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To report, or not to report? From *code of silence* suppositions within sport to *public secrecy realities*

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Abstract:

One of the main obstacles to detect undesirable conducts such as manipulation of games and competitions, and to combat corrupt behaviour in the sports world is the existence of the so-called “code of silence” among the sport's actors. Therefore, integrity educational campaigns, codes of conduct, ethics and disciplinary norms include the obligation to report any suspicion, approach, tentative or case of match-fixing. In some countries, such as Portugal, the obligation to denounce is incorporated into criminal law. Although several protected reporting channels have been implemented for sport institutions and federations to encourage whistle-blowing practices, the level of denouncement is still low. Through the analysis of official discourses, ethnography and interviews with key informants, this article demonstrates that despite the formal norms, reporting on corruption in sport, mainly match-fixing, is a dangerous practice that can have serious consequences for the athletes' career. More than a code of silence within sports, what exist is a series of public secrecies that deliberately recognize the existence of informal institutions that create and materialize those dangers. However, while integrity actors show awareness of the situation, the official narrative and formal norms avoid considering these problems and, moreover, throw this evidence out of the integrity narrative framework. The result is a delegitimate and non-realistic narrative that pushes sports actors to keep quiet more than promoting ethical behaviours and whistle-blowing.

Key words: match-fixing, code of silence, public secrecy, corruption, sport.

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Research involving Human Participants and/or Animals and Informed consent

Authors have conducted their research in accordance with principles detailed by professional associations and treaties other than the World Medical Association Declaration of Helsinki such as the International Sociological Association's (ISA) Code of Ethics.

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Abstract:

One of the main obstacles to detect undesirable conducts such as manipulation of games and competitions, and to combat corrupt behaviour in the sports world is the existence of the so-called “code of silence” among the sport's actors. Therefore, integrity educational campaigns, codes of conduct, ethics and disciplinary norms include the obligation to report any suspicion, approach, tentative or case of match-fixing. In some countries, such as Portugal, the obligation to denounce is incorporated into criminal law. Although several protected reporting channels have been implemented for sport institutions and federations to encourage whistle-blowing practices, the level of denouncement is still low. Through the analysis of official discourses, ethnography and interviews with key informants, this article demonstrates that despite the formal norms, reporting on corruption in sport, mainly match-fixing, is a dangerous practice that can have serious consequences for the athletes' career. More than a code of silence within sports, what exist is a series of public secrecies that deliberately recognize the existence of informal institutions that create and materialize those dangers. However, while integrity actors show awareness of the situation, the official narrative and formal norms avoid considering these problems and, moreover, throw this evidence out of the integrity narrative framework. The result is a delegitimate and non-realistic narrative that pushes sports actors to keep quiet more than promoting ethical behaviours and whistle-blowing.

Key words: match-fixing, code of silence, public secrecy, corruption, sport.

Introduction

One of the main obstacles to detect undesirable conduct such as the manipulation of games and competitions, and to combat corrupt behaviour in the sports world, is the existence of the so-called “code of silence” between the sport’s actors (Moriconi and Almeida 2019; Albisu 2018; Whitaker et al. 2014; Menary 2006; ICSS 2014: 81; Ings 2005; Di Ronco and Lavorgna 2015). According to Albisu (2018), members of a team are expected to make sacrifices and to be loyal to teammates, thus, “camaraderie can produce a culture of silence” related to deviant and corrupt behaviours. This situation can result in teammates turning a blind eye to unethical practices for the perceived good of the collective. Considering that a sport’s code of silence lowers the chances of detection of illegal activities such as match-fixing, criminal organizations may use sports corruption to diversify their activities (Moriconi and Almeida 2019: 80; Europol 2017).

Given this supposition, match-fixing prevention campaigns (including integrity educational trainings, codes of conduct and ethics, and disciplinary norms) have included the obligation to report any suspicion, approach or tentative suggestion to get engage in manipulations (FIFA 2017: 8; IOC 2018: 88; UEFA 2017: 15; Lewis et al. 2018). In some countries, such as Portugal, the obligation to denounce is incorporated into criminal law and the sport actors who fail to respect the legislation can be sentenced to a penalty payment and be banned from the competitions (Moriconi and Almeida 2019: 11).

Following the premise that it is crucial to implement measures to break the code of silence in order to efficiently fight against the phenomenon, the Council of Europe Convention on Manipulation of Sport Competitions demands the need to ensure effective mechanisms for denouncement (Council of Europe 2014).¹ The new normative framework has generated the multiplication of an available protected reporting system.

Despite the sporting and legal duties, and the constant prevention programs carried out by the sport governing bodies (SGB) to explain infractions and encourage whistle-blowing practices, sports actors continue to be highly reluctant to report and the level of denouncements are still low.² While the semantic logic of the institutional official discourse on the prevention of match-fixing (Moriconi 2018) the code of silence continues to be the hegemonic explanation for why so few sport actors blow the whistle, few studies describe and explain what this “code” means and how, why and when it works. At the same time, there are no studies analyzing the institutional conjunctures in which athletes are forced to denounce.

Using a multi-method approach, including analysis of official discourses, ethnography

¹ Article 7.1.c, and Article 7.2.b and c.

² For low levels of reports see T-PREG Erasmus+ Program data collection reports (<http://www.tpreg-training.eu/>)

techniques, and a sample of 75 interviews with sports and institutional actors, this article demonstrates that, despite the formal norms and duties, reporting corruption in sport, mainly match-fixing, is a dangerous practice that can have serious consequences for athletes and players. According to the imaginary of sports actors, and the historical evidence, the duty to blow the whistle would be an ineffective measure undertaken by sports government bodies because, in several cases, denouncement has generated serious problem at the personal and labour level. Despite formal rules, neither justice nor sports institutions provide protection to whistle-blowers.

More than a code of silence within sports, what exists is a series of public secrecies that deliberately recognize the existence of informal institutions that create and materialize dangers. However, while pro-integrity actors show awareness of the situation, official narrative and formal norms avoid considering these problems and, moreover, throw this evidence out of the integrity narrative framework. Potential risks fail to generate modification in code of conducts or legal duties or, at least, the implementation of countermeasures against those entities or actors that punish whistle-blowers. The result is a delegitimate and non-realistic narrative that, more than promoting ethical behaviours and blowing the whistle, pushes sports actors to keep silent.

The article is divided into six sections. The first one presents a theoretical framework, informed by discourse theory and new institutionalism, from which the article examines the discursive bases of the obligation of reporting, the ideas and perceptions of sports actors about reporting practices of deviant behaviours within sports, and the institutional context in which the new ethical and disciplinary norms are established and implemented. The second part presents the methodology used for collecting data. The third section shows that a lack of whistle-blowing practices is common in most social spheres: the supposed code of silence is not a question related only to sports. Then, the incentives for keeping silent are presented and analyzed. This section is followed by the explanation for why the concept of a *code of silence* is a cognitive limitation and, in contrast, a concept such as *public secrecies* and *informal institutions* are useful to in-depth understanding of how the culture of silence in the sports world works. Finally, conclusions are presented.

From ideas and discourses to (formal and informal) institutions

The logic of appealing to ideas, and their role in the construction of social imaginaries to interpret the course of public policies has fallen into disuse (Garcé 1999: 60; Moriconi 2011). Although different works have focused on relating the notions of idea and interest as non-antagonistic and complementary (Hall 1986; Goldstein and Keohane 1993), political scientists have given priority to the Weberian premise that it is the interests and not the ideas that determine human behaviour. However, interests are forged from ideas that give a logical framework to human reasoning (Moriconi 2011). Interest does not exist outside of an ideological axiomatization: there is no interest without prior idea that

determines what is *interesting*.

Ideas are beliefs, principles and attitudes that acquire their meaning in symbolic networks - the *language games* - in which they are articulated (Panizza 2002: 61). *Language games* (Wittgenstein 1988) are not self-sufficient entities but are constantly contaminated by their interaction with other *games* (Laclau 2002). In other words, ideas only acquire meaning in a relational form and in larger discursive instances. Discourse, understood as any action that imbues reality with meaning (Laclau 2002; Moriconi 2011), has a disciplinary and normative function (Foucault 1984). It is a question of power: throughout the production of *effects of truth* that generate dispositions for concrete and effective actions, discourses make the link between society and its reality possible.

In the social sphere, truth does not exist outside of the discursive field. The fundamental conditions for truth vary in time and place, so each moment of history will see particular ideas that determine what is acceptable and what is not, what is worth becoming a public problem and what is not, what must enter the political agenda and what is ignored, and the narratives and forms through which new problems must enter that agenda and delimit the political discursive battlefield. As Rorty (1989: 177) explained: things that were not considered important or necessary for one generation are revealed as essential for others.

The case of match-fixing is particularly interesting. Although the problem has been associated with sports throughout its history (Chappelet 2015; Misra et al. 2013), only after the rise of the new global online betting market has it become a main problem for the political agenda of sports and government institutions. Some authors, in fact, have warned that policies to combat the manipulation of sport competitions point to, rather than a question of sports integrity, creating a new institutional framework that legitimizes the existence of the new sports betting market and creates functional disciplinary frameworks for that market (Tak et al. 2018). Likewise, Moriconi (2018) warns about the cognitive limitations of the official preventive narrative of the phenomenon, which seeks to pursue and combat mainly betting-related match-fixing promoted by criminal groups outside the sport.³ According to the author, the political problem of “match-fixing” is framed in a way that the historical manipulations within sports and the conflicts of interests between sports and politics are relegated to the margin, minimized or even denied. The problem is principally understood as a threat coming from outside sporting events, promoted by dangerous unscrupulous criminals willing to damage the lives of athletes who refuse to collaborate with them. In this way, SGB, federations and, mostly, sports betting operators, are presented as victims with no responsibility in creating opportunity structures for match-fixing to occur (Moriconi 2008: 279-280; Tak 2018).

Moreover, although the idea that match-fixing is the main threat to contemporary sports has

³ The fact that the match-fixing countermeasures are created to fight the infiltration of organize crime in sport was confirmed in Interviews SGB1; SGB2; LFA1; BR1; BR3, GD1.

been institutionally installed (Carpenter 2012; Council of Europe 2014; Interpol and IOC 2015; Platini 2014; Keating 2019), there is still a lack of robust empirical data about the characteristics and the spread of the phenomenon. While there are new incentives and characteristics of the phenomenon, particularly those related to betting, it is unknown if the number of fixed matches has increased compared to the past.

In order to perpetuate itself over time, dominant ideas and interests articulated in hegemonic discourses need to find an institutional home or be embedded in institutions (Panizza 2002: 63). This need is how *match-fixing*, legitimized as a serious problem, continues gaining place in the international political agenda (see, for example, the Council of Europe Convention on the Manipulation of Sports Competitions, the Kazan Action Plan adopted by UNESCO, the UNODC resolution of corruption in Sport and UNODC partnership with IOC, the partnership between IOC and Interpol) and how combating the practice has become a priority. In other words, once institutionalized, the discourse determines institutional arrangements, crystallizes cultural and political practices, privileges certain interests (and excludes others) and defines criteria of justice and effectiveness in institutional settings.

As a consequence, sport “governing bodies, law enforcement agencies, gambling regulators, and governments embody a narrative where, under a *zero tolerance* ethos, preserving the integrity of sport becomes a major concern, a priority, and an urgency before the turnover of the sports industry and sports betting markets that attracts transnational organized crime syndicates in match-fixing and illegal betting” (Moriconi and Almeida 2019). This need has resulted in the creation of Integrity departments within sport organizations⁴; specialized bodies in law enforcement institutions, such as Interpol Match-fixing Task Force⁵; a network of national platforms for promoting cooperation and information exchange among stakeholders⁶; the creation of new legal and sporting disciplinary codes and norms (that promote the duty to report any match-fixing approach or alert); and the growth and naturalization of a profitable sport betting monitoring market. *Zero tolerance* policies have established a three pillars approach: prevention, regulation, and monitoring (Boniface et al. 2012; Kalb 2011; Tak et al. 2018); and implemented solutions using three types of countermeasures: education, sanction, and betting monitoring (Aquilina and Chetcuti 2014; Moriconi and Almeida 2019; Council of Europe 2014).

A main policy is the development of educational programs that highlight the dangers of the phenomenon and raise awareness and prevent deviant behaviours (Haberfeld and Sheehan 2013;

⁴ SGB that have implemented and Integrity Unit or Department, mechanism for reporting, and education campaigns are, among others, IOC, UEFA, FIFA, Tennis Federation, Athletics Federation, ICC Cricket Council.
⁵ <https://www.interpol.int/es/Noticias-y-acontecimientos/Noticias/2018/INTERPOL-Match-Fixing-Task-Force-closes-ranks-on-organized-crime>

⁶ See Copenhagen Group created by the Secretariat of the Council of Europe (Sport Conventions Division, DGII): <https://www.coe.int/en/web/sport/network-of-national-platforms-group-of-copenhagen>

Moriconi and Almeida 2019; Nowy and Breuer 2017). The need to warn athletes of the dangers of match-fixing is based on two premises: a) the belief that sports actors would get involved in match-fixing due to lack of knowledge about the mechanism of fixing schemes and the consequences of their involvement (Boniface et al. 2012) and b) the idea that the supposed code of silence can be broken using the *logic of fear*, that is, the promotion of a narrative that describes match-fixing as a dangerous practice, related to ruthless unscrupulous criminals (Moriconi 2018).

With this horizon of thought, the 3Rs educational scheme was created (Abbott and Sheehan 2013; Gardiner et al. 2017; Lilley 2015; Barkoukis 2019; Moriconi 2018). The 3Rs trains sports actors to a) *Recognize* the characteristics of the problem, b) *Resist* any proposal and, more importantly, c) *Report* it. In practice, this model united the preventive pillars of education and sanction and to create the ethical, disciplinary and, in some countries legal frameworks that delimit the desired behaviours of the sports players.

For these dynamics, *discourse theory* (Panizza 2002; Moriconi 2011) understands institutions as sedimented discourses, that is, as discourses whose relations of meaning have become relatively stable and permanent. In the same vein, historical institutionalism has provided substantial examples of the fundamental role of ideas and imaginaries in the contexts of normative changes, and in the effective or ineffective institutional sedimentation of new political ideas. For institutionalism, institutions are the rules of the game and conform to the structure of incentives of a society, delimit the field and the possibilities of action, and influence human behaviour (North 1990).

However, institutions go beyond the mere formal rule, and include the exercise of power and formal authority legitimized by legal norms. Institutions, according to North (2003), can be formal or informal. Formal rules are only a part of the institutional matrix that must be complemented *with informal restrictions*: extensions, elaborations, and rules qualifications that solve innumerable exchange problems that are not completely covered by formal rules and that have tenacious skills to survive. "Routines, customs and traditions are words we use to refer to the persistence of informal rules or restrictions" (North 2003: 3).

Every norm must be interpreted, and in that game of meaning formal institutions will only be legitimized when their rules and practical incentives are considered operational and attractive. In this sense, interpretation becomes a political struggle in which different actors compete to attribute meanings to the rules, with the objective of controlling their performance and, thus, favouring their interests (Baldwin 1995; Panizza 2002, 2004: 5). Consequently, in practice, the legitimacy of formal norms is not a question given simply because of its legal nature, its "sense of a belief in the appropriateness of authority and rules", but also because the "tolerance, acceptance, or moral rejection associated" with specific set of practices (Beckert and Dewey 2017: 12). This is where the gap between formal and informal institutions becomes important. And this gap between formality and

informality not only exists among the actors that must simply obey the norms, but also among the institutions and authorities that should enforce them.

In their work on illegal markets, Beckert and Dewey (2017) have demonstrated how the power of the state lies in the selective and often arbitrary enforcement of its rules. Legality and illegality, legitimacy and illegitimacy, coexist within sports and political institutions, generating dislocations that can generate a practical reason to justify the breach of a rule. In fact, the dislocations produced by formal and informal institutions can turn the compliance of a norm into a dangerous situation. For this reason, March and Olsen (2006) understand that the legitimacy of a norm will be greater as soon as its existence is understood as something appropriate. For these authors, “appropriate” means a behavior that is expected and seen as natural and righteous for members of a given collectivity playing a specific role in a given situation (Mayntz 2017: 40).

Therefore, determining which discourses circulate about the appropriateness of reporting or not, in which institutional spaces and which are the cultural practices related to those discourses is important. At the same time, it is crucial to understand the meanings that different actors give to the supposed code of silence and the rhetorical utility this practice has within the different narratives about sports integrity. Finally, at the same time as the ideas incorporated into the official discourse are analyzed, the ideas that are put aside should be investigated as well: what are the discursive variables that do not enter into the official discourse or how would that official discourse be modified if these variables were incorporated?

Methodology and data collection

Data were collected during the development of international projects funded by the European Commission, mainly the Training for Protecting Reporting System (T-PREG)⁷. This preliminary work included participant and non-participant observations (Emerson et al. 2001; Cooper 2004) in training programs; international expert forums around Europe; and discursive analysis of documents, codes of conduct, codes of ethics, legislation and prevention materials, which included the obligation to report. The project also allowed interaction and informal interviews with various stakeholders on sports integrity.

These tasks evidenced a dislocation between the formal official preventive discourse and key ideas of several institutional actors about match-fixing and the logic combatting the act. While, officially, sports governing institutions, based on sports disciplinary (codes of conduct and disciplinary) and legal (civil laws) discourses, promoted the obligation to report, and justified the lack

⁷ Project funded by European Commission through Erasmus + Sport Programme (590593-EPP-1-2017-1-PT-SPO-SCP). Previous projects include *Staying on side: How to stop match-fixing* (EAC-2012-0568) and *Anti match-fixing Top Training* (579736-EPP-1-2016-2-PT-SPO-SCP).

of proactivity in reporting in a supposed *code of silence* that had to be broken through *zero tolerance* policies, high position officers of those institutions informally recognized the dangers and negative consequences that the (obligatory) act of blowing the whistle could generate.

Semi-structured interviews with key informants (Moriconi 2011b) were carried out using a snowball technique (Bleich and Pekkanen 2013: 96). The interviews were divided into two groups: a) European and Portuguese institutional actors (including betting regulators and operators, sport federations and sport governance bodies, journalists, governmental actors, and members of law enforcement institutions and civil society organizations) and b) sports actors (including players/athletes, referees, managers, and retire players and referees). Only eight sports actors never played in the main division. Some of the informants have played in several countries and in top leagues. Tables 1 and 2 systematize the interviews carried out and present the codification used in the text.

Interviews lasted between 40 minutes and two hours. They were carried out, depending on the origin of the interviewees, in Portuguese, Spanish, or English. Several quotations used in the text were translated to English by the authors.

Table 1: Sport actors interviewed

Sport actors				
Sport	Role	Code in the text	Number of interviews	Total Interviews by Sport
Basketball	Player	BP	3	8
	Ex-player	BeP	5	
Tennis	Player	TP	1	2
	Ex-player	TeP	1	
Football	Player	FP	2	15
	Ex-Player	FeP	4	
	Coach	FC	3	
	Referee	FR	3	
	Ex-Referee	FeR	2	
	Manager	FM	1	
Handball	Player	HP	1	5
	Coach	HC	3	
	Manager	HM	1	
Futsal	Player	F5P	3	9
	Coach	F5C	2	
	Referee	F5R	3	
	Manager	F5M	1	
Roller Hockey	Ex-Player	RHeP	1	3
	Coach	RHC	1	
	Manager	RHM	1	
Olympic Athletes	Athlete	OA	4	7
	Ex-Athlete	eOA	3	
TOTAL				49

Table 2: Institutional actors interviewed

Institutional actors		
Sector	Code in the text	Number of interviews
Law enforcement agents	LEA	2
Deputies	D	4
Betting regulators	BR	4
Sport Government Bodies High Positions	SGB	4
Sport Federation High Positions	SF	3
Government officials	GO	4
ONGs working on Integrity in Sport	ONG	2
Sport Journalist	SJ	3
TOTAL		26

Subsequently, a content analysis (Moriconi 2011: 41) was carried out to identify key ideas, attitudes and perception related to the act of reporting and the existence, or not, of a code of silence. Each one of these key ideas has its testimonies and evidence that justify its defence and argumentative coherence. Once this task was done, the results were discussed with some of the previous interviewees with the objective of confirming the "narrative" built on perceptions and dangers of reporting corruption, such as match-fixing, in sports. Then, the same process was carried out through focus groups with institutional actors.

Due to the sensitive nature of the information obtained and the possible negative consequences that could be generated, a high level of anonymity and confidentiality is guaranteed throughout the work (Tolish 2004; Numerato 2016). The ideas exposed that are not public are only identified with the interview number and the position or profession of the interviewee.

Code of silence: sport or social practice?

Several studies have shown that the code of silence is frequent in many professions with strong *esprit de corps*, like nurses, police, religion, or even political institutions, and could be defined as an informal norm in an organizational subculture that prohibit or disincentives reporting misconducts of other members (Mansbach et al. 2013; Skolnick 2002; Westmarland 2005; Ivković et al. 2018; Whitaker et al. 2014). In this context, this practice is associated with the risks of psychological or professional retaliation (Rehg et al. 2008) or with the interest to protect individual or collective interests (Erickson, Backhouse and Carless 2017).

In several cases, institutional actors refer to the sport's code of silence as "omertà" (Interviews LEA1; LEA2; SGB1; SGB2; SGB4; GD1; GD3; see also Moriconi 2018), a concept usually used in studies about the mafia. According to Paoli (2003), omertà implies "the categorical prohibition of

cooperation with state authorities or reliance on its services, even when one has been victim of a crime" or that have been punished and/or condemn having no relation with the crime for which they must pay. In operational terms, this concept has two important connotations: one related to violence, and the other to masculinity. Regarding the first, breaking the mandate of silence would involve death. Regarding the second, appealing to the formal institutional framework and/or legal authorities would be understood as a matter of "lack of masculinity." With this concept, institutional actors seek to alert someone about supposed dangers for athletes' physical integrity if they get engaged with criminal syndicates that infiltrate sport with the objective of fixing matches.

The broad understanding of the phenomenon is important since, during the interviews, various sports actors complained about the "abusive" use that the official pro-integrity narrative makes of the code of silence concept (HC1; FP1; BP1; BP2; OA4). What it is presented as a characteristic of sports culture is, for these interviewees, an existing predisposition in all social areas:

The same accusation that is launched about the sport could be indicated for doctors about cases of malpractice that are not reported, about corrupt practices within political institutions or universities, or also the police (HC1).

In fact, to *keep one's mouth shut* is a constant social practice in the face of corruption of any kind, whether punctual or structural. Despite whistle-blowing has being considered a crucial means for detecting and sanctioning corruption, it is a relatively rare practice in both the public and private sectors (Nawawi and Salin 2019; Barkoukis et al. 2019; Kutnjak 2018). As Kelly and Jones (2013) warns, there is a notable stigma associated with blowing the whistle across countries and sectors because it might entertain a significant risk of retaliation.

According to the sports actors interviewed, the refusal to report is related more to fears and explicit risks than to issues related to the loyalty and camaraderie of an activity where the *spirit of group* is important. According to the testimonies collected, the problem is neither the internal cultural practices in the changing rooms nor physical risks related with the infiltration of organized crime in sport, but the perceptions and *social imaginary* (Moriconi 2011; Castoriadis 1987) created through the informal rules that govern sport activity and the institutional conjuncture in which sports ethical and disciplinary codes and penal laws are implemented. Beyond imposing the formal obligation to denounce, if proper mechanisms are not in place to protect whistle-blowers and to act on their complaints, it is probable that potential future whistle-blowers will be reluctant to come forward (Whitaker et al. 2014). In other words, the policy itself can generate the reverse effect and delegitimize the entire raising of awareness process. Could it be that this is happening?

Incentives for (not) blowing the whistle

According to the data collected, the perception of sports actors about the incentives and restrictions to blowing the whistle can be summarized in three key ideas or *nodal points* that are repeated and emphasized throughout most of the interviews. Nodal points are those ideas that frame the semantic battlefield and define what can be said and what cannot, which elements will be included, and which will be destined to the dump of cognitive possibilities (Philips and Jorgensen 2002: 25). The narrative, framed by these ideas, will be crucial when defining practices and behaviours, as well as to determining what is legitimate and illegitimate due to the consequences expected for each act.

First, sports actors consider that denouncing wrongdoing in sports, being corruption scandals, fraud or manipulation of competitions or results, is dangerous and may have negative consequences.

Second, they consider that the chances of a match-fixing case being discovered are low due to the difficulty of collecting evidence about the facts. This difficulty affects the predisposition to denounce in two senses. On one hand, the reluctance to denounce is brought about by the difficulty of presenting a solid denunciation that can prosper in court. On the other hand, because it is believed that the institutions that must carry out disciplinary processes (whether sporting or criminal) lack the necessary resources to be fast and effective.

Finally, athletes believe that there are other means for internal conflict resolution that do not publicly expose the colleagues involved. In this sense, several interviewees recognize variables that increase the danger of public exposure is the negligence, and sometimes manipulation, of the media when dealing with these issues.

These perceptions are not only built on personal experiences of the actors but are also forged in public evidence and discourses that circulate in the world of sports and in the media and that are however not incorporated into the official preventive narrative. While formal rules (sports and criminal) create obligations and duties, such as denouncing any attempt to fix, key actors of the same institutions that promote, implement and oversee formal rules recognize the limitations and dangers of putting them into practice. In other words, athletes and players are forced to blow the whistle by institutional actors that recognize the dangers listed by sports actors to justify their silence are real. However, the duty of blowing the whistle continues to be demanded without modifying the informal institutions that make the act of denouncing a danger for those who carry it out. Given this institutional negligence, the concept of *code of silence* ceases to have a connotation of individual and collective moral failure to become an obligation of self-protection (FeR1; TP1; RHC1; FC1, FeP1).

1. *Whistleblowing's negative consequences*

Internationally, there are many historical examples that demonstrate the dangers of denouncing deviant behaviours in sports, even strictly complying with disciplinary codes. The Tennis Integrity Unit, for

example, has been severe in imposing sanctions against those who do not comply with the duty to denounce every offer of manipulation. Marco Trungelliti, an Argentinean player who, following his duties, blew the whistle about match-fixing attempts, has explained that most of the players who receive offers to lose a game do not report out of fear. Trungelliti has suffered personal consequences after his report that led him to testify in the trial against three of his Argentine colleagues.⁸ Since then, he has been in torment and several of his colleagues consider him a “snitch”: “My head is a bonfire. I am burned out. I practically do not sleep. (...) I feel a constant defamation.” (Torok 2019)

Many whistle-blowers who have reported deviant behaviours suffer reprisals. After denouncing an attempt for fixing a match and, in consequence, uncovering the *CalcioScommesse* scandal in 2011, Simone Farina had to abandon professional football because no football club wanted to sign him.

“After I reported he scandal, many things changed for me. All the friends I had just disappeared (but the good ones stayed). I was expecting moral support from my club, but it never came.”⁹

Contemporary history of fighting against every type of corruption and crime in most social sectors is full of cases in which the lives of whistle-blowers are altered, negatively affected, and even destroyed, and sports actors in Portugal are not exempt from these dangers:

“After having denounced corruption, I was suspended. I denounced the secretary of the Clube League, who asked me to forge a result.” (FeR2)

"Sometimes, federations do not support the best athletes. In certain modalities, there are cases where the best have been banned from competitions. Whoever tells the truth about federations ends up being harmed.” (OA3)

"The dangers are clear. I am totally against match-fixing. But if a fixer contacts me, rather than denouncing and getting into trouble, I would take all measures to prevent them from contacting me again and erasing any evidence that the contact has existed.” (TP1)

These testimonies coincide with the statements of institutional actors who develop prevention campaigns. The leader of the Integrity program of a SGB (SGB1) confirmed that in Portugal "there are

⁸ The 3 players, that were sanctioned, are: Federico Coria, Nicolás Kicker and Patricio Heras.

⁹ See <https://www.youtube.com/watch?v=FAxrDaHzzhg> min. 1:03.

athletes who are being harmed because they have denounced" and referred to the case of "an athlete who has denounced and was left out of the national team while colleagues who knew and kept their mouths shut continued". There are also referees seeing their career in danger because they have publicly criticised their federations.

The judicial police, charged with investigating these crimes, also recognize the dangers of reporting. In the framework of the International Conference on Sports Integrity, organized in Lisbon in June 2019, the national director of the Judicial Police, Luis Neves, called for an end to "hypocrisy and cynicism" because those who denounce and collaborate with the investigation are, in many cases, "the only one condemned" (Vitorino 2019).

2. The difficulty of obtaining evidence

An incentive to keep silence, which was repeatedly expressed by the interviewees, is the difficulty of obtaining solid evidence in order to support the denunciation in court or in front of sport disciplinary bodies. The dynamics through which both offers and manipulations are developed are difficult to prove. In fact, infractions and crimes continue to register a substantially lower detection and conviction rate (Feldes 2013; Nowy and Breuer 2017). Collecting evidence that shows what has happened is one of the biggest obstacles to sustaining a denouncement.

The assessment of the performance of a referee, player, or coach refers to subjective criteria, so it is difficult to associate an error with personal intentions of manipulation (FC1; F5P2; BP2). Consequently, the lack of objective evidence generates prudence and retracts the act of reporting alleged irregular and illegal situations.

However, this difficulty can generate cases in which a denouncement ends up moving to a case of defamation against the person who blew the whistle or reversed the order of proof.

"I would never denounce without concrete evidence that documents what I am saying. And, generally, those documents do not exist." (FR2)

Some interviewees, who admit having had offers to fixing matches, explain that the dynamics is through personal contacts that, later, are difficult to demonstrate.

"The denouncement could have several consequences (...), it would be his word against mine and it would be useless. This type of situation happens everywhere (reference to an approach to facilitate a game)". (FM1)

But even when the contact could be proved, it is difficult to verify that the offer has really

existed. A coach (FC2), for example, commented on a case in which he realized that his players had been contacted to lose a game. The team confirmed that they had received a call from the owner of a restaurant, and well-known supporter of the adversary club, who had offered them money to facilitate in the game. As they had the telephone record, the case was reported. Even though the case came to court, witnesses were presented, and the existence of the call was verified, the investigation failed to result in any consequences.

Difficulties in investigating and proving cases of corruption of any kind and in any social sphere are common. Precisely for this reason, the fight against corruption at the world level has raised two flags that are presumed to be effective means to implement, once and for all, an effective fight against the phenomenon in all its dimensions: a) legislations for protecting whistle-blowers, and the recent new directives of the European Commission about this issue are a key example¹⁰, and b) the implementation of laws of repentant and the introduction of leniency systems. As some authors have criticised, this legal recommendation would be understood as an institutional recognition that, beyond any legal framework and material and economic resources, contemporary justice systems and polices are incapable of combating the scourge of modern corruption without external help, especially of criminals involved in the plots (Moriconi 2018b).

In Portugal, both the justice (district attorney general of Lisbon, Amadeu Guerra) and the police (director of the Judicial Police, Luís Neves) have called for the implementation of a "true statute of the repentant" (Lusa 2019) that allows to offer "rewards" to those who help in the investigations of cases of sports corruption.

But, as NGO1 emphasises, good legal frameworks do not mean the necessary human, economic and technical resources to put them in practice exist. Moriconi and Almeida (2019: 86-87) explain that Portugal is one of the European countries with a special criminal law on corruption in sport, particularly match-fixing (Law 13/2017)¹¹. Despite all institutional sectors interviewed agreeing that Portugal has one of the best legal frameworks for fighting against corruption, most of them recognized the lack of means to effectively put it in practice (NGO1; NGO2; SGB1; SGB3; SGB4; LEA1; GO1; BR2). In fact, during a Conference on Sport Integrity, the district attorney general of Lisbon, Amadeu Guerra, acknowledged that there is a lack of magistrates and technological means.

¹⁰ See <http://www.europarl.europa.eu/news/en/press-room/20190410IPR37529/protecting-whistle-blowers-new-eu-wide-rules-approved>

¹¹ The legal regime incorporates three different offences: corruption, influence peddling, and criminal collusion with a clarification between passive and active corruption. Sports actors are obliged to report any attempt or suspicion of involvement in match-fixing. Law 13/2017 has also introduced new offences such as unsporting bet, offering or receiving of undue advantage, and determined the first amendment to the online sports betting regulatory framework to ban any kind of betting in youth sport competitions. On the other hand, Law 101/2017 establishes obligations for beneficial ownership and shareholder base disclosure of sports companies; requirements on conflicts of interest; along with education, training, and capacity building programs on combating manipulation of sport competitions.

"In many situations, there is no chance to record interrogations with quality. The Public Ministry and the Judicial Police have done their work with the limitations of means they have, and we do what we can." (Lusa 2019b).

3. *The possibility of solving the problems by internal means*

That sports actors fail to resort to the justice system or SGB does not mean that they support wrongdoings or that they do not take measures to combat these phenomena. Several sports actors understand there are alternative paths that, while defending fundamental values of sports and camaraderie, are much more efficient than formal sports and civil justice.

Justification of this practice is "not exposing a colleague unnecessarily" (BP2). Given the public institutional recognition of real dangers for denouncing and lack of resources for investigation, this choice seems logical:

"If someone gives a game, I grab him by the neck and report it internally to the coach." (BP3)

"If I was aware of a case, I would report. I might not expose the player publicly, but I could not keep him on the squad. I would lose confidence. I would report to the club and then the club would deal with the process." (HC3)

"Years ago, we had a case of a foreign player who ingested drugs. Not in order to improve performance, but in a social perspective. There was an anti-doping control and we heard about it. In two days, that player was on a plane returning to Brazil. Nor do we expect counter-analysis or justification, nor disciplinary proceedings (...) we solve the case internally. It was only publicly known 2 or 3 months later." (F5M1).

Obviously, how wrongdoing affects the result of team performance matters. Despite that reporting any manipulation is the correct ethical behaviour, the outcome of the crime is crucial when generating the necessary incentives to report or not. "Nobody is going to denounce a fix if they won the game" (FM1). This is not just a personal matter, but a contextual need.

"All club partners and supporters would say they were going to kill me and my family. It always ends up known who reported the alleged crime. I will have never had a job in Portugal." (FC2)

To understand the dynamics of keeping silent or not, the result-oriented logic of contemporary sports is important. This logic is different for individual and collective sports. In a classic work on silence in sports, Whitaker et al. (2014) shows that athletes of individual sports (such as track and field) are more likely to report cases of doping in their sport, while players of collective sports (in their case rugby) were more predisposed to adopt a code of silence. Track athletes struggled to clean up their sports, mainly considering that the doping of their rivals directly affects them. Although the authors emphasize the desire to clean up the sport, it could be that the motivational variable is the sporting effect that the denouncements generate and that, basically, can generate a substantial improvement of the sports performance of the whistle-blower.

According to the same authors, the members of a team, on the other hand, are reluctant to denounce their colleagues, especially if they are colleague. This attitude is understandable in terms of performance and *group spirit*. In the case of rivals, there are several variables related to the nodal points that influence the decision: a) the possibility of presenting strong evidence, b) the likelihood of taking (sports) profits from the denouncement, c) the prudence of knowing that the dynamics of collective sports can lead the potential whistle-blower to play with the alleged offender or on the team of the alleged offender in the future, and d) the possibility that, in the case of a collective sport, the doping of a single player may not substantially influence the general performance. Whitaker et al. (2014) recognized that the refusal to report, however, does not imply agreeing with deviant practices, such as doping. The evidence gathered during data collection indicates that this denial might be preferred using formal reporting and channels, however, it does not mean the refusal of seeking alternative means for solving the problem.

“If I had full knowledge that a colleague is doped, I will not expose him publicly. I would speak about it in the dressing-room, I would seek to know why he does it. It's not just a sports issue, it's a health issue. Denouncing him would be the worst thing I could do.” (BP2).

The fear of public exposure is a factor that both sports and institutional actors mention: the negligence and impartiality with which journalism (mainly sport journalism) deals with these issues.¹² In France and UK, Villeneuve and Aquilina (2016) showed how the media coverage of betting related match-fixing scandals tend to blame teams, players and criminals, while sport authorities and sport institutions are presented as developing a positive role in fighting against the phenomenon.

¹² This question becomes particularly serious in Portugal, where anonymous complaints quickly become public and there are even leaks of police information to public opinion (in some cases, of crucial evidence in the process of sports corruption, as was the case of the wiretaps of the *Apito Dourado* affair).

Some authors have shown that Portuguese sports journalism is marked by club and political interests (Henriques 2014). According to J3, the logic of having editorial lines linked to a particular club is unrelated to ideological issues, but to market requirement: the only way for three sports newspapers to survive in a country of 10 million inhabitants is to determine the markets' niches coinciding with the three major clubs in the country: Benfica, Porto and Sporting. These three clubs share the vast majority of the country's fans and political support at national and regional level.

Two national deputies (D2 and D3) confirmed that annual dinners are common among the heads of these clubs and members of parliamentary groups. According to the same sources, at a national level, this activity only takes place with the leaders of these three clubs, which have a direct influence on the political agenda.

Beyond the opinions that understand the *clubistic* editorial logic as a market reason, another journalist interviewed acknowledges that there are internal pressures in the media for certain issues not to be addressed or to manipulate the agenda in favour of those discourses that they want to circulate:

Newspapers are authentic communication tools of clubs and political parties. Only that what matters for them should be published. In the past, I have often felt internal pressure not to publish certain news. Since I was already a journalist with a vast career, I had no problem in *standing my ground* and publishing what I wanted anyway. But younger journalists would not have the chance to do it. (J1)

From code of silence to public secrecy and informal institutions

Considering the narratives that explain the incentives to not blow the whistle, it is inappropriate to continue blaming a supposed *code of silence* and promoting the idea that the lack of collaboration and denunciation is a moral failure of athletes and players (Tak et al. 2018). Both institutional and sport actors show awareness of the retaliation suffered by those who denounce wrongdoings. However, this situation is assumed to be normal: neither institutions nor athletes seem concerned about modification. Despite considering them unfair and unjustified, sanctions and reprisals seem to be accepted without complaints. In other words, athletes recognize that colleagues are eliminated from national teams irregularly, but they do not publicly protest. Also, referees are aware that certain colleagues' career are truncated for reporting irregularities and they continue acting as if nothing happened. Thus, existent threats fulfill their objective: a) they persuade sports actor not to denounce because it is dangerous; b) exemplary cases in which, in fact, the one who reports suffers reprisals exist and are publicly known; c) but nobody convincingly opposes these situations and leads a public fight against those alleged corrupted and/or injustice practices (that are abundant in public discourses), so that the practice takes symbolic value and legitimacy. In short, the idea that *if someone blows the whistle, then*

reprisals are taken for granted is embedded into sport institutions.

Given this reality, the formal norms that determines the duty to report any attempts of fixing matches loses acceptability. Two concepts are useful to explain this delegitimization: public silence and informal institutions.

Numerato analyses corruption in sport, specifically match-fixing, through the optic of public secrecy. Public secrecy is viewed, according to Taussing (1999: 5), what ‘is generally known but cannot be articulated’. According to Horn (2011) public secrecy represents situations in which ‘everybody either doubts or knows that “there is something”’ (Horn 2011: 112), although the content of the secrets are rarely disclosed.

Some perceptions of sports actors have these characteristics. The conclusion is not articulated in a narrative that can explain how this fact develops. For example, F5C2 recognizes that, if he had reported any wrongdoing or offers for fixing matches:

“I would not get a job anywhere for the rest of my life. (...). I would not be able to hide myself even changing my name. There is almost no solution.”

The testimony describes the consequence but does not develop any idea about how the process of denial of employment would materialize, or why. In this type of situation, the dignified will not find allies to help him escape punishments or why there is no collective movement within sports to stop this kind of practices. Misdeeds are occurring but they cannot be articulated in a holistic public narrative about the real functioning of sport institutions.

This situation is also usual at the international level: several sports players affirm the existence of corrupt practices that are not verified at the disciplinary level (or at least the level of sanctions does not correspond to the denouncements made in public) and, therefore, they generate the proliferation of suspicions that cannot be totally confirmed. Examples are abundant, from players doubting the honesty of the referees to players recognizing that the manipulation of results for bets is a recurring issue. Tennis player Tringelliti, for instance, assures that match-fixing “is not just the players' problem”, “there are a lot of coaches involved, (...) more than we think” (Leicester 2019). But it is impossible, with the existence public evidence, to confirm if this is true or not.

Sports actors launch public discourses recognizing unfair practices, and several institutional actors recognize that these assertions are, sometimes, correct. Clearly the data show that from an institutional perspective blowing the whistle in the current context is dangerous. Sports and legal regulations are created to force athletes to perform acts that, according to perceptions, will bring negative consequences to them.

Thus, according to the evidence collected, the narrative framework of public secrets accounts for informal rules that substantially modify formal rules. These informal rules determine what is needed to be an elite athlete, player, coach or referee. Being an Olympic athlete who is part of the national team not only involves achieving the necessary marks or rankings, but also maintaining a public discourse of institutional respect and not denouncing or endangering the prestige of the superior entities despite having knowledge or evidence about wrongdoings (OA3, OA4; eOA1). Being an international referee (of any collective sport) not only involves knowing the rules and making them comply with efficiency, but also respecting the unwritten rules that define a good institutional evaluation, such as knowing who to favour and who not in doubtful plays (FeR1, FeR2).

“Criticism of the federation is not well-regarded. Federations have an exaggerated power (...). They have power over athletes and national teams. They decide who they support and who they don’t, about sports equipment, about who can train and who cannot. A certain athlete, by any chance the best at national level in his modality, stopped being supported by the federation because she decided to speak to the newspapers.” (OA3)

“I have no interest in reporting. I know that these situations (match fixing) happen. But if I want to be part of this game, I should adapt to its rules. The other option is to leave. Why am I going to report, to harm myself?” (FC3)

“In roller hockey salaries are very low. In the case of clubs linked and supported by Municipalities, it is a common practice that the club hires the player and offers him a parallel work outside the sporting activity. Imagine that the player denounced someone from that club. It would be unthinkable. He would be fired from the club and from the job.” (RHC1)

“In football, silence is a law. The access to the top of the (referee) career is increasingly stratified and conditioned. In consequence, no referee is interesting in reporting. If you do it, you are quickly marginalized, and your career will be conditioned.” (FeR1)

“I was the referee of a match of a European league in an eastern country. It was one of the final stages. If I do a good game and obtained a good qualification, it was almost guaranteed that I would go to the World Cup. I made a perfect match. I was happy.

However, the evaluator did not give me a good grade. But he was sincere. He told me: 'You know you did everything right, but the wrong team won'." (FeR2)

Although the practical application and harmful consequences of these informal rules is publicly recognized by the institutional actors who fight against match-fixing, the preventive discourse does not incorporate the need to analyze in depth, to pursue, and to condemn the existence of these informal rules and the actors that regulate them. If, according to the school of discourse analysis, "nodal points" define the discursive battlefield, the risks and dangers that consolidate the informal rules of not blowing the whistle may be considered as discursive *nodal bombs*: variables and evidence that are deliberately ignored by the hegemonic narrative, because, if included within the framework of discursive possibilities, they would completely destroy the semantic coherence of this hegemonic discourse. In this case, it is the official anti-match-fixing narrative and, particularly, the promotion of the duty of reporting.

At the same time, it would be impossible to continue to defend one of the narrative bases of the official institutional discourse on the prevention of match fixing: the one that indicates that deviant behaviour seems to be the fault of those inside of sports courts and competition venues while SGB, authorities and federations appeared as incorruptible (Villeneuve and Aquilina 2016; Moriconi 2018; Tak 2018).

According to the evidence gathered, the risk areas and opportunity structures for fixing matches might be generated by informal institutions that function before sports betting markets are regulated. Rather than dealing with a problem of infiltration of organized crime in sport, manipulation of results is a problem of internal governance that, with the new conjuncture of the global betting market, increases logical bases for criminals (organized and unorganized) to take advantage of opportunity structures previously created by the real functioning of sport world.

Conclusions

Sports disciplinary codes and, in the case of Portugal, criminal laws, have transformed the duty to denounce any attempt or case of match-fixing into a formal rule. Prevention campaigns emphasize this requirement. However, despite the proliferation of protected reporting platforms, whistle-blowing levels continue to be low. The supposition of the existence of a code of silence in sport continues to be one of the most repeated institutional justifications when explaining the unsatisfactory results of these policies.

This work represents the first in-depth attempt to explain how, why and when sports actors decide to not denounce wrongdoings. More than a matter of collective interest or loyalty, the code of silence is linked to the specific threats and risks that can endanger professional careers. These needs are recognized and evidenced through "public secrets" that account for the informal institutions that

regulate sport and the deficiencies in terms of human, technological and economic resources of the institutions responsible for protecting whistle-blowers and developing investigations.

The recognition of these informal institutions substantially modifies the semantic coherence of anti-match-fixing discourses, transforming institutional preventive campaigns into limited and negligent narratives.

Despite the recognition of dangers and irregularities, the sedimentation and regularization of informal institutions is, in some way, accepted by sports actors: athletes list reprisals and unjust sanctions against their colleagues that, however, fail to prevent them from continuing the development of their careers normally and without the need to emphatically criticize this reality. Numerato (2016) noted that the constellations of public secrecy encompass actors who are not directly involved in match-fixing but are aware of wrongdoings; these actors can hide wrongdoings and abuse of power and exchange their active silence for personal advantages or, at least, for continue being part of the sport world.

In this sense, the code of silence practiced in sports is based on both horizontal and vertical relationships. Skolnick (2002) found that, in the case of policemen, silence is practiced mostly on a horizontal level, that is, between colleagues of similar professional status who avoid incriminating each other. The evidence gathered indicates that in sports there are both practices of silence at this level and at vertical relationships. The latter are generated, in general, in a down-top perspective: sports actors avoid reporting irregular situations that could negative affect authorities and superior entities to haven institutionally power over their career.

Effective measures to fight against manipulation of sport competitions must consider the problems of sports' internal governance that, to a large extent, create structures of opportunity that worsen the phenomenon. Continue creating limited preventive narratives that do not incorporate the causes and consequences of "public secrecies" to the institutional diagnoses, and mainly look for responsibilities in the world of organized crime, delegitimize the policy framework and do not promote trust in institutional integrity bodies.

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