

[MUSIC PLAYING]

- KAREN:** Hello, and welcome back. Well, this is a session I know you've all been looking forward to. We're going to be talking about ethics in sport. So ethics in sport, back in the chat-- now is the time to discuss it. And I'm joined in the studio by Simon Lee, Paul Raven, and Steve Godrich. Welcome. Now, I'm going to ask you a bit about who was most interested in this subject that we're all here to talk about, and could you say a little bit about your particular take on it. So could I ask you first?
- PROFESSOR SIMON LEE:** I like sport. I'm a Law Professor, and I've written a book called, *Uneasy Ethics*, which looks at difficult cases and tries to encourage students to think about both sides of an argument.
- KAREN:** Excellent, and we have a very difficult case that we're going to look at, tonight, don't we? Yes.
- PROFESSOR SIMON LEE:** In the news.
- KAREN:** In the news. So we're going to take a look at this article that I'm sure you're all familiar with about our Sam Allardyce, and the allegations that are going on there. Paul, you're an ex-footballer.
- PAUL RAVEN:** Yes.
- KAREN:** So how come you've come to be involved with the Open University Business and Law School.
- PAUL RAVEN:** I was invited along. I am, actually, one of the Open University alumni, so you know, I am interested in the Open University and what it has to offer. Part of my job remit, is working for the PFA, which is the footballers' union in the education department. So we're looking to help players transition through education or other personal development tools, so that they can transition as smoothly as possible into a second career beyond their playing career.
- KAREN:** Thank you. And Steve, I mean, most people may not know that the Open University Business School offer a specific MBA, don't they?
- STEVE GODRICH:** We have undergraduate-- a BA in business management in bracket sport and football. So that's a programme that we offer with a number of modules that have been, "football-ized." So

we kind of look at business through the lens of football in most of those modules.

KAREN: So we thought that this whole idea about ethics in sport was very interesting, and luckily, it's been very, very topical. So fill us in, in terms of what's going, now, and what are some of the big issues. And what we'd like you to vote on at home-- we've got the agree and disagree widget. And the first question we'd like to ask you to vote on is-- do you agree or disagree with this statement-- is it wrong for a football manager to take payments in relation to transfers? So you do agree, it is wrong, or do you disagree? What do you guys think?

[LAUGHTER]

Yes or no?

**PROFESSOR
SIMON LEE:** If we're talking about here in the United Kingdom, and particularly in the England Premier League, we've got managers from all over the world, very few from England. We've got agents and players from all over the world. So for a lawyer, it's certainly very, very interesting. There are different cultures, different understandings. There's a lot of money at stake.

And these commercial contracts might say the agent gets such and such, the club gets this, the player gets that. It would be wrong, for most people, if the manager secretly was taking something. But is it wrong or right for the manager to get a bonus if the transfer is good, for instance? And once we begin to talk about these things, it may become more difficult to be so certain about-- those people are always wrong, they're always on the take, whereas we are always right. And that's where it's interesting.

KAREN: So to what extent, then, is this a legal issue or a moral issue?

**PROFESSOR
SIMON LEE:** Again, that's a very good question, an important division, and I like to write about both. But if we can give an analogy, if you like, to something else in life-- there are many things in traffic law that people understand are the law, but they don't observe it. And they feel it doesn't really matter, or we can do this or that, or there's a margin of error.

And then there are some things, which are clearly wrong, and you would feel dreadful if you killed somebody because you were driving too fast or drinking too much. So the law and morality sometimes overlap, but sometimes they take different positions. What we've got to do is, I think, to use sport, which everybody understands and loves around the world, and ask ourselves, how would we defend a manager who's accused of behaving badly, how would we criticise them? If we were a judge, what would we take into account, rather than just rush to

judgement and condemn everybody other than ourselves?

KAREN: Yes. But there are various different takes you can have. So you can have the moral, and you can have the legal, but what about the normative? I mean, what is normally happening? What's your experience, Paul, in terms of some of these things going on? How do you perceive this?

PAUL RAVEN: Well, coming from the football industry itself, as both a player and now working within the football industry, you know, my only concern-- or my main concern-- is the integrity of the game of football. You know, we've seen plenty of sports-- plenty of other sports, including Olympic sports-- whose integrity is clearly being questioned.

And that can have a negative effect on the experience for both the participants and the viewers of the sport. So integrity is key. I feel somewhat conflicted over the news story, the main news story of this week. Sam Allardyce, as a former colleague of mine-- you know, I'm somewhat conflicted. But I can only say that I hold him in the highest regard.

KAREN: That conflict is interesting. We were talking a little bit earlier about how we can categorically think things about certain areas. But then when it applies to us, all of the sudden, there's a very different way of looking at things. So I guess that's your experience. Our audience is saying-- over 90% are agreeing-- that it is wrong for a football manager to take payments in relation to transfers. But yet you know, I don't know. This kind of thing, I guess, is happening, and it's where those parameters lie that is the interesting distinction. Steve, what do you think?

STEVE GODRICH: Well, I guess that's clearly the issue, and Simon touched on it, there, that it's very much contextual. So it's something that we discuss in some of our modules, is this idea that-- football is a great example-- is now globalised industry. So our idea of morality and ethics is one thing, but going to deal with people in other parts of the world and other cultures, that could be very, very different. So who are we to be so arrogant as to say, well, our way is right?

Perhaps, the way other people do business is also equally right. So where a different culture might mean paying somebody to get a contract drawn up or something done or a player transferred, or whatever. So context, I think, is quite an interesting issue that people need to consider.

KAREN: It is, but do you, then, think that we can categorically say, well, within this context, yes, this is wrong? I mean, is it a clear case?

PROFESSOR Well, it depends on what the 'it' is that you're talking about.

SIMON LEE:

KAREN: The taking payments.

PROFESSOR But he didn't-- Sam Allardyce didn't--

SIMON LEE:

KAREN: He might have.

PROFESSOR --take payments, and it wasn't for a transfer, in this particular example. But let's say a

SIMON LEE: footballer, an actual player, nowadays, might well have their own charity, their own foundation. Because a generation ago, they did work for the club's foundation, but now they tend to move around different countries every couple of years, partly because the agents are getting a percentage of the transfer fee.

So suppose they take some money above and beyond what is made public. They put it into their foundation, which is to help back home, let's say in Sierra Leone, to help disadvantaged children. Is that necessarily to be condemned? They haven't broken a law in this example. They're putting it to good use. There's a lot of money in the game, should they take it and use it in a certain way? Whereas where you are putting it is the manager is doing something underhand for selfish reasons.

Now, it's a sport with a short lifespan for the players, and managers seem to get thrown out every, well, 60 days. So I'm not defending anybody on any particular example. I'm saying let's not just bundle everything in and say they're always wrong, as we're all saying, I think. Let's look at it in the round

KAREN: OK. Let's see what people at home think. Sophie and Kristen, I hear there's a lot going on in the chat.

SOPHIE: Yes, there is. It's hard to keep up this evening. Everyone's got really good views and really good opinions. It's really nice to hear from everyone-- debating and agreeing, and things. It's really nice. Do you have anything specific?

KRISTEN: And quite a lot of people are bringing out that there are a number of different issues. It's kind of rippling throughout, that it's not just one particular issue that's happening. So Joe is

mentioning that the former Burton manager actually shocked a lot of people locally, as well, when that came out. So we're thinking that it's going to have wider reach than just one particular manager.

KAREN: What do you think?

PAUL RAVEN: There's clearly an investigation going on into malpractice, particularly by *The Daily Telegraph*, that we know of, so we're all waiting to see what they produce. And so it's difficult to comment on certainly the last one, the QPR manager. I wasn't aware of that one.

STEVE GODRICH: I could say, though, we were chatting back in the green room, there, about issues-- things like doping, which we see in other sports, the Olympics, and cycling, and what have you. But you know, again, where do we draw the line between that sort of doping and somebody taking an aspirin because they've got a headache, or whatever.

So there's lots of those ethical issues surrounding that and what should be revealed, so to speak, and what is kind of private, and I'm just dealing with a particular issue that I happen to have that-- you know?

KAREN: Yeah. And I guess in terms of drugs and medication, those parameters are, maybe, a little bit more blurred. So we'd like to ask you at home-- is it unfair, for example, for a student to take a performance enhancing drug before an exam? Do you agree it is unfair for students to take a performance enhancing drug, or do you disagree?

And it might be interesting in the chat to think about what some of those drugs might be and where those parameters lie, because I guess the issue of doping in sport is very complex, because there are various chemical reactions that are going on, and we're needing to think about what is performance enhancing, and to what extent is that something that's internal or a reaction in our bodies to something else.

So maybe that's more of, I guess, interesting area to explore. What would your views be? Is it, I guess, a little bit difficult, then, to look at it from a legal perspective in terms of something being right or wrong in that regard?

PROFESSOR SIMON LEE: Well, I think, again, that's a very good question to ask students, and what do you mean by performance enhancing drug? It could be, let's say, lemsip-- you're feeling bad on the morning of an exam, would you take that? Most students, I think, would. And they probably wouldn't feel they were doing anything wrong. If they were skiing in the Olympics, they could get

disqualified for that, depending on the exact medication, where they are, and so on.

And then you up the scale, and then you think about people who are staying up all night before an exam and having coffee to do that-- but maybe having a harder drug, maybe an illegal drug, or maybe misusing a drug that was meant for something else, and then using a different drug in the morning to move forward into the exam.

KAREN: So there are stimulants and other sorts of stimulants, I guess.

PROFESSOR Yes. And is it fair, in this example, compared to other people who are also juggling life, family,
SIMON LEE: work, doing their revision and so on? These are the sorts of things that, it's easy, again, to condemn a cyclist, an athlete, whoever it might be. But how do we draw those lines?

And then I think as Steve has said, the therapeutic use exception is now being revealed. Do students want examiners to all be debating whether their migraine is relevant or not? You know that used to happen. And they became like medical surgeries, examiners boards. Now, it tends to be much more trying to sort out that we're fair to students by not having discretion at the last minute.

But these are the sorts of things which, every time you can think of an argument-- I would like to think if you were defending a student, if you were the institution challenging the student, and if you were the examiners making the decision. And you've got in your mind I want to be fair to everybody. I want to be fair to this person. They're innocent until proven guilty, whereas the media often interpret the football manager or the cyclist as guilty, the student is innocent.

But if they are plagiarising or whatever it might be, cheating in a different way, to that example, don't I have to be fair, and don't I have to take Paul's point-- stand up for the integrity of my subject, of my university?

KAREN: Paul, what was your experience when you were a professional athlete in terms of performance and performance enhancing things? So I mean, diet is very important, sleep, you know, stimulants, et cetera. So there's a lot of ways in which we try, as athletes, to make our performance optimal. But were there any difficult moral decisions that you ever had in terms of any areas that you thought, well, I'm not really sure whether or not I agree with this, that, or the other?

PAUL RAVEN: None that spring to mind. I think the perspective that I would like to come from is about how

much education there is out there for young footballers, particularly those joining the game. We try and educate footballers as early as possible to avoid and give them-- avoid putting the wrong substances into the body, because we know all athletes are 100% liable for what goes in. Part of that education is around, maybe, something like the use of supplements, you know.

People use supplements to improve their endurance or muscle growth, et cetera. And we try and explain to them that, you know, how to speak to your sports scientists. Surely, what you're looking to achieve, there's a better way. You can achieve that through natural work, working with your physiotherapists and your sports scientists.

KAREN: There is a lot that can be done, but equally a lot of people are doing things that are, you know, illegal, I guess, effectively, maybe not in football to the same degree. But we've seen a lot of cases coming up in the news where people are being, I guess, coerced. In particular, some countries are advocating that their athletes are doing this sort of thing, and there's quite a lot of pressure. We've been also talking about global and localised and individual issues, as well. So do you think this is something that may affect different countries more than others?

PAUL RAVEN: Undoubtedly, yes. I think so. I mean, pressure for a young athlete is, I'm sure, very hard for them. And there is pressure all the time in sport. That's one thing that we do become used to, pressure from a number of different angles.

KAREN: We asked people whether they thought it was unfair for a student to take a performance enhancing drug, and the vast majority of people think it is unfair for students to take those. And there's been a lot of talk about coffee and inhalers and all sorts of things, and I'm going to go over to the hot desk, and see what's been happening.

I wish that coffee had the same impact it did when I was a lot younger, on me, because now, I can just drink it until the cows come home, and I don't stay up any later. So it's lost its effect. But you know, the way that these things act on individuals is also sometimes a big variant. Sophie and Kristen, what's going on?

KRISTEN: Well, it's interesting, because a number of the students, people at home, are talking about how they take drugs for medical conditions. And so they wonder about that issue in the news that you were talking about, Sophie, and the-- I don't know if you want to--

SOPHIE: Yeah. So Stuart and Penelope both, obviously, mentioned Bradley Wiggins and the steroids that he takes, because he has asthma, which I, actually, can relate to quite well, because I'm

asthmatic, although not that severe, but my dad is, and he regularly take steroids for it. And then should he be penalised for something that he can't really control? And it is a touchy subject. There is a massive grey area. There isn't a right or a wrong, there.

But it's nice to have that conversation in the chat, and you know, the different sides that we hear to it, definitely. We've also had a few good-- Penelope also mentioned-- we were taking about football, a little bit earlier. And she says, basically, that scandal follows money. And if the players, maybe, weren't paid as much, the scandal would, maybe, be decreased quite dramatically, which I do kind of agree with. I think that's a very good point. So thank you, Penelope, for that one.

KAREN: So would you like to pick up on those points?

PROFESSOR Yeah. Very interesting to hear that in chat. And I can I give an example--

SIMON LEE:

KAREN: Yeah.

PROFESSOR --the students might want to discuss? It's a bit like in Paul's sport of football, the issue of tugging shirts in the penalty area, which, you know, you could say is not allowed, and it should just be a penalty all the time. But in practise, some managers might expect you to do it, and then sometimes, people get brought up for it.

SIMON LEE:

An example in law, in the olden days when I was a student, is that some students were said to take a vital book or law report out of the old physical library shelf and then hide it somewhere else. So they didn't take it out of the library, they didn't break the law. But they made it impossible for other people to read the material, and then they did better than them. Now that kind of competitive nastiness, I'm sure, doesn't go on in the Open University.

KAREN: Certainly, not in the Open University library, where it's all online.

PROFESSOR In a technological age, to have precisely that example-- but that sort of thing, that kind of
SIMON LEE: niggle, you could imagine in some very competitive environments. What should you do? If it's brought your attention as an examiner, it's quite difficult to gauge what was the advantage, what was the disadvantage. Just get on with it, some people would say.

KAREN: So there are these problems, and having a six-year-old, myself, who is very mindful of these boundaries, like tugging of shirts. You know, there are parameters where you can say, that

definitely was, that definitely wasn't. You know, it is very difficult to have a categorical decision. So it's not quite as clear cut, I guess, in terms of the ethics, although we have these legal parameters.

PROFESSOR

Well, I've had students say that to me, that that wasn't plagiarism. And you say, yes, it was.

SIMON LEE:

And they say, well, I did it last year, you didn't pick me up on it. Well, that's like saying I drove at 75 on a 70 mile per hour speed limit, and you didn't stop me, so you can't stop me this year. These things are happening in everyday life all around us, and what we want to do is to ask students to be measured in judging others and to think about what we do ourselves.

KAREN:

So then what are the-- like, moving forward, what are the issues in terms of ethics and sports, then, that we-- what's going to be interesting in terms of how people look at these parameters in the future?

PROFESSOR

I think fair play is a big theme in football and other sport and life. And that's what we want, isn't in-- In our politics, as well-- people are talking about it, but we disagree about what it is. And when it comes to a competition, the last few minutes of the game, your country depends on you-- Thierry Henry or Diego Maradona handing the ball-- you tend to view it slightly differently, depending on whether it's your team or the opposition.

KAREN:

Well, you do. But wouldn't that make the world a very boring place. I mean, sitting here has a psychologist, I'm quite confident that if we had all of these rules, and we said, let's all play nicely and fairly, it would be a little bit more boring, and I don't think everyone would do it.

[LAUGHTER]

PAUL RAVEN:

I kind of think that's what we want in football. We don't want it to be sanitised, you know. We want that traditional thing of talking over it in the pub after the game. That's what we want to maintain. That's our heritage.

KAREN:

I guess, in professional sport, you're always pushing anyway. You're pushing boundaries, you're pushing parameters, and maybe seeing exactly to what extent you can go in terms of both meeting the rules and also developing the game and the sport.

STEVE GODRICH: Yes. But isn't that the issue that kind of encapsulates the whole debate that we've had-- is that this issue of ethics is so grey. And you've asked two questions of all the students and the viewers out there, which were very polarised-- do you agree or disagree?

And it's kind of-- yes or no-- when actually, there's a lot of maybes and perhaps, and that's really what we want to encourage with all our students is to ask those searching questions and really dig into issues and subjects and try and understand, rather than just being very glib and saying, it's a yes or a no. And these ethical issues that Paul and Simon have raised are just fantastic for showing how difficult some of these issues can be.

KAREN:

No. They are, and I've sat here with many of your colleagues from the law department and business department, and we've talked about exactly how woolly and grey these areas are. But we don't have time to go into all of these, unfortunately, which is why we've been fairly categorical. So do excuse us for that at home, because these are really just starting points to get you thinking about some of these things.

And what we've really been finding out over the last few hours is how, when you start studying some of these things-- which we know that many of you are at level 1, so you know, you're going to be starting your learning journey with the Open University-- many of these things will become increasingly unclear as you progress in your studies.

So you've got that to look forward to. But Simon and Paul and Steve, thank you so much for joining me. I just want to take a quick trip to the hot desk. Sophie and Kristen, I'm so excited about this moot. And not one person from the Open University Law School has told me what hats have got to do with moots yet.

SOPHIE:

We're still pretty clueless, too. So we're hoping that this is all for a reason.

KRISTEN:

Yes. But we've been able to wear some great hats.

SOPHIE:

We have. And Stuart, at home, he has joined in. He has sent us a nice selfie of him with a hat. We are trying to get that printed off as soon as possible. We have got a few more, actually. I'm just going to show you these, very quickly.

KRISTEN:

Oh, lovely.

SOPHIE:

So we've got something from Rabina, here.

KAREN:

Oh, is this Rabina? Hello, Rabina.

SOPHIE:

This is Rabina. And she's been with us all day. Lovely to see you. Thank you so much for sending this through. It's a beautiful picture. And we've also got Mohan, here, who's joined us.

KAREN: Hi, Mohan.

SOPHIE: And we've got, as always, I do like a cute animal. We've got Sylvia's cat.

KAREN: Hi, Sylvia's cat.

SOPHIE: I think it's called-- Roshina, I think. Beautiful. And the last one, we've also got Joanna.

KAREN: Hi, Joanna.

SOPHIE: Some nice selfies that have come in. And if you have sent in a selfie, please do send us your address. We have got some things to send out to you. I don't actually have them here with me, at the moment. But there are things we've got-- some BBC posters on The Hunt. There's one on digital technology, and there's one on wild weather. So please let me know which one you'd like. Send through your address to studenthub@open.ac.uk, and we'll get those sent out. Thank you so much for taking part.

KAREN: Wonderful. Thank you very much, Sophie and Kristen, and thank you to my guests in the studio. We're going to have a short video break that I pre-recorded earlier, where I was asking Terry O'Sullivan all about MOOCs-- that's MOOCs, not moots. We'll be back for the moot after the MOOCs in five. See you soon.

[MUSIC PLAYING]