

The Bosman Ruling and its Unforeseen Consequences for English Professional Football Clubs: A Figurational Sociological Analysis

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Introduction

Whilst there has, over the past decade or so, been a large and expanding literature on the nature of sports law and sport policy generally both in the United Kingdom (UK) and elsewhere, very little has been written about the nature of sports law and, in particular, the *Bosman* ruling from a distinctly *sociological* perspective. Indeed, almost all of this literature has been written from the perspective of sports law – and has been associated, in particular, with the work of David McArdle and Richard Parrish (Parrish, 2003a, 2003b; Parrish and McArdle, 2004), among others – who have typically been concerned with the ways in which the *Bosman* ruling has had differential consequences for the clubs involved (Murphy, 1998; Roderick, 2006).

By drawing upon aspects of figurational sociology, the objective of this paper is to begin to lay the foundations for, and develop a properly sociological approach to, understanding some of the unforeseen consequences that resulted from the *Bosman* ruling for English professional football clubs. In this regard, it will be suggested that one of the unforeseen consequences of *Bosman* has been to exacerbate the already widening economic and performance-related differentials between English Premier League clubs, as well as between Premier League clubs and those in the Football League, both of which are said to lie at the heart of ‘the financial crisis facing English professional football’ (Burnham, 2004).

Before examining these issues however, it is worth noting two important theoretical premises that underpin the approach taken in the paper. The first point is that the unforeseen consequences that resulted from *Bosman*, like all social processes, are not outcomes that happen by chance or occur in an *ad-hoc* manner. Rather, they are ‘the *normal* result of complex social processes (such as the commercialization of sport) involving the interweaving of the more-or-less goal-directed actions of large numbers of people’ and are ‘outcomes that non one has designed and no one has chosen’ (Dunning *et al.*, 2004: 200; emphasis in the original). These unforeseen consequences, and the difficulty with which they can be predicted, can in turn only be understood adequately as resulting from the changing power differentials between groups clubs that has accompanied the growing complexity of the relational network characteristic of professional football in England and elsewhere. The second, related point, is that whilst the *Bosman* ruling was a significant landmark in the development of football, it is only possible to understand something of the unforeseen consequences of *Bosman* for professional clubs by appreciating that these consequences occurred in conjunction with, among other processes, the growing professionalization, commercialization, internationalization and commodification of the game (see, for example, Dunning, 1999; Dunning and Sheard, 2005; Hargreaves, 1986).

Whilst the roots of these processes can be traced back to the late nineteenth century (see, for example, Dunning, 1999; Dunning and Sheard, 2005; Hargreaves, 1986), for the purposes of this paper I will focus on some key developments since the early 1960s.

The *Bosman* ruling in the context of professional football

Since the abolition of the maximum wage, the landmark Eastham case in 1963, alterations to ‘freedom of contract’ law in the 1970s and, most notably, the formation of the English Premier League and the *Bosman* ruling, the salaries of professional footballers and associated ‘player power’ have been much reported on in print media. As part of this, it is regularly claimed that footballers ‘earn vast amounts of money’ and, with assistance of ‘influential agents, are able to dictate to club managers and directors in terms of salaries, length of contracts and other conditions of employment’ (Roderick, 2006: 113). However, this is based largely on a misconception, for while some players do earn very large salaries, the majority, especially those in the football league, do not appear to receive salaries that are so generous during what are, for many, relatively short-term careers (Emery and Weed, 2005; Murphy, 1998; Roderick, 2006; Roderick *et al.*, 2000).

The precarious nature of the careers of many professional footballers, who are often rather more concerned with team selection and above all *playing* (Roderick, 2006; Roderick *et al.*, 2000; Waddington, 2000; Waddington *et al.*, 1999), have been made all the more unstable by the aforementioned developments. One consequence of the Eastham case, alterations to ‘freedom of contract’ law in the 1970s, and, in particular, *Bosman*, has been that the majority of football players have been signed on relatively short fixed-term contracts, many of which last from one to three years (Murphy, 1998; Roderick, 2006). Indeed, as Murphy (1998) has noted, one unforeseen consequence of the prevailing tendency for clubs to offer many players short-term contracts has been a growing polarization between groups of clubs within the Premier League, and between groups of Premiership clubs and those competing in the Football League, a

process that he describes as being characterized by ‘the increasing concentration of resources in the hands of fewer clubs’ (Murphy, 1998: 37).

Despite the prevailing concerns over the extent to which such developments have constrained the ability of some clubs to remain competitive and financially solvent (Murphy, 1998), the expanding labour market that has resulted, perhaps most significantly from *Bosman*, has meant that there is now an increasing availability of European and non-European players to clubs. One aspect of this has been the corresponding tendency for Premier League managers, in particular, to become increasingly unlikely to ‘take a chance’ on lower league footballers (Roderick, 2006). Indeed, whilst at first sight it seemed that *Bosman* would enable the less wealthy clubs to sign more players because they no longer have to pay for players, there have in fact been a number of unforeseen consequences that have contributed to the increased power differentials between groups of clubs, in favour of a handful of those so-called ‘big clubs’ in the Premiership (such as Chelsea, Arsenal, Manchester United and Liverpool). These unforeseen consequences have included the increased difficulty with which clubs from lower down the Premier League and, indeed, other leagues, have in retaining their better players from whom they would ordinarily expect to receive a transfer fee. One alternative for these clubs is, of course, to sell players before their contracts have ended, however this has often resulted in clubs retaining the services of players for a shorter period of time than they might otherwise have done. Another is that because clubs stand to receive no money from the transfer once the player’s contract has expired, they often agree to the sale of players for a much lower sale price than they would normally have received.

Simultaneously, however, such a process has helped ‘bigger’ Premiership clubs, by virtue of their higher power ratio relative to other clubs, to pay higher wages for desired players who are more likely to join those clubs without commanding a transfer fee. It has also become increasingly possible for such clubs to draw upon their greater financial resources to attract players for whom a high transfer fee is sought by the player’s current club, whilst limiting the chances of other clubs in less powerful positions signing similar players (Murphy, 1998; Roderick, 2006).

It is clear, then, that one of the most significant unforeseen consequences of *Bosman* has been the differential consequences it has had for the power ratios of some clubs. The changes to employment laws and transferring that resulted from *Bosman* have, of course, also increased the power resources of some players (as well as their agents and other interested groups) to ‘make their own decisions about the trajectories of their careers’ (Roderick, 2006: 119) by enabling them to negotiate the terms of new contracts from a greater position of strength relative to that of the clubs and other players. For example, in reporting upon the circumstances surrounding the transfer of Sol Campbell from Tottenham Hotspur to Arsenal in 2001, Roderick (2006) has noted that Campbell who, at the time, was among the wealthier and more financially secure players and was developing a global reputation, was more able to exploit the rules of transferring because of the higher power ratio he possessed. More particularly, since Campbell was out of contract – ‘on a Bosman’ – Arsenal, like other prospective clubs, had to deal directly with Campbell and his agent, and were constrained to submit to his transfer demands to a greater degree than perhaps they were in relation to other players (Roderick, 2006). A further example of the ways in which players who are able to control, in part, the process of transferring in which they are bound up because

they possess the higher power ratio relative to other players and clubs is, of course, Michael Ballack who recently successfully negotiated a reported salary of £130,000 as part of his transfer from the German Bundesliga Champions, Bayern Munich, to the English Premiership winners, Chelsea.

Whilst the 'better' players are now able to move easier between clubs and/or to command higher wages for their services at their current or some other club, not all players are able to draw upon their greater power resources 'to exploit the social circumstances in which they are bound up in advantageous ways' (Roderick, 2006: 121). For example, other usually less successful players who are out of form or favour, as well as those who are not paid 'substantial wages' and who are nearing the end of their contract without the possibility of compensation, are in a much less powerful position to negotiate what they perceive as favourable contracts with prospective clubs (Murphy, 1998; Roderick, 2006). One unforeseen outcome of this has been the increasing concentration of such players among those clubs whom are less successful and/or are unable to compete as effectively – both financially and in playing terms – with other more successful clubs, and those who are perceived as having higher status in one way or another. These points aside, it is clear that since the end of the maximum wage and the Eastham case, but especially *Bosman*, 'few (if any) transfers can be characterized sociologically as bi-polar, for they involve multiple groups of people who all may have different interests at stake; thus, expressed in simplified terms, all transfers involve at least the existing employer club, the employee player and the would-be employer club' (Roderick 2006: 118). Equally, it is clear that players are increasingly constrained, when negotiating transfers with their existing or prospective clubs, to take into account the thoughts and actions of other

groups of people, such as players' agents, partners and other family members. This brings me to the importance of accounting for the significance of the relational networks in which players find themselves as a basis for explaining the unforeseen consequences that have resulted from developments such as *Bosman*.

The significance of power within relational networks

When conceptualized sociologically, therefore, it is evident that the *Bosman* ruling has had a number of different unforeseen consequences, the outcomes of which have affected different groups of people within the game in a variety of ways. Such consequences, while brought about by the intentions of the people involved are typically unplanned and unforeseen and cannot be explained in terms of the actions of particular individuals (Elias, 1978; Goudsblom, 1977). Thus, from a figurational sociological perspective, these unforeseen consequences can only be understood adequately as resulting from the changing power differentials between groups of clubs, players and other interested parties such as agents, which have accompanied the growing complexity of the whole relational network characteristic of professional football clubs in England, as well as European and non-European clubs since the mid-1960s in particular. To these, of course, we might also add wider changes in European law, along with the increasing involvement of media organizations such as British Sky Broadcasting (BSkyB) in football in Europe, both of which have also come to increase the tendency for unforeseen consequences to result from the developments such as *Bosman*.

Conclusion

Within this brief paper I have tried to begin to develop a properly sociological approach to understanding some of the unforeseen consequences that resulted from *Bosman* for professional football clubs. But what lessons can be learned, in practical policy terms, from a recognition of the significance of unforeseen consequences that typically result from developments such as *Bosman*, and other relevant football policy and semi-official pronouncements such as the recent Independent European Sports Review (IESR) (Arnaut, 2006)?

Perhaps the first point to note is that it is only possible to understand adequately the likely effectiveness of the proposals in the IESR by recognizing the significance of the complexity that characterizes the dynamic relational networks within which government ministers, clubs, players and the agents who represent them, among others, find themselves. In this regard, by placing the study of these human relationships at the heart of the analysis helps to reveal something of the ways in which these relational networks consist of different people pursuing their individual and/or their group interests. It also sensitises us to the fact that the people who together develop strategies such as the IESR are involved in relationships that both enable and constrain their actions, and in which on-going power struggles and the very complexity of the interactions between the various parties involved result in many outcomes that were unforeseen, such as those of the kind that have resulted from *Bosman*.

Indeed, it is clear that planned actions in the form of government decisions (as they are expressed in the IESR), as well as the intended actions of clubs, players and

agents, 'take place within a network of human interdependencies which, since it results from the unplanned interweaving of the unplanned needs of many unplanned people, is not the result of the action or the plan of any of them' (Elias, 1987: 107). The resultant outcomes that may flow from the IESR, therefore, can thus be conceived of as a complex combination of the intended actions of the groups involved, and the unforeseen consequences of these same dynamic relationships. Thus, insofar as the development and implementation of the IESR – like *Bosman* – will be a complex process that, almost inevitably, will have unforeseen consequences, it will be *crucially important* that any actions that derive from its implementation are continually monitored with a view to asking whether or not it will achieve the desired ends, and with a view to minimizing what may be held to be potentially undesirable consequences that may arise during its implementation (Dopson and Waddington, 1996; Dunning, 1999; Waddington, 2000). As noted in relation to the implementation of *Bosman*, while it is difficult to be sure, one unforeseen consequence that could result from the IESR may be the furtherance of the already widening economic and performance-related differentials between clubs throughout Europe.

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