Legalizing the Emerging: A Policy Discourse Analysis on the Legalization of Mixed Martial Arts

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Sport businesses, like businesses in other sectors of the economy, are affected in both positive and negative ways by the decisions of government (Chalip, 1995, 1996; Sam, 2003). For that reason, businesses must learn to work with government to maximize the benefits they obtain, and to minimize any potential negative impacts that might be consequent on government action (Mack, 2001). Sports continue to lobby governments on an array of matters having to do with their capacity to do business. This has been particularly true for mixed martial arts (MMA) in the United States, as some states have disallowed the sport on the grounds that it is too violent, while others have felt that the sport is not sufficiently significant to warrant legislative attention. In the latter case, the sport is unable to operate major sanctioned contests because the dominant organization seeking to govern the sport, the Ultimate Fighting Championships (UFC), will not bring events to states where the sport is not legislatively approved. Currently, the UFC is valued at over $1 billion and captures 90% of the sport’s revenues (Miller, 2008). It is actively seeking to have the sport legislatively approved by each state.

The challenge for the UFC is comparable to that faced by other sport organizations. First, it must capture the attention of policymakers in order for enabling legislation to be proposed and to wend its way through the state legislature. The vast majority of policy issues never make it onto legislative agendas, and sport faces a particular challenge in this regard because it is typically viewed as less pressing than matters which voters view as more vital, such as education, the environment, and social services (cf. Kingdon, 1995). Second, once it is on the legislative agenda, it must make a strong case for its relevancy and value to the public if it is provided the legislative support that it desires (Baumgartner et al., 2009). In many instances legislatures will borrow from one another as a policy concern matures – a matter that has been shown to apply particularly to policymaking for sport (Green, 2004).

The discourse from three state legislatures that have considered MMA in sequence is analyzed here, enabling a look at differences, commonalities, and evolution of the policy discourse: Texas (approved MMA in 2005), Tennessee (approved MMA in 2008), and Maine (approved MMA in 2009). Data consist of committee hearings, floor debates, submissions to legislative committees, and reports from legislative committees. Data were analyzed using narrative (Roe, 1994) and interpretive (Yanow, 2000) methods for policy analysis. These methods have been shown to be particularly useful for analysis of sport policy (Chalip, 1995, 1996).

The policy discourse in Texas, which was one of the earliest states to approve MMA, did not make reference to legislative work in any other state. In fact, Texas was the only state of the three analyzed here that did not consider the unique aspects of the sport. Rather, MMA came onto the legislative agenda by linking to the state’s update of its boxing codes. The update of boxing codes and, by extension, legislatively approving MMA was legitimized in economic terms, as Texas sought to become more competitive with California, which at the time was the only state to host more boxing events. Although the legislation would outlaw Toughman competitions, which were deemed to be too violent and therefore unsafe, MMA was simply lumped with other less established martial arts, which were also included in the bill. There was no specific discussion about MMA, perhaps because the sport and the UFC had not yet emerged in the United States at the time. Thus, MMA successfully obtained legislative approval in Texas by linking itself to legislation aimed at a different martial art, and that was legitimized on economic development grounds.

By the time that Tennessee began its deliberations, the UFC had grown considerably, and other state legislatures had considered MMA specifically. Throughout the policy discourse there were numerous references to the creation and implementation of MMA legislation around the country, which helped to justify legislative attention in Tennessee. As in Texas, the Tennessee legislation was legitimized on economic grounds as several prominent boxing events had been hosted in recent years, but it was claimed that the state lacked the organizational structure to collect event revenues effectively. As in Texas, legislative approval was therefore linked to the concern to capitalize on boxing. However, whereas Texas saw the problem as one of enabling rules, Tennessee saw the problem as one of institutional oversight, so the legislation was tied to creation of the Tennessee Athletic Commission. So, MMA
approval had again been obtained through linkage to boxing’s perceived role in the economy, but was handled differently by Tennessee than Texas because the policy problem was defined differently (regulatory rules in Texas vs. institutional capacity in Tennessee).

Maine had previously dissolved its state athletic commission due to budget constraints in a challenging economic environment and the decline of revenue from boxing. MMA, however, was viewed as a sport that could replace boxing, and that would have sufficient economic impact to offset the costs of regulation. Legislators made frequent reference to other states’ legislative efforts and the benefits that were expected to accrue to those states. Nevertheless, there was by now more specific discussion about the violence of MMA and the consequent health impacts on fighters. Thus, MMA was still linked to boxing, but was now considered a viable economic substitute in its own right. This was new, and MMA was consequently the specific focus of legislation. The direct focus on MMA elevated the number and intensity of the expressed concerns from interested stakeholders regarding the sport’s level of violence. Nevertheless, assertions about MMA’s economic value outweighed those concerns.

These findings demonstrate that state legislatures borrow legitimizing rhetoric from one another when considering sport legislation. Economic benefit seems to be particularly persuasive. Nevertheless, policy outcomes vary depending on the attributions for the economic problem to be solved. Further, the policy discourse evolves and becomes more focused as the sport policy concern matures in its movement from state-to-state. These findings suggest means by which sport organizations can lobby effectively at state level, including means to leverage previous legislative victories, even if those were in other states.