Who can Represent the Nation?

Citizenship, (Sporting) Nationality, and International Sporting Regulations

Gijs van Campenhout/ Gijsbert Oonk

(work in progress)

Brazil-born striker Diego Costa represents the national football team of Spain in international football

Erasmus School of History, Culture and Communication

SPORT AND NATION
Migration and Changing Citizenship of Athletes
www.sportandnation.com

Co-funded by the Erasmus+ Programme of the European Union

Case Title

Who can Represent the Nation? Citizenship, (Sporting) Nationality, and International Sporting Regulations

Case Opening

Striker Diego da Silva Costa, better known under his football name Diego Costa, was born in the Brazilian city of Lagarto on October 7, 1988. His father named him after Argentine football-legend Diego Armando Maradona, despite the rivalry between the two South American countries. In March 2013, Costa played two *friendly* matches for the Brazilian national football team. However, in September of that year, Diego Costa publicly declared that he wished to represent Spain in international football instead. Costa was eligible to be selected for the Spanish national football team as he had worked and lived in the country for more than five years, mainly as a football player of Atlético Madrid, and he had (successfully) applied for Spanish citizenship in early 2013. The Royal Spanish Football Federation (the Real Federación Española de Fútbol, or RFEF), therefore, submitted an official request to FIFA (Fédération Internationale de Football Association) asking permission to call up Costa for the Spanish national football team, which was granted by FIFA.

Following the news around Costa, who was a potential striker for the national football team of Brazil, Luiz Felipe Scolari, who at the time was coach of the Brazilian national football team, commented: '*A Brazilian player who refuses to wear the shirt of the Brazilian national team and compete in a World Cup in your country is automatically withdrawn. He is turning his back on a dream of millions, to represent our national team, the five-time world champions, in Brazil*' (Rice 2014). The Brazilian football federation (the Confederação Brasileira de Futebol, or CBF) even demanded that Costa would be stripped of his Brazilian citizenship as he now also possessed a Spanish passport (Hay 2014). In addition to these controversies between Brazil and Spain, Tony Manfred (2014), from the magazine *Business Insider,* dubbed Diego Costa as 'the most hated man at the World Cup', disliked by both Brazilian and (some) Spanish football fans. Meanwhile, Diego Costa explained his switch in national football team by openly declaring that *'… it was a difficult decision [choosing to represent Spain over Brazil] but everything I have achieved in my life has been given to me by this country*' and that '*wearing this shirt would be an honour for any player and if I play five, ten or even 15 minutes, I will give my all'* (Bryan 2014).

Diego Costa's nationality swap is by no means unique; neither in the context of international football or in the broader context of international sports like in the Olympics, nor throughout the histories of international sports and its mega-events. Moreover, in international sporting

competitions, the eligibility regulations, for example as formulated by the International Olympic Committee (IOC) and FIFA, primarily rely on *formal* citizenship (Iorwerth, Hardman, and Jones 2014). The allegedly growing presence of foreign-born sportspeople in these nationalised sporting events seems to be inextricably linked with the attribution of *legal* membership in different nation-states and changes overtime within these citizenship regimes (Van Campenhout and Jansen 2021).

Foreign-Born Sportspeople in International Sporting Competitions

In the public realm, a common belief exists that sportspeople are increasingly representing countries other than their native ones in the most recent editions of international sporting competitions. In order to challenge these common perceptions with empirical data, Joost Jansen and Godfried Engbersen (2017) created a database on the participating athletes throughout the history of the Olympics between 1948 and 2016 (see also Jansen 2020), while Gijs van Campenhout, Jacco van Sterkenburg and Gijsbert Oonk (2018; 2019) created a similar database on football players who participated at the football World Cup (1930-2018). As much of the following biographical data of these sportspeople was collected where possible: The national sports team that the athlete represented, their date and place of birth, and additional information on the nationality/ies of their (grand)father and (grand)mother. Based on this biographical data the authors determined the eligibility/ies of (foreign-born) sportspeople against the present eligibility regulations of the IOC and FIFA respectively (Jansen and Engbersen 2017; Van Campenhout, Van Sterkenburg, and Oonk 2018).

As accurate biographical data was not available for all participating countries in all editions of the Olympics, Jansen (2020) was forced to select a limited number of editions (1948–2016) and competing countries (eleven) based on theoretical and pragmatic reasons. Ultimately, Jansen's (2020) dataset on the Olympics comprises over 45,000 participants, 30,000 of which are unique. For the football World Cup, the selection of countries – represented by their respective national football teams – varied in each edition of the football World Cup as which national football teams participate depends on the results of qualifying tournaments that are held in the year prior to the football World Cup. The total dataset on the football World Cup comprises 10,137 football players of which around 3,000 players have competed at multiple editions (Van Campenhout, Van Sterkenburg, and Oonk 2018).

It was Jansen and Engbersen's (2017, 1) expectation that, as a reflection of global migration patterns and trends, the *absolute* volume of foreign-born athletes in the Olympics has not necessarily increased in the participating countries. The authors show that the overall share of foreign-born athletes has only slightly increased over the past 60 years and fluctuates between roughly 4 and 9 per cent' (Jansen and Engbersen 2017, 7; figure 1). Compared to the 3 per cent migrants out of the total

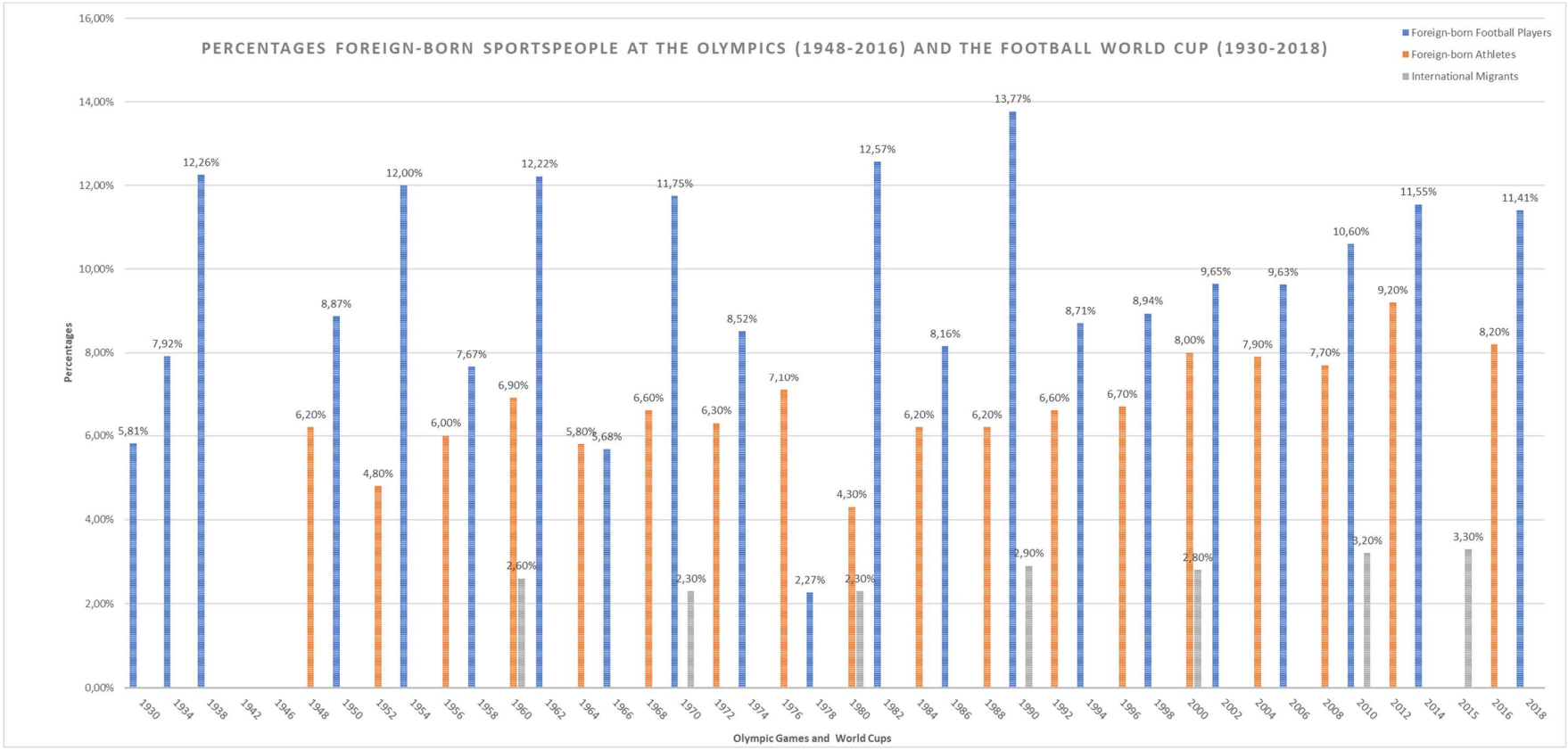
world population (Czaika and de Haas 2014), the overall proportion of foreign-born athletes at the Olympics is clearly higher. This deviation is, however, a rather logical one, and perhaps even somewhat small, considering the fact that the selected eleven countries by Jansen and Engbersen (2017) are generally considered high-profile migration countries. In general, Jansen and Engbersen (2017) argue that the numbers and origins of foreign-born athletes at the Olympics largely follow the (historic) patterns of international migration.

Van Campenhout, van Sterkenburg and Oonk (2018) illustrate that the percentage of foreign-born players at the (men's) football World Cups between 1930 (the date of the first official football World Cup organised by FIFA) and 2018 (the latest edition of this four yearly event) has remained relatively stable at between 8 and 12 per cent per edition (figure 1). However, overall, the football World Cup has become more migratory in terms of the *absolute numbers* of foreign-born football players and there has been an increase in diversity in the countries of origin of these players (Van Campenhout, Van Sterkenburg, and Oonk 2019). These growths in numbers can, however, 'mainly be considered as an echo and/or reversal of preceding migration flows between pairs of countries' (Van Campenhout, Van Sterkenburg, and Oonk 2019, 19). In other words, contrary to the general belief as expressed in media and academic debates (Shachar 2011), the relative increase in the number of foreign-born players at the football World Cup has not been extraordinary in the last two decades.

Citizenship Regimes

The concepts citizenship, nation and nationality contain different, albeit overlapping meanings. Despite its complexity and multiple dimensions, citizenship in its core refers to an individual's *formal* membership of a state (Joppke 2010) that is often 'plasticised' in the form of a passport. The notion of nation conveys membership of a(n imagined) community that is based on shared (cultural) values (Anderson 1983). The term nationality can, however, contain both meanings: sometimes nationality is invoked in legal terminology referring to '*formal* citizenship' (Vink and De Groot 2010), and in other cases it relates to 'nationhood' which can also be considered '*moral* citizenship' (Bonikowski 2016; Schinkel 2017). From a historical and empirical angle, a full overlap between the categories of citizenry and nationhood is, however, not a historical reality (Shachar et al. 2017, 107–8). Nevertheless, states have used their capacities to 'build the nation' in their attempts to develop culturally homogenised countries, arguably aimed at creating true nation-states. National media and state-representatives, as well as citizens and athletes themselves, seem to reflect this during international sporting events like the Olympic and the football World Cups while they represent 'their' country (Weber 1976).

Figure 1. Percentages of foreign-born sportspeople throughout the history of the Olympic Games (1948-2016) and the football World Cup (1930-2018), related to trends in international migration



Source: G. van Campenhout and J. Jansen (2021)

In Europe, two contrasting ways towards the acquisition of *formal* citizenship emerged from the sixteenth century onwards. The French government initiated a process in which peasants were converted to Frenchmen based on the fact that they were born within the jurisdiction of France (Brubaker 1992; Weber 1976). The Bretons in the North and the Basques in the South of France were eventually unified through the amalgamation of the French language, printing press and formal legalisation. So the French opted for a *jus soli* principle ('the right of the soil') towards the (seemingly automatic) granting of citizenship. This means that everyone who was born on French territory was eligible for French citizenship, even if these people were born within the territories of France or its colonials. At the same time, the French elite also tended to include (recent) immigrants and colonial subjects who were not born on French territory as citizens of the state in order to be able to have a form of control over them (Brubaker 1992). In Germany, the acquisition of citizenship was based on ethnic grounds (*jus sanguinis*; the right of the blood). The German state determined that all people with German blood were Germans and, therefore, citizens of the German state (Brubaker 1992; Shachar et al. 2017). In other words, for the German state it did not matter where you were born but it mattered whether your (grand-)father or (grand-)mother was a German citizen. Both developments in citizenship regimes were a response to the Peace of Westphalia in 1648, and reflected Europe's effort to overcome feudal principalities and absolute monarchies in favour of the governance systems of nation states (Joppke 2010).

So historically, in most (Western) states, to assign a state's formal citizenship at birth two preferred principles can be discerned (Bauböck 2018; Brubaker 1992; Joppke 2010; Vink and De Groot 2010):

1) *Jus soli*: Citizenship acquired by birth within the territory and jurisdiction of the state. Like in France, people who are born within the United States, and who are subject to United States' jurisdiction, automatically become American citizens. So even a child who is born within the territory of the United States when, for example, his Mexican parents were on holiday in the United States is, theoretically, eligible to apply for American citizenship.

2) *Jus sanguinis*: Citizenship acquired through descent. Germany, as stated above, is one of the best known states for basing their citizenship regulations on this principle, especially until 1999. Children born outside of German territory to a German parent (independent of gender) are eligible for German citizenship as, arguably, the child has German blood running through his/her veins. Because of this principle, many East-European Germans (many of whom were actually born in Poland, for example) were able to gain German citizenship status during the Cold War.

There are, however, some counter-intuitive outcomes when these two birthright principles of citizenship are used in their purest form. While a regime that solely uses, and has been using, the *jus soli* principle might attribute citizenship to children whose birth in the territory is accidental – like in case of the holiday example where a Mexican couple gives birth to a child when they are on holiday in the United States –, it denies (automatic) citizenship to children who arrive in the country at a young age (most often as a consequence of migratory movements of their parents). A regime based on pure *jus sanguinis* regulations to citizenship systematically excludes immigrants and their children as citizens. This, despite the fact that the latter may have been born, raised and educated in their parents' new homeland, making it their native country. In contrast, the *jus sanguinis* principle to citizenship does include people who are descendants of expatriates. While these individuals are eligible to citizenship based on their family heritage, some of them might have never set foot in the homeland of their forebears, speak its language, or know anything about its national history and myths (Bauder 2014). It is important to understand that the current two principles for acquiring citizenship at birth – *jus soli* and *jus sanguinis* – inevitably lead to dual citizenship at birth for some people (Bauböck 2018; Joppke 2010; Spiro 2017).

Because of the birthright principles of citizenship, dual, or even multiple citizenship can be granted at birth, this can happen in two potential ways. First, states that apply *jus soli* conditions within their territory as their main principle to citizenship, nowadays, in most cases, also attribute citizenship to children born to citizens abroad (in line with *jus sanguinis* conditions) (Vink and De Groot 2010). So, in general, a child is eligible to citizenship in the country to which his parents have migrated as he/she is born there. Second, in a gender-neutral system *of jus sanguinis* where children of mixed parentage inherit both parents' nationalities, the child may receive dual citizenship as the different nationalities of both parents are *transferred* through their bloodlines to their children. As long as state continue to use both the *jus soli* and *jus sanguinis* principles to citizenship, there are no possible regulations around citizenship that could be adopted by all states to avoid multiple forms of citizenship. In other words, through historical and present-day national citizenship regimes there are, and always will be, ways for individuals to become eligible for (and acquire) *formal* citizenship of more than one state.

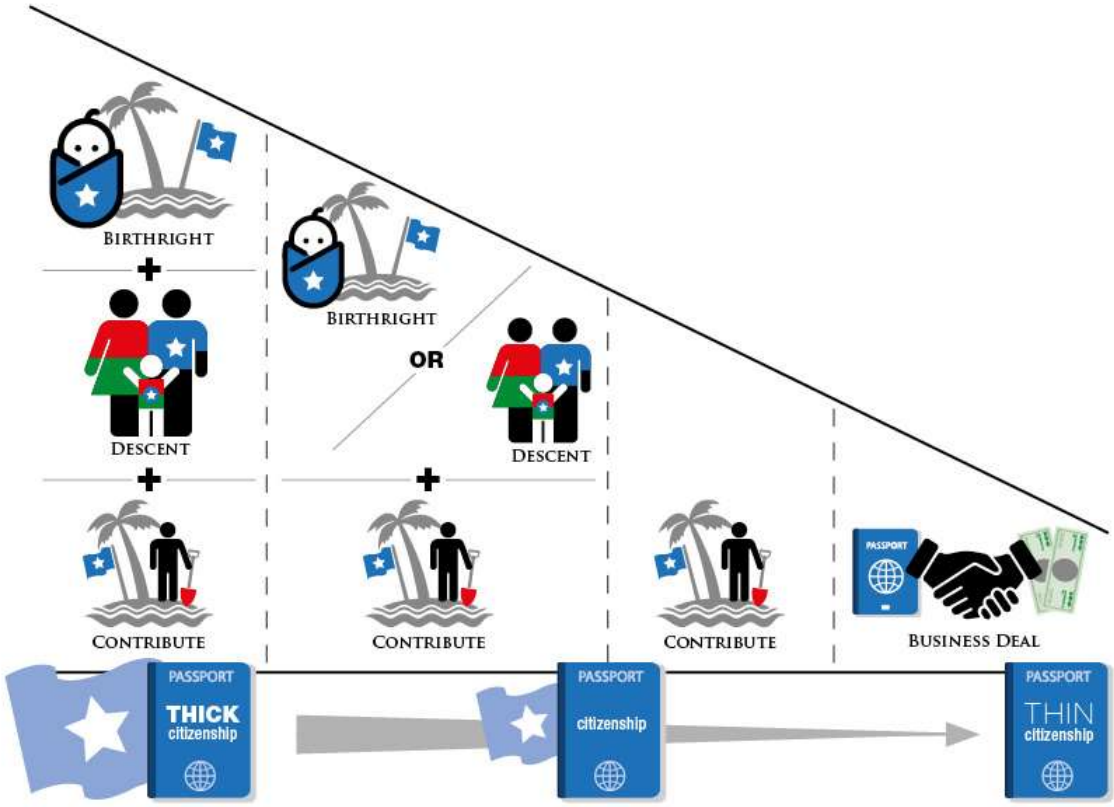
As, however, the two birthright citizenship principles can be considered 'unfair' – because these principles are solely based on being born at a place within a certain family, which are things beyond the control of an (newborn) individual (Bosniak 2006; Shachar 2009) –, citizenship can also be acquired after birth via the process of naturalisation. *Jus domicilii* and *jus matrimonii* – often collectively known as *jus nexi* – are two of the main principles through which naturalisation can be regulated (see Bauböck 2018; Vink and De Groot 2010). Via the latter principle, immigrants can acquire citizenship by marrying a native citizen. Through the principle of *jus domicilii*, citizenship can be

granted to individuals 'independently of the place and community of birth … after they entered a territory and established residence in this territory' (Bauder 2014, 93). This residence-based approach to legal membership applies to immigrants who have resided in their new countries for a minimum number of years (the amount of time depends on the country at issue). Residency criteria vary across countries and over time, and are generally combined with other conditions such as a language proficiency and income criteria. In other words, these two types of immigrants are eligible to become (active) members of the political community inasmuch as they contribute to society by working and paying taxes, and their life prospects are dependent on the country's laws and policy choices. These individuals should, therefore, be able to become politically active as citizens through, for example, voting.

Sporting Nationality

It has been argued that states are – and have been – relaxing and reconfiguring their citizenship regimes to 'further their own nationalistic ambitions' (Iorwerth, Hardman, and Jones 2014, 336) and to increase the performances of 'their' national stars by attracting foreign-born sportspeople (Van Campenhout and Jansen 2021). In order to be able to critically analyse stretches in 'the legal guidelines and the moral justifications for citizenship', Gijsbert Oonk (2020, 1) introduces the principles of *formal* citizenship as a global continuum with a *thick* and a *thin* end, and *in between* descriptors of legal state membership. In his global continuum (figure 2), Oonk (2020, 5) defines *thick* citizenship as an individual's membership to a nation state in which 'territorial birthright, descent, and contribution to society come together'. *Thin* citizenship, at the other end of this spectrum, relates to naturalised immigrants who did not have any prior relationship with the country. Meaning they were not born in the state, neither did they have a blood connection with the nation before they acquired its *formal* citizenship. The *thinnest* form of citizenship, arguably, derives from 'the talent-for-citizenship exchange' in which government officials are willing to expedite citizenship to certain talented migrants, turning the naturalization process into nothing more than a business deal or a 'mercantile transaction' (Shachar 2011, 2132; Shachar and Hirschl 2014). Between the *thick* and *thin* forms of citizenship, Oonk (2020, 5) locates some *in-between* forms of citizenship based on a selection of *formal* descriptors of citizenship discussed above (*jus soli, jus sanguinis,* or after naturalisation – *jus domicilii* and *jus matrimonii*). What should be kept in mind is that this global continuum of *thick*, *thin* and *in-between* perspectives to citizenship is solely based on the *formal* relation between an individual and the state. It, therefore, hides many of the complexities that come to fore when (national) identification is under discussion (*moral* citizenship).

Figure 2. A Global Continuum of Citizenship: Thick, Thin and in-between forms of (formal) citizenship



Source: G. Oonk (2020, 5)

Overall, most sportspeople that competed in the Olympics (between 1948 and 2016) or played at the football World Cup (1930-2018) are, like their (grand-)parents, born in the country they represent in the respective international sporting event (Van Campenhout and Jansen 2021). Arguably, the majority of them have also acquired and developed their sporting skills in the same country. In other words, more than 90% of all the sportspeople who ever represented a country throughout the history of the Olympics or the football World Cup can, arguably, fall within Oonk's (2020) category of 'thick' citizenship. Further, based on their datasets, Van Campenhout and Jansen (2021, 236) argue that framing the sportspeople who compete for a national sports teams without any (prior) genuine link to the country as mercenaries 'is problematic from an empirical standpoint'. By examining the pathways through additional biographical data of foreign-born athletes in national sports teams throughout the histories of these two mega-sporting events (figure 1), Van Campenhout and Jansen (2021) demonstrate that only a fraction of the foreign-born players acquired their new citizenship via the explicit market principle, an act which Jansen, Oonk and Engbersen (2018, 4) coined *jus talenti*: 'the right of talent'. Most foreign-born sportspeople changed their (sporting) allegiance via the 'normal' routes to citizenship, through one of the birthright citizenship principles (*jus soli* or *jus*

sanguinis) or by naturalisation after birth through *jus domicilii* or *jus matrimonii* (Van Campenhout and Jansen 2021). So while the Olympics and the football World Cup are diversifying in *absolute* terms, 'most of these "nationality swaps" are guided by underlying migratory structures such as national migration policies, citizenship regimes and historical events' (Van Campenhout and Van Sterkenburg 2021, 56; Jansen and Engbersen 2017; Van Campenhout, Van Sterkenburg, and Oonk 2019) which can, therefore, 'largely be considered an echo and/or reversal of preceding migration flows between pairs of countries' (Van Campenhout and Van Sterkenburg 2021, 56; Jansen and Engbersen 2017; Van Campenhout, Van Sterkenburg, and Oonk 2019).

As the stakes in and prestige of international sports are high, various actors have the power to make claims to citizenship: (i) states, both *receiving* and *sending* ones; (ii) transnational sports organisation, such as FIFA and IOC, who wish to enforce 'fair play'; and (iii) the individual sportspeople. Currently, it seems undecided who of these actors can make the most powerful claim towards an athlete's sporting nationality. Are states the ones to make the strongest claims to citizenship? And if so, how are claims of *sending* and *receiving* states related to each other? Or do transnational sport organisation take the lead in this debate? They are in charge of organising the international sporting events. And what about the individual athletes? Do they have a say in all of this? In other words, who of the mentioned actors have or should have the final say in this claims making process?

Firstly, states, as outlined above, hold the power to reconfigure their national legislations around citizenship and can, therefore (re-)shape 'power relations and capital in other fields' such as the field of international sports (Jansen, Oonk, and Engbersen 2018, 527). As migration affects both *sending* and *receiving* states, although in different ways as one 'gains' international prestige through sports while the other is 'losing' it, both national governments still have the *formal* power to finetune their national citizenship laws in order to attract, or to prevent the departure, of highly skilled migrants such as talented sportspeople. Morally, however, by actively selecting athletes who are born outside of the state, national governments are, arguably and paradoxically, promoting a *nation without nationals*. Second, transnational sports federations like the IOC and FIFA hold the power to determine the rules and regulations around player' eligibility for representative national teams which are, in its core, based on *formal* citizenship principles. Moreover, these global sports organisations seem to hold 'the power to bend states to its will and to exercise regulatory authority over football's "citizens" worldwide' (Duval and Heerdt 2020, 2). And third, the individual athletes, in particular the ones with a migration background or who possess dual nationality, can strategically mobilise their bodily capital – by making claims to citizenship – so as to improve their position in the field (Jansen, Oonk, and Engbersen 2018, 527). By actively making claims to *legal* citizenship, sportspeople can enlarge their possibility of being selected for a national sports team (as a foreign-born player). Although

sportspeople might mobilise their citizenship strategically, Van Campenhout and Jansen (2021) assert that the decisions of most of these athletes and football players do not entail a commodification of citizenship as such. The authors argue to 'be hesitant to frame these athletes as mercenaries who are willing to forsake their national identities and sell their talents to the highest bidding country' (Van Campenhout and Jansen 2021, 236).

Dutch national football player Jonathan de Guzman is one of the scholarly examples who, because of the outlined citizenship principles, was (on paper) eligible to compete for four national football teams. De Guzman could have represented (i) Canada, as he was born in the Canadian city of Scarborough; currently part of the city of Toronto. Due to his parental descent he could also have opted for either (ii) Jamaica, because of his maternal heritage, or (iii) the Philippines, due to his paternal bloodline. Moreover, due to the fact that he started his professional football career at the age of twelve, and was successfully naturalised as a Dutch citizen when he tuned 18 years old, de Guzman also became eligible to play for (iv) The Netherlands. To present, De Guzman has capped 14 times since his debut on 6 February 2013 for the Dutch national football team. While the options for his older brother Julian de Guzman were 'limited' to three national football teams, Julian decided to represent their country of birth, Canada (for which he capped 89 times). In other words, as an extremely talented midfielder, Jonathan de Guzman could negotiate his options to play for either one of these four national football teams. By the same token, there were four national football federations that could compete for his football capital. In reality, only two of them truly did: Canada and the Netherlands. In this case, Jonathan de Guzman decided to represent the Netherlands as the Dutch national football team has a richer football history and is ranked higher on the FIFA/Coca-Cola Men's World-ranking than the national football team of Canada. Therefore, the changes of getting to the football World Cup, and being successful, were arguably higher with the Dutch team.

International Sporting Regulations

The rules to regulate international sporting events are set by the transnational sporting organisation that runs the event, for example the IOC set the regulations for the Olympics and FIFA does it for its international football competitions like the football World Cup. These so-called international sporting regulations (hereafter ISR) 'primarily rely upon, or take their normative orientation from, the citizenship practices of various nation-states' (Iorwerth, Hardman, and Jones 2014, 328; Spiro 2012). The implicit rationale behind taking *formal* citizenship as the main condition for participation in international sporting events is that 'it is a fairly easy way of establishing that a genuine link exists between the person involved and the nation-state in question' (Iorwerth, Hardman, and Jones 2014, 335). It is, however, important to emphasise that through their rules and regulations, neither the IOC

nor FIFA seek to interfere with the ways in which nation-states give shape to their membership laws as the rules and regulations of the IOC and FIFA do not distinguish between various modes of acquiring citizenship. Further, and despite the fact that both ISR are based on citizenship criteria, 'the formal organisation of sportspeople's national eligibility in the Olympics and the football World Cup is organised differently by the IOC and FIFA' (Van Campenhout and Jansen 2021, 231). In this section, we address the important similarities and differences between the eligibility principles as set out by both international sport organisations.

The statutes of the IOC, the Olympic Charter, is the leading document that manages all rules and guidelines for the Olympic Games. In the context of player eligibility, Rule 41 of this charter is important as it state that 'any competitor in the Olympic Games must be a national of the country of the NOC [National Olympic Committee] which is entering such competitor' (IOC 2019, 77; Van Campenhout and Jansen 2021, 231–33). In an attempt to cope with the growing international acceptance and expansion of dual citizenship (Spiro 2012; Van Campenhout and Jansen 2021), the IOC has introduced a By-law to Rule 41 specifying that (i) 'a competitor who is a national of two or more countries at the same time may represent either one of them, as he may elect' (IOC 2019, 77), and (ii) 'a competitor who has represented one country in the Olympics or another officially recognised international competition may change his or her nationality and compete for a new country in the Olympics after a waiting period of three years (which can reduced or cancelled with the agreement of NOCs and IF [International Federation] involved)' (Van Campenhout and Jansen 2021, 233).

The regulations around player eligibility of FIFA have had several known changes over the years. Technically, throughout most of the twentieth century, there was no rule against any player representing any country in international football, although informally citizenship status needed to be ensured before they played (Hall 2012; Holmes and Storey 2011; Iorwerth, Hardman, and Jones 2014). Due to the fact that eligibility regulations were lacking in the 1930s, 1940s and 1950s, there are various examples of football players who have competed for several national football teams over the years. Luis Monti, an Argentinian-born Italian, has become the schoolbook example of a player who swapped his nationality in the context of international football. He played for his native Argentina during the 1930 football World Cup, while he represented the national football team of Italy four years later (Martin 2004). It took FIFA (2020, 74) until 1962 to regulate player 'eligibility to play for representative teams' (Hall 2012; Iorwerth, Hardman, and Jones 2014). This was mainly the result of the nationality swaps by the famous, world-leading player Alfredo Di Stéfano, the Argentinian-born player who

represented his native country six times and capped 31 times for the Spanish national football team.[1] Therefore, 'any person holding a permanent nationality that is not dependent on residence in a certain country' became the regulations' starting point in player eligibility for national football teams (FIFA 2020, 74).

Like the IOC, FIFA in 2004 adapted their eligibility regulations in reaction to the growing tendency for (unethical) nationality swaps between national football teams. 'In addition to having the relevant nationality', (FIFA 2020, 75) stated that players needed to prove 'genuine link' with the nation they represented in international football (Van Campenhout and Jansen 2021). In order to do so, a footballer has to meet at least one of following conditions: 'a) He was born on the territory of the relevant association; b) His biological mother or biological father was born on the territory of the relevant association; c) His grandmother or grandfather was born on the territory of the relevant association; d) He has lived continuously on the territory of the relevant association for at least two years' (FIFA 2020, 75). To further counteract player nationality swaps, FIFA introduced the 'one time selection' line which restricts football players from changing their (football) nationality after they have competed in an A-status match for a national football team. Therefore, the notion of dual citizenship is non-existent in international football; 'one can either be Dutch or Surinamese, or French or Moroccan, but not both' (Lanfranchi and Taylor 2001, 10). So, footballers who possess dual citizenship have to choose, often at a relatively young age, between the countries they want to represent for the rest of their (football) lives in international football (Van Campenhout and Jansen 2021; Van Campenhout and Van Houtum 2021). There is, however, one possibility for footballers who have officially represented a country in international football to change their allegiance and that is through the submission of 'a written, substantiated request to the FIFA general secretariat' (FIFA 2020, 77).

The main distinction in ISR between the Olympic Charter and FIFA's eligibility regulations is that while the IOC allows athletes two switch their sporting nationality, FIFA largely prohibits nationality changes after a football player has participated in an official international game. According to Van Campenhout and Jansen (2021, 234), 'this difference implies that 'nationality swaps' in the context of FIFA are not only harder to accomplish for players but also that the switching processes of football players are often opaquer for the public when compared to athletes who transfers their nationalities in the Olympics'. Although the waiting period of three years for athletes who wish to switch their sporting nationality, as required by the IOC, is a rather clear condition, FIFA's seemingly stricter regulations around player eligibility have created 'loopholes that players and national

[1] Alfredo Di Stéfano also played for the Columbian national football team four times. However, due to the fact that Columbian football clubs had broken some of FIFA's transfer rules in signing players who were still under contract with other football clubs, FIFA did not recognise the Columbian national football team at that time (L. Taylor 2014).

governing bodies have been willing to exploit' (Hassan, McCullough, and Moreland 2009, 747). The most 'exploited' loophole in the context of FIFA's eligibility regulations is what has become known as the 'granny-rule'. National football federations, as well as football players themselves, have been actively scanning for eligibility possibilities along (their) family bloodlines (Hassan, McCullough, and Moreland 2009; Holmes and Storey 2011; Storey 2020). Recently, various African football federations, like those of Algeria and Morocco, have actively searched for players from their diaspora who are eligible to represent the respective national football team because of their descent (Van Campenhout and Van Sterkenburg 2021).

Further, as the current ISR are based on (outdated) citizenship practices which fail to deal with 'the complexities and realities of contemporary society' (Iorwerth, Hardman, and Jones 2014, 328), it arguably enables 'the emergence of "passport players"' (Hall 2012, 191): '(talented) athletes and football players with no affiliation to a country who are offered citizenship by national governments to compete for a country's representative national sports team' (Van Campenhout and Jansen 2021, 234). According to Iorwerth, Hardman and Jones (2014, 328), 'international governing bodies should develop autonomous ISR regulations which operate according to a more general and normative account of national and cultural belonging'.

Discussion

Despite the intensified debates on the diversification of national sports teams deemed previously homogenous and, as a consequence thereof, the diversification of international sporting events like the Olympics and the football World Cup, ''others' have – *legitimately* – represented countries since the introduction of these international competitions' (Van Campenhout and Jansen 2021, 239). This statement is demonstrated by the empirical data of Van Campenhout and Jansen (2021) on the presence of foreign-born sportspeople throughout the histories of the Olympics (1948-2016) and the football World Cup (1930-2018). Further, the majority of the international movements of the foreign-born players studied 'seem to be guided by complex, underlying migratory structures such as national migration policies, citizenship regimes, historical events and the eligibility regulations of international sporting federations' (Van Campenhout and Jansen 2021, 239). In other words, the migratory movement of sportspeople is, and following Matthew Taylor (2006, 30), 'actually based on established systems and networks. The story is of the adaptation of existing patterns rather than any radical breach with the past'. In some of their earlier work, Jansen and Van Campenhout have – separately – referred to this phenomenon in the context of international sports as 'an echo and/or reversal of preceding migration flows between pairs of countries' (Van Campenhout and Jansen 2021,

18; Jansen and Engbersen 2017; Van Campenhout, Van Sterkenburg, and Oonk 2019; Van Campenhout and Van Sterkenburg 2021).

One of the main reasons behind the diversification of national sports teams, and thereby the international sport events, is because ISR are ultimately based on the citizenship principles of various nation states. However, as citizenship requirements differ – and have differed historically – greatly between countries and because some national governments have changed their naturalisation conditions in favour of attracting talented sportspeople, the current ISR fail to deal with the 'sociological complexity of nationalism' (Iorwerth, Hardman, and Jones 2014, 344), and with increasingly complicated and multi-layeredness of *formal* (as well as *moral*) membership. Therefore, Iorwerth, Hardman and Jones (2014, 344) propose that 'ISR regulations ought to ignore citizenship as a criterion, and focus instead on a more general notion of what it means to belong to a national community'. Coming up with more *normative* based regulations for eligibility in international sports is practically not an easy task, but 'such regulations would work for all manifestations of nationalism (stateless and cultural nations as well as nation-states), would limit the moral issues associated with commercialism in international sport and would also portray a liberal understanding of national ties that is appropriate to contemporary society' (Iorwerth, Hardman, and Jones 2014, 344).

Questions

1) *Should, according to you, someone's sporting nationality be formally linked with a state's citizenship as an expression of a genuine link*? *Why, or why not?*

If the acquisition of a state's citizenship is ambiguous by nature, sporting nationality is ambiguous too. Is, as Iorwerth, Hardman, and Jones (2014) implicitly argue, representing a country in international sports not an obsolete or even an outdated concept? What would it matter, and to who, when players with little to no connection with a country represent that nation-state in an international sporting competition?

2) *Who of the four mentioned actors in the field of international sports should, according to you, have the last say in the question around eligibility to represent a national sports team? Why do you pick this actor?*

In the current situation (see page 10), four actors can have an impact on an athlete's eligibility to play for a national sports team, either in the realm of citizenship or eligibility rules for entrance to the international sporting competition. These four actors are:

i. The national government of the sending state;
ii. The national government of the receiving state;

iii. The transnational sports federations, such as the IOC and FIFA;
iv. The sportspeople themselves.

3) *If you could reformulate the ISR, how would you do this? Around what idea(s) should ISR be formulated according to you? How tight or loose do international sporting regulations need to be for athletes*?

What would be the base for your ISR? Would they be based on the notion of *formal* citizenship or would you take a more liberal understanding of state membership? And, how would you then formulate these regulations to make them fair (or as fair as possible for everyone).

You could, for example, base them on residency criteria, let players 'declare their country, say, at the start of every qualification cycle, the slate wiped clean each time, ensuring that each international tournament, from first qualifier to final, was a self-contained, consistent affair?' (Murray 2015). Arguably, this would give the traditionally smaller nation states a chance to get a (more) competitive sports team as it would be possible that sports stars would make themselves available for these national sports teams , or that the state could call back athletes who switched their allegiance to historically more successful sporting nations. You could see this as cynical maneuvering, and in fairness you would be right, but it least gives smaller countries the chance to improve in the international sports arena. It's worth considering, just because the option to switch is there, that does not necessarily mean players will take it up.

4) Imagine: What if….

Diego Costa started to play for the London club Chelsea in 2014. If he would have stayed with this football club for (more than) five years, he (theoretically) would have been legally allowed to become a citizen of Great Britain (in addition to his Brazilian and Spanish citizenship). However, he would not be eligible to play for the English national football team during the football World Cup because of FIFA's current eligibility regulations. Nevertheless, FIFA's restrictions on player eligibility are not binding during the Olympic Games. The International Olympic Committee argues that if an athlete is a citizen of a country and is selected by its National Olympic Committee to represent that country, he/she is eligible to participate in the Olympic Games for that country. Therefore, if Costa had obtained British citizenship and if the British Olympic Committee would have selected him for their national Olympic team, he would have been eligible to play for team Great Britain. So, theoretically, the situation could have been that Costa would have represented Spain at the football World Cup, while competing for team GB at the Olympic football tournament.

Which of the eligibility regulations do you prefer: the one in the Olympic Charter or FIFA's regulations on player eligibility? Why do you prefer the one above the other?

Bibliography

Anderson, Benedict. 1983. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. First. London: Verso.

Bauböck, Rainer. 2018. 'Genuine Links and Useful Passports: Evaluating Strategic Uses of Citizenship'. *Journal of Ethnic and Migration Studies*, March, 1–12. https://doi.org/10.1080/1369183X.2018.1440495.

Bauder, Harald. 2014. 'Domicile Citizenship, Human Mobility and Territoriality'. *Progress in Human Geography* 38 (1): 91–106. https://doi.org/10.1177/0309132513502281.

Bonikowski, Bart. 2016. 'Nationalism in Settled Times'. *The Annual Review of Sociology* 42: 424–49. https://doi.org/10.1146/annurev-soc-081715-074412.

Bosniak, Linda. 2006. *The Citizen and the Alien. Dilemmas of Contemporary Membership*. 1st ed. Princeton and Oxford: Princeton University Press.

Brubaker, Rogers. 1992. *Citizenship and Nationhood in France and Germany*. 2nd ed. Cambridge: Harvard University Press.

Bryan, Paul. 2014. 'Diego Costa Ready to Give All for Spain'. *Uefa* (blog). 4 March 2014. https://www.uefa.com/european-qualifiers/news/0253-0d7f35767707-3955b6383c1f-1000--diego-costa-ready-to-give-all-for-spain/.

Czaika, Mathias, and Hein de Haas. 2014. 'The Globalization of Migration: Has the World Become More Migratory?' *International Migration Review* 48 (2): 283–323. https://doi.org/10.1111/imre.12095.

Duval, Antoine, and Daniela Heerdt. 2020. 'FIFA and Human Rights – a Research Agenda'. *Tilburg Law Review* 25 (1): 1–11. https://doi.org/10.5334/tilr.189.

FIFA. 2020. 'FIFA Statutes (September 2020 Edition)'. Statutes. Zurich: Fédération Internationale de Football Association. https://resources.fifa.com/image/upload/fifa-statutes-2020.pdf?cloudid=viz2gmyb5x0pd24qrhrx.

Hall, Courtney D. 2012. 'Fishing for All-Stars in a Time of Global Free Agency: Understanding FIFA Eligibility Rules and the Impact on the U.S. Men's National Team'. *Marquette Sports Law Review* 23 (1): 191–209.

Hassan, David, Shane McCullough, and Elizabeth Moreland. 2009. 'North or South? Darron Gibson and the Issue of Player Eligibility within Irish Soccer'. *Soccer & Society* 10 (6): 740–53. https://doi.org/10.1080/14660970903239933.

Hay, Roy. 2014. 'Diego Costa, Spain and Problems of Identity in World Football'. *The Conversation*, 22 June 2014. https://theconversation.com/diego-costa-spain-and-problems-of-identity-in-world-football-27796.

Holmes, Michael, and David Storey. 2011. 'Transferring National Allegiance: Cultural Affinity or Flag of Convenience?' *Sport in Society* 14 (2): 253–71. https://doi.org/10.1080/17430437.2011.546550.

IOC. 2019. 'Olympic Charter'. https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/General/EN-Olympic-Charter.pdf.

Iorwerth, Hywel, Alun Hardman, and Carwyn Rhys Jones. 2014. 'Nation, State and Identity in International Sport'. *National Identities* 16 (4): 327–47. https://doi.org/10.1080/14608944.2014.897316.

Jansen, Joost. 2020. 'Who Can Represent the Nation? Migration, Citizenship, and Nationhood in the Olympic Games'. Rotterdam: Erasmus University. hdl.handle.net/1765/127634.

Jansen, Joost, and Godfried Engbersen. 2017. 'Have the Olympic Games Become More Migratory? A Comparative Historical Perspective'. *Comparative Migration Studies* 5 (11): 1–15. https://doi.org/10.1186/s40878-017-0054-2.

Jansen, Joost, Gijsbert Oonk, and Godfried Engbersen. 2018. 'Nationality Swapping in the Olympic Field: Towards the Marketization of Citizenship?' *Citizenship Studies* 22 (5): 523–39. https://doi.org/10.1080/13621025.2018.1477921.

Joppke, Christian. 2010. *Citizenship and Immigration*. 1st ed. Cambridge: Polity Press.

Lanfranchi, Pierre, and Matthew Taylor. 2001. *Moving with the Ball. The Migration of Professional Football Players*. 1st ed. Oxford: Berg.

Manfred, Tony. 2014. 'Diego Costa, The Brazilian Striker Who's Playing For Spain, Is The Most Hated Man At The World Cup'. *Business Insider*, 12 June 2014. https://www.businessinsider.com/diego-costa-brazil-world-cup-2014-6?international=true&r=US&IR=T.

Martin, Simon. 2004. *Football and Fascism. The National Game under Mussolini*. 1st ed. Oxford: Berg.

Murray, Scott. 2015. 'Breaking the Law: Why FIFA Should Relax Its Eligibility Rules'. *The Guardian*, 5 June 2015, sec. Football. https://www.theguardian.com/football/blog/2015/jun/05/breaking-the-law-why-FIFA-should-relax-its-eligibility-rules.

Oonk, Gijsbert. 2020. 'Sport and Nationality: Towards Thick and Thin Forms of Citizenship'. *National Identities*, 1–19. https://doi.org/10.1080/14608944.2020.1815421.

Rice, Simon. 2014. 'World Cup 2014: Diego Costa Booed by Locals during Spain v Netherlands'. *The Independent*, 13 June 2014, sec. Sports. https://www.independent.co.uk/sport/football/international/world-cup-2014-diego-costa-booed-by-locals-during-spain-v-netherlands-9536428.html.

Schinkel, Willem. 2017. *Imagined Societies. A Critique of Immigrant Integration in Western Europe*. First. Cambridge: Cambridge University Press.

Shachar, Ayelet. 2009. *The Birthright Lottery: Citizenship and Global Inequality*. 1st ed. Cambridge: Harvard University Press.

———. 2011. 'Picking Winners: Olympic Citizenship and the Global Race for Talent'. *The Yale Law Journal* 120 (1): 2088–2139.

Shachar, Ayelet, Rainer Bauböck, Irene Bloemraad, and Maarten P. Vink, eds. 2017. *The Oxford Handbook of Citizenship*. First. Oxford: Oxford University Press.

Shachar, Ayelet, and Ran Hirschl. 2014. 'On Citizenship, States, and Markets'. *The Journal of Political Philosophy* 22 (2): 231–57. https://doi.org/10.1111/jopp.12034.

Spiro, Peter J. 2012. 'The End of Olympic Nationality'. In *Allegiance and Identity in a Globalised World*, edited by Fiona Jenkins, Mark Nolan, and Kim Rubenstein, 1st:478–96. Cambridge: Cambridge University Press. 10.1017/CBO9781139696654.

———. 2017. 'Multiple Citizenship'. In *The Oxford Handbook of Citizenship*, edited by Ayelet Shachar, Rainer Bauböck, Irene Bloemraad, and Maarten P. Vink, First, Chapter 28:621–43. Oxford: Oxford University Press.

Storey, David. 2020. 'National Allegiance and Sporting Citizenship: Identity Choices of "African" Footballers'. *Sport in Society* 23 (1): 129–41. https://doi.org/10.1080/17430437.2018.1555228.

Taylor, Louise. 2014. 'Alfredo Di Stéfano Was One of Football's Greatest Trailblazers'. *The Guardian*, 7 July 2014, sec. Sport. https://www.theguardian.com/football/blog/2014/jul/07/alfredo-di-stefano-real-madrid.

Taylor, Matthew. 2006. 'Global Players? Football, Migration and Globalization, c. 1930-2000'. *Historical Social Research* 31 (1): 7–30. http://www.jstor.org/stable/20762099.

Van Campenhout, Gijs, and Joost Jansen. 2021. 'Foreign-Born Sportspeople in the Olympics and the Football World Cup: Migration, Citizenship, and Nationhood'. In *Research Handbook on Sports and Society*, edited by Elizabeth C.J. Pike, First, 227–43. Cheltenham: Edward Elgar Publishing Ltd.

Van Campenhout, Gijs, and Henk Van Houtum. 2021. '"I Am German When We Win, but I Am an Immigrant When We Lose". Theorising on the Deservedness of Migrants in International Football, Using the Case of Mesut Özil.' *Sport in Society*. https://doi.org/10.1080/17430437.2020.1865314.

Van Campenhout, Gijs, and Jacco Van Sterkenburg. 2021. 'The Diversification of National Football Teams: Using the Idea of Migration Corridors to Explore the Underlying Structures of Nationality Changes amongst Foreign-Born Players at the Football World Cup'. *International Review for the Sociology of Sport* 56 (1): 36–61. https://doi.org/10.1177/1012690219892849.

Van Campenhout, Gijs, Jacco Van Sterkenburg, and Gijsbert Oonk. 2018. 'Who Counts as a Migrant Footballer? A Critical Reflection and Alternative Approach to Migrant Football Players in National Teams at the FIFA World Cup, c. 1930-2018'. *The International Journal of the History of Sport* 35 (11): 1071–90. https://doi.org/10.1080/09523367.2019.1581769.

———. 2019. 'Has the World Cup Become More Migratory? A Comparative History of Foreign-Born Players in National Football Teams, c. 1930-2018'. *Comparative Migration Studies* 7 (22): 1–30. https://doi.org/10.1186/s40878-019-0118-6.

Vink, Maarten P., and Gerard-René De Groot. 2010. 'Birthright Citizenship: Trends and Regulations in Europe'. Florence: Robert Schuman Centre for Advanced Studies.

Weber, Eugene. 1976. *Peasants into Frenchmen: The Modernization of Rural France 1870-1914*. Stanford: Stanford University Press.