
RESEARCH ARTICLE

Towards Equal Rights in the Global Game? FIFA's Strategy for Women's Football as a Tightly Bounded Institutional Innovation

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FIFA's recent (rhetorical) embrace of human rights prominently includes commitments to address gender discrimination and promote gender equality both on and off the pitch. What promise does FIFA's 'first-ever global strategy for women's football' hold as a means of fulfilling such commitments? A feminist institutionalist approach to this question offers insights into the bounded model of change endorsed by the Women's Football Strategy. It reveals that the Strategy's three key objectives serve as 'common carriers' for both long-standing institutional interests (in power, profit, and prestige) and newer institutional interests (in women footballers, women's football, and women in football governance). The assumption that these two sets of interests are mutually reinforcing is brought into question by exposing the ways in which FIFA's mainline institutional priorities, combined with certain structural features of football governance, blunt the reformist potential of the Women's Football Strategy. Bounded by old institutional features, the Strategy reflects a partial and incremental, rather than comprehensive and revolutionary, approach to addressing gender discrimination. FIFA's commitment to human rights therefore remains unfulfilled vis-à-vis women in football.

Keywords: International human rights law; global sport governance; gender equality and non-discrimination; feminist institutionalism; bounded innovation; FIFA; football

1 Introduction: A First for FIFA

FIFA has long touted humanitarian values and objectives, grounded in the potential of football to be a force for social good. Only very recently, however, has FIFA accepted a wholesale commitment—unique among global sport governing bodies—to respect, and to promote the protection of, all internationally recognized human rights. This turn to human rights has transformed FIFA's statutory prohibition on gender discrimination—a general and negative obligation of unspecified scope—into more specific, positive, and far-reaching commitments—preventative, promotional, and remedial. The logical next question, then, is how this rhetorical turn is to be translated into practice. That is, how does FIFA plan to implement its newly elaborated commitments to address gender discrimination and promote equality between women and men both on and off the pitch?

The primary tool developed for this purpose appears to be FIFA's 'first-ever global strategy for women's football'.¹ Therefore, in this article, I analyze the promise and the potential of this strategy in terms of effectively implementing and fulfilling FIFA's newly articulated commitments to women's equal rights. My approach to this question, inspired by feminist institutionalism, is to consider the institutional negotiation between FIFA's mainline goals and strategies, on the one hand, and its gender equality goals and strategies, on the other. Such an approach offers insights into the bounded nature of change endorsed by the Women's Football Strategy.² In particular, it reveals that the Strategy's three key objectives serve as 'common

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¹ FIFA, Media Release: 'FIFA launches first-ever global strategy for women's football' (9 October 2018) <www.fifa.com/womens-football/news/fifa-launches-first-ever-global-strategy-for-women-s-football> accessed 30 September 2019.

² FIFA, *Women's Football Strategy* (2018) <<https://resources.fifa.com/image/upload/women-s-football-strategy.pdf?cloudid=z7w21ghir8jb9tguvbcq>> accessed 30 September 2019.

carriers³ for both traditional institutional interests (in power, profit, and prestige) and new institutional interests (in women footballers, women's football, and women in football), which creates a risk that the former will 'blunt the reformist potential' of the latter.⁴ Illuminating this tension between old and new institutional objectives allows for an assessment of how far FIFA's Women's Football Strategy goes toward implementing its human rights commitments with respect to gender equality and non-discrimination.

To this end, Part II begins by briefly describing FIFA's turn to human rights and its centering of gender equality in this institutional reform and rebranding. Part III then examines FIFA's approach to addressing gender discrimination on and off the pitch, as articulated in its Women's Football Strategy. An analysis of the Strategy's key objectives reveals three pairs of institutional interests, which could be mutually reinforcing but are in fact unequally prioritized and positioned in tension with each other: (a) growing women's participation in football and/or FIFA's regulatory power; (b) enhancing the commercial value of women's football and/or FIFA's fortune; and (c) building the regulatory foundations of women's football and/or FIFA's reputation. The risk that the three latter institutional priorities in each of these pairings will take precedence, and blunt their corresponding objectives contained in the Women's Football Strategy, is shown to be exacerbated by certain structural features of football governance, namely: lack of athlete representation, centralized financial management, and political cartelization. Bounded by these old institutional priorities and structures, FIFA's Women's Football Strategy reflects a partial and incremental, rather than comprehensive and revolutionary, approach to addressing gender discrimination in football. Part IV considers the implications of these institutional constraints for the Strategy's larger goal of combatting gender discrimination worldwide *through* football. In light of these limits, Part V offers some concluding remarks on the potential of the Strategy to address gender inequality in football in accordance with FIFA's human rights commitments.

2 Human Rights and Gender Equality: The New Face of FIFA

FIFA's recent turn to human rights has quickly become central to its avowed institutional mission and identity. In the course of four years, FIFA has commissioned an independent human rights audit;⁵ amended its Statutes to include a specific commitment to respect, and to promote the protection of, all internationally recognized human rights;⁶ adopted a Human Rights Policy outlining its approach to the implementation of this commitment in accordance with the UN Guiding Principles on Business and Human Rights;⁷ established an independent Human Rights Advisory Board;⁸ and introduced new World Cup bidding requirements including demonstrated respect for human rights by host nations.⁹

These initiatives are explicitly intended to contribute to the fulfilment of FIFA's broader objectives as set forth in FIFA 2.0: The Vision for the Future.¹⁰ This institutional roadmap, published in 2016, emphasizes that 'championing' human rights is integral to the achievement of FIFA's three key objectives: to grow the game, to enhance the football experience, and, especially, to build a stronger institution. The debate has therefore moved on from whether human rights are relevant to global football governance and now 'revolves around which human rights, for whom, and how'.¹¹

In this regard, FIFA's Vision gives specific attention to women's equality rights. Along with the promotion of human rights generally, it defines 'the inclusion of girls and women and diversity in football as an integral

³ Fiona Mackay, 'Conclusion: Towards a Feminist Institutionalism?' in Mona Lena Krook & Fiona Mackay (eds), *Gender, Politics and Institutions: Towards a Feminist Institutionalism* (Palgrave Macmillan 2011) 191.

⁴ Louise Chappell, 'Nested Newness and Institutional Innovation: Expanding Gender Justice in the International Criminal Court' in Krook & Mackay (n 3) 166.

⁵ John G Ruggie, "For the Game. For the World." *FIFA and Human Rights*, Corporate Responsibility Initiative Report No 68 (Harvard Kennedy School 2016) <www.hks.harvard.edu/sites/default/files/Ruggie_humanrightsFIFA_reportApril2016.pdf> accessed 30 September 2019.

⁶ FIFA, *FIFA Statutes* (June 2019 edition) art 3 <<https://resources.fifa.com/image/upload/fifa-statutes-2019.pdf?cloudid=jhaifzb4i5eong7ju0u5>> accessed 30 September 2019.

⁷ FIFA, *FIFA's Human Rights Policy* (May 2017 edition) <https://resources.fifa.com/mm/document/affederation/footballgovernance/02/89/33/12/fifashumanrightspolicy_neutral.pdf> accessed 30 September 2019.

⁸ FIFA, Media Release: 'Independent advisory board of human rights experts to meet on 13 March' (10 March 2017) <www.fifa.com/who-we-are/news/independent-advisory-board-of-human-rights-experts-to-meet-on-13-march-2875485> accessed 30 September 2019.

⁹ FIFA, Media Release: 'FIFA publishes guide to bidding process for the 2026 FIFA World Cup' (7 November 2017) <www.fifa.com/who-we-are/news/fifa-publishes-guide-to-bidding-process-for-the-2026-fifa-world-cuptm-2916170> accessed 30 September 2019.

¹⁰ FIFA, *FIFA 2.0: The Vision for the Future* (13 October 2016) <https://resources.fifa.com/mm/document/affederation/generic/02/84/35/01/FIFA_2.0_Vision_LOW_neu.17102016_Neutral.pdf> accessed 30 September 2019.

¹¹ Barbara Keys (ed), *The Ideals of Global Sport: From Peace to Human Rights* (University of Pennsylvania Press 2019) 11.

part of FIFA's overarching vision for the future'.¹² Accordingly, it repeatedly emphasizes a bipartite commitment to the promotion of 'human rights *and* gender equality', to 'human rights *and* diversity', to 'human rights *and* women's football'.¹³ Moreover, FIFA's Human Rights Policy specifically identifies discrimination as one of the most 'salient human rights risks' in the world of football, both on and off the pitch.¹⁴ In committing to create a 'discrimination-free environment' and to address discrimination in all its forms, FIFA places 'particular emphasis on identifying and addressing differential impacts based on gender and on promoting gender equality'.¹⁵ FIFA's basic prohibition on gender discrimination has thus been reframed within, and as central to, a new and more expansive commitment to human rights.

Gender discrimination is, of course, not just a risk but a longstanding and acute reality in the world of football. Striking historical evidence abounds both on and off the pitch. To take the most basic examples in each regard, FIFA did not hold an official women's world championship until 1991 (61 years after the first men's World Cup) and did not elect a woman to its Council (formerly, Executive Committee) until 2013 (109 years after its establishment as an all-male body). Today, FIFA's financial investment in the women's World Cup amounts to just 7.6 percent of its investment in the men's World Cup¹⁶ and only six (the recently imposed statutory minimum) of the 37 FIFA Council members are women. Corresponding inequities are found at the national level in the form of pay discrimination, substandard training and competition conditions, sexual harassment and abuse, and an overall lack of support and respect for women's football,¹⁷ as well as the under-representation of women among coaches (seven percent), referees (10 percent), and executives (nine percent) across all national football associations.¹⁸ Given this longstanding institutional context, FIFA's newfound commitment to gender equality—as an inalienable human right which must be protected and promoted, and violations thereof remediated—is long overdue, and for that reason, especially remarkable.

How does FIFA purport to implement its non-discrimination commitment and address its admitted record of 'institutional neglect' of, and 'lack of investment' in, women on and off the pitch?¹⁹ Its primary implement appears to be the Women's Football Strategy, adopted to 'empower the organization to take further concrete steps to address the historic shortfalls in resources and representation, while advocating for a global stand against gender discrimination through playing football'.²⁰ To achieve this broad ambition—addressing gender inequality both in and through football—the Strategy must presumably disrupt and reorient the organizational priorities and structural features of FIFA that have thus far prevented it from doing so. As will be shown, however, the Strategy does at least as much to entrench FIFA's core institutional priorities and features as it does to disrupt them. The Strategy's promise as a means of fulfilling FIFA's human rights commitments vis-à-vis women is therefore in doubt.

3 Into the Mainstream: FIFA's Strategy for Women's Football

At the launch of the Women's Football Strategy, FIFA Secretary General Fatma Samoura proclaimed the women's game 'a top priority'.²¹ This is a revolutionary proclamation, the realization of which entails the reversal of over a century of practice focused exclusively on the men's game. The Strategy is framed, however, not as a transformative reform project but rather as a means to 'help fulfil FIFA 2.0, the organization's

¹² FIFA, *FIFA Good Practice Guide on Diversity and Anti-Discrimination* (May 2018) 30 <<https://img.fifa.com/image/upload/wg4ub76pezwcnsaoj98.pdf>> accessed 30 September 2019.

¹³ *FIFA 2.0: The Vision for the Future* (n 10) 13, 24 (author's emphasis).

¹⁴ *FIFA's Human Rights Policy* (n 7) 6.

¹⁵ *Ibid.*

¹⁶ FIFA, *FIFA Financial Report 2018* (2019) 37, 57 <<https://resources.fifa.com/image/upload/xzshsoe2aytyquuxhq0.pdf>> accessed 30 September 2019: FIFA's investment in the form of the club benefits programme and contributions to member associations (i.e. prize money and preparation money) amounted to USD 657 million for the men's 2018 World Cup and USD 50 million for the women's 2019 World Cup. Tournament costs are not included in this calculation because they are not yet available for the 2019 World Cup.

¹⁷ For links to relevant reports, see Michele Krech, 'FIFA for Women or Women for FIFA? The Inherent Tensions of FIFA's Women's Football Strategy' (*VerfassungsBlog*, 7 July 2019) <www.verfassungsblog.de/fifa-for-women-or-women-for-fifa-the-inherent-tensions-of-fifas-womens-football-strategy/> accessed 30 September 2019; Jessica Luther, 'It's Time for Women's Soccer to Break Away from FIFA' *HuffPost* (6 July 2019) <www.huffpost.com/entry/fifa-women-world-cup-equal-pay_n_5d1f9720e4b04c481413b849> accessed 30 September 2019.

¹⁸ FIFA, *Women's Football Member Associations Survey Report* (2019) <<https://img.fifa.com/image/upload/nq3ensohyxpuxovcovj0.pdf>> accessed 30 September 2019.

¹⁹ *Women's Football Strategy* (n 2) 4.

²⁰ *Ibid.*

²¹ FIFA, Media Release: 'FIFA launches first-ever global strategy for women's football' (n 1).

overall strategic roadmap'.²² That roadmap seeks to bring the women's game 'into the mainstream'.²³ Accordingly, the key objectives of the Women's Football Strategy are defined '[w]ithin the context of realising the objectives of FIFA 2.0'²⁴ and mirror them almost exactly: to grow participation in women's football, to enhance its commercial value, and to strengthen its regulatory foundations. Gender equality is thus positioned, even more directly and comprehensively than human rights generally, in service of FIFA's broader institutional goals.

This approach is somewhat characteristic of 'gender mainstreaming'—an inevitably and essentially contested process precisely because 'it is constituted in the tension between the mainstream and gender equality'.²⁵ That is, gender equality and mainstream agendas are necessarily in some degree of tension or opposition (otherwise, gender mainstreaming would be unnecessary). This opposition can be resolved in different, and differently conceptualized, ways. For instance, gender equality reforms may take an 'agenda setting' approach which transforms existing institutional processes and objectives or they may take an 'integrationist' approach which incorporates a gender perspective into, and without challenging, those processes and objectives.²⁶ In any event, some mutual accommodation or negotiation is bound to occur. An assessment of this accommodation is therefore critical to an assessment of the Women's Football Strategy, particularly its role in implementing FIFA's commitments to human rights, gender equality, and non-discrimination. Because the Strategy was launched so recently, it is too soon to do any significant empirical evaluation of this accommodation. It is not too soon, however, to identify the key tensions underlying the inevitable accommodations associated with incorporating women 'into the mainstream'. Highlighting these tensions serves to alert those with a stake in the Strategy to the opportunities, constraints, and risks before them and, further, to illuminate some outstanding gaps in, and barriers to, the implementation of FIFA's human rights commitments.

As the following subsections will illustrate, each key objective of the Women's Football Strategy is framed, and largely subsumed, by a pre-existing mainline institutional objective, namely, enhancing FIFA's global regulatory authority, financial gain, and reputational advantage. This is not to suggest that the two sets of goals cannot be complementary and mutually beneficial, but rather to highlight, as historical institutionalists do, the ways in which 'new' or partially reformed institutions continue to be 'shaped by past legacies' and by ongoing interactions with the existing norms, structures and practices in which they are 'nested'.²⁷ FIFA's Women's Football Strategy is designed not to change, but to support, the institution's overarching goals—to increase its power, profits, and prestige—thereby limiting the Strategy's scope and ambition, and creating tension between 'old' and 'new' institutional priorities. Moreover, the Strategy leaves intact some basic structural features of football governance—a lack of athlete representation, centralized financial management, and political cartelization—that make it more likely that the old/new tensions will be resolved in favor of the former, thus undermining the transformative potential of the latter.

The Women's Football Strategy is a landmark institutional reform in that it is the first such strategy ever adopted by FIFA. The remainder of this article will demonstrate, however, that the Strategy represents a 'bounded innovation' model of change, in which the boundaries between institutional reform and institutional reproduction are blurred.²⁸ The Strategy both creates new institutional norms and reproduces old ones, and the latter shape and constrain FIFA's interpretation of the former. More specifically, efforts to combat gender discrimination in football are pursued in terms of, and only insofar as they are expected to advance, other institutional interests. As a result, the Women's Football Strategy falls short of fully implementing FIFA's commitment to gender equality as a human right. Three such tensions and resultant shortcomings will now be explored in turn.

²² *Women's Football Strategy* (n 2) 2.

²³ *FIFA 2.0: The Vision for the Future* (n 10) 36.

²⁴ *Women's Football Strategy* (n 2) 5.

²⁵ Sylvia Walby, 'Gender Mainstreaming: Productive Tensions in Theory and Practice' (2005) 12:3 *Social Politics* 322, 338.

²⁶ Rounaq Jahan, *The Elusive Agenda: Mainstreaming: Women in Development* (Zed Books 1995); Teresa Rees, *Mainstreaming Equality in the European Union* (Routledge 1998); Shirin Rai (ed), *Mainstreaming Gender, Democratizing the State? Institutional Mechanisms for the Advancement of Women* (Manchester University Press 2003).

²⁷ Meryl Kenny 'Gender and Institutions of Political Recruitment: Candidate Selection in Post-Devolution Scotland' in Krook & Mackay (n 3) 40.

²⁸ Mackay (n 3) 186. See also Kathleen Thelen, 'How Institutions Evolve: Insights from Comparative Historical Analysis' in James Mahoney & Dietrich Rueschemeyer (eds), *Comparative Historical Analysis in the Social Sciences* (Cambridge University Press 2003); Kathleen Thelen, *How Institutions Evolve: The Political Economy of Skills in Germany, Britain, the United States, and Japan* (Cambridge University Press 2004).

3.1 To Grow Women's Participation—and FIFA's Regulatory Power

The first objective of FIFA's Women's Football Strategy—to grow participation—is focused on increasing the number of girls and women who take part in the sport of football, as athletes, coaches, and referees. Pathways to participation are to be created in the form of school football programs, more and higher-quality leagues, elite football academies, and coaching and refereeing training programs. Creating more opportunities for women to participate in football is generally unobjectionable; establishing all such opportunities under the regulatory control of FIFA, however, raises a concern central to any critical analysis of inclusion-based institutional reform: does the entry of those previously excluded or marginalized create a culture of resistance or a culture of assimilation—a powerful expression of these women's progress or a form of manipulation?²⁹

FIFA's Women's Football Strategy does not disguise the fact that the primary purpose of facilitating women's participation in football is to further expand FIFA's regulatory reach: 'increasing the level of female participation in football is central to the organization's ability to reach the goals and objectives outlined in FIFA 2.0',³⁰ all of which center around extending and strengthening FIFA's control of football worldwide. FIFA's potential for expansion—achieved by bringing more people in more places under its authority and enforcing upon them more rules in more detail—is severely limited if it disregards half the world's population. FIFA therefore has much to gain by bringing women and girls—who have been playing and otherwise pioneering football since before FIFA existed³¹—under its umbrella, thereby warding off regulatory competition and reinforcing its monopoly control over the game worldwide.

Stepping under FIFA's umbrella requires, however, surrendering to the 'controlling features of sport',³² which, in the case of FIFA-sanctioned football, have been developed by men for the men's game. These include not just the 'laws of the game' but also copious regulations governing players' (and others') eligibility, compensation, movement, general conduct, and discipline. It also includes a plethora of unwritten behavioral rules such that sport is traditionally understood as a cultural space for the performance of hegemonic 'masculinity'³³—a culture that 'reworks, and affirms an elitist, masculinist account of power and social order'.³⁴

Considerable academic attention has been given to the ways in which sport can both (re)produce and reform gender roles and hierarchies; sport has both controlling and liberative features.³⁵ The Women's Football Strategy does make vague promises about unleashing this liberative potential by, for example, allowing women to 'add unique dimensions to the game'.³⁶ However, if FIFA's understanding of what women have to offer the game can be gleaned from the words of its President, it is a rather narrow and patronizing one: while speaking proudly about the Women's Football Strategy at the 2019 Women's Football Convention, Gianni Infantino described the value of women's football as lying in its 'pure and innocent' quality and likened it to watching children play because you 'give them a ball and they smile'.³⁷

It is beyond the scope of this article to review all the ways in which football is gendered and re-gendered by the participation of women and by corresponding discourse such as that of FIFA's President. For present purposes, however, it is instructive to consider the position of women footballers, coaches, and referees as a sort of 'citizenship paradox': the notion of citizenship (or membership in the 'football family') is used by the governing authority (FIFA) to enact limitations and restrictions on those whom it governs, at the same time as it is used by the governed 'to articulate and theorize demands for change and to critique practices and experiences of marginalization, misrecognition and oppression'.³⁸ In other words, a condition of women's

²⁹ Jennifer Hargreaves, 'Querying Sport Feminism: Personal or Political?' in Richard Giulianotti (ed), *Sport and Modern Social Theorists* (Palgrave Macmillan 2004) 198.

³⁰ *Women's Football Strategy* (n 2) 6.

³¹ Jean Williams & Rob Hess, 'Women, Football and History: International Perspectives' (2016) 32:18 *The International Journal of the History of Sport* 2115.

³² Hargreaves (n 29) 200.

³³ Jim McKay, Michael Alan Messner & Donald Sabo (eds), *Masculinities, Gender Relations and Sport* (Sage Publications Inc 2000); Jimoh Shehu, *Gender, Sport and Development in Africa: Cross-cultural Perspectives on Patterns of Representations and Marginalization* (Conseil pour le Développement de la Recherche Economique et Sociale en Afrique 2006).

³⁴ Varda Burstyn, *The Rites of Men: Manhood, Politics, and the Culture of Sport* (University of Toronto Press 1999) 4.

³⁵ Hargreaves (n 29) 200; M Ann Hall, *Feminism and Sporting Bodies: Essays on Theory and Practice* (Human Kinetics, 1996) 34.

³⁶ *Women's Football Strategy* (n 2) 6.

³⁷ FIFATV, *FIFA Women's Football Convention Live Stream* (7 June 2019) 20:45–21:20 <<https://www.youtube.com/watch?v=pknmjq-MowwA>> accessed 30 September 2019.

³⁸ Sasha Roseneil, 'Beyond Citizenship? Feminism and the Transformation of Belonging' in Sasha Roseneil (ed) *Beyond Citizenship? Feminism and the Transformation of Belonging* (Palgrave Macmillan 2013) 1.

entry and recognized status within FIFA-sanctioned football is conformance with the rules of a deeply gendered institutional apparatus that considers them second-class citizens. Upon entry, however, there is some potential to challenge this apparatus by invoking that same status. Women have certainly succeeded in using their (relatively new) status as members of the 'football family' to create change. Otherwise, there would be no women's World Cup, nor would there be any Women's Football Strategy to speak of.

Significantly, however, player status within the football family does not come with what might be considered basic 'citizenship' rights. For instance, FIFA's governance structure does not include a mechanism to give players a voice in its decision-making. National associations, which one may expect to represent players' interests, are obliged, at risk of sanction, 'to cause their own members to comply with the Statutes, regulations, directives and decisions of FIFA bodies'.³⁹ They are therefore controlled by FIFA more than by their respective teams and players. While some retired players can be found on FIFA's standing committees, these have narrow roles and their members are appointed and subject to removal by the FIFA Council; they do not represent players' interests generally and certainly not women players' interests specifically. Moreover, players have limited legal recourse to challenge decisions made (without their input, by executives they did not elect). Football disputes are largely handled internally by designated FIFA bodies,⁴⁰ with appeals permitted exclusively to the Court of Arbitration for Sport (CAS).⁴¹ Significantly, arbitration before the CAS has been widely criticized as lacking in independence, transparency, and accessibility⁴²—concerns which are only compounded by the severe underrepresentation of women among CAS arbitrators.⁴³ The CAS has also demonstrated significant limitations when it comes to the resolution of gender discrimination claims, in part because the applicable law generally does not include international human rights law⁴⁴—although this observation has not been tested in a football dispute since FIFA adopted this body of law into its Statutes. The Women's Football Strategy does not alter these structural restrictions on political participation and legal accountability, but simply seeks to bring more women under the control of the existing opportunity structure.

In this regard, it is significant that the entity charged with developing and implementing the Strategy—FIFA's Women's Football Division—is not a decision-making or advisory body, but rather an administrative division of FIFA's General Secretariat. Like the divisions dealing with FIFA's competitions, finances, communications, etc., it carries out the operational and commercial activities required to implement the Council's vision; it does not decide on the vision itself. This positioning of the women's game within FIFA's governance structure risks rendering the pursuit of gender equality in football a low-level administrative matter rather than a politically important one. It also highlights a critical issue in feminist theory and practice: 'whether women's rights are best protected through general norms and institutions or through specific norms and bodies focusing only on women'.⁴⁵ The former runs the risk of women's concerns being submerged into what are deemed more global issues, while the latter can produce a 'women's ghetto' with less power, fewer resources, and lower priority within the institution.⁴⁶ Within FIFA, both pitfalls seem to exist simultaneously: boxing the women's game up in one low priority division has led to a work product that subsumes what is best for women's football into what is best for FIFA, as determined by the (male-dominated) Council, which has long prioritized the men's game. This formal division of powers and responsibilities within FIFA limits opportunities and strategies to make change in the interests of gender equality.

³⁹ *FIFA Statutes* (n 6) art 14(d).

⁴⁰ *Ibid* art 5(2): 'FIFA shall provide the necessary institutional means to resolve any dispute that may arise between or among member associations, confederations, clubs, officials and players'; art 52: 'The judicial bodies of FIFA are: a) the Disciplinary Committee; b) the Ethics Committee; c) the Appeal Committee'.

⁴¹ *Ibid* arts 15(f), 57–59.

⁴² Antoine Duval, 'The Rules of the Game: Three Pillars for a Reform of the Court of Arbitration for Sport: Independence, Transparency and Access to Justice' (*Play the Game*, 4 December 2015) <www.playthegame.org/news/comments/2015/019_three-pillars-for-a-reform-of-the-court-of-arbitration-for-sport-independence-transparency-and-access-to-justice/> accessed 30 September 2019.

⁴³ The most recent statistics indicate that approximately 13 percent of listed CAS arbitrators are women, and far fewer are selected to arbitrate cases. See Johan Lindholm, *The Court of Arbitration for Sport and Its Jurisprudence: An Empirical Inquiry into Lex Sportiva* (Asser Press 2019) 267: 'Only 20 of the 230 unique arbitrators that appear in the collected decisions [up to the end of 2014], or less than 9 percent, are women. However, these 20 women have overall also received a smaller share of the appointments than their male colleagues as evidenced by the fact that only 3.5 percent of all arbitrator appointments in CAS went to female arbitrators'.

⁴⁴ Michele Krech, 'The Misplaced Burdens of "Gender Equality" in Caster Semenya v IAAF: The Court of Arbitration for Sport Attempts Human Rights Adjudication' (2019) 19:3 *Sweet & Maxwell's International Sports Law Review* 66.

⁴⁵ Hilary Charlesworth & Christine Chinkin, 'The New United Nations "Gender Architecture": A Room with a View?' (2013) 17 *Max Planck Yearbook of United Nations Law* 1, 5.

⁴⁶ *Ibid*.

The Women's Football Strategy is meant to signify a break from FIFA's long history of apathy and resistance toward women's involvement in football. It is a purportedly new, more intentional, and accelerated phase of women's football development. Its objective to grow women's participation, however, sharpens the tension between a form of inclusion that 'offers women discursive tools to oppose oppressive power relations' and one that 'enmeshes them in normalizing discourses that limit their vision of who and what they can be'.⁴⁷ Simply bringing more women under the regulatory control of an institution designed to disregard or marginalize their interests, based both on their gender and their status (as player, and likewise, coach or referee), would fall far short of FIFA's commitment to create a discrimination-free environment. By allowing more women and girls to participate in the game, the Women's Football Strategy will grow the contingent of women players, coaches, and referees that are forcefully challenging gendered assumptions about football. It is unclear, however, whether these women will find any further strategic value in the Strategy once they are 'in'. Indeed, some have suggested that women would be better off taking their game elsewhere, entirely outside of FIFA control.⁴⁸ Assessment of this alternative requires consideration of the Strategy's remaining key objectives, to which I now turn.

3.2 To Enhance the Commercial Value of Women's Football—and FIFA's Fortune

The Women's Football Strategy asserts that the success of its first key objective—growing women's participation—is contingent on the success of its second: enhancing the commercial value of women's football. In particular, 'FIFA's ability to develop the [women's] game depends upon its effectiveness to commercialise' and to create 'new revenue streams' from women's competitions and events.⁴⁹ This formulation of the Strategy's second objective seems to suggest that FIFA *cannot* develop the women's game without additional funds—a strange assertion from an organization reporting revenue, from its most recent four-year cycle, of over USD 6.4 billion.⁵⁰ According to that report, 'FIFA's financial position is extremely healthy, sustainable and strong with a substantial cash base and sufficient reserves ensuring future investments in football development'.⁵¹ It would therefore be more accurate to say that FIFA *will not* grow the women's game unless it finds it (immediately) economically advantageous for it to do so.

In this regard, it is important to note that FIFA is *not (de jure if not de facto)* a for-profit corporation, but rather an association with a 'non-commercial purpose' registered under Swiss law.⁵² Accordingly, FIFA may conduct commercial operations only 'in pursuit of its objects',⁵³ which include 'to promote the development of women's football' and to ensure the game 'is resourced for all who wish to participate, regardless of gender', in accordance with the principles of non-discrimination and gender equality.⁵⁴ The fact that FIFA's financial investment in the men's World Cup is over 13 times greater than its investment in the women's World Cup,⁵⁵ as one simple example, arguably contravenes these legal parameters. It also highlights a second tension in the Women's Football Strategy: enhancing the women's game for its own sake versus for the sake of FIFA's overall profits, which continue to flow primarily into the men's game and into the pockets of the organization's male-dominated leadership.

While these two goals could potentially be mutually reinforcing, they are placed in tension by FIFA's seemingly flawed and discriminatory economic sense: the men's game has flourished financially because FIFA has aggressively marketed and invested in it over many decades.⁵⁶ When it comes to the women's game, however, FIFA takes a much more cautious and uncommitted approach,⁵⁷ which ignores that the lower revenues from the women's game are a result of—not a justification for—gender discrimination. The Women's Football Strategy does little to change this circular reasoning; gender equal investment remains contingent

⁴⁷ Hargreaves (n 29) 202.

⁴⁸ Luther (n 17).

⁴⁹ *Women's Football Strategy* (n 2) 7.

⁵⁰ *FIFA Financial Report 2018* (n 16).

⁵¹ *Ibid* 14.

⁵² Swiss Civil Code, ch 2, art 60.

⁵³ *Ibid* art 61.

⁵⁴ *FIFA Statutes* (n 6) arts 2, 3.

⁵⁵ *FIFA Financial Report 2018* (n 16).

⁵⁶ Heidrun Homburg, 'Financing World Football: A Business History of the Fédération Internationale de Football Association (FIFA)' (2008) 53 *Journal of Business History* 33.

⁵⁷ Anya Alvarez, 'I thought the main issue in women's sports was equal pay. I was wrong' *The Guardian* (US edition, 9 May 2019) <www.theguardian.com/sport/2019/may/09/i-thought-the-main-issue-in-womens-sports-was-equal-pay-i-was-wrong> accessed 30 September 2019.

on, and secondary to, FIFA's own economic gain and thus its primary source thereof, the men's World Cup. FIFA is able to maintain this position because control over global football revenue is so centralized: the revenue from FIFA events, including all men's and women's World Cups, accrues directly to FIFA, which then distributes and invests that revenue (or doesn't) according to its discretion. This structural feature of football governance makes it likely that any tension between gender equal investment and the short-term financial interests of FIFA's leadership will be resolved in favor of the latter. It is also a clear example of 'path dependency', whereby decisions made early in the life of an institution—such as to prioritize the success of the men's World Cup—have particular significance and endurance. Once such a path is chosen, its pursuit—to the exclusion of other, new paths—is 'reinforced by factors such as large set-up costs, strong learning and coordination effects, and normative processes'.⁵⁸ That is, pursuing the success of the women's World Cup, especially so long after the establishment, growth, and solidification of the men's World Cup as FIFA's 'cash cow', requires 'extra' effort—not only financial investment, but also the development of new organizational processes suitable for contemporary conditions (which are different from those during the first decades of the men's World Cup), as well as adoption and diffusion of new norms and values to underpin them.

FIFA's incremental and contingent approach to financial backing and compensation of women's football is already being challenged by some women footballers and their supporters. For instance, the #OurGoalsNow campaign, initiated by the Australian players' association, demands prize money for the women's World Cup substantively equal to that allocated by FIFA to the men's World Cup. In response, FIFA repeatedly emphasizes that progress is being made, the women's prize pool having doubled since the last World Cup. The key question is, however, whether this progress fulfills FIFA's commitments to human rights, non-discrimination, and equality. According to the Australian players' association, it does not:

[t]he failure to respect the human rights of the [women's team players] and prevent the discrimination against them whilst exacerbating the players' position of inequality through the worsening pay gap is not remedied by FIFA expressing sentiments that this is a journey that will be addressed over an indefinite term for a future group of players. Instead, FIFA is obliged to act today.⁵⁹

Despite being a 'non-profit' organization, FIFA, and its approach to women's (and men's) football, is deeply embedded in, and supportive of, the global capitalist order, resulting in a paradox embodied by the Women's Football Strategy. On the one hand, the Strategy identifies women's football as a 'vast untapped' opportunity for financial gain.⁶⁰ On the other hand, FIFA has shown itself willing to tap into this opportunity only incrementally—not supporting women's football to its fullest potential, but rather requiring women's football to support itself, and thereby FIFA. In the words of the FIFA President, 'Women's football doesn't need charity, we have to focus on ensuring that the revenues grow to ensure it grows ... and it can stand on its own'.⁶¹ Interestingly, FIFA does not consider the decades of investment in men's football to be 'charity' but rather a wise and valuable investment. One might therefore reasonably wonder how continuing to invest more in men's football than in women's football can be construed as fulfilling FIFA's non-discrimination commitments. Indeed, the opposite argument is likely more tenable: directing a larger proportion of FIFA's (financial and strategic) resources into supporting and marketing the women's game than the men's game would seem a reasonable (if not necessary) approach to overcoming the lack of investment in women that, by FIFA's own admission, has characterized its entire history.

In any event, this 'chicken or egg' (investment or revenue) paradox reflects the pitfalls of institutional policies that aim to advance gender equality without defining the meaning of this normative concept. The traditional paradigm used to assess (in)equality—discrimination based on a male comparator—may be insufficient to capture the limits placed on women's football, which arise from the broader (gendered) context of capitalism. Instead, concepts like 'undervaluation' or 'policy neglect'⁶² may be more useful for understanding commercial disparities between the men's and women's games. While the Women's Football Strategy does acknowledge that FIFA has neglected and undervalued women's football, it does not aim to equalize—in any sense of the word—the distribution of resources between the men's and women's games.

⁵⁸ Chappell (n 4) 166; Mackay (n 3) 183.

⁵⁹ Professional Footballers Australia Inc (PFA), Letter to FIFA Secretary General Fatma Samoura (16 April 2019), available at 'Our Goal is Now': Resources – Media Kit – The Legal Case <www.ourgoalsnow.com> accessed 30 September 2019.

⁶⁰ *Women's Football Strategy* (n 2) 2.

⁶¹ Brian Homewood, 'Women can help solve FIFA's problems, Infantino told' *Reuters* (Zurich, 7 March 2016) <www.reuters.com/article/us-soccer-fifa-women/women-can-help-solve-fifas-problems-infantino-told-idUSKCNOW9243> accessed 30 September 2019.

⁶² Charlesworth & Chinkin (n 45) 59.

One additional insight into FIFA's financial approach to women's football can be gleaned from the tactics for developing a 'women's commercial program' described in the Women's Football Strategy.⁶³ These include redesigning the ticketing model to integrate the 'family aspect' of the women's game,⁶⁴ which presumably refers to the attendance of women and children as fans at women's football matches. Underlying this tactic is implicit recognition of the hazardous (and frequently sexist, racist, homophobic, islamophobic, and anti-semitic) behavior commonly (but not exclusively) exhibited by male fans at men's football matches.⁶⁵ FIFA's Women's Football Strategy does not address, however, the ways in which discrimination is manifested in the men's game. Rather, it economizes the assumed 'purity' of the women's game by framing moral concerns—such as non-discrimination and family-friendliness—from *within* the instrumental rationality of capitalist markets'.⁶⁶ That is, FIFA does not treat human rights and gender equality as external forces bearing on its product (football) but rather distributes them as commodities, and thus only insofar as they increase profitability. This approach also disregards the feminist truism that gender is not synonymous with women, but rather is a relational concept: gender equality requires transforming hegemonic conceptions of masculinity as much as femininity and addressing the presumed hierarchy between them. Accordingly, gender equality in football requires changing the men's game as much as the women's game. The Women's Football Strategy, however, is limited to the latter.

This limitation, along with the Strategy's commercial focus, corresponds with the specific mandate of its creator, the Women's Football Division: to develop and commercialize the women's game. The Division is mandated to make women's football a more valuable source of income for FIFA, not to reform FIFA in accordance with its human rights commitments. The Strategy does not, therefore, challenge the logic of 'football capitalism', which some suggest is the main source of the problems, including inequality, that beset football.⁶⁷ While the Strategy acknowledges that women's football 'is both in rude health and in need of fundamental change',⁶⁸ it ignores that this is the inevitable consequence of FIFA's longstanding institutional objectives and structures, which remain largely unchanged. The Women's Football Strategy shines a light on the gender inequality that football, under the auspices of FIFA, has long served to normalize. It does not, however, change FIFA's prioritization of (short-term) commercial gain over all else. So far, FIFA has shown itself willing to combat gender discrimination only insofar as it supports this priority, either directly from the revenues of women's football, as described above, or indirectly by strengthening FIFA's global reputation, as will now be discussed.

3.3 To Build the Regulatory Foundations of Women's Football—and FIFA's Reputation

The third and final key objective of FIFA's Women's Football Strategy is to 'build upon the current foundations to effectively govern and regulate a more sophisticated women's football ecosystem', by, among other things, including more women in the 'upper ranks' of governance.⁶⁹ There is a clear risk, however, in building upon, and incorporating women into, regulatory foundations that have long supported political cartelization and an extraordinary level of associated corruption.⁷⁰ Why should women seek to be part of such an institution and what is their involvement in its governing ranks meant to achieve? For one, according to the Strategy, more women in leadership means the interests of women will be better represented in FIFA's decision-making: '[t]he long-standing lack of women in positions of responsibility in the football community means there have been limited voices to advocate for change'.⁷¹ This is a clear admission that FIFA's male leaders have proven unable and/or unwilling to use their voices to advocate for institutional developments in the interests of women.

⁶³ *Women's Football Strategy* (n 2) 15.

⁶⁴ *Ibid.*

⁶⁵ For links to relevant reports, see Krech, 'FIFA for Women or Women for FIFA? The Inherent Tensions of FIFA's Women's Football Strategy' (n 17).

⁶⁶ Ronen Shamir, 'The Age of Responsibilization: On Market-Embedded Morality' (2008) 37:1 *Economy and Society* 1, 3.

⁶⁷ Tim Walters, "'Another World (Cup) Is Possible!': Twenty Theses About Modern Football' in Brenda Elsey & Stanislaw G Pugliese (eds), *Football and the Boundaries of History: Critical Studies in Soccer* (Palgrave Macmillan 2017) 326–327.

⁶⁸ *Women's Football Strategy* (n 2) 4.

⁶⁹ *Ibid.* 8.

⁷⁰ See e.g. Bruce W Bean, 'FIFA – Where Crime Pays' in Markus Breuer & David Forrest (eds), *The Palgrave Handbook on the Economics of Manipulation in Sport* (Palgrave Macmillan 2018); Alan Tomlinson, 'Global Sports Governance and Politics: Learning from the FIFA Story' in Joseph Maguire, Mark Faloutsos & Katie Liston (eds), *The Business and Culture of Sports: Society, Politics, Economy, Environment* (Macmillan Reference USA 2019).

⁷¹ *Women's Football Strategy* (n 2) 4.

The Women's Football Strategy does not, however, overturn the overwhelming majority power of the group of men who have long dominated FIFA's leadership. Rather, it simply sets conservative goals for the composition of national football associations, requiring that by 2026, each of their executive committees have at least *one* woman and *one* seat dedicated to representing women's interests (which apparently may be one and the same).⁷² The underlying assumption is that the rest of the seats will be filled by men representing men's interests. With respect to FIFA's own organizational structure, the Strategy leaves in place the male-dominated composition of FIFA's Council: 31 men and six women. It commits only to ensuring that women represent one-third of the members of its standing committees,⁷³ which are advisory rather decision-making in their function.

Such conservative goals seem to blatantly ignore FIFA's statutory commitment to promote the 'full participation' of women at all levels of football governance.⁷⁴ They also do not meet the minimum standards found to be necessary to transform gender relations in sport governing bodies, which include not only the presence of women on boards, but also their occupation of an equal number of influential positions as well as active cooperation between women and men on the board.⁷⁵ The limited impact of quotas that simply add a small number of women to a board, without any further action, can be further understood using the tripartite conceptualization of 'engendered' governance offered by Ratna Sudarshan: numbers, process, and agenda.⁷⁶

With respect to numbers, the Women's Football Strategy does not aim for (anywhere near) equal numbers of men and women in leadership, and the number of women on the FIFA Council has never exceeded FIFA's minimal quota of one woman per regional confederation. This is at least in part because the FIFA electorate remains overwhelmingly composed of (many of the same) men, who are part of longstanding institutional networks and voting blocs. Even in such small numbers, the presence of women may change certain 'organisational dynamics'.⁷⁷ Perhaps this is what the FIFA President was alluding to at the inaugural Women's Football Convention in 2019 when he described the value of women's participation in leadership as changing the 'heated' and 'ugly' atmosphere created by an all-male boardroom:

[y]ou put one woman [in], it changes immediately. You can have 50 men, you put one woman in the room, it changes completely the atmosphere. Everyone is more polite, everyone is smiling a little bit more, everyone wants to be nice ... Involve women in whatever you do, and you will be happy because everyone has a smile when a woman is in the room. It's automatic, it's normal.⁷⁸

This is not only an extremely narrow and stereotyped view of women's possible contributions to decision-making, but also overlooks the need to change the process and substantive agenda of decision-making if gender equality is to be meaningfully advanced. Sudarshan warns that without 'sensitivity' of decision-making processes to gender concerns, the participation of women may be 'nominal and half-hearted'.⁷⁹ In the case of FIFA, this may result from blocs of the male electorate voting for women whom they deem most amenable to their interests, such as kin or women without either knowledge of or interest in football.⁸⁰ This can of course occur with respect to the election of people of all genders, but the risk may be greater where electors feel 'forced' to vote for someone outside of their trusted network. Women elected in this way arrive at the decision-making table captured and/or apathetic. Alternatively, an elected woman who seeks to act autonomously and/or in women's interests may face numerous other challenges. In particular, her influence may be limited by her status as a new and minoritized member of a group already organized according to longstanding institutional alliances (corrupt or not). In this case, she faces a choice between joining an existing alliance (none of which prioritize gender equality) or remaining an outcast: '[t]hus the cost of conformity is resignation, while the cost of resistance is disintegration'.⁸¹

⁷² Ibid 16.

⁷³ Ibid.

⁷⁴ *FIFA Statutes* (n 6) art 2(f).

⁷⁵ Johanna A Adriaanse & Toni Schofield, 'Analysing Gender Dynamics in Sport governance: A New Regimes-Based Approach' (2013) 16 *Sport Management Review* 498.

⁷⁶ Ratna M Sudarshan, 'Engendering Governance: A Preliminary Inquiry into Formal and Informal Institutions' in Smita Mishra Panda (ed), *Engendering Governance Institutions: State, Market and Civil Society* (Sage Publications 2008).

⁷⁷ Ibid 250.

⁷⁸ *FIFA Women's Football Convention Live Stream* (n 37) 4:01:20–4:02:20.

⁷⁹ Sudarshan (n 76) 250.

⁸⁰ Phillip Bupp, 'Moya Dodd not being re-elected to FIFA Council shows they just want women to be seen and not heard' *The Comeback* (8 May 2017) <www.thecomeback.com/soccer/moya-dodd-not-elected-to-fifa-council.html> accessed 30 September 2019.

⁸¹ Kathy E Ferguson, *The Feminist Case Against Bureaucracy* (Temple University Press 1984) 92.

Tokenization, exclusion, and resignation all pose serious challenges to the third characteristic of 'engendered' governance: the ability to substantively change FIFA's agenda by making a wider range of issues and concerns part of regular debate and decision-making. As Sudarshan explains:

[q]uite apart from the individual qualities of the women [in newly acquired positions of leadership] is the question of how far the structure itself is amenable to change, how deeply entrenched systems of corruption are, and how much space there is to introduce new items on the policy agenda.⁸²

While the Women's Football Strategy does—for the first time—formally put women's football on FIFA's agenda, it does not address these other critical factors of change. Instead, FIFA is satisfied with a 'one woman' approach to representation on both the executive committees of its national member associations and on its own Council (i.e. one woman from each confederation). Notably, at the 2019 Women's Football Convention, President Infantino proudly proclaimed that his appointment of Fatma Samoura represents the first time that the FIFA Secretary General has not been a man from one of a few European countries.⁸³ While certainly true, this declaration disregards that Secretary General Samoura is directly accountable to, and may be dismissed by, a man from one of those few European countries: Infantino himself (with the agreement of his Council).⁸⁴ In other words, while women are now invited into roles that administratively support and implement the decisions of FIFA's legislative and strategic oversight bodies (Congress and Council), women remain largely absent from these latter, more powerful, bodies. The Women's Football Strategy does not change this institutional arrangement. It leaves the bulk of decision-making power in the hands of those who have long had the most institutional power, but the least will, to make change to address gender discrimination.

Nonetheless, FIFA's Women's Football Strategy seems to foresee that bringing just a few more women into positions of leadership will help protect the 'integrity' of football,⁸⁵ which seems to imply curbing corruption—or at least recovering FIFA's tainted reputation in this regard. Perhaps (and equally, perhaps not) female leaders are generally less corrupt in comparison to their male counterparts, whether by virtue of their gender, their newness to the institution, or their contribution to gender balance within the organization.⁸⁶ Regardless, corruption is not just an individual problem, but an institutionalized one, and there is little indication that FIFA has corrected its institutional defects in this regard. Rather, for example, FIFA recently introduced anti-defamation provisions into its Code of Ethics which forbid FIFA officials from 'making any public statements of a defamatory nature towards FIFA and/or towards any other person bound by this code in the context of FIFA events'.⁸⁷ It has been suggested that this provision will have a chilling effect on critics.⁸⁸ It is therefore likely to have the greatest repressive effect on those with the least power to effect change within FIFA, which, as described above, are women and others outside the organization's established (and often corrupt) networks and cartels.

In such circumstances, the few women allowed into FIFA's inner circle are both formally and informally discouraged from speaking out against gender discrimination and against corruption, which may disproportionately hurt women's football programs which are already under-funded and/or under-valued.⁸⁹ Such discouragement foreseeably extends to the reporting of sexual harassment and abuse, which attracts no specific mention in the Women's Football Strategy. This oversight is particularly significant given the highly unequal and gendered power relations that exist in football both on and off the pitch. Among numerous other examples, a (male) FIFA Vice President recently came under investigation for sexual harassment and abuse against both (female) colleagues and players.⁹⁰ So, while select women may directly benefit from the

⁸² Sudarshan (n 76) 251.

⁸³ *FIFA Women's Football Convention Live Stream* (n 37) 25:05–26:25.

⁸⁴ *FIFA Statutes* (n 6) art 34(5).

⁸⁵ *Women's Football Strategy* (n 2) 8.

⁸⁶ Ranjana Mukherjee & Omer Gokcekus, 'Gender and Corruption in the Public Sector' in Transparency International, *Global Corruption Report 2004: Political Corruption* (Pluto Press 2004) 280.

⁸⁷ FIFA, *FIFA Code of Ethics* (2019 edition) art 22 <<https://resources.fifa.com/image/upload/fifa-code-of-ethics-2019-version.pdf?cloudid=la3f5yqsox5cns9oypkg>> accessed 30 September 2019.

⁸⁸ Rob Harris, 'Keep bribes quiet for 10 years, FIFA won't punish you' *Associated Press* (London, 13 August 2018) <www.apnews.com/d165d80179aa4117a260a1a5e65eafb6/Keep-bribes-quiet-for-10-years,-FIFA-won't-punish-you> accessed 30 September 2019.

⁸⁹ See e.g. Jeff Kassouf, 'Puerto Rico women demand financial transparency, better treatment from federation' *The Equalizer* (10 September 2018) <www.equalizersoccer.com/2018/09/10/puerto-rico-womens-soccer-demanding-financial-transparency-better-treatment-from-federation/> accessed 30 September 2019.

⁹⁰ Tariq Panja, 'A #MeToo Wave Hits Global Soccer as the Women's World Cup Begins' *New York Times* (Paris, 7 June 2019) <www.nytimes.com/2019/06/07/sports/metoo-soccer-sexual-harassment.html> accessed 30 September 2019.

Strategy's goal to diversify its leadership, it is far from clear that these women will have any real decision-making power, let alone the willingness or ability to exercise it in the interests of gender equality. Rather than ensuring 'clear pathways' for women to govern the game, as it purports to do,⁹¹ the Strategy invites just a few into a governance structure that remains tightly controlled by an insular group of men.

Despite keeping women on the margins of leadership, the Women's Football Strategy seems to rely on their presence to either fix FIFA's regulatory failures or to serve as a gloss over such failures—an unreasonable burden or a cover for continued discrimination and corruption. There is therefore reason to be skeptical of FIFA's strategy to apply 'more regulatory strength' to women's football⁹² while relying on a handful of women in leadership, and little else, to ensure this increasing regulatory strength is not used to reproduce institutional corruption and discrimination. Staffing a corrupt and oppressive institution with women ensures only that they will share an 'equal' role in perpetuating these practices,⁹³ in violation of FIFA's human rights commitments.

4 A Global Stand Against Gender Discrimination: Promise or Publicity?

Three fundamental tensions embodied in FIFA's Women's Football Strategy have now been identified: between the inclusion and the assimilation of women footballers; between investment in and exploitation of the women's game; and between the representation and the tokenization of women in FIFA's leadership. Each of these, in conjunction with a related structural feature of football governance—lack of athlete representation, centralized financial management, and political cartelization—points to a serious constraint on the reformist potential of the Women's Football Strategy. The model of change expressed in the Strategy is therefore shown to be a tightly bounded one, which maintains and further entrenches certain institutional priorities and structures that limit the interpretation and the pursuit of gender equality in football.

To further illustrate the combined significance of these limits, it is worth considering them in light of the Women's Football Strategy's meta-goal: 'advocating for a global stand against gender discrimination through playing football'.⁹⁴ The underlying assumption here is that the three key objectives of the Strategy, which mirror those of FIFA's overall institutional Vision, exist in mutually beneficial relationship with this broader normative goal. To advance gender equality *through* football, the Strategy aims to 'educate and empower' women and girls around the world and to 'communicate and commercialise' this social impact.⁹⁵

In terms of education and empowerment, the Strategy indicates that FIFA will '[l]everage the power of FIFA competitions and events to address specific social issues faced by women and girls', such as 'health, empowerment, equality'.⁹⁶ FIFA will do so by bringing a focus to these issues at its competitions and events and by working with host countries and regional NGOs to develop 'social impact projects that highlight football's power as a vehicle to improve the lives of those who play the game'.⁹⁷ In terms of communication and commercialization, the Strategy indicates that FIFA will give greater exposure to female athletes as role models and will identify and train 'ambassadors to raise the profile of women's football and advocate for access, equal opportunities, health benefits and positive societal change through the game'.⁹⁸

These tactics reflect the Strategy's close linkage of commercial and social goals. The marketing of the women's game is designed to achieve both—to harness the 'full commercial potential and social impact' of women's football.⁹⁹ In other words, increasing and showcasing the 'commercial power' of the women's game¹⁰⁰ is expected to 'positively impact the lives of women and girls around the world'.¹⁰¹ The pursuit of this meta-goal embodies three fundamental tensions that echo those discussed above. First, the Women's Football Strategy does not specify whether both women's *and* men's competitions will be used to highlight and address gender discrimination; is it only the women's game that will stand for equality? Second, the Strategy does not specify the extent to which its social impact projects will be funded by redistributing resources; is such funding dependent primarily on the revenues generated by the women's game? Third,

⁹¹ *Women's Football Strategy* (n 2) 10.

⁹² *Ibid* 17.

⁹³ Ferguson (n 81) 122.

⁹⁴ *Women's Football Strategy* (n 2) 4.

⁹⁵ *Ibid* 14, 18.

⁹⁶ *Ibid* 18.

⁹⁷ *Ibid* 19.

⁹⁸ *Ibid* 14.

⁹⁹ *Ibid*.

¹⁰⁰ *Ibid* 15.

¹⁰¹ *Ibid* 18.

the Strategy does not specify how male players will support the female players selected to serve as ambassadors; will this work be solely the responsibility of women? These questions go unanswered in the Women's Football Strategy, and so only time will tell how much FIFA's actions will align with its marketing messages in this regard. It is reasonable to have women *in* football do the work of empowering girls and women around the world *through* football, so long as FIFA puts its institutional power, profits, and prestige—which the Women's Football Strategy promises to increase—fully behind these women.

Rhetoric about the social good provided by football is nothing new. FIFA has a long history of associating itself with positive social movements 'with an eye toward countering corruption scandals and the taint of mammoth commercialism'.¹⁰² What *is* new is FIFA's wholesale commitment to human rights, which makes addressing gender discrimination a matter of legal obligation rather than strategic discretion. Barbara Keys warns, however, that as sports organizations like FIFA become susceptible to pressure from human rights and women's organizations, so too do they become 'increasingly savvy about the benefits of coopting rather than resisting these forces'.¹⁰³ The preceding analysis identifies some of the most critical ways in which the Women's Football Strategy serves this coopting function and thereby exhibits a common tendency of international institutions: to tame feminist ideas as they are translated into institutional agendas.¹⁰⁴

5 Conclusion: FIFA First

In the oft-repeated words of its current President, 'FIFA's main purpose is—and must be—to promote football'.¹⁰⁵ The promotion of football in this sense is clearly tied to, if not synonymous with, the promotion of the 'guardian of the game': FIFA, or more precisely, the regulatory, commercial, and reputational assets of the institution and its leadership. Without wholly criticizing these institutional objectives *per se*, I have sought to illustrate the specific ways in which FIFA's interpretation and pursuit of these mainline objectives undermines its commitments to gender equality and non-discrimination. The objectives of the Women's Football Strategy not only serve as 'common carriers' for both these sets of interests, but also establish a clear hierarchy between them: new efforts to address gender discrimination both in and through football are placed in service of longstanding efforts to further consolidate power, profits, and prestige among a select group of men. Gender equality is not the goal. Moreover, the reformist potential of the Women's Football Strategy is further blunted by the enduring structure of football governance, in which athletes' voices are not represented, financial control is centralized at the very top, and power is cartelizeed outside the reach of dissidents and newcomers.

Drawing on (historical and feminist) institutionalism, I have sought to 'inject more structure at the "front end" of the analysis of institutional change and development'¹⁰⁶ by identifying how the core structural features and policy priorities of FIFA limit possibilities for change in accordance with its recent rhetorical embrace of human rights. The Women's Football Strategy, in particular, has been shown to embody a partial and incremental model of change that falls far short of FIFA's commitment 'to create a discrimination-free environment within its organisation and throughout all of its activities'.¹⁰⁷ Perhaps the Strategy was not really designed for this purpose—it only articulates an explicit intention to combat discrimination and promote equality *through* football, not *in* football and FIFA itself—but nowhere else does FIFA set out a plan for 'identifying and addressing differential impacts based on gender and [for] promoting gender equality' on and off the football pitch,¹⁰⁸ as promised in its Human Rights Policy. In any event, the Women's Football Strategy exemplifies a 'tinkering and muddle through approach' to reform¹⁰⁹ as opposed to the more major and fundamental institutional shift required if FIFA is to meet its human rights commitments.

¹⁰² Keys (n 11) 5–6.

¹⁰³ *Ibid* 218–219.

¹⁰⁴ Charlesworth & Chinkin (n 45) 5.

¹⁰⁵ *FIFA Guide to the Bidding Process for the 2026 FIFA World Cup* (n 9); see also the emphasis by President Infantino and Secretary General Samoura on FIFA's 'football centric' approach in *FIFA 2.0: The Vision for the Future* (n 10).

¹⁰⁶ Fiona Mackay, Meryl Kenny & Louise Chappell, 'New Institutionalism Through a Gender Lens: Towards a Feminist Institutionalism?' (2010) 31:5 *International Political Science Review* 573, 578, citing Thelen, 'How Institutions Evolve: Insights from Comparative Historical Analysis' (n 28) 213.

¹⁰⁷ *FIFA's Human Rights Policy* (n 7) 6.

¹⁰⁸ *Ibid*.

¹⁰⁹ Charlesworth & Chinkin (n 45) 21, citing Report of the Joint Inspection Unit (Doris Bertrand): *Some Measures to Improve Overall Performance of the United Nations System at the Country Level – Part I: A Short History of United Nations Reform in Development* (Doc JIU/Rep/2005/2 Part I, 2005).

While highlighting structural limitations, (feminist) institutionalist thought also recommends injecting agency into the back end of any analysis of institutional change by ‘emphasizing the ways in which institutions operate not just as constraints but also as strategic resources for actors through dynamic processes of daily contestation’.¹¹⁰ Women footballers and their allies are, in fact, already demonstrating such strategic agency by basing their calls for change on FIFA’s institutional priorities and commitments, both old and new. For instance, the aforementioned #OurGoalsNow campaign makes out both the (traditional) business case and the (novel) legal case for equal World Cup prize money, citing the commercial opportunity that women’s football offers FIFA as well as FIFA’s revised statutory commitments to human rights and gender equality.¹¹¹

Further potential for such strategic agency can be expected to develop from the implementation of the Women’s Football Strategy insofar as it facilitates the entry of more women and/or advocates for gender equality into football, both on and off the pitch. Although football’s institutional environment will shape and constrain the political conduct of these individuals by ‘defining the parameters of what action is possible and intelligible’, feminist institutionalist scholars remind us that institutions, such as football and FIFA, are themselves ‘constituted by these embodied social practices of “doing gender” on a daily basis’.¹¹² In other words, there is a reciprocal relationship between ‘gendered institutional architects, gendered institutionalized subjects and gendered institutional environments’.¹¹³ If women (and different men) come to represent a greater proportion of FIFA’s institutional architects (e.g. Council members) and subjects (e.g. players, coaches, officials), the institutional environment may slowly be re-gendered. As explained above, however, the mere presence of women (and other new actors) in these spaces does not automatically transform them into gender-equal or discrimination-free environments. Moreover, the responsibility for the protection and promotion of gender equality cannot lie solely, or even primarily, with new entrants to the institution. Indeed, if women (and men) have to fight for every incremental step towards equal rights upon entry into the ‘football family’, then FIFA cannot be said to be fulfilling its commitments in this regard. So long as its structures and priorities sustain institutionalized gender discrimination, rather than actively and unconditionally promoting gender equality, FIFA will remain in contravention of its human rights commitments.

In conclusion, the Women’s Football Strategy is an example of tightly bounded institutional innovation, which does not fundamentally transform FIFA and its institutional priorities. Its contribution to the elimination of gender discrimination in football is therefore dependent on strategic actors—both inside and outside FIFA—vigilantly monitoring the implementation of the Strategy and taking advantage of its incremental advances to press for further change. In the meantime, FIFA’s human rights commitments remain unfulfilled. The recent adoption of such obligations and of the Women’s Football Strategy are notable firsts for FIFA, but FIFA still comes first.

Competing Interests

The author has no competing interests to declare.

¹¹⁰ Mackay, Kenny & Chappell (n 106) 578, citing Thelen, ‘How Institutions Evolve: Insights from Comparative Historical Analysis’ (n 28) 213.

¹¹¹ ‘Our Goal is Now’ (n 59).

¹¹² Mona Lena Krook & Fiona Mackay, ‘Introduction: Gender, Politics, and Institutions’ in Krook & Mackay (n 3) 7, citing RW Connell, *Gender and Power: Society, the Person, and Sexual Politics* (Polity Press 1987); RW Connell, *Gender* (Polity Press 2002).

¹¹³ Mackay, Kenny & Chappell (n 106) 579, citing Colin Hay & Daniel Wincott, ‘Structure, Agency and Historical Institutionalism’ (1998) 46:5 *Political Studies* 951, 955.

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