Identity of Sports Law

Chapter I. Research background

§ 1. Introduction

The question of what sports law is has existed in domestic and foreign literature for many years. At the same time, despite several interesting positions on the subject, the question has not yet been resolved. The increasingly bold views on the branch-specificity of sports law have also been followed by the drastically pronounced use of the phrase "sports law" for titles of scientific publications and projects, journal topics, names of social organisations, and designations of academic teaching modules. At the same time, sports law is certainly not the first set of norms to be accompanied by discussion (and even controversy) regarding the correctness of its separate systematisation. As *Cezary Kosikowski* pointed out, life (practice) often precedes the theory of law since it begins to separate a specific set of norms in force by way of accomplished facts, even when such a proposal neither came from the theory of law nor was not approved by it[1]. Among examples of such debatable singling, this author points to the now-established fields of family law, agricultural law, business law, and even financial (tax) law and labour law. *Robert C.R. Siekmann's* argumentation remains in a similar trend. When referring to a possible separation of sports law, he points out that such processes are neither exceptional nor unprecedented[2]. The need for appropriate separation of fields from the broader whole of legal norms is usually justified by the development of a particular area of social life and a significant growth in its complexity, which, in the long run, leads to an increased interest in this area by the legislator. Consequently, one should

[1] *C. Kosikowski*, Idea prawa gospodarczego i jego działy, RPEiS 1993, No. 1, p. 13.

[2] *R.C.R Siekmann*, Introduction to International and European Sports Law. Capita Selecta, The Hague 2012, p. 4.

agree with the view expressed years ago that the separation of individual branches of law is justified primarily by practical reasons[3]. This practical importance leads to interpreting and applying provisions according to the principles of law adopted in a given branch of law to ensure their praxeological compliance and functional connection with other norms of this domain[4].

Explaining the separation of public economic law, *Teresa Rabska*, in turn, points out that in the face of the size of legal regulation, which covers several phenomena of social life, it becomes necessary to conduct multifaceted research, which supports the need for deeper divisions of law and scientific disciplines respectively[5]. The need for specialised research (enabling complete characterisation and, at the same time, understanding of legal mechanisms), already expressed in the 1990s, is all the more justified in the contemporary legal reality.

With the above in mind, the very question of whether sports law can be seen as a formed branch of law should be reasonable. Undoubtedly, sport is an important area of social life and, simultaneously, a significantly developed plane of commercial activity[6]. "The sports market" is, at the same time, undoubtedly determined by the applicable legal order, including, in particular, (in our latitude) EU law. Moreover, the latter must be seen as leading the way in shaping the reality of sports in exercising

[3] Cf. *S. Wronkowska*, System prawny a porządek prawny i ład społeczny, in: Zarys teorii prawa, *S. Wronkowska, Z. Ziembiński*, Poznań 2001, p. 194.

[4] *Ibidem.*

[5] *T. Rabska*, Jakie prawo gospodarcze? – Próba odpowiedzi, RPEiS 1993, No. 1, p. 24.

[6] The literature on the legal aspects of sports activities does not avoid drawing attention to the economic development of this area. For example, *Beata Rischka-Słowik* acknowledges the phenomena of popularisation, mediatisation, commercialisation and professionalisation of sport: *idem*, Charakterystyka współczesnego sportu in: Prawo sportowe, *M. Leciak* (ed.), Warsaw 2018, pp. 27 et seq. *Leszek Starosta* underlines the processes of commercialisation, economisation and politicisation of sport: *idem*, Teoretyczne podstawy nauki prawa sportowego, Gdańsk-Gdynia 2023, pp. 11 et seq. Cf. also *M. Dróżdż,* Tort and contractual liability of sports entities – organisers of mass events, Warsaw 2024, p. 2. *Eligiusz Jerzy Krześniak* notes the place of contemporary sport in the economy: *idem*, Ustawa o sporcie. Komentarz, Warsaw 2020, p. 44. *Kazimierz Romaniec* points out the professionalisation and commercialisation of sport: *idem,* Zjawisko niekompatybilności pozaprawnych regulacji sportowych z regulacjami prawnymi, in: Kompatybilność pozaprawnych regulacji sportowych z regulacjami prawnymi, *A.J. Szwarc* (ed.), Poznań 2014, p. 69.

freedom of establishment, providing sports services, and protecting the competition mechanism.

It is also necessary to point to the developing research and teaching activity devoted to the issue of the regulatory factor in sports. The extent of the research activity conducted in Poland in this field has already been analysed[7]. Based on the results of these studies[8], as well as bearing in mind the ever-increasing number of scientific studies and ongoing research projects devoted to the subject of sports law, one may conclude that this is a significant body of work, which at the same time justifies the development of an appropriate profile. At the same time, the literature also postulates the creation of research units, institutes, chairs, and departments that could undertake specialised scientific activities in the abovementioned area[9].

The development of specialisations dedicated to the legal aspects of taking up and pursuing sports activities can also be observed in practice. In particular, the trend toward law firms dedication to legal assistance in this area is discernible.

The emergence of the sports law branch is thus desirable and appropriate.

§ 2. Sports law and branches of law

Clarifying the dilemma outlined above requires an orderly analysis, considering the criteria justifying the appropriate systematisation of sports law. Reference should first be made to the requirements presented by the doctrine for ordering the system of legal norms.

Among the most traditional (though not without controversy) divisions of legal norms is the one based on the distinction between two fundamental subsets: public law and private law. According to interest

[7] See *A.J. Szwarc* (ed.), Polskie Towarzystwo Prawa Sportowego w kontekście kształtowania się polskiego prawa sportowego, Poznań 2019.

[8] See *M. Leciak,* Polskie piśmiennictwo prawno-sportowe, in: Polskie Towarzystwo, pp. 87 et seq.; *M. Biliński*, Prawo sportowe w aktywności naukowo-badawczej oraz kształceniu prawniczym, in: Polskie Towarzystwo, pp. 101 et seq.

[9] Cf., inter alia, *H. Radke* Prawo sportowe, in: Prawo sportowe, *M. Leciak* (ed.), Warsaw 2018, p. 44; *M. Biliński*, Prawo sportowe w aktywności naukowo-badawczej, p. 108.

theory, the division into public and private law derives from the distinction between public and private interests, to which specific sets of norms should be subordinated[10]. The abovementioned optic dates back to Roman times and is attributed to *Domitius Ulpian*, following the formula *Publicum ius est quod ad statum rei Romanae spectat, privatum quod ad singularum utilitatem* he expressed[11].

Criteria for distinguishing sets of public law and private law are also given by *Tomasz Długosz*, indicating four key premises which relate to:

1) the interest to be protected (private or public interest),
2) parties to the legal relationship,
3) the relationship between the parties, which may be based on either equality or subordination,
4) how legal protection is triggered (either *ex officio* action by a state authority or a general authorisation to claim protection, which anyone can exercise)[12].

The indicated method of ordering norms may also provide a basis for further, more detailed law system classifications. On this basis, for example, economic law is divided into sets of private economic law and public economic law. These concepts (which *Jan Grabowski* calls dualistic) assume the necessity to maintain such a distinction mainly due to practical considerations and the didactic process[13]. *Artur Żurawik*, on the other hand, points out that due to the level of complication and the multifaceted nature of some legal relations, it may be significantly challenging to carry out a dichotomous division into the two aforementioned subsets[14].

The division between the public and private spheres should thus not play a vital role in a possible separation of sports law. Firstly, applying such a dichotomy is practically impossible, given the complexity of

[10] See *J. Zimmermann*, Prawo administracyjne, Warsaw 2020, p. 52.

[11] Public law are regulations serving the general interest (i.e., the state and the general public), while private law are regulations protecting the interest of an individual. *J. Grabowski,* Rola i funkcje prawa w kształtowaniu stosunków gospodarczych, in: System Prawa Administracyjnego, t. 8a. Publiczne Prawo Gospodarcze, *R. Hauser, Z. Niewiadomski, A. Wróbel* (ed.), Warsaw 2018, p. 22.

[12] *T. Długosz*, Pojęcie i zakres publicznego prawa gospodarczego, in: Publiczne prawo gospodarcze, *T. Długosz, K. Oplustil* (eds.), Warsaw 2023, pp. 26–27.

[13] *J. Grabowski,* Rola, pp. 19–20.

[14] *A. Żurawik*, Wykładnia w prawie gospodarczym, Warsaw 2021, p. 3.

the legal relations in sports. Indeed, even based on a cursory observation of this order, it does not consist of homogeneous norms of public or private law nature. However, the search for norms in this area, which serve the public interest, can be regarded as an interesting motif, referring to the abovementioned way of shaping the law system. Secondly, it is also inexpedient to attempt to separate two subsets of norms from a broader whole private and public sports law. Adopting such a systematic approach would be artificial and not conducive to keeping sports law around its key, substantive core. At this juncture, it should be briefly signalled that attempts to conduct further divisions within the emerging and relatively young field of sports law are premature and threaten this system's coherence.

In the sports law literature, the dividing line indicated above is not referred to much. Public and private sports law are mentioned only by *Paulina Wyszyńska-Ślufińska*, quoting, *inter alia*, the views of *Siekmann*[15]. It should be noted, however, that this proposal is not based on the criteria established in the jurisprudence for distinguishing the above two subsets of law. This author understands national, European, and international sports regulations as public sports law. Private sports law, on the other hand, encompasses the rules and regulations established for a given sports discipline[16].

The division into branches of law should also be ascribed an essential significance in the framework of conducting systematisation and ordering the system of law. Generally, a branch of law is defined as a set of norms that regulate a particular sphere of social relations and produce legal institutions typical for these relations[17]. Among the widespread criteria for the division of law into branches *Tatiana Chauvin*, *Tomasz Stawecki,* and *Piotr Winczorek* include the nature of social relations (the subject of regulation), the objects (i.e., who the law applies to), the territorial scope and the method of regulation[18]. Based on the above,

[15] *P. Wyszyńska-Ślufińska,* Odpowiedzialność cywilna w sporcie w perspektywie prawnoporównawczej, Warsaw 2022, p. 3.

[16] *Ibidem*.

[17] *T. Chauvin, T. Stawecki, P. Winczorek*, Wstęp do prawoznawstwa, Warsaw 2023, p. 154.

[18] *Ibidem*, p. 155.

among the fundamental branches of law, these authors list civil, family, commercial, labour, criminal, constitutional, administrative, international public, and international private law.

While analysing the issue of distinguishing branches of law, *Józef Nowacki* points out that in Polish law, one usually distinguishes branches of state law, administrative law, financial law, substantive criminal law, civil law, family law, as well as labour law, agricultural law, criminal procedural law, civil procedural law, and private international law[19]. Referring to the most frequently adopted criteria for dividing into branches of law (i.e., the type of legal consequences, personal, subject of regulation, method of regulation), this author, however, notes their imperfection and limited usefulness. The above, in turn, results from the legislative practice, within the framework of which the distinction or non-distinction of specific branches of law is determined by socio-political considerations, leaving, at the same time, historical conditions and doctrinal divisions of law into branches of law on a certain margin[20]. *Zygmunt Ziembiński* also offers the criteria that allow distinguishing branches of law. While emphasising their diversity, he mentions the object and subject of regulation, the regulation method, codification distinctness, and "common principles"[21]. According to *Sławomira Wronkowska*, the essential requirements for distinguishing branches of law include the criteria of the method of regulation, the subject of regulation (the matter being the subject of regulation), and the objects – addressees of legal norms[22]. In addition, among the relevant criteria, the development of the principles of law proper to a given branch, which makes it possible to direct the interpretation and application of regulations, is also usually indicated. *Wronkowska* also draws attention to a specific formal criterion – whether a given set of norms is systematised in codification[23]. Using the abovementioned criteria makes it possible to systematise

[19] *J. Nowacki*, System prawa, in: Wstęp do prawoznawstwa, *J. Nowacki, Z. Tobor*, Warsaw 2020, p. 129.

[20] *Ibidem*, pp. 132–134.

[21] *Z. Ziembiński*, Szkice z metodologii szczegółowych nauk prawnych, Poznań 1983, pp. 114 et seq.

[22] *S. Wronkowska*, System prawny a porządek prawny i ład społeczny, in: Zarys teorii państwa i prawa, *A. Redelbach, S. Wronkowska, Z. Ziembiński*, Warsaw 1992, pp. 230–231.

[23] *Ibidem*, p. 231.

the three classical (essential) branches of law, among which this author lists civil, criminal, and administrative law. This proposal undoubtedly corresponds to the classical concept of dividing the system of law, which is usually attributed to *Jerzy Kowalski*, *Wojciech Lamentowicz,* and *Piotr Winczorek*. It is based on the three already mentioned criteria of distinguishing branches of law, among which those authors mention the subject, object, and regulation method[24].

A set of reference points enabling the ordering of the system of law is also used by *Witold Małecki*, indicating here two essential criteria: the object of regulation and the method of regulation, as well as some additional indicators: the status of the addressees of legal norms, the nature of sanctions for infringement of legal norms, the type of legal relations and the model of application of norms[25].

Other studies accept the understanding of a branch of law as a complex of norms, separated within the system of law, which regulates social relations of the same type[26]. At the same time, the separation takes place from a horizontal perspective, i.e., by considering the existence of relevant content bonds between the system's elements[27].

Summarising the above findings, an attempt can be made to put in order the essential, most established in jurisprudence, criteria for distinguishing branches of law. Without losing sight of certain divergences of views, these premises should initially include the criterion of the subject of regulation, the criterion of the object (addressees of legal norms), the criterion of the method of regulation, and the criterion of shared principles, which ensure a specific set of content and axiological consistency. For this monograph, it has been adopted to call these criteria "conservative".

Consequently, fulfilling the above prerequisites will determine the possibility of ascribing the characteristic of coherence and integrity

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[24] *J. Kowalski, W. Lamentowicz, P. Winczorek,* Teoria państwa i prawa, Warsaw 1986, pp. 216 et seq.

[25] *W. Małecki*, Struktury norm prawnych w publicznym prawie gospodarczym. Układy częściowe znamionowane powiązaniami subordynacji, Warsaw 2023, p. 19.

[26] *B. Teclaw, K. Zeidler,* System prawa, in: Leksykon współczesnej teorii i filozofii prawa, *J. Zajadło* (ed.), Warsaw 2017, pp. 316 et seq.

[27] *Ibidem*, p. 317.

to the branch of law thus distinguished. In particular, it is about interpreting and applying the provisions of such a branch of law by its principles, values, and functional relations. The subsets identified in this manner may be perceived as an essential element of ordering the system of legal norms and should not be subject to arbitrary multiplication.

Turning to the consideration of the set of norms known as sports law, it is characteristic that in the studies devoted to this issue, there is not only a lack of consensus on the possible admissibility of viewing this area as a separate branch of law but (even more importantly) no agreement on the selection of criteria justifying such systematisation. For this reason, it is challenging to classify these views precisely, leading to the adoption of a very general division into two relatively differentiated categories. Within the first of these, distinguishing sports law as a separate branch of law is, in principle, excluded. Within the second group of positions, attributing a relevant branchal distinctiveness to sports law is considered acceptable.

1. Views that assume the inadmissibility of classifying sports law as a separate branch of law

Mateusz Dróżdż, inter alia, presents arguments remaining in this trend by indicating that the sports system consists of norms derived from various areas of substantive law. Consequently, he perceives sports law as a developing discipline; however, still unformed and not independent[28]. *Tomasz Widłak* also doubts the legitimacy of distinguishing branches of sports law, indicating, inter alia, that this order is not distinguished based on unambiguous, classical criteria, such as the method or subject of regulation[29]. *Grzegorz Michniewicz* speaks in a similar vein, pointing out that there are no grounds authorising the treatment of sports law as a fundamental branch of law[30]. Among the arguments justifying the above position, this author mentions the relatively small

[28] See *M. Dróżdż,* Odpowiedzialność deliktowa, pp. 10–11.

[29] *T. Widłak*, Wybrane uwagi na temat charakteru i statusu *lex sportiva* w przestrzeni prawnomiędzynarodowej, RPEiS 2015, No. 4, p. 82.

[30] *G. Michniewicz,* Turystyka i sport. Aspekty organizacyjno-prawne, Poznań 2012, p. 15.

number of norms concerning sports. The provisions regulating issues related to this area should be sought in other branches of law[31]. Such views also correspond to positions focusing on emphasising the multidisciplinary nature of sports law, within which one can observe the interpenetration of regulations of a diverse nature[32].

This trend is noted, inter alia, by *Kazimierz Romaniec*, pointing to the cross-sectional nature of the matter, the correct treatment of which requires an interdisciplinary approach. Legal problems encountered in this area are, thus, usually multifaceted and combine challenges originating from many different fields of law[33]. Trying to keep a distance from the ongoing disputes, *Michał Leciak* also notices the above feature. He proposes understanding sports law as an evolving, relatively young field of law encompassing legal solutions relating to sports. At the same time, this author draws attention to a certain separateness of this set of norms, emphasising at the same time that the use of regulations derived from other fields of law should not constitute an obstacle to the proper classification[34].

A point of view related to the opinions listed above has also been presented on several occasions in the past by the author of this monograph, pointing out, among other things, that sports law can be seen as a comprehensive field that is subject to separation and constitutes a relatively coherent whole, primarily based on the adopted criterion of the subject of regulation[35].

More distant statements of jurists are also noteworthy. They revolve around the (most general) negation of the possibility of ascribing an appropriate branch distinction to sports law. Underlining the questionability of the very concept of sports law, referring in this respect to

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[31] *Ibidem*, p. 15.

[32] See, e.g., *M. Stramski*, Międzynarodowe organizacje sportowe a prawo sportowe, Studia prawnoustrojowe UWM 2017, No. 38, p. 189; *F. Zedler,* Postępowanie polubowne w sporcie, in: Ustawa o sporcie, p. 47.

[33] *K. Romaniec*, Zjawisko, p. 97.

[34] *M. Leciak*, Prawo sportowe, in: Leksykon prawa sportowego, *M. Leciak* (ed.), Warsaw 2017, p. 165.

[35] See *M. Biliński,* Sport elektroniczny. Charakter prawny, Warsaw 2021, p. 9; *idem*, Prawo sportowe w aktywności naukowo-badawczej, p. 107; cf. *W. Cieśla*, Prawo sportowe, rynek dla nielicznych, Na Wokandzie 2016, No. 2, p. 30.

the views of *Andrzej J. Szwarc*, *Andrzej Kijowski* casts doubt on the recognition in this area of the own private legal system of sports organisations, i.e., national and international sports federations, leagues, confederations and Olympic committees (together with internal structures, organisational norms, and rules) and the related autonomous structure of the so-called sports judiciary[36]. *Jacek Sobczak,* succinctly presenting his view, points out that the term "sports law" is not an attempt to create a new branch of law but only a conventional term used to cover normative acts regulating this area of social life[37]. The existence of a uniform sports law was also doubted by *Feliks Zedler*, who emphasised the lack of coherence and interdisciplinarity of these regulations[38]. Consequently, the delimitation of such a section may be based on object-oriented criteria. Still, it does not consider the legal nature of the norms regulating the practice and organisation of sport. Interestingly, noting norms derived from civil, criminal, and administrative law within this area, *Zedler* pointed out that legal conflicts occurring in this sphere are resolved (depending on their nature) in civil, criminal, and administrative proceedings[39]. This monograph will further comment on the last of the above observations. In attempting to summarise the positions centred around the abovementioned features, *Hubert Radke* points out that, in principle, these views aim to negate the possibility of sports law taking a separate place in the classical division into essential branches of law. At the same time, however, he observes that this approach (called traditional) makes it possible to classify sports law as a non-self-contained field included in many essential branches of law[40].

[36] *A. Kijowski*, Stosunki prawne sportowców z klubami sportowymi, in: Status prawny sportowców, *A. Kijowski* (ed.), Poznań 2001, pp. 53–54.

[37] *J. Sobczak,* Prawo sportowe (wybór aktów normatywnych), Toruń 1998, p. 11.

[38] *F. Zedler,* Postępowanie polubowne, p. 47.

[39] *Ibidem*, pp. 47–48.

[40] *H. Radke*, Prawo sportowe, p. 40.

2. Views acknowledging the attribution of a branch distinction to sports law

According to *Eligiusz Jerzy Krześniak*, there are several premises based on which an attempt can be made to distinguish branches of sports law. In particular, he points to a distinguishable group of addressees of the Sports Act and other regulations in this area, the individual subject of regulation, which refers to legal relations specific to sports, and the regulation method, which integrates elements of civil, criminal, and administrative methods[41]. Interestingly, this author mentions the self-regulation characteristic of sport[42]. I will return to the issue of the specific regulation method relating to the level of sport. In addition to the arguments presented, *Krześniak* also draws attention to the attempt to include the entirety of essential issues concerning sport in a single legal act, the existence of a separate sphere of social relations, and the removal of dispute resolution outside the area of the general judicial system[43]. Noting the voices arguing against the above separation, he ultimately proposes to consider the concept presented, recognising the distinctiveness of sports law, at least as a legal discipline separated for research and teaching purposes[44]. In a later study, he explicitly advocates the separation of the branch of sports law[45].

Beata Rischka-Słowik also mentions forming a new field of law – sports law – in the last decades. She emphasises the links of this process with the phenomena of internationalisation, professionalisation, commercialisation, and institutionalisation[46]. The sport's regulation is diverse and can be derived from governmental and non-governmental legislation at local, regional, national, supranational, and international

[41] *E.J. Krześniak,* Kluby i organizacje sportowe w prawie polskim na tle rozwiązań zagranicznych, Warsaw 2016, pp. 312–315, see also *idem*, Kształtowanie się polskiego prawa sportowego – dorobek legislacyjny, soft law i lex sportiva, in: Polskie Towarzystwo, pp. 66–68.

[42] *E.J. Krześniak*, Kształtowanie, p. 67.

[43] *Ibidem*.

[44] *Idem,* Kluby , p. 314.

[45] *Idem*, Kształtowanie, p. 66.

[46] *B. Rischka-Słowik*, Konstytucja sportu Unii Europejskiej, Warsaw 2014, p. 88.

levels[47]. Arguments in favour of distinguishing sports law as a separate branch of law are also presented by *Radke*, drawing attention, inter alia, to the extensive subject-matter scope of this area, accompanied at the same time by the significant social significance of regulated legal relations[48]. Among other premises, this author mentions the circle of objects (addressees) specified in legislation, the existence of autonomous norms derived from the activities of institutionalised sports communities, the role of sports case law contributing to the construction of the so-called "sports justice system"; the dynamic development of the scholarship of sports law and the increase in demand for legal services in the practice of its application[49]. In a similar trend, *Lech Starosta* maintains his position, emphasising that sports law is currently perceived as a recognisable branch or sub-discipline of law, belonging to the group of detailed legal sciences. At the same time, this author points out that the above view is, in principle, derived from the approach to sport itself as a separate and constantly developing area of social life, which is at the same time under intense regulatory pressure[50]. Referring to *Timothy Davis's* proposal (see below), *Starosta* also draws attention to the necessity of relying on an already formed branch of law on the scientific field treating it, noticing at the same time a specific deficit of such approaches in sports law[51].

In an attempt to summarise the observations of jurisprudence on the possible separation of branches of sports law, attention should still be drawn to the views expressed in this respect in foreign literature. At the same time, it should be emphasised that, from the perspective of the purpose of this monograph, these positions are not given a prominent role. Justification for this approach, which may be somewhat controversial, will be provided below. The views presented on the subject under analysis by foreign authors – as in the case of Polish works – should be regarded as diverse[52]. Referring to the most conservative state-

[47] *Ibidem*.
[48] *H. Radke*, Prawo sportowe, pp. 43 et seq.
[49] *Ibidem*, pp. 43–45.
[50] *L. Starosta*, Teoretyczne podstawy, p. 217.
[51] *Ibidem*, p. 224.
[52] See *R.C.R Siekmann*, Introduction, p. 3.

ments, it is certainly appropriate to note the position presented years ago by the eminent British researcher *Edward Grayson*, who firmly denied the existence of a set of norms called sports law[53]. As *Michael J. Beloff* mentions, debates about whether or not sports law exists *Grayson* called "mysterious, sterile and artificial"[54]. It is worth noting that the above point of view has also been alluded to in Polish literature.

The discussion concerning the terminological validity of using the concept of sports law is highlighted, in particular, by *Radke*. Following *Grayson*, *Radke* notes that the normative reality of sport is better reflected by the term "sport and law". According to both of them, sports law should instead be seen "at most in a descriptive context, concerning a set of legal norms derived from various areas of law relevant to the field of sport"[55]. A relevant reference to *Grayson's* beliefs was also made by *Starosta,* quoting another well-known thought of the British author, according to which sports law is just a good-sounding heading (shortcut), which, however, cannot exist as a concept in the practice of law application[56]. The dilemma of the distinctiveness of the discipline of sports law has also been considered by *Jack Anderson*, who, referring to the elaborate historical conditions on this occasion, finally gives a negative answer to this question[57]. In another study, this author advocates a practical approach to the essence of sports law while pointing out that leading scholars and practitioners of sports law cannot even agree on fundamental issues such as the proper name of the subject or its relationship to other fields of law which means that, at least for the time being, sports law remains an unsuitable candidate for building universal theories[58].

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[53] See *M.J. Beloff,* Fourth Edward Grayson Memorial Lecture: The Specificity of Sport Rhetoric or Reality?, Sport and the Law Journal 2011, vol. 19, issue 2/3, p. 88.

[54] *Ibidem*, p. 88; see *E. Grayson*, The Historical Development of Sports and the Law, Sport and the Law Journal 2011, vol. 19, issue 2/3, p. 64.

[55] *H. Radke*, Prawo sportowe, p. 39, quoting *E. Grayson*, Sport and the Law, London 1994, p. xxvii; *P. Weiler, G.R. Roberts, S. Abrams, S.F. Ross,* Sports and the Law: Text, Cases, Problems, New York 2015.

[56] *L. Starosta*, Teoretyczne podstawy, p. 216; see also *M.J. Beloff,* Fourth, p. 88.

[57] *J. Anderson*, Modern Sports Law: A Textbook, Bloomsbury Publishing 2010, pp. 1 et seq.

[58] *J. Anderson*, Sports Law: A Concise Introduction, Edward Elgar Publishing Limited 2023, p 6.