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‘Trust me I am a Football Agent’. The Discursive Practices of the Players’ Agents in (Un)Professional Football

Seamus Kelly¹ and Dikaia Chatziefstathiou²

Abstract

While the public and media attention is largely focused on the corruption scandals of high officials in international football, FIFA’s decision in April 2015 to deregulate football agents raises further concerns about its ability for self-regulation and governance. FIFA’s introduction (2006) and subsequent updating (2008, 2015) of its regulations and legal frameworks governing the activity of agents in professional football has important implications on the inner workings of international football. In this regard, FIFA’s decision to deregulate the industry is perhaps a reflection of the neoliberal influences surrounding the organisation to let the agents govern themselves and deal with the wrongdoings of the alleged bribery, exploitation and trafficking of young players. However, the deregulation of agents by FIFA can also be seen as the organisation’s inefficiency to maintain the primacy of self-regulation and self-governance in serious matters of the industry, such as agents’ global leadership and regulation of practices. This paper, using primary qualitative data collected from players, agents and managers from professional football leagues in the UK and Ireland, aims to uncover the unethical, extremely complex and deceptive sides of the agents’ industry. By doing so, it aims to emphasise the need for gold standards of practice and leadership in the regulation of international football, which desperately needs to restore its integrity. Two key issues are unpacked: (i) the alleged (un)ethical behaviour of football agents that provokes so much hostility in the football world; (ii) the power shift(s) from clubs and managers to agents and players and the implications these may have on the ethics of the business practices in football.

Keywords

Football agents, FIFA, ethics, governance, power

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Introduction

Sport is an important venue for cultural interaction and the development of forms of moral consensus (about the rules, about how to behave in an appropriate manner etc.). Sport as a social phenomenon is neither inherently positive nor negative in its effects (Chatziefstathiou and Henry, 2012). A tension exists between sport as an area of economic activity, subject to the rules and discourse of business and government regulation, and as an area of social, physical and moral self-development of civil society. Since the turn of the twenty-first century sport has been increasingly experiencing its own deep crises, which undermines faith in sport's ability for self-regulation, and thus the legitimacy of its leading governing bodies, the International Olympic Committee (IOC) and *Fédération Internationale de Football Association* (FIFA).

Undoubtedly the most significant of these crises in Olympic terms was the Salt Lake City debacle in 1998 (Chatziefstathiou and Henry, 2012). More than a decade later, the FIFA governance crisis was also surfaced in 2011. Doubts about the organisation's ethical conduct in international football were raised long before (see for example the book 'Badfellas' by Sugden and Tomlinson published in 2003; the book 'FOUL! The Secret World of FIFA: Bribes, Vote-Rigging and Ticket Scandals' followed by the BBC's Panorama documentary by Andrew Jennings in 2006). The investigations have led to the guilty pleas or indictments of more than 40 football and marketing officials, while Sepp Blatter has been banned from all football-related activities for eight years - later reduced to six - in December 2015. Although FIFA desperately tries to restore its reputation, more scandals are expected to be revealed soon as a result of the ongoing investigations by French and Swiss prosecutors about the bidding process behind the 2018 and 2022 World Cups.

The above loudly demonstrate that the world of sport, and particularly the world of football on which this paper focuses, is experiencing serious governance failures. While the public and media attention is largely focused on the corruption scandals of high officials in international football, FIFA's decision in April 2015 to deregulate football agents, or intermediaries as they are now called, also raises concerns about its ability for self-regulation and governance. FIFA's introduction (2006) and subsequent updating (2008, 2014) of its regulations and legal frameworks governing the activity of agents in professional football has important implications on the inner workings of football. A key Foucauldian concept which could contribute to our understanding of these regulating processes is that of governmentality which refers to socio-political contexts where power is decentred and where members of a society play an active role in their own self-government as individuals and groups. This relationship is expressed in the semantic linking of 'governing' (*gouverner*) and modes of thought (*mentalité*). In this regard, FIFA's decision to deregulate the industry is perhaps a reflection of the neoliberal influences surrounding the organisation to let the agents govern themselves and deal with the wrongdoings of the alleged bribery, exploitation and trafficking of young players. However, the deregulation of agents by FIFA can also be seen as the organisation's inefficiency to maintain the primacy of self-regulation and self-governance in serious matters of the industry, such as agents' global leadership and regulation of practices.

This paper, using primary qualitative data collected from players, agents and managers from professional football leagues in the UK and Ireland, aims to uncover the unethical, extremely complex and deceptive sides of the agents' industry. By doing so, it aims to emphasise the need for gold standards of practice and leadership in the regulation of international football, which desperately needs to restore its integrity.

The Role of Agents in Professional Football

In general, the role of an agent typically involve contract (re)negotiations for players and managers, scouting of players for clubs, managing players' and managers' image rights and providing financial, counselling and support services. However, their practices are often seen as secretive, mysterious and 'dark', driven by large monetary gains. Though most professional football managers will have an understanding of agent's involvement in player transfers, it is only through media exposure (BBC Panorama special investigations), numerous inquiries (e.g. Smith & Lord Stevens) and a number of high profile court cases that the general public's awareness of their questionable practices have been highlighted.

Football agents are not a new phenomenon for they played an important role in scouting and recruiting players on clubs behalf following the legalisation of professional football in 1885 (Roderick, 2006). The entrepreneurial agents of the early professional days tended to represent football clubs and not players (Taylor, 1999) and 'it was not until the mid-1970s that players began to turn to people "outside" the game for professional advice on contract and transfer negotiations' (Roderick, 2006: 127). It was in the post-Bosman era of professional football, with greater value contracts on offer, as well as more out-of-contract footballers seeking to maximise their career potential, that there has been a significant increase in the number of players using agents in contract negotiations (Horne et al., 1999). For example, in 2001, there were '179 FIFA-registered agents in England, compared to 88 in France, 80 in Germany ... and 54 in Italy' (Banks, 2002: 167). By 2007, there were three hundred and twenty five registered agents in England (Poli, 2010) and by 2015 this figure increased to five hundred and fifty (Rossi et al., 2016). In recent years, a number of solo agents have merged to form their own player representative companies or media companies that provide services traditionally associated with the solo agent. The escalation in the

number of agents now operating in professional football can be attributed to three principal factors.

Firstly, from the mid-1990s, professional football ‘underwent an unprecedented boom making the game more popular and affluent than at any other time in its long history’ (Magee, 2002: 218). As a result of clubs improved financial status, many invested heavily in the acquisition of players in the hope of improving their on-field performance. This resulted in an upward spiraling of players’ wages. For example, in the 2013-14 season, the total wage costs for English Premier League clubs was £1.9 billion, while the total wage costs for Championship clubs exceeded £500 million (Deloitte & Touche, 2015). It is argued that the primary benefactors of football’s increased wealth have been the players, a development that has not been lost on football agents (Szczepanik, 2009). The fees that agents charge for their services is capped at three percent of the player’s basic gross income or transfer compensation (FIFA, 2014) having previously varied between five and ten per cent of the player’s salary (Poli, 2010). While detailed information relating to payments made by players to agents is difficult to attain, in recent years many clubs have made public any payments made by them to agents. For example, English Premier League clubs paid out £66 million in agent fees in the 2007-08 season (Kelso, 2009), £115 million in 2013-14 season and by the end of the 2016-17 season, this figure is estimated to exceed £174 million (Conn, 2017). In the 2003-04 season Manchester United paid out £5.5 million to agents involved in the acquisition of nine players; this figure had grown to over £7.9 million in 2014 with Chelsea FC paying over £16.7 million in the same year. In particular, the Portuguese agency Gestifute received ‘£1.129 million for negotiating Cristiano Ronaldo’s transfer to Manchester United’ (Poli, 2010: 203) while in 2009 Jorge Mendes reportedly earned £3.6m of the £9m

Manchester United paid for Bebe, gazumping the players former agent in the process (Conn, 2012).

Secondly, and more importantly, was Bosman's success in the European Court of Justice, which rendered the then transfer system illegal. The Bosman ruling opened up the British market for professional footballers beyond the UK, and players at the end of their contract were able to move freely across Europe. This ruling also provided English clubs with the opportunity to compete with European clubs for their top players. Football agents' close collaboration with club officials and managers has in many ways replaced the traditional role of the club scout in the recruitment of football talent (Magee, 2002; Poli, 2010). Crucially, many agents are now in a position to provide reliable information on the availability of playing talent globally which has considerably influenced the growth in the number of agents and reinforced their power in professional football in particular (Poli, 2010). Moreover, as we shall see later, agents' access to privileged and sensitive information concerning players salaries and their level of satisfaction at their current club considerably influences their power. The internationalisation of the labour market for professional players and emergence of new talent pipelines in particular (Poli, 2010) combined with the Bosman ruling, has had a perceptible effect of shifting power away from football clubs towards players and their agents (Whitehead, 1998; O'Leary & Caiger, 2000; Lonsdale, 2004). Thus, players and their agents in particular are now in considerable stronger position to negotiate better contracts and more lucrative options both at home and abroad. This is an important point and will be explored in greater detail later.

Finally, it is important to identify the relative ease with which an individual can obtain an agent's licence. The process for becoming a licensed players' agent is relatively

straightforward³ and begins with an application to the individuals national Football Association. Back in 2006, the English FA required every candidate to pass and agent examination and sign a ‘Code of Professional Conduct’ in which they ‘pledge, without fail, to abide by the basic principles described therein when acting as a players’ agent’ (Football Association, 2006: 13). In 2008, FIFA updated its regulations and introduced a legal framework, which governed the activity of agents in professional football (FIFA, 2008). However, following FIFA’s decision to deregulate agent’s activities in 2015, applicants are no longer required to sit the player’s agent examination, provide police verification letters or professional indemnity insurance (Jackson, 2016). In theory, anybody in England can become an agent or intermediary provided they have an impeccable reputation, no criminal record, conflicted interests and pay the English FA £500 in registration fees (Jackson, 2016; Riach, 2015). Each national football association is still required to draw up a list of all the licensed intermediaries in its territory and forward it to FIFA. Perhaps surprisingly, there are no pre-requisite educational qualifications or experience required to secure a registered agent license.

The considerable influx of money into professional football combined with the expanded opportunities to recruit players, both at home and abroad, has had a direct effect on the increased number of agents now operating in professional football. Out-of-contract players in general and more successful players in particular provide lucrative opportunities for agents to get involved in football where they now occupy key roles in contract negotiations. Back in 1998, Maguire & Stead astutely argued that ‘the appearance of agents as part of soccer’s economic relations is likely to have a growing impact on the form and

³ Prior to deregulation, in order to undertake the work of a players’ agent, an individual must be one of the following: a licensed players’ agent; a solicitor or barrister in possession of a current practicing certificate; the parent, spouse or sibling of the particular player in question. Players may still represent themselves.

extent of international player movements, and the range and complexity of transfer activities are likely to increase'. More recently, attracted by the large commission's available and increased levels of power (Poli, 2010) the agent has now become a central figure in the football transfer market (Cashmore, 2000; Magee, 2002). However, as we shall later in this paper, professional football was 'unprepared for the increased involvement of agents, their business approach, and their rapid centralisation in the transfer and contract negotiating processes' (Magee, 2002: 230).

While non-academic studies have identified the unethical and in some cases illegal business practices adopted by some agents (Scott, 2007; Bower, 2003) a number of academic studies have identified the different types of agents and their role in professional football⁴ (Roderick, 2006; Holt et al., 2006; Magee, 1998, 2002; Poli, 2010; Siekmann et al., 2007; Demaziere & Jouvenet, 2013). Moreover, few academic studies have conducted semi-structured tape-recorded interviews with agents in examining how they impact on the role of the professional football manager.

This paper will shed further light to the existing scholarship about the issues of ethics surrounding agents in professional football by unpacking two key issues: (i) the alleged (un)ethical behaviour of football agents that provokes so much hostility in the football world; (ii) the power shift(s) from clubs and managers to agents and players and the implications these may have on the ethics of the business practices in football.

⁴ There are at least four types of agent operating in professional football. Firstly, the most popular type is the solo agent. These are licensed agents who deal mainly with transfers and contracts. Secondly, the sports agency which provides a wider support service beyond contract negotiations and also has an agents licence. Thirdly, the solicitor who provides legal services and may not have an agents licence. Finally, the promotions agency, which provides advice on career management and promotion opportunities but has no agents licence.

Methodology

This research utilises qualitative data collected over ten years in three distinct stages. Stage one of the data collection occurred between 2004 and 2006 and involved semi-structured tape-recorded interviews with twenty-five players, five agents and twenty managers. The interviewees were players and managers who were either currently, or who had previously been, employed as professionals within the league structure in England and/or Ireland. The playing and/or managing careers of those interviewed lay between the extremes of outstanding professional success and more modest success. Some of the interviewees had played or managed at international level, while others had spent their entire careers in the lower leagues. More specifically, of the twenty-five players who were interviewed, eighteen had experience as full-time professionals with clubs in the English Premier League. Three players had played at full international and eight at Under-21 level. Of the twenty managers who were interviewed, eight had managed clubs in England and three of these were managing English clubs at the time of the interviews. Several interviewees had managed clubs in both England and Ireland and two interviewees had managed a full senior international side. In 2015, stage two of the data collection involved semi-structured interviews with four players with experience of the academy structure at English Premier League and Championship teams. This sample of interviewees was a convenience sample, based on the personal contacts of the first author, and this sample was then expanded on a 'snowball' basis, with interviewees being asked after the interview if they knew of other players or managers whom they thought might be prepared to be interviewed. At the outset of each interview, interviewees were given an assurance of anonymity. This was designed to reduce interviewees' anxieties about discussing former or current managers and/or players. The data collected suggest that interviewees felt sufficiently confident to be relatively open

and forthcoming in describing their own experiences in, and of, professional soccer in the UK. Stage three of the data collection occurred between 2012 and 2015 and involved participatory action research workshops (Frisby et al., 2005). The first workshop involved twelve current and/or former English Premier League players all of whom possessed considerable senior international experience. The second workshop involved over forty participants who were coaches, managers and player development officers who were currently employed at an English Premier League Club. The purpose of these research workshops was to examine aspects of player recruitment, assessment and development and lasted between 90 and 120 minutes.

What we tried to unpack during our interviews were the discursive practices of the football agents as being interpreted and witnessed from the agents themselves but also from other key persons in the industry such as players and managers. In Foucauldian terms ‘discursive practice’ is the process through which dominant reality comes into being. Such process involves the construction and reflection of social realities through actions that conjures up identity, ideology, belief and questions of power. Thus, the discourses of our interviewees can constitute our ‘knowledge’ about what is ‘true’ within the world of agents, and the world of football more broadly. We accept that knowledge is formed in the ‘interaction of plural and contingent practices within different sites, each of which involves the material and the symbolic’ (Bacchi and Bonhman, 2014: 174). The term “discursive practice/s” describes those practices of knowledge formation by focusing on how specific knowledges (“discourses”) operate and the work they do (Bacchi and Bonhman, 2014). Our data helped us to form such knowledge about the complex dynamics of power, which are negotiated, and in constant flux within what seems to be a rather unregulated environment. Two key issues emerged from the analysis: (i) there is a public and industry hostility against

the football agents, mainly attributed to their alleged unethical behaviour and practices; (ii) the power shift(s) from clubs and managers to the agents and players – mainly as a result of the internationalisation of football and of the Bosman ruling - has enhanced the agents' role with serious implications in the industry. Those points are discussed next in more detail.

Hostility towards agents

Because of the proliferation of agents in professional football, there is a widely held view by many people in professional football that agents are damaging the game. Napoli's owner, Aurelio de Laurentiis, has described them as the 'cancer of our world' and he said that football 'does not need them' (BBC, 5 October 2016). Data gathered from managers, players and surprisingly, even from some agents, echo this hostility towards football agents and their business practices in particular. Many of the football managers interviewed described agents as 'parasites' and 'con-men', while players viewed them as 'scumbags' and 'cowboys'. During the course of an interview, one manager with considerable experience in Ireland and England became very animated when the issue of agents arose. Shifting uncomfortably in his seat, he described agents in the following terms:

They are a disaster, an absolute disaster. I just have no time for them, and I've dealt with quite a few. I've dealt with so many of them in England, not so many here [Ireland]. I've met many of them in England, and I have yet to meet a good one, a genuine one. They're parasites.

Several managers expressed the view that players do not need agents. One manager said: *'Now I am not saying that a player shouldn't be represented, but I feel that their union should represent them. There are representatives in the union and they are qualified to do so'*. In this regard, the English FA argues against the need for players to employ agents, and rather than

being ‘ripped off’ players would be better advised to use their own union, the Professional Footballers’ Association (PFA), a role for which it was better equipped and could provide at a fraction of the cost (Magee, 2002; Roderick, 2000). The data reported in this research reinforce the views held by the English FA that ‘players do not need agents’ (O’Leary & Caiger, 2000: 272). The following two examples from managers with experience in the English Premier League were typical of managers’ views:

To be honest with you the view I’d have is, I wouldn’t have a problem, if a player has an agent as I said, but I think they are foolish to have agents. That’s my view.

They are in the game, they are part of the game and they have to be dealt with. You have to deal with them professionally. The nature of the game is that everyone knows everyone so there is possibly not a need, from a manager’s point of view, to go through an agent. From a players point of view he is protecting his own interest during negotiations, maybe to strengthen his negotiations, then I don’t have a problem.

Roderick (2003: 272) suggested that agents ‘close association with their clients, in terms of negotiating on their behalf and often in their absence, leaves open the possibility for shady maneuvering in relation to the way in which the players’ agents conduct their business’. A recurring theme that emerged from the interviews with managers concerned their distrustful attitudes towards agents. For example, one former English Championship League manager said:

I’ve used xxxx [agent’s name] a few times. Yeah, you come across them from time to time. I find that if there is an agent involved there is a motive. And I’m not saying that is negative or positive, but there is a motive there in some way. I’ve taken my chances

with them and I've dealt with them and some of them are absolute chancers and I've signed a few dummies in my time.

Despite such hostility towards agents, developing personal contact networks with agents considered as 'trustworthy' is viewed as crucial in order to operate within 'the player transfer and representation business' (Poli et al., 2012: 60). More specifically, current agent and former Danish international Mikkel Beck stated: 'despite all the money that is involved, and how much importance people place on it, the only way you can be successful is to build up trust with your client. I have always had excellent relationships with my client's families' (Evans, 2013: 37). A similar theme emerged from the interviews with players, who identified the importance of securing the services of an agent with whom they could trust. The following two examples from players with experience in the English Premier League were typical of players' views:

I mean there is always going to be bad cloud hanging over agents. But I think if you can get the right one and someone who is legitimate, from a player's point of view, like, its great ... it takes so much pressure off you. I think the trust factor is very important.

Implicit in the above data is the importance of trust between players and agents (Demaziere & Jouvenet, 2013). However, the data collected from players and managers suggest that agents have acquired a poor reputation which may, in part, impact on their ability to do business in professional football. In this regard, some clubs and managers refuse to deal with certain agents. This point was developed further during the course of an interview with an agent who was working with a prominent England-based sports agency company:

Yeah, like there are a lot of managers who will not deal with certain agents. I mean that's why in this business it's all about reputation and trust. If you're working in a company ... the company's reputation is so important, and you would never do anything to jeopardise that. I mean not even one thing wrong, because word spreads very quickly. You know it takes a long time to build up a good reputation, and it's very easy to get a bad reputation.

In the context of player contract (re)negotiations there is some evidence to suggest that it is not just agents who have acquired poor reputations. Some managers adopt tactics such as 'tapping up' in their attempts to sign prospective players. All of the agents interviewed were asked to describe their experiences of negotiating player contracts with managers. One licensed agent described some of the difficulties that he had experienced when negotiating with managers on their players behalf.

Agent: Yeah, sometimes it can be difficult. Yeah, well actually it is a nightmare at times. I mean, people lie through their teeth to get players, like blatant lies.

Interviewer: Really, like who?

Agent: Managers. Yeah, I mean ... like you are talking to managers and they are blatantly lying to you and you know it. Like they are trying to play cute and be dull, it's just unbelievable what is going on.

Currently there are many agents operating in professional football and considering the level of competition amongst agents, acquiring a client base is a crucial strategy for agents. The PFA representative Mick McGuire noted that 'there are a few top agents who have grabbed the market and ... eighty per cent are fighting over the crumbs' (Magee, 2002: 232). This strong competition between agents for players may encourage some agents to engage in

illegal or ethically debatable practices (Polli, 2010). Implicit in the above data, and developed further in the next section, is how professional football has often been described as an industry characterised by endemic distrust (Roderick, 2006; Kelly, 2009; Kelly & Harris, 2010), mainly due to the unethical and questionable practices adopted by some agents.

Unethical & questionable practices

Numerous concerns have been publicly expressed in relation to the alleged unethical and illegal practices adopted by some agents. For example, serious ethical concerns have been raised about the treatment of young African playing talent during the 1990s by unscrupulous agents and speculators (Broere & van der Drift, 1997; Darby et al, 2007; Krushelnycky, 1999) who ‘recognized in the trade in African talent an opportunity for personal financial gain’ (Darby et al., 2007:147). Illegal payments have long been a feature of English football since its professionalisation in 1885. The testimonies collected by Taylor and Ward (1995) suggested that under-the-counter payments, or ‘backhanders’, to players were common ways of circumventing the wage restrictions in the 1950s. Evidence suggests that questionable practices and illegal payments are still common practice in professional football. For example, one licensed agent, who was at the time of the interview, working for a leading UK-based sports agency company, described the nature of the player representation industry and the level of competition that exists within the industry. In particular, he described some of the debatable practices adopted by some agents:

You know there are a lot of people in the business who are backstabbers and who lie. Like some people would say things about the [agents] company, or me, which aren’t true, you know.

In addition, one former English Premier League manager described, during the course of an interview, the role of agents in professional football as ‘a load of bollocks, a shitty business, they are greedy and are full of f***** hookery’. One recurring theme from the data gathered from players, managers and agents concerned how ‘backhanders’ and ‘dodgy’ payments are still common aspects of professional football. During the course of an interview with a former manager discussions focussed on how he deal with such behavior. Whne probed further how you manage in that kind of an industry and in such an environment, he stated:

Manager: [Leaning forward in his chair and pointing his finger at me] Well I’ll tell you how you manage, and how you can stay the distance. You’ve got to be so street wise, and you’ve got to be so f***** sharp, because it’s stinking, it’s absolutely stinking.

In professional football it is not unusual for managers and/or players to be contacted by agents to broker or facilitate a deal. Moreover, the manager’s comment above reveals the questionable tactics some agents will adopt in facilitating a move for their player and the nature of the industry in particular. In this regard, the recent court case in 2007 involving Stewart Downing shed light on the how some agents may abuse the player-agent relationship and siphon money from player’s personal bank accounts (Collins, 2011). In not too dissimilar manner, a number of players identified that they were distrustful of agents with several players described situations where they had been ‘messed around’ by agents. For example, one former senior International player with considerable English Premiership experience described a situation where a fellow player received a massive sum of money when he signed for a particular club. However, it transpired that the money he received from the agent was only a loan to the player. He said:

There was this one player, who didn't realise and who got a massive amount of money, I think it was £50,000 and he had to pay it back to xxxx [the agent]. The agent said to the player: 'Like you didn't read the small print, that the money was only a loan'. You know that's the kind of stuff that goes on and you know it's an absolute disgrace, so you just have to be very very careful.

Given the levels of hostility and distrust towards agents, one obvious question arises; why are agents so widely utilised by managers and players? The following section attempts to answer this question.

Shifting balances of power and conflicts of interests

Stead (1999: 24) has argued that 'player power has increased disproportionately at the very highest levels of English football' while Magee (2002: 234) highlighted the difficulties of working with agents and the increased power which they now possess in relation to clubs. Therefore, and despite doubts over their motives and their actions, it has become almost impossible for managers not to deal with certain agents. This is because failure to do so may result in a manager not securing the services of particular players whom he wishes to sign.

Based on the data collected, there is considerable evidence to illustrate the power of some agents in general and football clubs dependence on agents in particular. For example, one former English Premier League player described how the arrival of a prominent international player at the club was clouded in scandal. Two weeks after the arrival of the international star, a second unknown player was signed. The player described how his fellow players at the club responded to this second signing with considerable scepticism. The player, raising his eyes to the ceiling stated that, 'all hell broke loose' when it transpired that the

second player had been signed simply to provide a large fee for the agent. Raising his voice the player said, 'It was a f***** disgrace' and explained exactly what had happened:

What happened was that the international player wanted to use his own agent, while the club insisted that the player use the Premiership club's agent. When the player and his agent refused the club's request, the club were forced to use the player's agent. When the club's agent found out about this he was furious and threatened to withdraw his services from the club. To sort the whole thing out, the club asked the agent to select a player (from his portfolio of players, who had signed up with the agent), which the club would sign and the agent would then get his commission (having lost out on his commission from the international players deal). The players at the club went ballistic that this player had been signed, even though no one had any knowledge of the player. I mean, I '*BURST MY B******' to get a full contract ... and this chap just gets one off the back of that'. It was a f***** joke.

Implicit in the above players' comments is the power some agents have assumed and one important point. Firstly, this club's insistence that the player use the club's agent breached the then English FA's regulations governing agent practices. More specifically, conflicts of interest are prohibited and occur when an agent represents both a player and a club. The issue arises where you have a duty to act in the best interests of two or more different parties and your duties conflict, or there is a risk that they may conflict. Governance issues concerning dubious practices such as conflicts of interest, 'dual representation' (Conn, 2016), referred to as 'duality' (Booker, 2016), are commonly reported by the media (Conn, 2016; Taylor, 2007). This point was particularly evident when questions were raised following the arrival of Jose Mourinho to Chelsea in 2004. In particular, the English FA permitted the agent, Jorge Mendes, to act for both club and players in the same transfer involving a number of Mourinho's former Porto players. However, despite an apparent breach of FIFA regulations

these transfers were allowed by the English FA at the time (Conn, 2012). It seems, that ‘dual representation’ is allowed once both sides ‘sign an agreement to waive any objection that the agent may have a conflict of interest’ (Conn, 2016).

In recent years, players in general and those players who are considered more valuable in terms of their playing talent in particular have been able to exercise greater muscle in contract negotiations with their manager. However, the level of power that players possess varies considerably. By definition, the improved ability to sell your labour applies most to those players who are in great demand. Post-Bosman, clubs began to offer improved terms to players under contract to keep them at the clubs. As a result, players are now able to use the threat of seeing out a contract and taking a transfer-free move as a lever to negotiate improved terms in their existing contract. In comparison to their pre-Bosman predecessors, this is a relatively powerful position for players, especially the top ones, as clubs cannot afford to lose a player without a transfer reimbursement. The removal of transfer fees and the potential severance notice has allowed players and their agents greater bargaining power to demand increased wages without the necessary contract commitment that was a feature of the pre-Bosman transfer system⁵. The increased power which players have assumed was a recurring theme in the interviews with players, managers and agents. More specifically, one former English Championship player stated:

Players now can talk to other clubs long before their contracts end so if they go into negotiations they can say that this club has offered this. I’ve got this, that and you know

⁵ Under FIFA regulations, a player is allowed to commence negotiations with other clubs six months from the end of a contract. From a player’s perspective it seems only reasonable that a player be allowed to negotiate during, what is in effect, his notice period. However players who have already negotiated and signed contracts with rival clubs for the next season are placed in a position where, should the teams meet, a conflict of interest may arise.

that they [the clubs] must basically match it. And also with more agents in the game now the players are getting better deals. The agents are looking after the players. When they look after the players as best they can it puts the players in a powerful position.

Similarly, one UK-based licensed agent described the shifting balance of power towards players:

I think in the last ten years a lot of the power has shifted towards the player's side of things, with the Bosman and different things like that, you know where before, I think clubs had so much power over players and now it's kind of turned full circle. Clubs nowadays are afraid of players going on a free [transfer] and you have the ridiculous wages that they are looking for and transfer fees are crazy, like you can see it now that clubs are struggling big time... but I think definitely that the players have more power at the moment.

It seems that agents have exploited this shift in players' bargaining power. Magee has argued (2002: 230) that 'even though the player has gained significant control ... it is the agent who ultimately controls and potentially exploits the player'. More recently, David Conn has identified how the practice of 'switching' agents seems to suggest a further attempt to shift power towards agents in general and club appointed agents in particular (Conn, 2016). Moreover, the presence of 'multiple agency agreements' (Jackson, 2016) between agents and players reflects not only a lack of governance mechanisms but players', and their families in particular, preference for securing the 'best deal' on offer. What this means is that the more 'marketable players' can now secure the best deal on offer. Moreover, it is not uncommon for the more powerful agents to scupper lucrative deals with the players registered agent receiving a 'facilitators' fee. In this regard, it is not uncommon for players' family members to receive 'gifts' in an effort to secure their services. However, as discussed earlier, some

managers may also attempt to open a rift between the player and the agent by challenging the abilities of an agent during negotiations. This point is borne out by O'Leary & Caiger (2000: 273) who describe an interview between a manager, a player and the player's agent. The manager said:

We try to bypass agents. We signed a player. He had his agent present at the negotiation. The agent asked for an impossible salary. The agent wanted £15,000 and £500 per week. The player was on £450 per week and was not in the first team. The agent said: 'My client won't accept the deal'. I said to the player – 'where did you get this prat from – we want your contract, why don't you tell him to go?' The agent protested. I said to the player: 'do you want to sign for us or not?' He said 'Yes' and told the agent to leave.

This manager's reluctance to deal with agents may be in part a reflection of managers' frustration 'at the changing balance of contractual power' (O' Leary & Caiger, 2000: 273). Roderick (2003: 228) has suggested that the relative power which players possess 'may depend on factors such as their age and the work-related reputations they develop'. Magee (1998) developed a useful typology and suggested players could be categorised into three broad groupings. The first group of players, 'the exploiters', is those players whose talent is sought after. Secondly, 'the exploited', are those players who have relatively few choices in terms of career options and choice of club and have relatively little power to determine their future. If one imagines these two groupings of players at the extremes of a continuum, then players who are referred to as 'the marketable' occupy middle positions. The 'marketable' are players who are viewed as club assets and may be sold in order to generate capital and to relieve financial pressures. Such 'marketable' players have a value which managers may be able to exploit for their own interests. As Magee (1998) suggests, the 'exploiters' are

powerful in the sense that they are in a strong bargaining position, while ‘the exploited’ would have considerably less power. It is clear that these three ideal types of players must be considered in relational terms for players are never in, or out of, full control. More specifically, it is a question of power ratios or balances, and over time players’ positions on this continuum will change. For example, players grow older, or suffer serious injury while coaches or managers opinions of their playing performance may also change. Thus, the degree of power which players and their agent have in relation to a club or manager depends largely on the players’ position on this continuum. One registered agent was questioned whether he viewed players possessing more power in recent years.

I think the players have a lot of power now. I think it comes down to how well you are doing how much power you have individually. But if you are not doing it on the pitch there are not too many people looking for you. So basically you have to be doing it on the pitch to have the power. You have to be putting in the performances you know.

Agents, managers and players are all bound up in a complex process and each must take into account the actions of the others. The people who occupy central positions within these networks of relations have power insofar as they are less dependent on specific others, while those others are more dependent on them. Managers, for instance, rely on the levels of performance achieved by their players and this in turn can be a means by which players can exercise a degree of power over their employers. Conversely, club managers can utilise the threat of rejection as a means of exercising power over prospective players or omitting current players from the playing squad. Thus, an examination of the dynamic balances of power among those involved in the network of relations within professional football – such as

players, managers and agents – is essential to understand adequately the role which each plays.

These balances of power form an integral element of all human relationships. To put it at its simplest, ‘when one person, or a group of persons lacks something which another person or group has the power to withhold, the latter has a function for the former’ (Mennell & Goudsblom, 1998: 119). Therefore, people or groups, which have functions for each other, exercise constraints over each other. Their potential for withholding from each other what the other requires is usually uneven, which means that the constraining power of one side is greater than that of the other. In the overall nexus of interdependencies, individuals may question another individual’s power of constraint, or their ‘potential for withholding’. These in effect are trials of strength between two parties. At the root of these trials of strength are usually problems such as: ‘Who, therefore, has to submit or adapt himself more to the others demands?’ (Mennell & Goudsblom, 1998: 120). In more general terms, whoever has the higher power ratio and can steer the activities of the other side to a greater extent than they can steer his activities. Put simply, who can put more pressure on whom? Agents, it can be argued, have greater power, or power ratios, when representing a player who, in Magee’s (1998) terms, is considered an ‘exploiter’. That is not to say that the ‘exploited’ possess no power, but their power is more limited. These power resources and relative strengths are constantly tested. Each side tries to weaken the other by a variety of means, and both sides are involved in a continuous process of interweaving actions with each other and with other groups. The sequence of moves on either side can only be understood and explained in terms of the immanent dynamics of their interdependence.

Conclusion

If we accept that the discourses of our interviewees can constitute our ‘knowledge’ about what is ‘true’ within the world of agents, and the world of football more broadly, our data have further reinforced the general perception that the agents’ industry is unethical, extremely complex and deceptive. The dominant reality, which has been shaped through the discursive practices of the key stakeholders, is one of a ‘messy’ business. It has now been two years since FIFA decided to pass the regulation of the agents’ industry to individual national associations, but ‘the result has seen a huge disparity in standards between different jurisdictions’ (Conliff, 2017). The natural question is whether key stakeholders such as FIFA, UEFA and national football associations could regulate the governance of the game. Historically, in terms of agent regulations, one of the major problems concerned the discrepancy between FIFA and national governing bodies’ regulations (Siekman et al., 2007). In relation to this, Dr Giambattista Rossi, coauthor of *Sports Agents and Labour Markets*, believes European football’s governing body failed to show leadership in April 2015.

“I blame UEFA. They should have stood up and said: ‘We are the best example of football in the world – in terms of governance, transparency, whatever – so let’s prepare a proposal to regulate agents at least at European level. And then, in China, Brazil, wherever, they [will] want to follow us because the main turnover of transfers is in Europe.’ (Jackson, 2016)

As mentioned earlier in this paper, FIFA’s decision to deregulate the industry could be interpreted as a reflection of the neoliberal influences surrounding the organisation to let the agents govern themselves and deal with the wrongdoings of the alleged bribery, exploitation and trafficking of young players. This can be related to the notion of governmentality where power is de-centered and the members of society play an active role in their own self-

government, e.g. as assumed in neoliberalism. Such active role delegates regulation to individuals who are regulated from 'inside' in a process of self-government and self-regulation (Foucault, 1991). The knowledge that is produced within this frame of neoliberalist governmentality allows for the construction of auto-regulated or auto-correcting selves. Indeed, FIFA's absence from maintaining the primacy of self-regulation and self-governance in relation to global leadership and regulation of practices, has led individuals to organise and 'govern' themselves through initiatives such as campaigns for instigating an effective system of self-regulation, e.g. through SOFIA, the Society of Football Intermediaries and Agents.

However, FIFA's decision can also be seen as its inability to deal with the agents' complex industry, especially at a time when the scandals of its senior officials were just far too many to manage. FIFA had to 'pick up her fights' and regulating the agents' industry was beyond it now. As a result, agents are still holding a considerably powerful position in professional football, while the lack of quality control over the granting of agent licences continues to raise issues concerning the ethical and legal aspects of their behaviour.

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