

The Karlsruhe Declaration on Fair Play*

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Fair play is one of the fundamental principles of sport and, therefore, of sports law. It goes without saying that the fair play principle is one which has been, and is, the subject of thorough discussion in Germany. In order to provide an overview of how the principle functions, the general assembly of the German Association for Sports Law (Konstanzer Arbeitskreis für Sportrecht e.V.) set up a special working group on 9th May 1998 whose task was to prepare a declaration on fair play. This declaration was approved by the general assembly of the German Association for Sports Law in May 1998. It was named “The Karlsruhe Declaration” in honour of former judge of the Federal Court of Justice in Karlsruhe, Erika Scheffen, who was president of the association for many years, and is now honorary president.¹

The text of the declaration is as follows:

In harmony with the European Council’s Sport Ethics Code, we take the term “fair play” to mean more than just the observance of rules specific to sport, which are enforced by means of the threat of sanctions. Fair play is, rather, a general mental attitude, emanating from a duty to adhere to ethical principles:

- which these rules affirm internally,
- which does not lead to the result that success should be reached at all costs, although naturally the athlete strives for success with all of his might,
- where the opponent is not seen as the enemy who should be defeated by any means possible,
- but is rather considered to be a partner in the sporting competition,
- and is therefore granted the right to equal opportunity and respect for his bodily integrity and dignity, regardless of nationality, race and origin.

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¹ Erika Scheffen has since died (21.9.2000).

This attitude precludes intentional, evident or covert violations of the rules which could lead to the success of the athlete in violation of the rules. In addition, it precludes the employment of any measures which, although they are not expressly forbidden, stand in opposition to the purpose of the rules. The use of unnatural methods of enhancing performance, physical or verbal abuse and any type of corruption are also all precluded by the principle.

The demand that athletes reject the idea of “success at any cost”, along with the requirements that they respect the right to equal opportunities, personality and dignity of their fellow competitors, applies not only to the relationship between the active competitor and his direct opponent, but also to all those who take part in sport: to their advantage and disadvantage.

It also concerns the relationships between athletes and their team-mates, coaches, referees, associations and officials acting for these associations, and the public, and vice versa, the relationships between athletes and associations and their officials, trainers, doctors and carers and relatives of the active athletes. In this respect, the order of Fair Play is of particular importance where the participants in question are minors, whose physical and mental development has not yet come to a halt.

In addition, because of the influence which they have on public opinion, the sponsors and the reporters in the media should be aware of their particular responsibility for the observance of the ethical principle of fair play.

Modern competitive sports must also adhere to the principle of fair play, regardless of the sport's origins, when the sport was played as an end in itself, and participation was more important than winning. We do not fail to realise that those who take part in competition face enormous stress as regards their performance and success as a result of today's performance- and success-oriented society and the continuing commercialisation of sport. This is especially the case in the areas of professional and semi-professional sport, but also to some extent in that of amateur sport. We think, however, that the ethical values which form a basis for the principle of fair play in sport cannot be surrendered without causing damage to participants and to sport in general.

Rejection of the principle of fair play would present an increased risk for active athletes, in that they could be harmed, both physically and mentally, simply by participating in

competition. Moreover, it would compel them to follow suit and themselves engage in unfair behaviour in order to protect their own chances of winning. Neither of these consequences are acceptable, whether one regards the problem from the participants' perspective, or from that of the public. They fundamentally contradict the principles of sport and would inevitably lead to people, who are aware of the responsibility for themselves and for others, being forced to refuse to participate in organised competition, and furthermore, to prevent young people and children for whom they are responsible from participating.

Moreover, sport cannot – and should not – lower itself by promoting the spread and acceptance of unethical, brutal tendencies in modern society. This also applies to a special degree to professional sport. Professional sport is inextricably connected to hobby sports, and future talent often comes from this area. Due to the fact that sport provides role models and idols for children who play sport, it is a very real possibility that common abusive practices which occur in professional sport could also become more common in the area of hobby sports and, thus, could influence of people's – particularly young people's – attitudes towards life,.

Furthermore, it is far better for the sake of sports which consider themselves to be 'true' sport, and which portrays and "sells" itself as so in public, (even under commercial auspices) if it abides by the fair play principle. The spectators want to see fair competition. In the long term, only a clean and fair sport is credible and **capable of being commercially exploited**.

The erosion of the principle of fair play, which goes hand-in-hand with the deterioration of ethical principles in society, can only be halted if all persons associated with sport revert back to the indispensable value of this attitude in terms of social intercourse, both inside and outside of sport.

Therefore, all of those connected in any way to sport, must campaign for the maintenance and development of the fair play principle in their area of responsibility or influence, and strongly oppose any contradictory tendencies.

This demand is aimed at:

1. The Associations

responsible for the organisation of sport and the selection of athletes, as well as for the enforcement of rules. First and foremost, it is up to them to prevent individual athletes from becoming part of an inhumane system.

In the observance of their institutional responsibilities, the organisation of sport and its officials must therefore mould the frameworks which serve as bases for sporting conditions in such a way that any incentive for engaging unfair behaviour is prevented, fair behaviour is rewarded, and unfair behaviour is thwarted. Unfairness, intentional violation of rules, practices which endanger oneself and other participants, unnatural means of manipulating or enhancing performance (Doping), corruption and exploitation of minors must not become conditions of sporting success and, as a consequence, become integral parts of organised sport. In addition, sport organisations are called upon to promote the principle of fair play within their sphere of influence, as well as in public, and to counteract any detrimental influences.

In order to achieve this aim, it is therefore demanded of the competent associations and clubs, and, in particular, their officials that:

- Game and competition rules, including regulations concerning sports equipment, sports clothing and sports grounds are to be structured so that priority is given to the protection of athletes from any health hazards or risks above all other considerations, especially any commercial ones; this also applies to the rules, the time and the venue of the competition;
- Conditions upon qualification should not be set so high so that they can be reached only with the help of performance enhancers;
- All third party pressure in violation of this ethical minimal requirement must be strongly opposed. Professional sports should not become a tool for non-sporting interests: for example, the state's own self-portrayal, or the commercial interests of sponsors, advertisers, owners of broadcasting rights, etc.;
- Competition rules, which could involve unfair practices, should be regarded as violations of the rules per se;
- The repercussions arising out of unauthorized conduct must be amplified. Violations of the rules and unfair play must not lead to be an advantage for those athletes who do not abide by the principle of fair play. It is therefore required that during a game or competition, any deviations from the rules are punished by referees. This means that

referees must receive instruction as to how to enforce the rules and, furthermore, must be awarded complete authority in order to strengthen their position; outside of competition, it is the duty of the competent associations to impose strict and consistent penalties for any violations of the rules and for unfair play;

- Vigorous efforts must be made in order to prevent doping . Regular checks and the introduction of a worldwide system of impermeable checks during training are, therefore, necessary;
- Rules which correspond to the needs of young people must be introduced, in particular, rules which concern the protection of young people. Here, due to the duty of care owed by the associations to young people, the former have a special responsibility to avoid state intervention. This is in accordance with the basic principles laid down in Article 1, paragraph 1, sentence 2 of the German constitution which set out the state's duty of protection. The dangers which occur in high-performance youth sports should be reduced by raising age limits, stipulating the maximum duration and intensity of training, and adapting competition rules;
- Those people who work within the area of responsibility of the associations must be taught and supervised in accordance with the fair play principle. Action must be taken against coaches and club and association officials who violate the fair play principle by the methods used in their training or leadership, or in any other way, and, furthermore, against coaches and club and association officials who encourage others to do the same. This applies in particular to people who work with youngsters. The associations must therefore take any reasonable measure necessary to ensure that these people can prove that they have the professional and personal qualifications necessary for work dealing with youngsters.

2. Coaches, managers and doctors

In order to perform successfully in his field of sport, a competitive athlete is nowadays often dependent on the above group of people. Consequently, this group of people have a considerable influence on the attitude and behaviour of the athletes, and are in a position of particular trust. By appearing with the athlete in public, they shape the image the public has of the athlete for whom they are responsible, and of sport in general. Due to this, it is absolutely necessary that they take impartial responsibility for the maintenance of non-violent, fair sport.

It is therefore required of them above all:

- that they use the influence which they have on the athletes in their care in respect of the practice of fair sport. Hand-in-hand with this responsibility is the duty of these persons to avoid encouraging the taking of performance-enhancing drugs by the athletes in their care by refusing to make a 'bogeyman' out of the other participants, which could result in aggression towards the opponents;
- that they refrain from all practices which enhance the performance of the athlete by means of unnatural methods and substances, and from helping with the use or concealment of such substances;
- that they safeguard all other interests of the athletes for whom they are responsible in keeping with the spirit of the fair play principle, and that they behave in a manner consistent with this principle during their own public appearances.

3. Each individual sportsman

All of the efforts of sports organisations and other sports officials will be in vain if the sportsmen themselves refuse to practice the principle of fair play.

Each individual athlete must be aware that, by playing in an unfair manner, he endangers his opponents and team-mates, he provokes unfair reactions from his opponents which perpetuates the unfairness; cheating and violence thus becoming conditions of sporting success. Such practices not only endanger the health of others, but are also harmful to the sportsman's own health and damage the public image of sport, which, in turn, contributes to society in general becoming more brutal. This is particularly applicable to top sportsmen due to their position as role models and idols. First and foremost, therefore, the individual sportsman must take responsibility for ensuring that his sport remains clean and fair, and for maintaining the image of his sport in public.

In particular, they must:

- respect the personal rights of the opponent, as well as the opponent's right to equal opportunities as a partner in the game and in the competition. The opponent is a colleague, not an enemy;

- refrain from all practices which could give rise to avoidable dangers to the opposition, or which could provoke or defame him;
- adhere to the word and object of the competition rules, even where a violation of the rules could prove to be an advantage. Someone who has experienced fairness is more likely to practice it himself;
- reject dishonourable advantages during and outside of competition;
- maintain composure and self discipline in defeat, as well as in relation to acts and decisions of others which are believed to be unfair or wrong;
- refrain from being arrogant, as this can humiliate others, particularly the defeated opposition;
- be a comrade to other team members; avoid profiting at the expense of others;
- have regard for referees, officials and spectators.

4. All those persons who are active in youth work, including parents

The teaching of the fair play principle should have priority in the field of youth work. If not, it will prove impossible to maintain a set of clean and ethical values within sport. Furthermore, if priority is not given to the fair play principle, it will not be possible for young players to develop, both mentally and physically. It will also be impossible to promote social integration or the awareness of social behaviour.

It is therefore required of those active in youth work that:

- they refuse to implement all measures which could lead to youngsters being introduced to the idea that success should be had at all costs, and that the risk of mental, social and physical damage to oneself and to others is acceptable;
- Instead, there should be more recognition for the value and the meaning of the fair play principle within and outside of sport;
- training is provided in the areas of self-control as well as the suppression of aggressive tendencies towards taking revenge and the exploitation of dishonourable advantages which are opposed to the fair play principle;
- youngsters should be taught how to suppress unreasonable outbreaks of emotion, in success or in defeat;
- youngsters should be taught respect for opponents, team-mates, referees, officials and spectators;

- mental and physical over-exertion of youngsters during competition, and above all, during training, is to be avoided. The development of particular skills and abilities which are desirable in a particular sport must occur in a way which takes the age and maturity of the youngsters and their physical capabilities into account, and also excludes the possibility of injuries, especially the danger of permanent physical damage.

5. Sponsors, advertisers, owners of broadcasting rights as well as all those who play some part in the marketing of competitive sport

The responsibility of this group of people for the maintenance of the fair play principle is based on its position of power in providing the necessary financial background for the sports business and, tied to that, their considerable influence over sport organisations and individual athletes.

In their exercise of this responsibility, it is required of this group of people, that:

- they consider the Fair Play principle to be a central and indispensable component of the modern media- and advertisement-based competitive sport.
- Thus, the framing of contracts with athletes, as well as with clubs and associations responsible for the organisation of sport, should be done in adherence with the fair play principle;
- demands on organisers, sport associations or individual sportsmen which make sport more marketable but which, at the same time, make the active competitor subject to an increased risk to health or which violate the principle of fair play in any other way, should be avoided.

6. The Media

The media, and primarily television media, have particular responsibility for the protection and the promotion of the fair play principle. In view of its immense potential for influencing opinions, strict demands are made of the media in respect of their representation of ethical values.

The media must portray unsportsmanlike behaviour for what it is and, at the same time, give a positive image of examples of fair play.

7. Spectators

Going beyond the joy which a spectator may reasonably show following the victory or success of 'his' athlete or 'his' team, it is expected of any sporting, fair-minded person that he will put fair competition before winning at all costs. As a spectator, he therefore has a joint responsibility for upholding the ethical principles of sporting fair play.

It goes without saying that spectators who have a duty to uphold the fair play principle should reject every unnatural means of enhancing performance, all unethical practices and cheating in favour of honest sporting performance.

Therefore it is demanded of spectators and supporters that:

- they accept and acknowledge the achievements of opposing teams;
- they categorically reject unethical behaviour and cheating in the interests of a honest sporting achievement.