly required.

Final Considerations

- We can conclude that, “the ethical and the legal are in a relationship of interdependence which does not allow one or the other to work independently and which takes into account the fact that the scope of the two terms cannot be one and the same”. This is the only way we can dissociate the olympic phenomenon, already marked by excessive marketization, of the illicit interferences of certain groups of interests.