

A Theory of the Evolution of Modern Sport

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Abstract

This paper argues that modern sport developed out of new forms of associativity created during the European enlightenment. It argues that the fundamental unit of modern sport is the club, and that these associations developed autonomously in Britain during the eighteenth century following the retreat of the state from the control of associative activities. The evolution of modern sports thus formed part of the expansion of private associative activity that occurred in the Anglo-Saxon world. By contrast, in countries such as France and Germany where associativity continued to require the explicit or implicit license of the state, modern sports developed in ways consistent with or even in the service of the objectives of the state, most notably the need to maintain military preparedness.

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1. Introduction

“What we are concerned with here is the transition from occasional amusement to the system of organized clubs and matches.”

-Johan Huizinga, *Homo Ludens*.¹

Merely to use the phrase “modern sport” is to enter a contested field of sociology and political theory. First, one must ask, what distinguishes the ancient from the modern? When do we first encounter the first modern sports, and what distinguishes their modernity from what went before? Second, one must consider the meaning of the term “sport”. The discussion of athletic endeavour has long been contested by the adherents to the tradition of “physical education” and by the (relatively) more recent adherents to the concept of “sport”. This paper advances the thesis that “sport” and “physical education” represent political ideologies that became established during the eighteenth century enlightenment and which thereby account for the way that “modern sport”- if we may nowadays use this term to encompass all athletic activities- established itself throughout the world. What unites these two currents is the concept of associativity.

The role of associativity, and the related concept of a “public sphere”, a political space independent of the government, has been most forcefully articulated by Habermas.² The emergence of a bourgeois public sphere from the seventeenth century onwards, in which individuals were free to mingle as social equals and dispute the political and economic issues of the day, represented for Habermas one of the foundations of modern social structures.

Associativity may loosely be defined as the tendency of individuals to create social networks and organisations outside of the family. At its simplest, it is the tendency of humans to form clubs, and the motives for forming clubs are as varied as the human imagination. A key characteristic of an association is the capacity to write its own rules and oblige members to abide by them. Associativity is to be found in all civilisations, but our starting point is that in most societies associativity has been

constrained by the state. Thus in ancient Greece, Solon the lawgiver laid down rules for the government of associations³. The Romans regulated them⁴, and the medieval guilds were strictly regulated by monarch, the church or the city council⁵. One distinguishing feature of the European enlightenment in the eighteenth century was emergence of a new public sphere, where associations could be created which dealt directly with matter of public interest, but could also operate independently of the state.

Many sports that we call modern grew out of this form of associativity. The development of associative sports in England during this period paralleled the development of the coffee houses, public societies and the press, institutions which typified this new public sphere. The basic organisational unit of this branch of modern sport was the club, a voluntary association of individuals agreeing to abide by a form of private law, autonomous within the state. During the eighteenth century the development of cricket, golf and horseracing, inter alia, created the models along which later modern sports such as baseball, football (in all its various codes), basketball and tennis developed.

It is perhaps surprising that relatively little attention has been paid to concepts of associativity in the development of modern sports. While there is general agreement that the concept of modern sport was born in England sometime around the start of the industrial revolution, historians and sociologists have been more concerned with factors such as industrialization, the civilizing process, commercialism and so on. It is true that some scholars have noted the emergence of club culture at the same time as many modern sports, but such observations scarcely rise above the level of the footnote.⁶ It is seldom remarked that all modern sports are organized in hierarchical systems of clubs and governing federations, which did not exist prior to emergence of modern sports. Indeed, while it would plausible to define modernity in sport as the adoption of this hierarchical structure built around clubs, there is no general history devoted to documenting the process by which these organisations first came into being.

This article tries to redress this balance by placing the unit of the club at the centre of development of modern sports, and seeks to explain how different social rules

surrounding the formation of clubs explains the differing evolution of sports in Britain, The United States, Germany and France. By focusing on the role of political and legal constraints in the governance of associativity, this research gives a far more important role to the study of sports history than it is usually accorded in the academy. In general the history of sport seems to be treated as some kind of peripheral manifestation of commercial culture, a striking, but somewhat trivial, example of the consumer society. In this paper it is argued that the way in which sport is played was to a large extent dictated by the rules governing associative activity, and that different practices in different countries are a consequence of these different rules. In particular, the noted variety and intensity of sporting practice in Britain and the United States stemmed precisely from their liberal approach to formation of voluntary associations, in contrast to Germany and France where such associations tended to be regulated by the state. In the same way that the rules of associativity in Britain and America contributed to the creation of a powerful bourgeoisie, they also played a powerful role in creating bourgeois sports.

Focusing on the legal and institutional constraints surrounding the development of modern sports one is forced to take issue with the conventional view that (a) modern sport originated in the nineteenth century and (b) was a simple consequence of the industrial revolution. Examples of the received wisdom are not hard to find. Thus Guttmann suggests that there exists a Marxist theory according to which “It was inevitable...that England, the homeland of industrial capitalism, was also the birthplace of modern sports”.⁷ This view finds favour with many European scholars, for example, Bourq and Gouguet state “Le sport moderne serait né en Angleterre au moment de la revolution industrielle”⁸ while Thomas argues “Le sport naît en Angleterre au XIXe siècle et diffuse en France et Europe. Le développement industriel et celui de la physique expérimentale, liée au souci de la mesure, de la quantification, de la précision, constituent des éléments explicatifs de cet essor”⁹. This is reminiscent of Guttmann’s definition of modern sport by characteristics such as quantification, rationalization and bureaucratisation, which are typically associated with the transformation from a rural to an industrial society.¹⁰

It is certainly true to say that a kind of sporting revolution occurred in Britain (and elsewhere) in the second half of the nineteenth century. According to Tranter “the

fundamental characteristics of late Victorian and Edwardian sport were very different from those of the early Victorian period. In less than fifty years the number of sports and the numbers playing and watching sport increased dramatically”.¹¹ No doubt this increasing involvement and participation had much to do with industrialisation, urbanization, improved transport infrastructure, improved communications, new organizational skills, increased incomes and other consequences of the industrial revolution. However, British historians have recently started to play down what one might call the “industrialisation thesis”. This is mainly a consequence of the recognition that sport was an integral part of British life well before the industrial revolution. Thus Holt argues

“ ‘Modern’ sport according to received wisdom was invented in the mid-Victorian years- the 1850s to 1880s- and everything that preceded this revolution was ‘traditional’ ...But is this true picture? Without seeking to devalue the impact of the public school system or the progress of industrialization, it is important to see that major changes were underway before the Victorians.”¹²

These major changes included the creation of clubs and associations for the playing of cricket, golf and the organization of horseracing in the first half of the eighteenth century. Tranter lists the range of sporting organizations and activities that existed prior to the Victorian era including institutionalisation, codification and commercialisation of sports and notes the widespread existence of cricket and golf clubs in the eighteenth century.¹³ Moreover, significant aspects of the development of these sports took place in rural settings (e.g. the Hambledon Club) rather than the industrial towns of Lancashire or any other hotbed of the industrial revolution. This article, then, locates the origin of English sports in eighteenth century associativity rather than nineteenth century industrialisation.¹⁴

The development of associativity can be understood in economic as well as sociological terms. Viewed as an economic unit, the club represents a means of supplying a particular type of good, the so-called “club good”. Typically, most goods that are produced are defined as “private goods”, meaning that (a) the consumption by one individual or household denies the possibility of the good being consumed by any other individual or household (this is usually labelled “rivalry in consumption”) and

(b) the producer is capable of denying access to the good (this is labelled “excludability”). Such goods are well suited to exchange in the market, since the producer can charge for the supply of such goods (otherwise they will be withheld), and there is no question as to the identity of the beneficiary.

“Public goods” are those that are both “nonrival” and “nonexcludable”. While they are rarer, they are often important. The classic example is a lighthouse- it is nonrival because the fact that one ship benefits from the light does not interfere with the opportunity of another ship to benefit, and nonexcludable because no passing ship can be denied the benefit of the light without denying the benefit to all. Public goods create problems because their nonexcludability makes it hard to charge for them in the market and their nonrivalry means that charges are in any case inefficient, because the cost of supplying an extra customer is zero; yet in the end, someone has to bear the cost of building and maintaining a lighthouse. Generally it is argued that these goods need to be provided by the state using taxpayers money, thus justifying the role of the state in building infrastructure and the like.

However, since the pioneering work of Nobel laureate James Buchanan¹⁵, some economists have argued that pure public goods are quite rare, while more frequently these goods can be characterised as “club goods”, which are nonrivalrous up to a point, and potentially excludable. In the case of a lighthouse, the major beneficiaries are shippers that use the local port. Shippers can club together to cover the costs of building the lighthouse which is a benefit to them, while excluding those who refuse to pay from the use of the port facilities. Note that by developing the port as a club, the shippers may create other benefits for themselves, such as the exchange of business intelligence, credit arrangements and other cooperative benefits that arise from the organisation of a club.¹⁶ Note also that the incentive to form a club arises when no individual shipper has the private wealth to build their own private port, while some would-be port users may be excluded because they cannot afford the fees. Hence the club becomes an institution through which the “middling sort” can profit and perhaps advance economically relative to the very rich and the very poor. Thus the application of club theory to economic development has strong resonances with sociological theories about the emergence of the bourgeoisie in seventeenth century England.¹⁷ Moreover, this approach is consistent with the free market ideology that

developed in England and blossomed in the United States as the capitalist system evolved.

Club theory provides a straightforward rationale for the development of modern sports. While the aristocracy were the traditional supporters and benefactors of popular cultural activities in Europe, including those associated with traditional sports, during the enlightenment there was a clear withdrawal by the aristocracy from these public shows and a retreat into private estates, where they might indulge their pastimes, having the wherewithal to pursue them.¹⁸ While the aristocracy in England were noted patrons of many of the early modern sports, and remained closely involved with sports such as horseracing well into the modern era, they were not interested in funding more widespread participation. By and large, where the poor were unable to continue with their traditional sports, they were reduced to being spectators. However, the middle classes, led the development of clubs through which they could share the cost of these activities.

One important feature of the sports developed under this model is their flagrant pointlessness. The founders and proselytisers of these sports claimed no special purpose- they played the game for its own sake. True, the late Victorians who developed so many of the modern myths also created the notions of “muscular Christianity” and the notion that sports built character- but these were essentially ex-post rationalisations. It is more plausible to argue that the appeal of the modern sports rests largely on the fact that they have no wider meaning, and can be played for their own sake, as a form of escape from the responsibilities of normal life.

However, outside of the Anglo-Saxon world the development of physical education from the end of the nineteenth century was most certainly purposeful, and based on a quite different notion of associativity. The founders of modern physical education were primarily concerned with the defence of the nation state and mobilisation of fit, young men. Activities such as gymnastics, but also shooting and other martial arts represented a patriotic duty. This movement was initially viewed as subversive of traditional authority and therefore outlawed; however, once the utility of a fit fighting force became apparent to the state the organisations that promoted such fitness thrived, and effectively became adjuncts of the state. States that adopted this ideology

included Prussia, France, Denmark and Sweden. This was possible in these countries because the state monopolized or regulated the licensing of associative activity. By contrast, in Britain and the United States such purposeful associative sport was feasible, but in general unable to compete effectively with purposeless sport, which required no public licence or sanction from the state.

These two conceptions, “sport” – created within in a private and autonomous social sphere independent of the state, and “physical education”- sanctioned, organised and funded by the state for the service of the state, clashed at the end of the nineteenth century. A typical example of this conflict is to be found in the case of France, where Baron de Coubertin and his followers advocated the sporting model developed in England and his opponents tried to defend the continental model. While historians have often argued that “sport” won over “physical education”, several important currents of this contest remain present today. Unquestionably, sports have become a battleground of nationalism and national identity. Whereas military necessity is no longer advanced as a purpose of physical education, the state retains in most countries a powerful role in the promotion and funding of sport at all levels. Ultimately, in debates over the role and legitimacy of national governing bodies in sport, we see a conflict of ideology fought out in the name of club versus country.

This paper is structured as follows: the next section describes the emergence of associativity in Britain and the United States, while section 3 details the origins of some modern sports in this context. Section 4 examines the emergence of associativity in Germany and France, while section 5 considers the development of physical education and sports in these countries. Section 6 concludes by comparing the approach adopted in this paper to existing theories concerning the emergence of modern sport and discusses avenues for future research.

2. The emergence of associativity in Britain and America

According to Habermas “A public sphere that functioned in the political realm arose first in Great Britain at the turn of the eighteenth century”. He identified three events that mark the beginning of this process: the founding of the Bank of England, the

ending of official censorship of the press and the adoption of cabinet government, all of which occurred between 1694 and 1695. Coffee houses, places of public assembly and debate were already well established in England in the 1670s. Habermas identifies this development with the development of a *laissez faire* economic system, protected by the civil law which was responsible for “securing a private sphere in the strict sense, a sphere in which people pursued their affairs with one another free from the impositions by estate and state”.

Peter Clark has documented the richness of this new associative sphere in his book *British clubs and societies 1580-1800*: “By the end of the eighteenth century the image and concept of the voluntary society increasingly penetrated every nook and of British social and cultural life... The British government under the Younger Pitt became the Downing Street cricket club, the national finances being gambled on a match ‘against all England’; just as the state itself was represented as a club, only unique for its power...Increasingly, voluntary associations were not so much perceived as miniature exemplars of national society; rather, national society itself was viewed as an untidy aggregation of voluntary societies.” (pp4-5).

He attributes the emergence of this associative world to a number of social factors: the sociability of the English tavern, the patronage of local society by the gentry and the urban renaissance that followed the Restoration (1660). However, he clearly identifies the Glorious Revolution (1688) and the ensuing Bill of Rights (1689) as a dividing line in the development of English associativity. “By the time of the Glorious Revolution the achievements of British voluntary associations were still modest...Between the Glorious Revolution and the death of George II [1760] clubs and societies matured as a national social institution.” (pp58, 60)

The Bill of Rights itself was a limited document, guaranteeing certain “ancient rights and liberties” of parliament, notably freedom to assemble, freedom of speech within parliament and free elections to parliament. Outside of parliament, the citizen retained few constitutional guarantees. Nonetheless, it would appear that the freedoms won by parliament were, by analogy, extended down the social ladder, so long as these associations did not challenge the state itself. The chief theorist of the new constitution was John Locke. His theory of the social contract advanced the idea that

the state itself was a kind of voluntary association that individuals chose to enter out of a state of nature:

“Men being, as has been said, by nature, all free, equal, and independent, no one can be put out of this estate, and subjected to the political power of another, without his own consent. The only way whereby any one divests himself of his natural liberty, and puts on the bonds of civil society, is by agreeing with other men to join and unite into a community”.¹⁹

Moreover, in his essay, A Letter Concerning Toleration, Locke takes it for granted that voluntary associations have the right to establish themselves and to create their own rules and regulations:

“Forasmuch as no society, how free soever, or upon whatsoever slight occasion instituted, whether of philosophers for learning, of merchants for commerce, or of men of leisure for mutual conversation and discourse, no church or company, I say, can in the least subsist and hold together, but will presently dissolve and break in pieces, unless it be regulated by some laws, and the members all consent to observe some order. Place and time of meeting must be agreed on; rules for admitting and excluding members must be established; distinction of officers, and putting things into a regular course, and suchlike, cannot be omitted. But since the joining together of several members into this church-society, as has already been demonstrated, *is absolutely free and spontaneous, it necessarily follows that the right of making its laws can belong to none but the society itself*” [my italics]

Locke’s influence on British and American politics remains significant, but was especially important in the period that followed the Glorious Revolution. According to one historian “It is no exaggeration to say that in the political sphere the undisputed domination of Locke’s political ideas provides the most obvious thread of unity for this period”²⁰

What seems important here is not that citizens had any absolute right to freedom of speech or assembly, but rather that there was no necessity to obtain permission to indulge in free speech or assembly. Freedom was not licensed but rather it was

assumed. As Clark puts it, notwithstanding the revolutions and upheavals taking place in late eighteenth century Europe, in Britain “the state showed little appetite for regulation or intervention” (p97).²¹

This lack of intervention is demonstrated by the legal status of clubs. Clubs in English law to this day have no legal personality, while organisation and membership of a club entails no special legal duties or privileges. Hence a club may be organised by their founders in any way they see fit, and while the typical structure involves the election of a club committee, usually with posts such as chairman, secretary and treasurer, in practice many variations exist on this theme. Moreover, given the absence of any legal personality, it is the officers of the club, who undertake any business and financial transactions, who remain personally liable for any debts or damages.²² This legal status serves to emphasise the autonomy of club-life. The absence of legal status, far from being a weakness, is a recognition of the right of individuals to associate freely without being constrained by the rules of the state. This does not mean that the courts might not become involved in disputes between club members, but that such disputes could not extend to deciding the rules of the club, since they lie outside the scope of the jurisdiction of the state. In more recent times the state has intervened in cases relating to sex and race equality, but this is a relatively recent development.

The pervasiveness of clubs and societies in the English-speaking world by the end of the eighteenth century is remarkable. Associations covered all topics and activities, including politics, religion, history, science, medicine, art, music, literature, trade, agriculture, philanthropy, not to mention the proliferation of clandestine societies such as the freemasons. John Brewer has argued that clubs also played a significant role in the economic development of eighteenth century England, since clubs were often vehicles for channelling savings which in turn were used to insure traders and small businessmen against downturns in the economic cycle and to fund investments in new products and technologies.²³ For the most part, these societies combined the pleasures of eating and drinking with their principal activity, although of course in many cases eating and drinking was indeed the principal activity.

Unlike the masons, most societies were in principle open to any member of society willing to pay their subscription. This openness mirrored the fluidity of the English class system in the eighteenth century, which managed at once to revere “old money” while permitting “new money” to buy its way into polite society. No doubt the reality of the gentry’s clubs were far from any democratic ideal they might espouse, but faced with exclusion from above the lower classes could form their own associations.

The adoption of public sociability in the English colonies was initially slower than in the motherland, since associations were largely an urban phenomenon while the colonies were largely rural societies. However, as urban centres such as Boston and New York grew in the eighteenth century so did colonial associativity. The stimulus of revolution further encouraged the American associative instinct, and the First Amendment to the Constitution (1791) offered protection for freedom of association, freedom of speech and freedom of the press. There is an old joke about the American love of organizing: “whenever three of them meet casually, they cannot resist electing each other president, vice president, and treasurer of a new organization- and, if time permits drawing up a constitution. For Americans, a new idea is usually an excuse to organize into some kind of group, and probably no other people are so given to associating privately for common purposes”.²⁴

3. The creation of modern sports in Britain and America

Guttmann (1978) identified seven key features that distinguished modern sports from their more elderly counterparts: Secularism, Equality, Bureaucratization, Specialization, Rationalization, Quantification, The Obsession with Records. According to Guttmann “Modern sport...took shape over a period of approximately 150 years, from the early eighteenth to the late nineteenth centuries.... Modern sports were born in England and spread from their birthplace to the United States, to Western Europe, and the world beyond”.²⁵

That the English pursued a wide variety of sporting amusements well before the modern era is not in doubt; in 1801 Strutt provided a detailed study of ancient games and pastimes.²⁶ These included antecedents of what we now know as cricket, football,

golf, tennis and ice hockey. Yet it seems unlikely that England was unique in this respect. Jusserand showed that France had just as rich a tradition,²⁷ and it seems clear that many English games had first crossed the channel. No doubt many of these ancient pastimes could trace their way to the Romans and beyond. By the same token, one can imagine that sports and games were equally popular in medieval Italy and Germany.

The seemingly crucial step that occurred around the time of the Glorious Revolution was the adoption of some of these sports by the aristocracy. As elsewhere in Europe, the aristocracy had traditionally engaged in martial sports such as jousting and hunting. While the former became militarily obsolete, the latter persisted in England as elsewhere. However, while in earlier times the aristocracy had tended to be involved in these activities as part of a public spectacle, across Europe they increasingly withdrew into private pastimes, abandoning the public sphere of entertainment.²⁸

In England, the adoption of cricket represented a new departure for the ruling class. As Underdown observes “It was through the involvement of great aristocrats that the game was transformed from a peasant sport into an organized, professional one”.²⁹ Strutt records that cricket was one of many bat and ball games known in England; others included bandy-ball, stow-ball, pall-mall, ring-ball, club-ball, trap-ball, northen spell and tip-cat (pp170-180). It is perhaps worthwhile to examine the development of this sport in more detail.

(a) Cricket

Cricket is a game that seems to have been indigenous to the south eastern counties of Surrey, Sussex, Kent and Hampshire, and references of games played in these areas are to be found from the end of the sixteenth century onwards.³⁰ Early cricket was a rural game played between villages, not unknown for violence, as when the bat was used to beat an opponent over the head.³¹ The transformation of cricket in a genteel sport occurred thanks to the patronage of aristocratic landowners, who essentially adopted the sport of their tenant farmers. Thus as early as 1677 we hear of the Earl of Sussex attending a cricket match. Moreover, by 1694 aristocrats have started to use

cricket to indulge in their favourite pastime: gambling. Charles Lennox, illegitimate son of Charles II and first Duke of Richmond, is recorded as participating in a game of cricket in 1702³². During the first decade of the eighteenth century press references to important cricket matches proliferate³³, involving teams such as London v. Croydon and West Kent v. Chatham.

Cricket's popularity must have grown significantly in the first three decades of the eighteenth century, as references to matches increased. Even foreign visitors noted the trend. In June 1728, the Swiss traveller Cesar de Saussure wrote:

“The English are very fond of a game they call cricket. For this purpose they go into a large open field and knock a small ball about with a piece of wood. I will not attempt to describe this game to you, it is too complicated; but it requires agility and skill, and everyone plays it, the common people and also the men of rank. Sometimes one county plays against another county. The papers give notices of these meetings beforehand, and, later, tell you which side has come off victorious. Spectators crowd to these games when they are important”.³⁴

The social inclusiveness of cricket in the eighteenth century was one of its most striking features. Essentially there were three types of participants in these early games: the gentry, the professional players and the spectators. Quite why the gentry came to play cricket is not clear; Brookes lists four motivations for the aristocracy: it provided an opportunity for aristocrats to socialise with each other, it provided a means for social and political rivalries to be acted out peacefully, it enabled a landlord to maintain relationships with tenants and finally it offered a source of entertainment, not least as a means of gambling.³⁵

During the eighteenth century vast sums were frequently wagered on the outcome of a game in which the nobility participated. For example, in 1735, the sum of £1000 (equivalent to around £125,000 in today's money) was wagered on the outcome of a game played between the Prince of Wales and the Earl of Middlesex.³⁶ The patronage of Prince Frederick Louis, son of George II and father of George III, was the ultimate endorsement which ensured that the game would become fashionable. The list of other 18th century notables who were closely involved with the game includes the

second Duke of Richmond, the fourth Earl of Sandwich, the first Duke of Newcastle, the third Duke of Dorset and the ninth Earl of Winchilsea. These and others were among the leading political and social figures of their day.

The mechanics of cricket involve one man (the bowler) throwing a ball at a man with a bat (the batsman). If the batsman can hit the ball he can score runs, depending on how far it is hit and how quickly one of the other players on the field (the fielders) can retrieve the ball. However, if the bowler can throw the ball in such a way that batsman fails to hit it and the ball hits some sticks erected behind the batsman, or the batsman hits the ball in the air and is caught by a fielder, then the batsman's turn (innings) is finished. Typically there are eleven men on each side, and whichever side can accumulate the larger quantity of runs is the winner. It is not difficult to see that the structure of the game was easily adapted to the social hierarchy. Batting is essentially the activity of the nobleman; bowling, which demands both physical strength and technical excellence, is the province of the artisan; fielding is for the peasants. So, at least, did the aristocracy organise their games. Managing at once to mingle with their inferiors and maintaining their social exclusivity. To emphasise the point, the aristocrats would pay their tenants or other hired cricketers to provide the necessary services, creating the time-honoured sporting distinction between the amateur and the professional.

Spectators were not necessary to the pleasure of the nobility in their game, but in a period where new forms of entertainment proliferated, many were drawn to these spectacle. By the 1730s entrepreneurs were organising matches and charging for admission, and the ticket prices suggest that the sport was attractive to the working classes.³⁷ Crowds as large as 10,000 at London's Artillery Ground were reported during this period, and the organisers increasingly looked to professional players from London to provide the entertainment.

The Artillery Ground became the venue for most of the games played by the London Club. The London Club is recorded as playing a game in 1722, although it may have existed even before then. Its members included the aristocratic luminaries of the game and in the 1730s its president was the Prince of Wales. The London Club is also famous for formulating the first rules of the game, written in 1744. The formulation of

a fixed set of rules is one of the principal characteristics of a modern sport as defined by Guttman. Rules foster competition, enabling performance in different matches to be objectively measured. For Huizinga this systematisation represents the dividing line between modern sport and “play”: “with the increasing systematisation and regimentation of sport, something of the pure play-quality is inevitably lost”³⁸. The adoption of rules represents the shift from anarchy to organisation, and at the same time the adoption of government. For rules to be established, there needs to be a law-giver, and in the case of modern sports such as cricket this Solon was inevitably a club. The London Club was famous in its time, but it seems little is known of its organisational structure.³⁹ However, it seems likely that it was organised in much the same way as all the other clubs and societies in the metropolis: in other words it was just another example of the developing associative movement in England.

It is possible that other cricket clubs existed during this period, but the two most famous clubs in the developing years of cricket, the Hambledon Club and the Marylebone Cricket Club (MCC) came to prominence in the second half of the eighteenth century. Hambledon has passed into legend thanks to the first hand account of the club’s exploits written by John Nyren, a former member, in the 1830s. Hambledon is a village in Hampshire not far from the south coast, and the game was played there from the 1750s at least. The date of formation of the club is not known, but records of meetings of the club’s members exist from the 1770s onward. The club’s fame rests on the quality of its players, most of whom were local yeomen, paid to play. The club’s finances rested on the subscriptions paid by the local gentry, its members. As important as the play, however, was the post-match sociability, most in the form of beer drinking at the Bat and Ball Inn on Broadhalfpenny Down where the team played its home games.⁴⁰ For a short period the club was the best in England and it was consulted by other clubs on the interpretation of the laws. However, the remote rural location of the club led to its decline in the 1790s, once its best players had been poached by the White Conduit Club of London.

In 1786 John Lord was encouraged by his aristocratic patrons to establish a new cricket ground in London. The Marylebone Cricket Club became established at the ground that Lord created. Thanks to patronage it sustained both a high quality of play and a reputation for authority on all matters pertaining to the game. The MCC seems

itself to have evolved out of the Star and Garter Club, which had published a new version of the laws of the game in 1774. But while the MCC published its own rules, it never put itself forward as the governing body of the game, which it indubitably became by the 1820s. The process of transformation remains something of a mystery, and was certainly not marked by any particular decision or announcement. Birley writes of the early MCC “the notion that MCC at once, or even soon, became some kind of supreme governing body is quite wide of the mark. Neither they, nor the other autonomous clubs would have recognised such a concept.”⁴¹, while Brookes observes “there are many reasons for believing that the MCC, as an autonomous institution rather than an occasional collection of individuals, made little impact on the organization and control of cricket, or on its evolution, until the second quarter of the nineteenth century.”⁴² However, by the 1820s there seems to have been no question that anyone wishing to change the laws of cricket needed to obtain the blessing of the MCC. MCC ruled cricket, it seems, because cricket clubs followed the rules of the MCC. No doubt this situation reflected perceptions of social class, patronage, as well as pure commercial logic (matches against MCC were extremely lucrative), but the development of the government of the game played by self-governing clubs was a purely voluntary affair.

While there appears to be no disputing that cricket clubs played the central role in formulating the rules of the game, an alternative hypothesis concerning the development of cricket, and other sports in eighteenth century England deserves consideration. Several scholars have argued that the need for rules was to underpin commercial transactions, especially gambling.⁴³ The importance of commercialism in the development of cricket and a number of other sports in Britain has been amply demonstrated in the work of Adrian Harvey.⁴⁴ Thus it might be argued that commercialism, rather than associativity, was the foundation of modern sport. However, this is a false dichotomy. Both associativity and commercialism were the product of an emerging bourgeois and consumer culture in the eighteenth century predicated on individual liberties within a Lockean state. The market and club are both forms of voluntary association (however much one may respect the radical critique that for the poor the theoretical right to join an exclusive club or purchase an expensive product is no freedom at all). Moreover, while there existed forms of sporting activity seemingly organised without any significant associational activity

(e.g. pedestrianism and prize fighting), all of these forms ultimately came to be integrated within the structures of sporting associativity or disappeared altogether.

(b) Horseracing

Like cricket, the development of horseracing in England owes much to the patronage of royalty and the aristocracy. King James I established the racecourse at Newmarket and his grandson Charles II enthusiastically patronised it after the Restoration, creating a race known as the Town Plate and establishing a set of rules to govern it.⁴⁵ As with cricket, a considerable part of the interest in the sport lay with the gambling, as did the motivation for creating a set of rules. By the beginning of the eighteenth century race meetings had become a popular location for socializing among all classes in society, led by the monarchy which seems always to have loved the turf. By 1727 the first statistical records were instituted in the form of a list of all races runs in England and Wales, covering 112 different race meetings, for any prize in excess of £10.⁴⁶ According to Birley, by mid-century the activities that supported horseracing, breeding, bookmaking and race organisation were becoming increasingly professionalized.⁴⁷ Around 1750 a group of gentlemen interested in horseracing founded the Jockey Club. Just as with the MCC, within a few decades the Jockey Club came to be seen as a leading authority on horseracing issues. Thus in 1791 the Jockey Club was able to ban the Prince Regent's jockey who was suspected of rigging two races⁴⁸; hardly the French Revolution, but a clear statement of authority. As with the MCC, there is some question as to how and when the Jockey Club attained the status of a governing body. At the end of the eighteenth century its power was largely restricted to Newmarket and its rise to supreme power in the English sport took more than a century.⁴⁹ The rules of the Jockey Club were certainly accepted by all British racecourses by 1850, and by 1870 they were compulsory.⁵⁰ But chronological uncertainty seems inevitable in a system where the acceptance of authority is essentially voluntary.

(c) Golf

Golf, while possibly originating in Flanders and the Netherlands, was established as a Scottish game in the middle ages, and acquired the epithet “royal and ancient” from the longstanding propensity of Scots kings and queens to play the game. James VI of Scotland (1567-1625) and I of England (1603-25) brought the game with him to London when he ascended to the throne, reputedly playing golf with his courtiers at London’s Blackheath. As in England, the development of golf in Scotland as a modern sport was due to the aristocracy and gambling. In 1724, for example, the Duke of Hamilton attended a match played for a stake of twenty guineas⁵¹. The sport also reached out to a wider segment of Scottish society, and there is evidence that it was already attractive to the business classes in the mid eighteenth century, and Holt goes so far as to associate the spread of the game with the shift from clan power to a more administrative system of government.⁵²

“The modern history of golf begins with the formation of the first Golf Clubs in the middle of the eighteenth century.”⁵³ According to Birley, “At the small coastal town of St Andrews a group of noblemen and gentlemen led by the Earl of Wemyss and the Earl of Elgin decided that the time was ripe for organised competition there. They bought the now traditional silver club as a trophy and drew up a set of rules, 13 in all, based on those of the Gentlemen Golfers of Edinburgh”.⁵⁴ The Gentlemen Golfers established themselves in 1744; ten years later twenty-two golfers formed a new club at St Andrews and adopted their rules. This club ultimately became the Royal and Ancient Club (a moniker granted by William IV in 1834), the acknowledged rule-giver of the game in England as well as Scotland. This authority was not formalized until 1897, and although there are instances of resistance to its informal authority during the 19th century, this authority was already widely recognised by the end of the eighteenth century. Golf spread to England through the agency of Scottish exiles, and a Blackheath club was active by the 1760s. Once again, it was probably the Royal patronage, notable from the 1830s onward, which contributed to the uptake of the game and the emergence of new clubs in the early nineteenth century.

(d) Baseball

Notwithstanding its puritanical traditions, colonial America adopted many of the forms of sociability that developed in Great Britain in the eighteenth century. Evidence of cricket being played in the America is found as early as 1751 when a game between eleven colonists and eleven Londoners produced a surprising win for the local team.⁵⁵ While play was interrupted by the Revolutionary war, there are reports of cricket being played Boston in the 1780s, and by 1794 the New York Cricket Club was meeting regularly at Battins Tavern⁵⁶.

Horseracing was also popular in pre-Revolutionary America. The Governor of Maryland was organizing race meetings by 1740 and in the 1740s the Maryland Jockey Club was formed to conduct and regulate race meetings. Similar clubs developed in South Carolina, Virginia and New York around the same time.⁵⁷ Golf is even mentioned in New York in 1729, possibly the Dutch version.⁵⁸

These pastimes took place alongside many of the other traditional games imported from Old England. In 1787, *The Pretty Little Pocket-Book* was published in Worcester, Massachusetts. The book is essentially a manual of games written for children, and was first published in England in 1744. The games described include chuck the farthing, blind man's buff, shuttle-cock, cricket, tip-cat, fives and leap-frog, and many others besides. Americans also enjoyed the less child-like blood sports that were popular in England, and native Americans had their own wide range of sporting pastimes, and some of these, such as lacrosse and field hockey, were later formalised by the colonists.

The development of American sports only began in earnest, however, from the 1820s onwards. Horseracing in particular took on a more and more modern guise: "by the 1830s the significant increase in the number of jockey clubs and racetracks nationwide also necessitated coordination of the various racing schedules"⁵⁹. Toward the end of the 1830s we see the creation of numerous cricket clubs across the Eastern seaboard: the St. George Cricket Club of Manhattan was founded in 1838, the Union Cricket Club of New Jersey in 1840 and the Junior Cricket Club at the University of Pennsylvania in 1842.⁶⁰ By 1859 one newspaper estimated that there were 1,000

cricket clubs in America.⁶¹ As in England, regular reports of games in the press helped to stimulate interest. Moreover, by the 1850s the leading clubs were holding conventions with a view to establishing an American governing body fashioned on the model the MCC. This led to disagreement, since many believed that the game was defined by the rules of the MCC, and in the end it was agreed to abide by these.⁶² This however, was probably the crucial moment that denied cricket a central place in American life; after all, how could an American pastime be governed by British aristocracy?

The myth that baseball was invented by Abner Doubleday has long since been dismissed by American scholars.⁶³ It is now recognised that a game called base-ball, involving bat, ball and bases, was played in England in the eighteenth century and is referred to in the *Pretty Little Pocket Book* of 1744. References also exist to baseball being played, inter alia, at Valley Forge by soldiers during the Revolutionary war and in Pittsfield, Massachusetts in 1791.

The person most commonly credited nowadays with the invention of modern baseball is Alexander Cartwright. He was among a group of gentlemen who went out to play base on vacant lot at the corner of 27th Street and Madison Avenue in New York in 1842.⁶⁴ Cartwright subsequently volunteered to formalise the rules of the game and around his rules was built the Knickerbocker Club of New York. As with cricket and the other club sports (and indeed, as with most other associative activities) the purpose of the club was as much to engage in a post-match feast as to play the game and early accounts of baseball dwell heavily on the eating and drinking arrangements. The game played by the Knickerbocker Club rapidly spread and soon rivalled cricket in popularity.

Clubs were set up in imitation of the Knickerbockers, although they were awarded a similar reverence to that given to the MCC, at least to begin with. However, by 1857, the leading clubs felt that a more democratic solution to disputes over the rules was called for, and this led to the formation of a National Association of Base Ball Players, with elected officers, in 1858.

The Knickerbockers and the other leading baseball clubs were unashamed elitists, seeing baseball as a way to spend time with their peers. They viewed professionalism in sport as evidence of the corruption of noble goal of promoting sociability, moreover a corruption that had been imported by the British with their tradition of paying cricket players. However, the very popularity of baseball led some clubs to seek out the commercial opportunities, by charging admission fees and eventually paying players. This led to an irrevocable split between amateur and professional in 1871. Freed from constraints, the professional game rapidly expanded to become the national pastime, easily eclipsing cricket. Professional baseball also became the model of American professional sports organisation, with professional leagues in basketball, ice hockey and American football modelled on its structures.

(e) football

The development of football will not be dwelt upon in great detail here. The received view has been that the folk game known in the middle ages in England came close to dying out in the eighteenth century, largely because its excessive violence was abhorrent to genteel society, and that its adoption by public schoolboys at the beginning of the nineteenth century saved it from oblivion.

This view has recently been challenged by Adrian Harvey who shows (a) the folk football never came close to dying out and (b) the role of the public schools has been significantly overplayed, the role of the football culture that grew up around the Sheffield Club significantly underplayed.⁶⁵

Harvey's analysis, as well as the work of Mangan⁶⁶, exposes the myth-making that has gone on around the role played by the public schools. In part this mythology has been propagated internationally by the writings of de Coubertin and his followers. De Coubertin, for example, gave much of the credit for development of sport to Thomas Arnold at Rugby School, an attribution that has survived long; yet in reality Arnold seems to have had no noticeable interest in sport. While there is little doubt that the public schools played a significant role in creating to rhetoric of sportsmanship, which became do important to the self-image of the British and was so attractive to

anglophiles such as de Coubertin, the schools did not invent the games they played. Nor were they the first to develop the concepts of clubs and associativity.

There can be little doubting that the development of modern football relied heavily on the creation of networks of clubs, whether we consider the Sheffield clubs, the eleven founder clubs of the Football Association, or the development of powerful county associations that followed thereafter. As with the other Anglo-Saxon sports, these clubs were organised through voluntary association and without the interference or oversight of the state.

4. The development of associativity in France and Germany

The *ancien regimes* of Europe did not experience or succumb to the same political pressures as British monarchy in 1688, and hence did not feel obliged to surrender their monopoly of the public sphere. To the eyes of English travellers there was little evidence of freedom of speech, freedom of the press, and freedom of association in eighteenth century Europe, even though speech, the press and associations could all be found.

In most countries associations were licensed by the monarch. Thus in France “Les associations qui n'ont pas reçu d'approbation royale sont prohibées, en vertu de l'adage « Il ne faut pas dans l'État de pelotons à part ». Et le grand juriste Jean Domat affirme au XVII^e siècle : « il ne peut y avoir de corps ni de communauté sans la permission du roi »”.⁶⁷

The situation in Germany was somewhat different, as some voluntary associations were formed in the eighteenth century, notably the reading clubs. Habermas, notes that more than 270 of these existed in Germany at the end of the eighteenth century.⁶⁸ Nipperdey distinguishes these Vereine from the medieval Korporation since the former entailed voluntary creation, membership and choice of objective, while the latter were non-voluntary with membership rigidly determined by birth and status.⁶⁹ McMillan counts about 1,000 associations in existence at the end of the eighteenth century,⁷⁰ a substantial number but far fewer than the figure of 6,550 given by Clark

for the English speaking world.⁷¹ Moreover, these associations were dominated by civil servants, given to “moral self-policing”, so that “Until the French Revolution of 1789, no voluntary association directly challenged the policies of any German monarch”⁷². In other words, these Vereine perceived themselves as informal extensions of the state, what we might think of today as a kind of focus-group for the status quo. This status reflected the ambiguity of the absolutist enlightenment in Germany, embodied by the liberal autocrat Frederick the Great. Styling himself the “first servant of the state”, he encouraged open discussion but resorted to censorship when the opinions expressed did not fit with his own, he wrote to Voltaire of his pride in being a German, but he despised the German language and literature; he framed a legal system establishing that the monarch was subject to the law as much as his citizens, but he showed no interest in creating representative government.⁷³

The French Revolution initially produced a liberalisation of freedom of association. Thus “la loi du 21 août 1790 consacre le droit de s'assembler paisiblement et de former des sociétés libres”⁷⁴. Political clubs, such as the Jacobins and the club of 1789 temporarily flourished in revolutionary France. Many of these were organized clubs with constitutions and officers, and the Jacobin Club was largely responsible under Robespierre for organizing the Terror. Quite soon the formation of clubs and associations came to be seen as potential threats to the fledgling Republic and were suppressed in a series of laws.

“En effet, le décret d'Allarde des 2 et 17 mars 1791 abolit les corporations. Puis, quelques mois plus tard, en mettant en pratique la liberté du commerce et de l'industrie, la loi Le Chapelier du 14 juin 1791 interdit tout type d'association à vocation professionnelle. Les congrégations religieuses et les confréries subissent un sort analogue : elles sont interdites par la loi du 18 août 1792. À la fin de la période révolutionnaire, en raison des troubles causés à Paris par certains clubs et sociétés populaires, le pouvoir s'en prend même aux associations de nature politique, proscrites par la loi du 7 thermidor an V (1797).”⁷⁵

The great fear that private associations and clubs might pose a threat to the powers of state throughout the nineteenth century. Article 291 of the Code penal de 1810 stated “Nulle association de plus de vingt personnes dont le but sera de se réunir tous les

jours ou à certains jours marqués, pour s'occuper d'objets religieux, littéraires, politiques ou autres, ne pourra se former qu'avec l'agrément du Gouvernement et sous les conditions qu'il plaira à l'autorité publique d'imposer à la société ”.⁷⁶

According to Harrison, “systematic regulation and surveillance of associations were the most significant developments in the relationship between state and private association in the nineteenth century”.⁷⁷ This did not mean that clubs and associations were eliminated from society, merely that they were only supported if they promoted the interests of the state: “the Napoleonic practice of encouraging some associations while maintaining a strict surveillance over their activities set the tone for all nineteenth century French regimes”.⁷⁸ Thus, “Il faut attendre la III^e République et la loi du 1^{er} juillet 1901 pour qu'un statut libéral des associations soit mis en place.”⁷⁹

The situation in France was mirrored in the rest of Europe. Private associations were feared as potential sources of political opposition. Thus in Germany, “Wherever an autonomous public group formed a political opposition, the state intervened to suppress it.”⁸⁰ This did not mean voluntary association was illegal “The middle-class desire to participate in politics developed with the associations they formed. This placed them in that grey area between activity tolerated by the state, and that which was illegal. For although political associations were banned in the Vormärz period, it would be wrong to assume that the ban encompassed all forms of association.”⁸¹ Nonetheless, as in France, associative activity was subject to state regulation.

The Preußisches Landrecht of 1794 and an order of the cabinet from 1798 forbade all associations which aimed at “changes of constitution and government”. The Karlsbader Beschlüsse (1819) and certain orders from the early 1830s renewed and tightened restrictions against associations. It was of course the state that defined which Vereine were “political” so the attitude towards association changed in practice according to the political situation: Whereas civil society was welcome to contribute to the fight against Napoleon or pauperism, the formation of seemingly oppositional associations were prohibited.

After the Revolution of 1848 the constitution guaranteed the right to form associations. This guarantee was not formally withdrawn in the ensuing reaction and

restoration, but associative practice was again restricted. In 1850 the Prussian and other German states forbade affiliation (the formation of associations of clubs) and the involvement of clubs in "public affairs". Vereine had to register with local authorities, providing details of the names of members, leaders and purpose, as well as depositing a copy of the club's constitution, and sometimes information on finance. Clubs had to get official permission to organise public events which had to be attended by a local policeman who reported to the county authorities. All this was laid down in the law on clubs, the Vereinsrecht, and enforced by the Vereinspolizei- the club police.⁸²

Despite this voluntary associations did emerge within the German states in the first half of the 19th century. There existed within German legal theory a liberal strand which defined the right to associate as a basic right. Indeed, some historians have argued that there emerged in Germany a "passion for association" which resulted in a "hypertrophic growth of voluntary associations in all areas of life" by the middle of the nineteenth century.⁸³ Moreover, this efflorescence is closely associated with the development of a market oriented, bourgeois culture.⁸⁴ However, the licensed nature of this form of association, and the periodic repression that came with this regulation, is likely to have created far more political interference in and direction of voluntary associations. At the very least, one can imagine that potential members of a voluntary association might ask themselves whether the state would be likely to look favourably on their activities before deciding to join.

5. The development of modern sports in France and Germany.

A consequence of the state oversight of voluntary associations in France and Germany was the evolution of sporting associations whose principal purpose was to meet the perceived needs of the state. The greatest need of the nineteenth century state was strong standing army, and it is this objective which French and German sporting associations set out to meet.

Intellectually, the marriage of the state with the development of a culture of sport, or rather, physical education, can be traced back to Rousseau. Rousseau's concept of the

social contract left little place for independent voluntary associations. He describes the essence of the social compact thus:

*"Each of us puts his person and all his power in common under the supreme direction of the general will, and, in our corporate capacity, we receive each member as an indivisible part of the whole."*⁸⁵

This, he says, solves the problem which is "to find a form of association which will defend and protect with the whole of the common force the person and goods of each associate", so that all may be free. Since freedom depends on the expression of the general will, "which is always right and tends to the public advantage",

"It is therefore essential, if the general will is to be able to express itself, that there should be no partial society within the State, and that each citizen should think only his own thoughts".⁸⁶

In other words, private associations within the state are harmful, because they provoke faction which works against the general will.⁸⁷ These ideas might not have been so influential in the development of sports organization had it not been for his general concern with the physical and moral development of the young, as set out in his famous discourse *Emile, ou l'éducation*. In *Emile* Rousseau presents an idealised educational programme that is highly naturalistic, and places a great deal of emphasis on the physical freedom of the child to explore, and to engage in simple athletic competition such as running races. However, in his "*Considerations On The Government Of Poland And On Its Proposed Reformation*" written in 1772, Rousseau sets out in detail the relationship between physical exercise for young men and the state.

"In every school a gymnasium, or place for physical exercise, should be established for the children. This much-neglected provision is, in my opinion, the most important part of education, not only for the purpose of forming robust and healthy physiques, but even more for moral purposes... They should not be allowed to play alone as their fancy dictates, but all together and in public, so that there will always be a common goal toward which they all aspire, and which will excite competition and emulation...; for here it is not only a question of keeping them busy, of giving them a

robust constitution, of making them agile and muscular, but also of accustoming them at an early age to rules, to equality, to fraternity, to competition, to living under the eyes of their fellow-citizens and to desiring public approbation... Each citizen should be a soldier by duty, none by profession. Such was the military system of the Romans; such is that of the Swiss today; such ought to be that of every free state, and particularly of Poland... It was the same spirit that guided all the ancient legislators in their work of creating institutions. They all sought bonds that might attach citizens to the fatherland and to one another; and they found them in peculiar usages... in games which kept citizens frequently assembled; in exercises which increased not only their vigour and strength but also their pride and self-esteem; ... which attached them strongly to that fatherland with which they were meant to be incessantly preoccupied.”

Rousseau’s work heavily influenced Johann Friedrich GutsMuths, who has been called the real founder of modern physical education.⁸⁸ In particular he developed Rousseau’s naturalistic approach to children’s exercise and did much to develop the content of gymnastic exercises, a system that he explained in his text “Gymnastics for the Young” published in 1793. GutsMuths’ thinking, in turn, exercised a significant influence on Friedrich Ludwig Jahn, the Turnvater- father of the Turnen movement and the most significant figure in the development of physical education in Germany and France. Jahn was both a German patriot and a believer in the moral value of gymnastics. He is said to have witnessed the defeat of the Prussian army by Napoleon at the battle of Iena in 1806 and attributed the defeat to lack of physical conditioning and “moral resistance”.⁸⁹ In 1810 he published “Deutsches Volkstum”, which explained his concept of “national essence”, which needed to be preserved from bastardisation. While his German nationalism might largely be seen as a reaction to French occupation, it also been seen by German historians as a step on the path to National Socialism⁹⁰, and the German Turnen movement was characterised by “endemic anti-Semitism”.⁹¹

In the same year as Deutsches Volkstum appeared, Jahn was working as a teacher in Berlin and started to develop his ideas about exercise with his students. In 1811 he opened his first Turnplatz, essentially a gymnasium (he preferred to use German words) equipped with apparatus such as horizontal bars, balance beams, rope climbs

and a wrestling ring.⁹² Modern scholarship has shown that most of Jahn's ideas on gymnastics were modelled very closely on GutsMuths,⁹³ although Jahn is generally credited with the invention of the parallel bars and the horse in gymnastics. However, the social and political impact of his Turnplatz went far beyond any minor innovations in physical education. In 1812 he opened a much larger version which attracted large crowds, and after 1813 (when Jahn enlisted as a soldier in the War of Liberation), patriots formed themselves into Turnvereine, gymnastic clubs, to exercise and sing patriotic songs. By this time the Turnplatz were also receiving financial support from the Prussian state. As Ueberhorst observes "It is impossible to get around the fact that Jahn's exercises were initially intended to serve military fitness".⁹⁴ In 1816 he published a book describing his gymnastic system, *Die Deutsche Turnkunst*. By 1818 there were in the region of 150 Turnvereine within the German states claiming roughly 12,000 members.⁹⁵

In 1819 The Turnverein movement fell foul of the Karlsbad decrees. Concerned that the rise of German nationalism might undermine the position of the Austrian Emperor, Metternich succeeded in persuading the German states to ban the movement and Jahn himself was imprisoned and then kept under house arrest until 1825. The Turnvereine were not revived in Prussia until 1842, when Frederick William IV decreed that gymnastics were "formally recognized as a necessary and indispensable part of male education and received into the circle of means for popular education".⁹⁶ However, the unmistakably political agenda of the Turnvereine once again led to their suppression in the reaction to the failed revolution of 1848/9, at which time around 500 clubs existed in the German states.⁹⁷ After 1849 many left-leaning Turners emigrated to the United States, and according to Guttmann they provided 16 regiments for the Union Army in the American Civil War.⁹⁸

A second Turnvereine revival started in Germany in the late 1850s, with 2000 clubs and 100,000 members by 1864.⁹⁹ About this time the movement adopted a more circumspect political outlook, although they retained their intensely nationalistic outlook. As German unification became a reality the Turnvereine took their natural place as institutions parallel to the state. By 1910 there were over 9,000 clubs in existence and in 1913 a Turnen festival in Leipzig involved performances from 60,000 Turners in front of an audience of 250,000.¹⁰⁰ In sum, the Turnvereine

represented the dominant form of sporting association in Germany in the nineteenth century. Other popular forms of association included rifle clubs, singing clubs, reading clubs and philanthropic societies of various kinds. However, when sports such as football were introduced in Germany from the 1870s onwards they were criticised as promoting a competitive, that is to say factional, rivalry, rather than the unifying principles of the Turnen.¹⁰¹ The evidence suggests that football clubs in Germany were created by young men refusing to accept the authority of the official organisers of physical education: “Lacking organizational support, the rise of German football resulted primarily from the initiative of individuals”.¹⁰²

As in Germany, the development of physical education in France is associated with a military defeat. In this case, it was the defeat by the Prussian army at the battle of Sedan in 1870. We know that France enjoyed a long tradition of informal sports such as La Soule and La Paume, while many sports that later developed in Britain or elsewhere, such as cricket, golf, hockey, lacrosse and croquet may well have had their origin in medieval France.¹⁰³ However, the French did nothing to develop these sports in the eighteenth century, and while an “Anglomanie” spread across the country in mid-century, the only sporting import was horseracing, on a limited scale.¹⁰⁴ Not surprisingly, this aristocratic pastime was largely wiped out by the Revolution and it was not until 1833 that a French Jockey Club was founded.

Organized physical education in France began soon after the restoration with the creation of *Gymnase Normale militaire* in 1819 under the direction of Francisco Amoros.¹⁰⁵ However, this initiative did not take root, and while government ministers asked questions about the need to foster physical education,¹⁰⁶ little was done until 1850, when the *loi Falloux* specified that gymnastics would form part of the curriculum in primary education. Compulsory gymnastics was introduced into secondary education in 1869.¹⁰⁷ Even before Sedan, a number of gymnastic associations had been started, mostly in eastern France, modelled on the *Turnvereine*.¹⁰⁸ But in general there was very little associative activity connected to sport in France at this period; according to Thibault there were 34 gymnastic societies in France prior to 1870 (of which 17 were located in Alsace).¹⁰⁹

After Sedan, the watchword in France was “revanche”.¹¹⁰ Politicians called for action; in a speech in Bordeaux in 1871 Gambetta declared “l’armée nouvelle doit se former a l’école et qu’il faut mettre partout a côté de l’instituteur, le gymnaste et le militaire”.¹¹¹ In 1873, the first French sporting association, the Union des Sociétés Françaises de Gymnastique (USFG) was organized to unify the gymnastic clubs that had suddenly sprung up all over France.¹¹² The Union proposed “d’accroître les forces défensives du pays en favorisant le développement des forces physiques et morales” and “de faire de toutes les sociétés une école permanente et patriotique face a toutes les éventualités de l’avenir”.¹¹³ Its motto was “Faites-moi des hommes, nous en ferons des soldats”.¹¹⁴ Alongside the gymnastic associations the rifle clubs (sociétés de tir) also expanded rapidly.

As these statements suggest, the new gymnastic movement in France was heavily focused on education. Under the administration of Jules Ferry a new programme of compulsory gymnastics in schools was devised, explained in the *Manuel de gymnastique et des exercices militaires*, published in 1880. The loi du 27 janvier 1880 made gymnastics obligatory in all boys’ schools and a circulaire of May 1880 extended the requirement to girls’ schools.¹¹⁵ The most notorious educational innovation of the time was the creation of bataillons scolaire, essentially military training camps established within schools. Started in Paris in 1880, they received government support in 1882 and by the mid 1880s there were over 100 operating across France. Nonetheless, for many Republicans and Catholics this militarism went too far and by the early 1890s they began to die out.¹¹⁶

While the military objectives associated with the creation of gymnastic clubs cannot be denied, it is questionable whether all or even most members saw the clubs as much more than a form of licensed sociability. The state and its philosophers might have higher purposes in mind, but this was probably beyond most members.¹¹⁷ However, the important point here is that those seeking athletic sociability were most likely to seek out an activity which was consistent with the higher objectives of the state, largely because anything else might either be prohibited or require some long-winded legal process in order to official sanction. What happened in France seems typical of what happened elsewhere in Europe. The following example of this chilling effect is given by Thibault

“En 1896 (24 août) se crée a Bordeaux l’Association des professeurs de gymnastique. Le Préfet de la Gironde n’accorde son autorisation qu’après enquête du Maire de Bordeaux qui témoigne qu’en présence du but louable poursuivi par les adhérents, et des témoignages dont ils sont l’objet’ il ne peut qu’émettre un avis favorable”.¹¹⁸ By the 1880s, however, the patriotic gymnastic clubs faced competition from a different philosophy, the “sporting” culture imported from Britain. It is important to remember that in the nineteenth century the word “sport” in France (and elsewhere) frequently carried the connotation of horseracing and gambling. As we have seen, the only English style club in existence in France during the first half of the century was the Jockey Club, so that “il existe en France une confusion a peu près totale entre le sport et les courses hippiques”.¹¹⁹ Visitors to Britain, however, were bringing back a wider conception of the concept of sport. In 1880, Paschal Grousset published *La Vie de collègue en Angleterre*, which advocated the adoption of open air sports. In 1882 a group of graduates of the école Monge founded the Racing-Club in Paris, authorized by a decree of November 23.¹²⁰ A year later graduates of the Lycée Saint Louis founded Stade Française. Originally these clubs practised only pedestrianisme, but under the influence of Georges de Saint-Clair, secretary of the Racing-Club from 1884, they developed a broader interest in athletics. The publication of his book *Sports athlétiques, jeux et exercices en plein air* represented another step in introducing British sports to the French public. In 1887 Pierre de Coubertin created the comité Jules-Simon to advance his ideas about the sport, based on his exposure to the British model. Saint-Clair and de Coubertin led the Union des Sociétés Françaises de Sports Athlétiques (USFSA), founded in 1887, which aimed to bring all sporting associations within a unified governance structure.¹²¹

Between 1890 and the First World War there was an ideological battle over the meaning and purpose of sport in France. Essentially this ranged those who favoured an independent model built around purely sporting ideals (such as de Coubertin) against those who favoured the tradition of sport in the service of the Republic. On this latter side we find not only the supporters of the gymnastic movement, but also advocates of the English sports such as Grousset, who saw de Coubertin’s vision as too aristocratic.¹²² According to Seners, de Coubertin adapted his vision of sport to

accommodate the gymnastic tradition, even publishing a book, *La Gymnastique utilitaire*, which acknowledged its value in the defence of the nation.¹²³

It is generally argued that de Coubertin and his followers was responsible for creating a new sporting ethic in France, *l'esprit sportive*. Much of de Coubertin's writing was concerned with promoting this new ethic. He rejected the philosophy of Rousseau and his disciples: "ils confondent la culture physique et la culture morale et se bercent de cette illusion que, si la seconde n'engendre pas la première, la première implique la seconde".¹²⁴ However, his writings consistently advanced the idea that the manner of playing sports had the power to change moral character, even in wartime: "Une armée de sportsmen sera plus humaine, plus pitoyable dans la lutte, plus calme et plus douce après".¹²⁵

What then, really was the difference between de Coubertin's vision of sport and the gymnastic traditionalists? Stripped of the rhetoric of "l'esprit chevaleresque, et le *fair play*"¹²⁶, de Coubertin had much in common in an organizational sense with the gymnasts. Both sought to organize from above, both looked to the state for support, and both focussed on achieving their aims through the educational system. In its early years the principal members of USFSA were educational establishments. In 1895 de Coubertin left USFSA in order to concentrate on his grand project, the re-birth of the Olympic Games. There seems little evidence that he took much interest in the development of voluntary associations.¹²⁷

Yet toward the end of the nineteenth century voluntary associations in sports started to flourish. The world's first long distance cycle race took place in 1869 between Paris and Rouen and was organized by the cycling magazine *Le Vélocipède Illustré*. The race was won by an Englishman, and despite the fact that the technical advances in the bicycle occurred in France, the first known cycling club was the Liverpool Velocipede Club which was active in 1869 and may have been founded as early as 1867. Moreover, the bicycle craze of the 1870s led to the creation of an enormous number of clubs in England: 29 by 1874 and 500 by 1882; the Bicycle Touring Club, founded in 1878 had 836 members in 1879 and 22,316 by 1886.¹²⁸ In 1878 the Bicycle Union was founded as a governing body to look after the interests of cyclists as a group. However, this was a purely private and voluntary initiative.

The first known French club was the Veloce-Club de Rouen, founded in the late 1860s. The Union Vélocipédique de France was formed in 1881 (UVF), by representatives of ten different clubs, and the Touring Club de France in 1890.¹²⁹ Yet cycling was almost certainly more popular in France than in Britain. According to Holt, the UVF had 10,000 members by 1889 and 44,000 by 1893.¹³⁰ From the beginning there were both amateur and professional cyclists involved in the sport. The attractiveness of the sport to spectators created an opportunity for entrepreneurs, who organized cycle races for money and generated sponsorship income from cycle manufacturers.¹³¹ This created some tensions give the desire of the generally wealthier amateurs not to be involved with money. Some races, Such as Bordeaux-Paris which started in 1891, was open exclusively to amateurs. Both the Bicycle Union and the UVF admitted amateurs and professionals. This kept the latter outside of USFSA, which admitted only amateurs.

Cycling seemed to presage the emergence of “une époque sportive entièrement nouvelle”.¹³² The emergence of cycling clubs in France demonstrated that it was possible to engage in sporting associations with no particular political, military or educational purpose. With the granting of freedom of association in 1901, individuals became free to organise themselves into any kind of club they pleased. Perhaps French cycling, rather than de Coubertin’s promotion of the English sports in French schools, represented a more significant shift towards the associative model that had developed in Britain and the United States.

6. Implications and conclusions

The fundamental purpose of the paper has been to locate the development of modern sports within the context of the wider development of associative activities in the eighteenth and nineteenth centuries. The structure of the argument in this paper can be described as follows:

- (a) modern sport is a reflection of modern forms of associativity.

- (b) The essential unit of modern sport, which makes it distinctive from earlier forms of sports, is the club

- (c) There were essentially two currents of associativity that developed in Europe from the eighteenth century onwards. The Anglo-Saxon current was independent of the state, while the current in the rest of Europe was based on cooperation with, if not subordination to, the state and its demand for military preparedness.

- (d) The Anglo-Saxon model depended on the existence of basic bourgeois freedoms- not just of association but also of free speech and freedom of the press, so that independent organisers of clubs could advertise their activities and build membership. In the rest of Europe those who wanted to engage in associative sporting activities were obliged, either tacitly or explicitly, to seek the approval of the state, and therefore nineteenth century European sporting organisations had to a significant degree to meet the demands of the state.

- (e) The Anglo-Saxon model developed in the eighteenth century, prior to the industrial revolution, which therefore cannot be considered the prime mover behind modern sports. The legal and institutional constraints that permitted the German and French states to control and direct associative activities in sport were established around the beginning of the nineteenth century. Again, this took place before these countries were far advanced down the path of industrialisation.

The sporting revolution that took place in Britain in the Victorian period was matched by similar experiences in the United States, France and Germany (and elsewhere). The fact that this period in France and Germany is marked by a debate over the appropriateness of the organizational models of sport- the gymnastic movement that was already established in these countries, or the forms of organization associated with sports imported from abroad, such as football, demonstrates that these organizational models pre-existed. As Arnaud says,

“Jusqu’en 1880 environ, à l’exception de l’Angleterre, le mouvement sportif associatif occupe une place tout à fait marginale en Europe...Cependant, l’Allemagne, la Suisse, la Tchécoslovaquie, la Pologne, la Belgique (à l’exception de l’Angleterre cette fois) voient naître et se développer une profusion de sociétés de gymnastique, de tir, de préparation militaire (les sociétés conscriptives). Cette situation hérite largement de la montée des revendications nationalistes”¹³³

In essence the debate that took place at the end of the nineteenth century was one between a form of associativity sponsored by the state and a form of associativity completely independent of the state.

There are a number of avenues for future research suggested by this paper. First, it is important to repeat the observation of Tranter “Much is already known about venerable bodies like the Marylebone Cricket Club... but very little about the myriad clubs and competitive structures which existed at a humbler level beneath them”.¹³⁴ This is important largely because what mattered for the development of sports was as much the willingness of independent clubs to follow the lead of organizations such as MCC as it was about the willingness (or in the case of MCC, the reluctance) to take on the role of governorship. Governing bodies can be seen as a kind of club of clubs, and the motives of the first members in accepting a higher authority has been only partially analysed. In particular, submitting to a higher authority implies costs as well as benefits, as shown by the disputes between gentlemen and amateurs in sports such as baseball, football and rugby.¹³⁵ There is scope for further comparative analysis, not only to investigate the origins of sporting clubs and association in the countries discussed in this paper, but to extend the analysis to other states. In particular, there is much to be discovered from understanding the parallel developments in countries such as Switzerland, Belgium, the Netherlands, Denmark and Sweden during the nineteenth century.

Secondly, there is scope for a comparative legal analysis of sporting institutions. This is important both from an historical perspective, to understand how the law interacted with sporting associativity in more detail, and from the perspective of more recent times, where the appropriate level of state involvement in sport remains a difficult social, political and legal issue.

A third set of issues surround the economic motivations behind the creation and organization of clubs. The economic theory of clubs can shed light on the timing and formation of clubs, particularly in a world where incomes are changing. For example, Ellickson et al (1999) provide a number of examples where clubs will form dependent on the income of the potential members, with middle income individuals being the most likely to create a club structure.¹³⁶ This economic perspective may have much to offer in thinking about the way in which modern sports diffused through the population between the eighteenth and twentieth centuries. It may also have potential to shed light on policy interventions by the state.

Finally, the relationship between commercialisation of modern sports and associativity also deserves further research. Habermas argues that “In the hundred years following the heyday of liberalism, during which capitalism gradually became “organized”, the original relationship between public and private sphere in fact dissolved”.¹³⁷ This dissolution is associated with a shift from a “culture-debating to a culture-consuming public”.¹³⁸ This argument is striking in the light of the conscious debates that took place over the virtues of amateurism and professionalism in the sporting world at the end of the nineteenth century, precisely the date identified by Habermas for this shift.

In understanding the emergence of commercialism in sport, however, it is also necessary to understand better the role of the state. In this paper a sharp contrast has been drawn between state sanctioned sporting organizations that typified the development of nineteenth century Europe and the autonomous associations that developed in Britain and the United States. However, as has been shown, elements of autonomy existed in Europe, while elements of state involvement can be found in the Anglo-Saxon world. The nexus between state sponsorship, the business community and autonomous sport is a potentially rich field of research. These relationships also have a bearing on current debates in the sporting world on the relationships between sporting associations, individual clubs and their owners, and the state.¹³⁹

¹ Johan Huizinga, *Homo Ludens: a study of the play element in culture*, Beacon Press, 1955, p196

² Jurgen Habermas, *the structural transformation of the public sphere*, Polity Press, 1989. The impact of Habermas on the thinking of British and American scholars has been profound, although this principally dates from the publication of the translation, rather than the appearance of the original German text in 1961.

³ "If the people, or brothers, or those who are associated together for the purpose of sacrifice, or sailors, or those who are buried in the same tomb, or members of the same society who generally live together, should have entered, or do enter into any contract with one another, whatever they agree upon shall stand, if the public laws do not forbid it" Digest of Justinian, Book 47, 22 (De collegiis et corporibus).

⁴ The Romans recognised two principal types of association, the *sodalitates*, which were religious associations, and the *collegia opificum*, which bore some resemblance to trade associations. In the Republican period these associations started to develop into political clubs and were suppressed by the senate, revived, and then abolished entirely by Julius Caesar. In the Imperial period all associations were regulated by the state as made clear in the Digest of Justinian: "By the Decrees of the Emperors, the Governors of provinces are directed to forbid the organization of corporate associations, and not even to permit soldiers to form them in camps. The more indigent soldiers, however, are allowed to put their pay every month into a common fund, provided they assemble only once during that time, for fear that under a pretext of this kind they may organize an unlawful society, which the Divine Severus stated in a Rescript should not be tolerated, not only at Rome, but also in Italy and in the provinces. To assemble for religious purposes is, however, not forbidden if, by doing so, no act is committed against the Decree of the Senate by which unlawful societies are prohibited." Digest of Justinian, Book 47, 22 (De collegiis et corporibus).

⁵ In medieval Europe the *guild* was the dominant form of association. Organized around trades, the guilds played a significant, sometimes dominant, role in urban society, taking responsibility for the lives of their members from their childhood apprenticeship, through the working life into retirement, death and burial. Guilds frequently had their rights and responsibilities established by statute, but were seldom sovereign institutions. Typically a guild was a vassal of the ruler- a king, a duke or a bishop, or answerable to the city council.

⁶ For example, Christiane Eisenberg "perceptively observed that the sports which began to emerge in eighteenth century England were organized via exclusive 'clubs', those whose modernization began in the nineteenth century in the form of more universalistic 'associations'" - the reference is in E. Dunning, *Sports Matters: sociological studies of sport, violence and civilization* London: Routledge, 1999, p75. The article referred to compares the evolution of bourgeois culture in Britain and Germany in the context of sport: C. Eisenberg "The middle class and competition: some considerations of the beginnings of modern sport in England and Germany", *The International Journal of the History of Sport*, 7, 1990, 262-282.

⁷ Allen Guttmann, *From Ritual to Record: the Nature of Modern Sports*, Columbia University Press, 1978, p60

⁸ "Modern sport was born in England at the time of the industrial revolution" Jean-Francois Bourg et Jean-Jacques Gougnet, *Economie du Sport, La Découverte*, 2005, p4

⁹ "Sport was born in 19th century England and diffused into France and Europe. Industrial development and experimental physics, based on measurement, quantification and exactness, are the causal mechanisms behind this expansion". Raymond Thomas, *Histoire du sport*, Presses Universitaires de France, 1991, p58

¹⁰ Guttmann himself adopts an eclectic approach to explaining the origin of modern sports, blending Marxist and Weberian ideas. A more subtle version of the industrialisation thesis is that Britain had already developed in the eighteenth century those institutions that were a pre-condition for industrialisation, and that these institutions equally paved the way for modern sport. Thomas suggests that England was already on a path to industrialisation during the sixteenth century, primarily through the adoption of coal as a fuel on a mass scale, and suggests the marriage of this early trend with the English "mentalité quantitative" led to full scale industrialisation. He concludes "Indiscutablement la naissance du sport moderne dans ce contexte se conçoit aisément". ("undoubtedly, in this context it is easy to imagine how modern sport was born"). Thomas, pp 56-57.

¹¹ Tranter pp 15-16.

¹² Holt, 1989, p12

¹³ Tranter, pp14-15

¹⁴ Another precursor for this view is Huizinga who presents a long list of enabling factors including associativity: "Dutch pictures of the 17th century show us burghers and peasants intent upon the game of kolf; but, so far as I know, nothing is heard of the games being organized in clubs or played as matches. It is obvious that a fixed organization of this kind will most readily occur when two groups

play against one another. The great ball games in particular require the existence of permanent teams, and herein lies the starting point of modern sport. The process arises quite spontaneously in the meeting of village against village, school against school, one part of a town against the rest, etc. That the process started in 19th century England is understandable up to a point, though how far a specifically Anglo-Saxon bent of mind can be deemed as efficient cause is less certain. But it cannot be doubted that the structure of English social life had much to do with it. Local self-government encouraged the spirit of association and solidarity. The absence of obligatory military training favoured the occasion for, and the need of, physical exercise. The peculiar form of education tended to work in the same direction, and finally the geography of the country and the nature of the terrain, on the whole flat and, in the ubiquitous commons, offering the most perfect playing fields that could be desired, were of the greatest importance. Thus England became the cradle and focus of modern sporting life.” pp 196-7

¹⁵ J. Buchanan, “An economic theory of clubs”, *Economica*, 1965, 33, 1-14

¹⁶ Another Nobel Laureate, Ronald Coase, wrote an celebrated analysis of the development of lighthouse provision in Britain (“The Lighthouse in Economics”, *Journal of Law and Economics*, 1974, 17, 2, 357-76).

¹⁷ The development of strong, united bourgeoisie is perhaps a central concept in radical thought since Marx. Among radicals this development is often given credit for the take-off of capitalist society in Britain and, for example, the relative backwardness of German political culture and the lapse into authoritarianism. Associative activity is one important way in which this identity was forged in Britain.

¹⁸ See e.g. P. Burke, *Popular Culture in Early Modern Europe*, 1978. London: Temple Smith.

¹⁹ *Two Treatises*, section 95

²⁰ Basil Williams, *The Whig Supremacy, 1714-1760*, OUP, 1961, p3

²¹ This is perhaps because seventeenth century thinking in England had already gone a long way to expose the perils implicit in government regulation. In the current context the speech made by John Milton in 1644 on censorship is striking: “If we think to regulate printing, thereby to rectify manners, we must regulate all recreations and pastimes, all that is delightful to man.” (*The Areopagitica*)

²² It is for this reason that English professional football clubs, once they began to invest in both players and facilities in the late nineteenth century, chose to convert to the status of limited liability companies. In more recent times the law has intervened, not without controversy, in the activities of clubs to enforce laws relating to racial and sexual discrimination.

²³ John Brewer, “Commercialization and Politics” in N. McKendrick, J. Brewer and J. Plumb (eds), *The Birth of a Consumer Society*, 1982, pp 197-264. London: Europa Publications.

²⁴ Harold Seymour, *Baseball the early years*, OUP, 1960, p13

²⁵ *From Ritual to Record*, p57.

²⁶ Joseph Strutt, *The sports and pastimes of the people of England*, Chatto & Windus, 1898

²⁷ Jean-Jules Jusserand, *Les sports et jeux d'exercice dans l'ancienne France*, Champion-Slatkine, 1986.

²⁸ Burke, pp278-86.

²⁹ *Start of Play*, p69

³⁰ *Underdown* p13

³¹ see e.g. Brookes (1978, pp22-23)

³² *Underdown* p54. the first duke was a politically important figure, having first converted to Catholicism and supported his uncle James II after the death of his father, even serving in the French armies. He re-converted and returned to England in 1692, becoming a respectable and senior figure at court.

³³ Bowen p48

³⁴ *A Foreign view of England in 1725-1729*. Caliban books, 1995, p184

³⁵ Brookes pp36-38

³⁶ Parker, *The History of Cricket*, 1950, p61

³⁷ *Underdown* p88

³⁸ Huizinga, p197

³⁹ According to Ashley-Cooper (1902) “No account of the early days of Surrey cricket would be at all complete without a more than passing reference to the London Club, which, for upwards of half a century, held the place in the world of cricket now occupied by the M.C.C. The account of the rise and decline of the London Club is a chapter in the history of the game which has too long remained unwritten. Amongst the members of the club were many noblemen, including the Prince of Wales and the Duke of Cumberland, both of whom took a very great interest in the game. Owing to the patronage of these two royal enthusiasts, the London Club not only flourished itself, but, by playing matchers with many of the strongest clubs in Surrey, caused the pastime to increase greatly in popularity within

the borders of the county.” Surrey Cricket: Its History and Associations, Lord Alverstone and C. Alcock (eds), pp16-17.

⁴⁰ The Down and the Inn have both survived to the present day.

⁴¹ Derek Birley, *A Social History of English Cricket*, p48

⁴² Brookes, p69

⁴³ For a discussion of lawgiving in sport see W. Vamplew, “Playing with the Rules: Influences on the Development of Regulation in sport”, *International Journal of the History of Sport*, forthcoming. The commercial motivation might be contrasted with theories which explain rule giving in modern sports as a form of social control, a view most notably associated with the works of Eric Dunning (see e.g. E. Dunning and K. Sheard, *Barbarians, Gentlemen and Players*, 2nd edition, London: Routledge, 2005, especially chapter 5).

⁴⁴ See A. Harvey, *The beginnings of a commercial sporting culture in Britain, 1793-1850*. Aldershot: Ashgate Publishing, 2004.

⁴⁵ Brailsford p213

⁴⁶ Julian Hoppitt, *A Land of Liberty? England 1689-1727*, OUP, 2000, p379.

⁴⁷ Derek Birley, *Sport and the making of Britain*, Manchester University Press, 1993, p135

⁴⁸ P. McIntosh, *Sport in Society*, Alden Press, 1963, p60

⁴⁹ Vamplew argues that it was not until 1870 that the Jockey Club could be said to have been the governing body of horseracing. For a history of its rise and fall see W. Vamplew (2003) “Reduced Horse Power: the Jockey Club and the regulation of British Horseracing” *Entertainment Law*, 2, 3, 94-111. See also Mike Huggins, *Flat Racing and British Society, 1790-1914*, 2000, p199.

⁵⁰ Neil Tranter, *Sport, economy and society in Britain 1750-1914*, Cambridge University Press, 1998, p22

⁵¹ Birley, *Sport and the making of Britain*, p117

⁵² Richard Holt, *Sport and the British*, OUP, 1989, p71

⁵³ Robert Browning, *A History of Golf: The Royal and Ancient Game*, Dent, 1955, p35

⁵⁴ Birley, *Sport and the making of Britain*, p123

⁵⁵ John Lucas and Ronald Smith, *the saga of American sport*, Lea and Febiger, 1978, p48

⁵⁶ Jennie Holliman, *American Sports 1785-1835*, Porcupine Press, 1975, p67

⁵⁷ Lucas and Smith, pp43-44. See also Benjamin Rader, *American Sports*, Prentice Hall, 1999, p10

⁵⁸ Lucas and Smith, p32

⁵⁹ Melvin Adelman, *A Sporting Time: New York City and the Rise of Modern Athletics 1820-70*, University of Illinois Press, 1990, p51

⁶⁰ George Kirsch, *The Creation of American Team Sports*, University of Illinois Press, 1989, pp21-23

⁶¹ *ibid*, p42.

⁶² *Ibid*, pp 29-30

⁶³ e.g. Robert Henderson, *Bat, Ball and Bishop*, New York: Rockport Press, 1947, chapters 20-25.

⁶⁴ Adelman, p121

⁶⁵ A. Harvey, *Football: the first hundred years. The untold story*. London: Routledge. 2005.

⁶⁶ See e.g. J. A. Mangan, *Athleticism in Victorian and Edwardian Public School*, Cambridge University Press, 1981, pp14-18 and J.A. Mangan, *The Games Ethic and Imperialism*, Viking, 1985

⁶⁷ “Associations that do not have royal approval are prohibited, as, according to the old adage ‘In the state no runner should become separated from the pack’. Jean Domat, the great jurist, affirmed in the 17th century ‘Neither association nor community can exist without the permission of the king.’” La documentation française, http://www.vie-publique.fr/decouverte_instit/appfondissements/approf_124.htm. This information is taken from a web portal maintained by the French state.

⁶⁸ Habermas, p72

⁶⁹ Thomas Nipperdey, “Verein als Soziale Struktur in Deutschland im spaeten 18. und fruehen 19. Jahrhundert”, 1976. I am grateful to Tom Hoehn for a detailed summary and translation.

⁷⁰ Daniel McMillan, “Small Groups and the chimera of consensus: local politics and national politics in modern Germany”, <http://www.eiu.edu/~localite/journal/2000/localgermany.pdf>, 2000, p53

⁷¹ Clark, p128

⁷² McMillan, p55

⁷³ See for example T. Blanning, *The Culture of Power and the Power of Culture*, OUP, 2002, pp 220-232

⁷⁴ “The law of 21st August 1790 recognised the right of peaceful assembly and to form voluntary organisations” http://www.vie-publique.fr/decouverte_instit/appfondissements/approf_124.htm

⁷⁵ “In effect the Allarde decree of the 2nd and 17th March 1791 abolished the corporations. Then, a few months later, when attempting to introduce free trade and free enterprise, the law of Le Chapelier (14th June 1791) suppressed all kinds of association related to the professions. Religious gatherings and fellowships underwent a similar fate: they were prohibited by the law of 18th August 1792. By the end of the revolutionary period, because of the disturbances caused by certain populist clubs in Paris, this control was extended to political associations which were proscribed by the law of the 7th thermidor in the Fifth Year (1797).” *ibid*

⁷⁶ “No association of more than twenty persons whose purpose is meet every day or on some specified day, to engage in activities of a religious, literary, political or other nature, shall be permitted unless with the agreement of the government and under conditions which the public authority may choose to impose upon the association.” *ibid*

⁷⁷ Carol Harrison, *The Bourgeois Citizen in Nineteenth Century France*, OUP, 1999, p23

⁷⁸ *ibid* p 28

⁷⁹ “It was not until the law of the 1st July 1901 under the Third Republic that a stature granting freedom of association was put in place”. http://www.vie-publique.fr/decouverte_instit/approfondissements/approf_124.htm. Harrison states “The Second Republic represented France’s only experiment with freedom of association in the nineteenth century, an experiment of shorter duration than the Republic itself”, p30.

⁸⁰ Wolfram Siemann, *The German Revolution of 1848-49*, Macmillan Press, 1998, p35.

⁸¹ *Ibid* p37

⁸² I am grateful to Klaus Nathaus for these observations on the German regulation of Vereine.

⁸³ David Blackbourn, “Economy and Society: A Silent Bourgeois Revolution”, in D. Blackbourn and G. Eley, *The Peculiarities of German History*. OUP. 1984, p196.

⁸⁴ *Ibid* p197.

⁸⁵ *Social Contract*, Book I, chapter VI

⁸⁶ *Ibid*, Book II, Chapter III.

⁸⁷ If, when the people, being furnished with adequate information, held its deliberations, the citizens had no communication one with another, the grand total of the small differences would always give the general will, and the decision would always be good. But when factions arise, and partial associations are formed at the expense of the great association, the will of each of these associations becomes general in relation to its members, while it remains particular in relation to the State: it may then be said that there are no longer as many votes as there are men, but only as many as there are associations. The differences become less numerous and give a less general result. Lastly, when one of these associations is so great as to prevail over all the rest, the result is no longer a sum of small differences, but a single difference; in this case there is no longer a general will, and the opinion which prevails is purely particular. *Ibid*.

⁸⁸ E. Rice, J. Hutchinson and M. Lee, *A Brief History of Physical Education*, Ronald Press, 1926, p84

⁸⁹ Horst Ueberhorst, Friedrich Ludwig Jahn: 1778/1978, Heinz Moos Verlag, 1978, p52

⁹⁰ *Ibid* p53

⁹¹ Allen Guttman, *Games and Empires: Modern Sports and Cultural Imperialism*, Colombia University Press, 1994, p143

⁹² Debold Van Dalen, Elmer Mitchell and Bruce Bennett, *A World History of Physical Education*, Prentice Hall 1953, p224

⁹³ Ueberhorst, p61

⁹⁴ *ibid* p62

⁹⁵ McMillan, p55

⁹⁶ Rice et al, p98

⁹⁷ McMillan p55

⁹⁸ However, given their emphasis on German nationalism, the American Turnverein largely died out in the 20th century.

⁹⁹ McMillan, p56

¹⁰⁰ Van Dalen et al, p225

¹⁰¹ See e.g. Ulrich Hesse-Lichtenberger, *Tor! The Story of German Football*, WSC Books, 2002, p22

¹⁰² Christiane Eisenberg, “Football in Germany: Beginnings 1890-1914”, *International Journal of the History of Sport*, 1991, 8, 2, p208

¹⁰³ These are all discussed in Jusserand.

¹⁰⁴ Jusserand, p. 419-421

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- ¹⁰⁵ Patrick Seners, *L'EPS; son histoire, sa genèse*, Vigot, 1999, p5
- ¹⁰⁶ Jean Thibault, *Sports et éducation physique 1870-1970*, J. Vrin, 1972, p42
- ¹⁰⁷ Seners, p.113
- ¹⁰⁸ Harrison, p215
- ¹⁰⁹ Thibault, p 89
- ¹¹⁰ "En France, l'essor des sociétés conscriptives est postérieur à la défaite de Sedan, contemporain des débuts de la III^e République. Il se justifie politiquement par le désir de "revanche" (The root of the conscript associations [i.e. those devoted to military exercises and preparation] is found in the aftermath of the defeat at Sedan, contemporary with the foundation of the Third Republic. Their political justification was "revenge"), Pierre Arnaud, ed, *Le sport en France: Une approche politique, économique et sociale*, La documentation Française, 2000, p15
- ¹¹¹ "A new army must be created in the schools and everywhere that there is a teacher, alongside side him must be a gymnast and a soldier" Thibault, p90
- ¹¹² See for example Eugen Weber, "Gymnastics and Sports in Fin-de-siècle France: Opium of the People?", *American Historical Review*, 1971, 76, 1, p73
- ¹¹³ "to increase the nation's defensive power by supporting the development of moral and physical strength...to turn all associations into a permanent patriotic school prepared for all future eventualities" Thibault, p90
- ¹¹⁴ "Give me men, and we will make soldiers of them" Richard Holt, *Sport and Society in Modern France*, Macmillan, 1981, p47
- ¹¹⁵ Seners, p113.
- ¹¹⁶ See Albert Bourzac, "Les bataillons scolaires en France. Naissance, développement, disparition" in Pierre Arnaud (ed), *Les athlètes de la République*, L'Harmattan, 1997
- ¹¹⁷ This argument is presented cogently by Richard Holt, *Sport and Society in Modern France*, Macmillan Press, 1981, chapter 2, "the growth of gymnastics: patriotism or pleasure".
- ¹¹⁸ "In 1896 (24th August) the Bordeaux Association for gymnastic instructors was founded. The Prefect of the Gironde did not grant his approval until after an inquiry of the Mayor of Bordeaux, who reported that, given the laudable objectives of the members, *he could do no more* than express a favourable opinion". Thibault p147
- ¹¹⁹ Thibault p82
- ¹²⁰ Weber, p82
- ¹²¹ Seners, pp 45-52
- ¹²² Ibid p50. Grousset was a survivor of the Commune and a committed Republican.
- ¹²³ Ibid p51
- ¹²⁴ Pierre de Coubertin, *Essais de psychologie sportive*, Payot, 1913, p104
- ¹²⁵ "An army of sportsmen would be more humane, more merciful during the battle, calmer and less brutal afterwards" Ibid, p197
- ¹²⁶ Georges Vigarello (ed), *L'esprit sportif aujourd'hui, des valeurs en conflit*, Universalis, 2004, p11
- ¹²⁷ The growth of USFSA membership shows an interesting pattern. In 1890 there were only four clubs affiliated to USFSA, by 1897 there were 138, and by 1902 this number had increased to 249. By 1913 the number had grown to 1,673 (Georges Le Roy, *Education Physique et Gymnastique*, Pierre Lafitte, 1913, p354). It is tempting to associate the rapid increase in numbers from 1902 onwards to the law of 1901.
- ¹²⁸ Alison Cotter, *Cycling*, Lucent Books, 2002, pp30-31
- ¹²⁹ http://fr.wikipedia.org/wiki/Union_v%C3%A9loclub%20de_France
- ¹³⁰ Holt, 1981, p86
- ¹³¹ Ibid, pp87-91
- ¹³² Thibault, p142
- ¹³³ "Until around 1880, with the exception of England, the sports association movement was entirely marginalized in Europe...However, Germany, Switzerland, Czechoslovakia, Poland, Belgium (with the exception of England in this case) witnessed the development of a profusion of gymnastic associations, rifle clubs and clubs for military preparation (the conscript associations). This situation was largely a consequence of the demands of nationalism". Pierre Arnaud, Introduction, *Les Origines du Sport Ouvrier en Europe*, Paris: L'Harmattan, 1994, pp19-20.
- ¹³⁴ Tranter, p96
- ¹³⁵ on baseball see Kirsch, chapter 10, on Association football see Szymanski and Zimbalist, chapter 2, and on rugby see Eric Dunning and Kenneth Sheard, *Barbarians, Gentlemen and Players*, Routledge, 2005.

¹³⁶B. Ellickson, B. Grodal, S. Scotchmer, W. Zame, Clubs and the Market, *Econometrica* 67 (1999), 1185-1218.

¹³⁷ Habermas, p140

¹³⁸ *ibid* p159

¹³⁹ consider for example the recent “Independent European Sport Review” commissioned under the British presidency of the European Union which reflects upon the appropriate legal relationships between European law, sports governing bodies and member clubs.
<http://www.independentfootballreview.com/doc/A3619.pdf>