

Sport as Cultural Heritage

Lorenzo Casini*

(forthcoming in *Handbook on International Sports Law*, 2nd edition, edited by James A.R. Nafziger, and Ryan Gauthier, Cheltenham, Edward Elgar, 2022)

Abstract: *The chapter is divided into three parts. First, it focuses on sport as both intangible and tangible heritage. Second, it considers the relationships between sports and culture, with its similarities in terms of policies and institutions. Third, it draws some remarks with regard to the major challenges such a relationship between sport and culture raises.*

Keywords: sport; heritage; culture; sports' museums

INTRODUCTION: THE CULTURAL DIMENSION OF SPORT

Sport and culture have been inherently linked since ancient history. Both Homeric poems already display such a relationship, especially for the ritual dimension of games, when Achilles decides to celebrate the death of his beloved friend with a chariot race and other events, for instance, or when Phaeacians play ball in honour of Ulysses.¹ Even before then, in the ancient Egypt, scholars reported a 'true blossoming of pharaonic sport' in the eighteenth dynasty (1543–1292 B.C.), when Tuthmosis III, his son Amenophis II, and Amenophis's son Tuthmosis IV 'gave birth to a sports tradition that had its renaissance toward the end of dynasty, during the reigns of Tutankhamon and Ay'.² As a matter of fact, in the history of literature, art, or religion, there are numerous examples of sports' representation and images, which give evidence of how long games and sport date back in our history and of how they influenced our culture: in ancient Greece, the calendar was set by the Olympics;³ poems and statues were produced to

* "Carlo Ludovico Ragghianti" Professor of Administrative Law at IMT School of Advanced Studies; President of the Italian Football League "Serie A".

¹ *Iliad*, book 23; *Odyssey*, book 8, verses 499 et seq.

² W. Decker, *Sports and Games in Ancient Egypt*, Yale, Yale University Press, 1992, p. 22. This book offers a rich analysis of sport in the Ancient Egypt, where pharaohs used to play archery as well as other sports like track and chariot racing.

³ G. Miller, *Ancient Greek Athletics*, Yale University Press, Yale, 2004; M.L. Catoni, *Cercando le Olimpiadi*, in *I Greci: storia, cultura, arte, società. Vol. I, Noi e i Greci*, Einaudi, Torino, 1996, pp. 539–609.

honour athletes (and their cities) in PanHellenic sanctuaries; and scholars investigated how the concept of ‘agonality’ crafted Greek society.⁴

A further inclusive characterization of the relationship between sport and culture is that sport is regarded as simply one of several manifestations of culture (like art, music, religion, language).⁵ But sport and its ‘mythology’ have often been used – and even abused – in the modern era in order to support the affirmation of a given political or cultural movement. The Nazi-Fascist Propaganda or State-administered Doping in East-Germany are only two examples amongst the worst ones; and we may also consider that the Cold War was ‘fought’ on many ‘battlefields’, including the Olympics and their reciprocal boycotts.⁶ On the other hand, the fight against apartheid and the exclusion of South Africa from the first Tokyo Olympic Games in 1964 demonstrate how sports can help cultural development or at least halt cultural degradation. Lastly, the case of the Olympic truce (the ancient *ekecheria*), regularly adopted by the United Nations during the Olympic Games, testifies to one of the highest cultural values of sports for mankind, in terms of their capacity of promoting peace; and how sports can overcome war and conflicts emerged in several occasions, including during the 1982 Falkland War between Argentine and United Kingdom (UK), when the latter decided to send teams to the FIFA World Cup in any event;⁷ or take, for instance, the reaction that sporting institutions took in February and March 2022 against the Russian attack to Ukraine, with the banning of Russian teams or Russian flags or anthems.⁸

This chapter aims to illustrate how sports and culture are intertwined, and, in particular, how sport interacts with cultural heritage. This latter concept can be defined in its broader sense to mean ‘a group of resources inherited from the past which people identify, independently of ownership, as a reflection and expression of their constantly

⁴ M. Golden, *Sport and Society in Ancient Greece*, Cambridge University Press, Cambridge, 1998; J. Burkhardt, *Griechische Kulturgeschichte*, 1898–1902 (4 volumes). The notion of ‘agonality’ is analysed in volume 4, *Der hellenische Mensch in seiner zeitlichen Entwicklung*, part III. *Der koloniale und agonale Mensch*.

⁵ J.A.R. Nafziger, R.K. Paterson, and A.D. Renteln, *Cultural Law: Comparative, International, Indigenous*, Cambridge University Press, Cambridge, 2010, especially pp. 740 et seq.

⁶ *Sport, Droit et Relations Internationales*, sous la direction de P. Collomb, Paris, Economica (1988).

⁷ See <https://www.dailymail.co.uk/news/article-2617621/Thatchers-government-nearly-withdrew-England-Scotland-Northern-Ireland-football-teams-1982-World-Cup-case-played-Argentina-Falklands-war.html>, this and all other links in the chapter were live as at 4 March 2022.

⁸ See, for example, the case of soccer: <https://www.fifa.com/tournaments/mens/worldcup/qatar2022/media-releases/fifa-uefa-suspend-russian-clubs-and-national-teams-from-all-competitions>.

evolving values, beliefs, knowledge and traditions’.⁹ We will also try to broaden understanding of the role of sport and international sports law beyond the particular issues, laws, policies and institutions that have otherwise been discussed in prior chapters. The chapter is divided into three parts. First, it focuses on sport as both intangible and tangible heritage. Second, it considers the relationships between sports and culture, with its similarities in terms of policies and institutions. Third, it draws some remarks with regard to the major challenges such a relationship between sport and culture raises.

1. SPORT AS CULTURAL HERITAGE?

Can sport be seen as cultural heritage? Responses to this question may vary according to whatever notion of cultural heritage we adopt. There are several definitions of cultural heritage, provided at the international level by different conventions. In addition, each legal order offers its own notion.¹⁰

We will consider three examples. The first one relates to the idea of sport as cultural heritage according to the 2003 UNESCO Convention on intangible cultural heritage. The second example refers to sports-related objects, such as venues or equipment, which can be declared or treated as cultural property. The third example is of sports’ museums.

1.1. Sport as Intangible Cultural Heritage

The 2003 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage defines ‘intangible cultural heritage’ as:

the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their

⁹ 2005 Council of Europe Framework Convention on the Value of Cultural Heritage for Society, so called Faro Convention, Art 2.

¹⁰ On the notions of cultural heritage and cultural property, Manlio Frigo, ‘Cultural property v. cultural heritage: A ‘battle of concepts’ in international law?, (2004) 86 *Int’l R. Red Cross* 367; and Lyndel Prout and Patrick J. O’Keefe, ‘Cultural heritage’ or ‘cultural property’?, (1992) 1 *Int’l J. Cultural Prop.* 307.

history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity.¹¹

Under this definition, sport can certainly find its recognition as cultural heritage, just as any other human practice or tradition. The current Lists of Intangible Cultural Heritage and the Register of Good Safeguarding Practices, for instance, contain elements clearly related to sport or other physical activities, such as alpinism in France, Italy, and Switzerland; *silat*, a combative art of self-defence and survival, in Malaysia; *Chidaoba* (wrestling) in Georgia; traditional Korean wrestling; *kuresi* (wrestling) in Kazakhstan; the *capoeira* circle in Brazil; Hurling, or *Camogie* (a form of Hurling played by women) in Ireland, that is a field game between by two teams which dates back 2,000 years.¹²

Although those elements and practices are not recognized as Olympic sports, they confirm the linkages between tradition, history, games and cultural heritage. These linkages are recognized not only under the 2003 UNESCO Convention, but also according to several national legal orders. This is what happens, in Italy, for example, with many regional or local traditional games, which became part of folklore and history: take, for instance, the Soccer in Costume or *Calcio in Costume* in the centre of Florence (which may also be added to the UNESCO list in the future).

1.2. Sports-related Objects as Cultural Property

Beside the hypothesis of considering sport as such as cultural heritage, there are other examples that shed light on the relationships between sport and cultural heritage. The clearest example comes from stadiums or other venues, which may be recognized as cultural property for their historic, artistic, architectural or even archaeological interest. Cultural property can be here meant according to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict: ‘irrespective of origin or ownership’, as:

movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether

¹¹ Art 2. See J. Blake and L. Lixinski (eds.), *The 2003 UNESCO Intangible Heritage Convention. A Commentary*, Oxford University Press, Oxford, 2020.

¹² <https://ich.unesco.org/en/lists>.

religious or secular; archaeological sites; groups of buildings which, as a whole, are of historical or artistic interest; works of art; manuscripts, books and other objects of artistic, historical or archaeological interest; as well as scientific collections and important collections of books or archives or of reproductions of the property defined above.¹³

From this perspective, the most obvious references come from the archaeological site of Olympia, in Greece, which is also a World Heritage site under the 1972 UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage, and from Roman amphitheatres, including the Coliseum, which were places for ‘*circenses*’ centuries ago. If we limit the scope of our analysis to the modern Olympics, that is, from 1896, we may find several monumental sporting architectural spaces that are now part of cultural heritage or otherwise designated as historic buildings in a given country. Once venues have been labelled as cultural property, they fit within a legal framework of conservation, protection, and related permissions, which may significantly reduce possibilities for renovation. This may create some problems in managing these infrastructures, especially if a need emerges to make the venue compliant with the newest regulations or international technical standards (e.g., for security). In August 2020, for example, the Italian Parliament enacted a specific legislative provision to ease the renovation of soccer venues, even if they are already recognized as cultural property.¹⁴

Another example of sports-related objects, which may be recognized or declared cultural heritage or cultural property, comes from equipment, trophies, or any other form of ‘material life’ connected with sport. These objects can become cultural property under at least two circumstances.

On the one hand, some archaeological relics or historic works are related to sport. These works are part of cultural property under the same terms as those belonging to other fields of human culture and activities. In addition to Greek vases displaying ritual games, ritual ballgame figurines from the Mayan era and other Mesoamerican cultures indicate the breadth of sports-related archaeological relics.¹⁵

¹³ 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict, Art 1.

¹⁴ Law Decree no. 76/2020, Art 55-bis.

¹⁵ <https://sniteartmuseum.nd.edu/collections/mesoamerican/>.

As integral parts of the game, uniforms, helmets, and other accessories may also be considered part of cultural property. In our modern culture, the impact of uniforms and jerseys, and their symbolic cultural value may be even easier to comprehend at first glance for sport. Consider the iconic meaning behind Michael Jordan and Kobe Bryant's jerseys or the translation of cultural meaning from Michael Jordan's shoes on the court to the production of Air Jordans. Considerations of fashion as cultural property may already imply the historic significance of sports jerseys and uniforms¹⁶, but, outside their status as fashion, uniforms and jerseys can also embody historic experience and sacred value for communities.

On the other hand, sports equipment or even venues may acquire specific cultural significance because of one or more historic episodes that took place in a particular venue, or because of history more generally. This may be the case of famous cups – items often designed by well-known artists – or of a venue where something relevant in history happened and should thus be remembered. In some cases, there may be even self-referential phenomena, should the significant happening in history be itself a sport event, such as in the case of the Olympics. In the United States (US), where North-American football is a distinct cultural phenomenon that can inform the rhythms of everyday life, perhaps even more so than European soccer, sport as a self-referential cultural phenomenon may be even more evident. Historical references and interests related to sport can pervade college campuses and even run parallel if not overshadow the educational and other cultural narratives in one space. The legend of Knute Rockne on the campus of the University of Notre Dame, symbolized by references to the stadium as 'the house that Rockne built',¹⁷ provide just one American example.

1.3. The Growth of Sports' Museums

The relationships between sport and cultural heritage are apparent in the growth of sports' museums.¹⁸ According to the definition of the International Council of Museums (ICOM), a museum is 'a non-profit, permanent institution in the service of society and its development, open to the public, which acquires, conserves, researches, communicates

¹⁶ F. Caponigri, 'Problematizing fashion's legal categorization as cultural property' (2017) 2 *Aedon*, <http://www.aedon.mulino.it/archivio/2017/2/caponigri.htm>.

¹⁷ <https://125.nd.edu/moments/the-house-that-rockne-built-1930-vs-navy/>.

¹⁸ J. Reilly, 'The Development of Sport in Museums' (2015) 32 *The International Journal of the History of Sport* 1778.

and exhibits the tangible and intangible heritage of humanity and its environment for the purposes of education, study and enjoyment'.¹⁹

Over the past few years, the number of such permanent institutions dedicated to sport has been growing. Famous examples are the Olympic Museum in Lausanne, Switzerland, which also leads the Olympic Museums Network;²⁰ the Naismith Memorial Basketball Hall of Fame, in Springfield, Massachusetts, named after James Naismith, who invented the game of basketball in 1891;²¹ and the Wimbledon Lawn Tennis Museum, the world's largest tennis museum, opened in 1977.²²

There is also an International Sports Museums Association (ISMA), 'a membership network which brings together sports club museums, sports museums and other sporting cultural heritage institutions, that together promote the recognition, importance and the cultural relevance of sports heritage.'²³

The number of clubs with their own museum is growing (Real Madrid and Barcelona soccer teams are amongst the most famous cases; but there are also museums dedicated to the history of national soccer teams and to the role of this game within the society, such as the Italian 'Museo del Calcio' of Coverciano, in Florence). Temporary exhibitions in museums can also bring the cultural relevance of sport from museums to a wider public

¹⁹ <https://icom.museum/en/resources/standards-guidelines/museum-definition/>.

²⁰ <https://olympics.com/museum>. The network includes: Olympic Museum, Lausanne, Switzerland; Sportimonium, Hofstade-Zemst, Belgium; Brazilian Olympic Museum, Rio, Brazil; The Olympic Experience, Richmond, Canada; China Sports' Museum, Beijing, People's Republic of China; Nanjing Olympic Museum, Nanjing, People's Republic of China; Samaranch Memorial, Tianjin, People's Republic of China; Tianjin Dagon Olympic Museum, Tianjin, People's Republic of China; Xiamen Olympic Museum, Xiamen, People's Republic of China; Museu Olímpic i de l'Esport Joan Antoni Samaranch, Barcelona, Spain; Estonian Sports Museum, Tartu, Estonia; The Sports Museum Foundation of Finland, Helsinki, Finland; Deutsches Sport Olympia Museum, Köln, Germany; Athens Olympic Museum, Athens, Greece; Thessaloniki Olympic Museum, Thessaloniki, Greece; I.R. IRAN Museum, Tehran, Islamic Republic of Iran; The Olympic Experience, Tel Aviv, Israel; Nagano Olympic Museum, Nagano, Japan; Sapporo Olympic Museum, Sapporo, Japan; Seoul Olympic Museum, Seoul, Republic of Korea; Norwegian Olympic Museum, Lillehammer, Norway; Peruvian Olympic Museum, Lima, Peru; Museum of Sports and Tourism in Warsaw, Poland; Qatar Olympic and Sports Museum, Doha, Qatar; Singapore Youth Olympic Museum, Singapore, Singapore; Slovak Olympic and Sports Museum, Bratislava, Slovakia; Gothenburg Sports Museum, Gothenburg, Sweden; US Olympic Museum, Colorado Springs, USA.

²¹ <https://www.hoophall.com>.

²² https://www.wimbledon.com/en_GB/museum_and_tours/index.html.

²³ <https://www.ismamuseums.com>. The website also states that: 'The organisation is made up of museums and clubs of international standing that in addition to having a substantial heritage collection, believe that its preservation is a means also of protecting and defining each member's identity.' Members are from 12 countries.

space.²⁴ Hall of Fames can also be described as ‘museums’, blurring the line between the practice of sports in our contemporary culture and their historicization in institutions.²⁵ The rise of sports museums, therefore, testifies to the cultural value of sport also in its institutional dimension. The increase of museums whose purpose is to protect sports’ heritage, and to promote research and education inspired by sports’ history and memory, highlight an important sign of the close relationships between sport, cultural heritage, and culture.

2. THE RELATIONSHIPS BETWEEN SPORT AND CULTURE

Once we broaden the perspective from cultural heritage to culture more generally, the linkages between sports and culture become even closer. The Olympic Charter – i.e., the ‘basic instrument of a constitutional nature’ which ‘sets forth and recalls the Fundamental Principles and essential values of Olympism’²⁶ – states, for instance, that ‘blending sport with culture and education’ is both a fundamental principle of Olympism and one amongst the responsibilities of the International Olympic Committee (IOC). Beyond the Olympics, professional sports associations and the perceptions of the sports they run indicate how sports often reflect culture and the simmering tensions in society. For example, in the US, where taking a knee during the national anthem of football games has become a social justice flashpoint, the significance of football, its rituals and the deliberate acts of civil disobedience against those rituals has ignited a conversation about identity, what it means to be American today.²⁷

2.1. Common Policies

Sport and culture find common roots in their human dimension and in their attempt to promote social and economic growth through education.

As mentioned above, the Olympic Charter insists on the need to blend sport with culture and education. It indicates this mission for both the IOC and for the National Olympic

²⁴ <https://www.profootballhof.com/connect/gridiron-glory/>.

²⁵ <https://www.profootballhof.com/about/> ‘An exhilarating museum and attraction, the Hall of Fame pays tribute to the talents and triumphs of pro football’s greatest legends.’

²⁶ https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/General/EN-Olympic-Charter.pdf?_ga=2.217197846.1801508384.1622305847-310645332.1622305847. Introduction to the Olympic Charter, Fundamental Principles of Olympism, and Art 2.16 of the Charter.

²⁷ <https://www.theatlantic.com/politics/archive/2017/09/football-is-the-culture-war/541464/>.

Committees.²⁸ In addition, the Charter states that each Organizing Committee of the Olympic Games (OCOG) shall ‘organise a programme of cultural events which must cover at least the entire period during which the Olympic Village is open’.²⁹

The cultural dimension is also present in most of the foundational documents of international sporting federations. FIFA statutes, for example, list as first objective of the federation: ‘to improve the game of football constantly and promote it globally in the light of its unifying, educational, *cultural* and humanitarian values, particularly through youth and development programmes.’³⁰ The National Football League (NFL) in the US places emphasis on community programming and building a ‘culture of community’ through various initiatives.³¹ A further evidence of the linkages between sport and culture comes from the UNESCO International Convention against doping in sport, adopted in 2005 and entered into force in 2007.³² But also domestic constitutions often put together education, culture and sport, such as in the case of Brazil,³³ Portugal,³⁴ Spain,³⁵ and Switzerland.³⁶

Lastly, EU and Council of Europe actions display how sport can encourage cultural developments in various ways. The 2007 EU White Paper on sport, for instance, highlights the role of sport in education in training; the importance of promoting volunteering and active citizenship through sport, using the potential of sport for social inclusion, integration and equal opportunities, and strengthening the prevention of and fight against racism and violence.³⁷

2.2. Common Institutions

The main conjunction between sports and culture, however, involve the role of institutions and of public authorities. At the international level, UNESCO forges a primary link among education, culture, science and sport. Although the role of UNESCO

²⁸ Bye-laws to Arts 27 and 28 of the Charter.

²⁹ Art 39 of the Charter.

³⁰ <https://img.fifa.com/image/upload/viz2gmyb5x0pd24qrhrx.pdf>. Art 2 of FIFA Statutes.

³¹ <https://static.www.nfl.com/image/upload/v1598658750/league/jcglnmchl8d3w5cs1r7u.pdf>; <https://www.nfl.com/community/>

³² <https://en.unesco.org/themes/sport-and-anti-doping/convention>.

³³ Arts 215–217, Constitution of the Federative Republic of Brazil.

³⁴ Arts 73–79, Constitution of the Portuguese Republic.

³⁵ Arts 43–44, Spanish Constitution.

³⁶ Articles 68–69, Federal Constitution of the Swiss Confederation.

³⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52007DC0391>.

in sport became more significant only at the end of the 1970s,³⁸ its prominent position in the field is now universally recognized, as the case of the fight against doping clearly demonstrates. Since 1978, the UNESCO Intergovernmental Committee for Physical Education and Sport (CIGEPS) promotes the role and value of sport and its relevance for public policy.³⁹

As a matter of fact, on March 30–31, 2017 the Joint Declaration of the Ministers of Culture of G7 on the occasion of the Meeting ‘Culture as an Instrument for Dialogue among Peoples’, stressed:

the role of cultural relations in promoting tolerance for cultural and religious diversity and mutual understanding among peoples, and encourage[d] all States to provide opportunities for cultural exchanges in the spirit of reciprocity and mutual benefit, including at large-scale international events, such as the World Expositions or the Olympic and Paralympic Games.⁴⁰

At the national level, many States have governmental departments or ministries dedicated to culture and sport together. This is the case, for instance, of Greece, Ireland, Japan and the UK. In other countries, ministries for sport are also charged with responsibilities on behalf of youth, in order to foster education and the development of culture more generally.⁴¹ The institutional dimension thus confirms the close connections between sport and culture, through education as an instrument of growth and development.

3. CONCLUSION: SPORT AND CULTURAL HERITAGE IN THE TWENTY-FIRST CENTURY

The relationship between sport, cultural heritage, and culture dates back to ancient times and it is still close. Moreover, such a relationship displays some features that allow us to identify common trends. These include the dialectic between tangible and intangible, the

³⁸ S.R. Jedlicka, ‘Contested Governance: UNESCO’s Role in International Sport, 1952–78’ (2020) 47 *Journal of Sport History* 18.

³⁹ <https://en.unesco.org/themes/sport-and-anti-doping/cigeps>. CIGEPS is comprised of expert representatives in the field of physical education and sport from 18 UNESCO Member States.

⁴⁰ https://www.beniculturali.it/mibac/multimedia/MiBAC/documents/1490881204940_DECLARATION-Dichiarazione.pdf.

⁴¹ As for the linkage between culture and youth, see also the G20 Culture Rome Declaration, point 21 (<https://www.g20.org/wp-content/uploads/2021/07/Final-Declaration.pdf>).

division between national and global, the public and private divide, and the growing importance of human rights.

3.1 Tangible vs. Intangible

Sport and culture represent a prime example of one of the most interesting dialectics in the field of cultural heritage, that is the complex interaction between tangible and intangible elements. The cultural dimension of sport, as illustrated above, covers both of these dimensions.

On the one hand, the values of sport, including its history and tradition, can be framed in the field of intangible cultural heritage. And this is what happens for some ancient disciplines involving physical activities, as illustrated above. On the other hand, material elements and sports-related objects can easily become part of tangible cultural heritage. Commercial products and designs, which implicate the cultural significance of sport, highlight this tangible and intangible divide even more. Designs of uniforms or accessories and jersey numbers that are first displayed on a tangible jersey of a player in the context of a game and are then reproduced on jerseys worn by members of the public in other games on other fields, embody the difficulty of cabining sport as intangible or tangible heritage.⁴² Intellectual property law and arguments about who should economically benefit from the cultural significance of jersey numbers and the practice of sport itself⁴³ is also a modern counterpoint to discussions in heritage discourse about the relationship between intellectual property law and intangible cultural heritage for source communities (traditional knowledge).

This continuous dialogue between immaterial and intangible values and material elements offers a typical characteristic of the cultural heritage sector, in which any form of art usually finds its place. But this dialogue also affects history, anthropology, sociology, so that sport, with its cultural values, can easily be added to this group.

3.2 National vs. Global

⁴² <https://medium.com/items/item-91-the-sports-jersey-5dfb5776e144>;
<https://www.moma.org/audio/playlist/43>.

⁴³ https://www.americanbar.org/groups/intellectual_property_law/publications/landslide/2020-21/november-december/student-athlete-brands-age-name-image-likeness/;
<https://www.scotusblog.com/case-files/cases/national-collegiate-athletic-association-v-alston/>.

Another contemporary dialectic underlies both sport and culture (and cultural heritage), namely between what is national and what is global or universal.

Cultural heritage lives between international and national legal dimensions, between public and private law, and between universal and outstanding values: one property, irrespective of its public or private ownership, may be simultaneously outstanding – extremely relevant to a given single nation and its community – and universal – significant to all mankind, assuming that culture cannot be captured by a single country and/or community. At the same time, certain sports cannot translate as easily across borders, indicating how connected they may be to one community and nation over others. The tension between national/domestic and international/universal is significantly high in sport. The overall system based on the Olympic Games – where at least formally athletes, not States nor countries, are those competing as individuals – and on world, international and national championships is built on this relationship. Indeed ‘sports law is not just international; it is non-governmental as well, and this differentiates it from all other forms of law’⁴⁴. Sports rules are genuine ‘global law’, because they reach across the entire world, operate at both international and domestic levels, and directly affect individuals (such as athletes): this is, for example, the case of the Olympic Charter, a private act with which States comply; or of the World Anti-Doping Code, supported by the Anti-Doping Convention (UNESCO), a document that provides the framework for harmonization of anti-doping policies, rules, and regulations within sports organizations and among public authorities.

3.3 Public vs. Private

Both sports and cultural heritage have often anticipated international law or global law: this is the case for the increasing use of soft-law norms such as guidelines, standards, or recommendations, and for the growing public and private hybridization of rules and institutions. The case of the World Anti-Doping Program and the World Anti-Doping Agency (WADA) offers an example of a formally private source of norms that shows a high degree of ‘publicness’. Governments have participated both in drafting the World

⁴⁴ M. Beloff, T. Kerr and M. Demetriou, *Sports Law*, Bloomsbury Publishing, 1999, p. 5. According to these authors, the term ‘sports law’ is ‘a valid description of a system of law governing the practice of sports’. They also note that ‘the public’s limitless enthusiasm for sport and its importance to our cultural heritage makes sports law more than mere private law’ (ibid., p. 4).

Anti-Doping Code, through extensive consultations, and in its final adoption, through the WADA decision-making process and the Final Declaration at the World Conference on Doping. The UNESCO Convention against Doping in Sport expressly refers to the WADA and its Code and requires States to align their anti-doping legislation with the Code's principles. In addition, following States' ratification of the UNESCO Convention a mechanism of implementation of WADA's policies and regulations produces significant effects in the domestic context: most countries have established their own national anti-doping agencies.

In other cultural contexts, the role of private associations and private institutions in managing and supporting our common cultural interest in sport further reveals the public and private divide. Consider that individual leagues may be corporations or not-for-profit companies that run sports competitions between privately-owned teams.⁴⁵ Just like privately-owned art galleries have a place in exchanging tangible heritage and shaping future historical narratives for the public, so professional leagues and the private owners of sports teams embody the public and private divide so characteristic of cultural heritage too. Both sport and culture allow us to investigate how the public-private distinction operates beyond the State.⁴⁶

3.4 The Human Rights Dimension

In the field of human rights also sports and culture find common ground. Once we frame both of them as human rights – as international documents already claim – it is common to see many similarities between these sectors. The Olympic Charter states, amongst the fundamental principles of Olympism, that ‘the practice of sport is a human right. Every individual must have the possibility of practising sport, without discrimination of any kind and in the Olympic spirit, which requires mutual understanding with a spirit of friendship, solidarity and fair play.’

At the same time as the Olympics expresses that the practice of sport is a human right, other practices surrounding sports might frustrate human rights. Civil rights activism and other athletes' regular engagement with issues of social justice⁴⁷ indicate that sport can

⁴⁵ <https://www.nfl.com/news/nfl-company-overview>.

⁴⁶ L. Casini, “Down the rabbit-hole”: The projection of the public/private distinction beyond the state’ (2014) 12 *International Journal of Constitutional Law* 402.

⁴⁷ <https://time.com/5888583/naomi-osaka-masks-black-lives-matter-us-open/> .

be a vehicle for the fight for human rights. On the other hand, the commercialization of sport, as with many other categories of heritage, and sport's unique status as an activity with cultural significance and monetary value, may lead to compromises regarding player safety and health, effectively undermining human rights.⁴⁸

Sports' values are linked to the very concept of culture as an instrument for dialogue and growth. This is why both sport and culture must find in education their main tool and their main goal. And this is why promoting sport and culture among young generations is a duty for the whole international community.

⁴⁸ https://www.espn.com/nfl/story/_/id/24318483/how-nfl-latest-safety-measures-face-resistance-players-helmet-rule-concussions.