

Southeastern U.S. CrossFit Coaches' Legal Consciousness Regarding COVID-19 Restrictions

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This study investigated the legal consciousness of CrossFit coaches in Georgia and Florida, in the United States, regarding government-mandated COVID-19 restrictions. Legal consciousness can create a framework that allows us to understand how coaches' behaviors may be consistent with, or different from, those that the law predicts. The researcher conducted 20 semi-structured interviews with a diverse sample. The uncompensated interviews lasted from 15 to 45 minutes and asked for the coaches' thoughts on restrictions placed on gyms due to the pandemic. Utilizing this socio-legal theory as a lens, the study primarily found conformity to the law. However, there were examples of engagement with and resistance to the law. Coaches' legal consciousness varied by ownership status, race, age, and political views. The findings support the idea that people make connections from their past experiences to shape their understanding of the law. This inter-disciplinary study contributes to the scant literature on legal consciousness applied to a sport and recreation context.

Keywords: CrossFit, legal consciousness, COVID-19 restrictions, qualitative methods, socio-legal theory, coaches

Introduction

The COVID-19 pandemic is a massive global health crisis that has adversely affected many facets of society and everyday life. One of the industries most affected was the health and fitness industry (Scott, 2020). Governmental imposed lockdowns have been one of the widely used measures across the world to stop the rapid spread of this highly contagious virus (Kaur et al., 2020). In the first

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months of the coronavirus outbreak, most public health leaders advised closing gyms and fitness centers, branding them as high-risk venues for infection, akin to bars and nightclubs (Stone, 2020). States began mandating gym and fitness center closures in mid-March 2020 and by April 6, 48 out of 50 states had forced gyms to shutter (Davalos, 2021). The closure of gyms and fitness centers forced many people to stay at home, hampering their fitness activities (Kaur et al., 2020).

CrossFit, representative of the fitness industry, endured significant and lingering financial impacts due to COVID-19 restrictions (Yinger, 2021). CrossFit, both a physical fitness regimen and a company, emphasizes constantly varied, functional movements performed at high intensities (Glassman, 2004). CrossFit exercise classes consist of groups of individuals led by a coach, usually performed in large open spaces, often located inside industrial facilities (Maslic, 2019). In the last few years, CrossFit renewed its focus on combatting chronic disease by launching CrossFit Health and offering training workshops to physicians (Belluz, 2018). The COVID-19 restrictions that impacted CrossFit gyms provide an opportunity to explore fitness coaches' legal consciousness.

Foundational scholars have proposed varying definitions of legal consciousness (Ewick & Silbey, 1998; Merry, 1990; Nielsen, 2000; Sarat, 1990). Legal consciousness is a socio-legal theory that was developed in the 1980s and 1990s (Harding, 2006) to address how the law sustains its institutional power (Silbey, 2009) despite a persistent gap between the law on the books and the law in action (DeMartini et al., 2021; Silbey, 2005). Legal consciousness describes the ways people perceive and interact with the law (Augustine, 2019; Ewick & Silbey, 1998). Individuals may operate within the law, against the law, or outside the rule of law (Augustine, 2019).

Legal consciousness examines the contextual considerations in which organizations, social networks, working relationships, and informal interactions influence the behavior of individuals (DeMartini et al., 2021). As such, legal consciousness can create a framework for CrossFit coaches' understanding and responses to COVID-19 restrictions. Restrictions included governmental mandates, governmental recommendations, and organization policies affecting CrossFit gyms' operations. The theory helps us understand how coaches' behaviors may be consistent with, or different from, those that the law predicts (DeMartini et al., 2021).

Background

Lockdown measures and access to gyms and fitness center facilities varied significantly between U.S. states (Huebner et al., 2021). Due to the COVID-19 virus, on March 20, 2020, Florida Governor Ron DeSantis signed an executive



order that closed gyms and fitness centers that were not part of hotels and had capacities of less than 10 people, or those located in residential buildings or single-occupancy office buildings (Fla. Exec. Order No. 20-71, March 20, 2020). In Georgia, Governor Brian Kemp limited gatherings to 10 socially distanced people on March 23, 2020 (Ga. Exec. Order No. 03.23.20.01, March 23, 2020) and decreed a stay-at-home order on April 2, 2020 (Ga. Exec. Order No., 04.02.20.01, April 2, 2020) that specifically mandated gyms and fitness centers cease in-person operations and close to the public.

Fitness industry representatives argued that governments' decisions to close sports and recreation facilities were not supported by scientific research and gyms and fitness centers should be classified as part of the health and prevention sector rather than the entertainment sector (Piotrowski & Piotrowska, 2021). They requested the fitness industry be allowed to function more freely during the pandemic because of the beneficial effects of exercise on physical and mental health (Community gym coalition, n.d.; Piotrowski & Piotrowska, 2021; Scott, 2020). The International Health, Racquet and Sportsclub Association (IHRSA), which represents thousands of fitness facilities worldwide, employed lobbyists at both the state and federal levels and encouraged cooperation among various segments of the fitness industry to form alliances (Scott, 2020). IHRSA produced reports to help to push governments toward reopening and advocated for gyms and fitness centers to be a part of the economic relief package (Perkins, 2020; Scott, 2020). In large part, due to the industry's lobbying (Perkins, 2020; Scott, 2020), of which CrossFit was a part (Community gym coalition, n.d.; Scott, 2020), gyms and fitness centers were included in phase one reopening (Warren et al., 2020).

In mid-May, DeSantis declared gyms and fitness centers could reopen to 50% of their building capacity, "so long as they adopt safety measures including appropriate social distancing for classes and sufficient cleaning supplies to ensure at a minimum, patrons individual self-cleaning of surfaces and machines using sanitation wipes after each use" (Fla. Exec. Order No. 20-123, May 14, 2020). The executive order mentioned best practices on the Department of Business and Professional regulation (DBPR) website, where guidelines covered cleaning surfaces, sending home symptomatic employees, keeping doors and windows open, and posting COVID-19 information (Florida DBPR, 2020). By June 5, 2020, gyms and fitness centers could operate at full capacity with appropriate social distancing and frequent sanitization (Fla. Exec. Order No. 20-139, June 5, 2020).

In Georgia, the state government allowed gyms, barber shops, hair salons, tattoo parlors, and bowling alleys to reopen their doors at the end of April 2020, pitting the governor against mayors from cities such as Atlanta, Augusta, and Savannah (Andone et al., 2020). The executive order provided additional guidance to gyms regarding signage, screening patrons, limiting occupancy to allow for



social distancing, halting the provision of group classes and childcare, closing communal areas, limiting locker room use, sanitation, and provision of cleaning supplies (Ga. Exec. Order No., 04.23.20.02, April 23, 2020). On May 12, 2020, gyms could resume group classes “practicing social distancing between trainers and patrons as practicable; requiring no less than ten feet of distance between patrons participating in group fitness classes; and requiring rooms and equipment used for group fitness classes to be disinfected between classes” (Ga. Exec. Order No., 05.12.20.01, May 12, 2020).

To assist affiliate owners during the pandemic, in December 2020, CrossFit published guidelines for gyms in an effort to mitigate the risk of COVID-19 transmission (Gillin et al., 2020). In these guidelines, CrossFit highlighted its perceived role in reversing chronic diseases such as diabetes, hypertension, and obesity. Noting that the presence of these diseases contributes to mortality from COVID-19 infections, they argued CrossFit gyms played a vital role in combating COVID-19. Among other recommendations, these guidelines advised CrossFit gyms to adhere to all local health regulations and stated that if there was a discrepancy between government requirements and CrossFit standards, the stricter standard should apply. The guidelines also made suggestions on symptom screening, CO2 level monitoring, class times, class sizes, reservations, social distancing, sanitization, and signage. The guidelines did recommend face-masks be worn by staff at all times while indoors, and masks be worn by clients indoors and outdoors when 10 feet of separation could not be maintained (Gillin et al., 2020).

Theoretical Framework

Legal Consciousness

Defining Legal Consciousness

Defined as an “outcome of social processes through which meanings and identities are collectively reconstructed” (Somers & Roberts, 2008, p. 23; Young, 2014, p. 501), legal consciousness draws on sociological and anthropological traditions (Young, 2014). Legal consciousness examines the role of law in everyday life and seeks to highlight the relationships and the contradictions between ‘law in the books’ (i.e., legislation, court decisions, governing body regulations) and ‘law in action’ (i.e., individuals’ daily practices influenced by those sources; DeMartini et al., 2021; Ewick & Silbey, 2003; Young, 2014). Legal consciousness studies individual’s experiences with the law and legal norms, their decisions on how and when to comply with the law, and the subtle ways law affects our everyday lives (Nielsen, 2000). Legal consciousness encompasses a person’s attitudes toward, willingness to mobilize, suppositions about, and experiences of the law (Young,



2009, 2014). Legal consciousness refers to what people do as well as say about the law (Cane, 2008; DeMartini et al., 2021). It is the “commonsense understanding” of how the law works (Nielsen, 2004; Young, 2014).

Legal consciousness’s broad intellectual movement paralleled the “cultural turn” that swept across the humanities and social sciences (Cornut St-Pierre, 2019; DeMartini et al., 2021; Silbey, 2005). It suggests that law can be seen as a cultural practice, a reciprocal process that creates, stabilizes, organizes, and reproduces meanings that affect the way people conduct themselves and form social structures (Cane, 2008; Cornut St-Pierre, 2019; DeMartini et al., 2021; Silbey, 2005). Legal consciousness provides a social justice orientation from which to view, describe, and analyze different individuals’ or groups’ experiences of and relationships to law and policy (DeMartini et al., 2021; Nguyen et al., 2018).

Legal consciousness explains how law sustains its institutional power. People generally do not contest legal authority because a good part of legality invisibly permeates everyday life, rendering laws durable and influential. People become used to routinized forms of legal authority throughout ordinary life, such as traffic lanes, parking rules, ticket stubs, and sales receipts (Cane, 2008; DeMartini, 2021).

Legal Consciousness Orientations

The three orientations to the law include: 1) conformity before the law, 2) engagement with the law, and 3) resistance against the law (DeMartini et al., 2021; Ewick & Silbey, 1998). Ewick and Silbey (1998) describe people’s relationships to the law as something “before which they stand, with which they engage, and against which they struggle” (p. 47).

Conformity. Conformity before the law discusses law as a sphere separate from ordinary life. The law is viewed as objective, impartial, formally ordered, and rational. Often, people express loyalty and acceptance of legal constructions and defer to the law’s claim to autonomy. However, the law’s ability to ‘know’ what the correct solution should be may cause frustration emerging out of feelings of individual powerlessness (Ewick & Silbey, 1998).

Engagement. Engagement with the law characterizes law as a game, where the skilled and resourceful can make strategic gains. People accept formal legal constructions only for specified objective and limited situations. When “engaged with” the law, people display less concern about the legitimacy of legal procedures than about their effectiveness for achieving personal desires (Ewick & Silbey, 1998).

Resistance. Resistance against the law reflects a belief that the law is to be avoided rather than bowing to its power or playing its game (DeMartini, et al., 2021). This resistance can manifest as “pilfering, violence or the threat of



violence, tricks, institutional disruptions, foot-dragging, humor, storytelling, and gossip” (Ewick & Silbey, 2003, p. 1336). Resistance entails a consciousness of being less powerful in a relationship and perceiving an opening in the situation through which one might avoid the law and its costs (Ewick & Silbey, 1998, 2003). Resistance to law’s power and scope is revealed in what people do as much as in what they say (Ewick & Silbey, 2003).

Using Legal Consciousness

Silbey (2005) noted that legal consciousness should be a tool for examining the mutually constitutive relationship between the pragmatic policy recommendations of ‘law in action’ and the academic examination of the ‘law in books.’ To understand the variance between official legal rules and the conduct of legal actors, empirical research must be conducted (Cornut St-Pierre, 2019; DeMartini et al., 2021). This study contributes to that research by analyzing CrossFit coaches’ views on COVID-19 restrictions, adding to the scant literature on legal consciousness applied to a sport and recreation context.

Research Questions

The following questions guided the study:

- R1: What legal consciousness orientations do CrossFit coaches display?
- R2: How do CrossFit coaches express the legal consciousness orientation of conformity to the law?
- R3: How do CrossFit coaches express the legal consciousness orientation of engagement with the law?
- R4: How do CrossFit coaches express the legal consciousness orientation of resistance to the law?
- R5: How does CrossFit coaches’ legal consciousness vary based on their social position?

Method

Participants

The investigator assembled a convenience sample of nine U.S. CrossFit coaches in northeast Florida, and 11 coaches in the Atlanta metropolitan area of Georgia. The investigator developed the original contacts based on existing connections in the CrossFit field and internet searches to identify CrossFit coaches in the target regions. Then, the investigator engaged in snowball sampling based on suggestions from interview participants (Ritchie et al., 2003).



The sample was 30% female and 70% male. The sample was racially diverse, with 10% Asian, 30% Black or African American, 5% Hispanic or Latina/o/e, 5% bi- or multi-racial, and 50% white¹ participants. All but three of the interviewees identified as under 45 years of age. Forty-five percent of the sample fell into the 35-44 year-old age range, leaving 40% in the 25-34 cohort. The group held high levels of CrossFit experience. The average amount of time the participants had been involved in CrossFit was 8.3 years, with a median of 7.5 years, and a range of four to 16 years. The respondents' involvement with CrossFit included their time participating in the program as an athlete as well as their time coaching and/or owning their gym. Nine of the participants owned the CrossFit affiliate where they coached.

Similar to Heinrich et al. (2017), the sample was highly educated. Two participants reported trade school as their highest educational attainment, while the other 18 indicated a bachelor's degree or above. Like most Americans (Wenger & Zaber, 2021), all participants claimed to be a version of middle class. One participant selected lower-middle, seven (35%) selected upper-middle, leaving the majority (60%) identifying themselves as solidly middle class.

Overall, five (25%) participants identified with the political left. Only one participant indicated they were "slightly liberal." Seven (35%) participants identified as Independent, with four of those "Independent leaning left" and three "Independent leaning right." Six (30%) participants chose "Slightly conservative" and one (5%) "Very conservative." Four participants (20%) chose "other" and one preferred not to answer.

Data Collection and Procedures

The primary researcher developed semi-structured interview questions after a comprehensive review of the literature. The researcher's institutional review board granted clearance before the study commenced. The interviews were conducted in northeast Florida from April through June 2021, and in Georgia from July to September 2021. Participation in the interview was voluntary and without incentives. The interviews lasted on average 15-45 minutes and were based on 11 questions regarding COVID-19 restrictions. These questions asked coaches about their experience with and thoughts about the COVID-19 restrictions placed on their gym. See Table 1 for the interview questions. These interviews were recorded and transcribed.

The investigators coded the interview transcripts utilizing cycles of structural coding. Structural coding is appropriate for qualitative, semi-structured data-gathering protocols (Saldana, 2015). It applies a conceptual phrase representing a topic

¹ The authors are intentionally trying to differently position the racial groups in a way that minimizes some of the implicit legitimacy of whiteness by keeping the racial term "white" lowercase.



Table 1. Interview Questions

Question number	Scripted question	Common follow-up question
1	Tell me about yourself.	
2	Please describe your role at this CrossFit gym and how you got into coaching. How have COVID restrictions impacted your gym?	
3	What was your opinion on how your state and local government dealt with COVID and gyms?	
4	Please describe the protocols you put into place at your gym to deal with COVID.	Can you take me through a timeline of what you were doing when?
5	How did you feel about instituting those protocols?	What was influencing the decisions about the protocols?
6	What is your opinion on the effectiveness of these protocols?	
7	What were your members' reactions to these protocols?	What was your sense of other coaches' reactions?
8	What was your opinion on how CrossFit HQ dealt with COVID restrictions?	What would have been helpful?
9	Is there anything else you'd like to tell me about COVID restrictions and CrossFit gyms?	Is there anything else I should ask?
10	Would you like to ask me any questions?	
11	Who else should I talk to about COVID restrictions in CrossFit gyms?	

of inquiry to a segment of data that relates to specific research questions used to frame the interview (MacQueen & Guest, 2008). The investigators used the legal consciousness theory's "three orientations to the law" as the guiding topics of inquiry: conformity before the law, engagement with the law, and resistance against the law (DeMartini et al. 2021; Ewick & Silbey, 1998, 2003). To ensure inter-coder reliability, each coder reviewed transcripts separately, and the primary investigator resolved any divergence through adjudication. The primary researcher then created code frequency tables, divided respondents into demographic groups, and calculated per capita mentions of each orientation. Finally, the primary researcher paired guiding orientations with direct quotations from the transcripts.



Results and Discussion

R1. Orientations

The findings suggest coaches’ legal consciousness primarily reflect conformity, but also included engagement and resistance. Out of all the coaches’ comments that were coded as a reflection of a legal consciousness orientation, conformity was the most common. There were 111 total instances of coaches’ comments coded as one of the three orientations, and 47.7% of those demonstrated conformity. All of the coaches demonstrated conformity, while 17 of 20 (85%) showed engagement, and nine of 20 (45%) displayed resistance (see Table 2).

Like DeMartini et al. (2021), these coaches’ thoughts did not fit precisely into the three traditional legal consciousness orientations and the categories were not mutually exclusive. All but one coach exhibited instances of more than one orientation, and several (35%) displayed all three. This reinforces Silbey’s (2018) finding that individuals express more than one cultural narrative and will often articulate contradictory views.

Table 2. Overall Code Frequency: Number of Total Mentions Across All Orientations

Participant	Conformity	Engagement	Resistance
A	3	2	0
B	3	3	0
C	4	3	5
D	3	2	1
E	2	1	1
F	2	0	2
G	2	3	0
H	2	2	0
I	2	2	2
J	4	4	0
K	3	5	3
L	1	2	0
M	1	1	0
N	2	1	0
O	2	1	1
P	2	0	0
Q	5	4	2
R	6	1	0
S	1	3	0
T	3	0	1
Total	53	40	18
% of mentions	47.7%	36%	16.2%



R2. Conformity

Perceptions of authority and power generate conformity to social expectations (Ewick & Silbey, 2003). Overall, the coaches' legal consciousness does support the idea that legal authority is usually uncontested due to its ubiquity in everyday life (Cane, 2008). The coaches responded with:

"We were trying to be as much as we can following within the restrictions ... following the rules and regulations of whatever principalities where we're supposed to be following."

"We did our very best to comply, to address every single point that was included in all the mandates."

"It was so new that everyone was playing along."

"I think we did the most honorable thing by closing down the gym."

"I am a rules follower to a T, so when they close[d] us, it's like 'We're closed. That's it.'"

"We're going to do what we're told by the government."

"At the time, it seemed the proper thing to do and the appropriate thing to do [was] make sure that everybody was safe."

Respondents did conform by following the COVID-19 restrictions. This conformity is similar to what DeMartini et al. (2021) found in soccer coaches regarding concussion regulations. For example:

"Initially we were closed for two months ... that's when everything shut down."

"I will be making that sign and putting that ... on the front door ... just to cover that base from a legal perspective."

"We did not start classes prior to them lifting the state [mandate] and lifting the ban, we did legally comply to that."

"... To shut it down was, 'I'm just going to go with [it].'"

"We followed all CDC recommendations as they ... put them out."

A few coaches did indicate that they felt powerless, often a characteristic of conformity to law (Ewick & Silbey, 2003), particularly at the beginning of the pandemic. Coaches said:

"I wanted to follow the rules, but I didn't know what the rules were."



“There was a feeling of being punished for no reason.”

“Hearing that other people didn’t really play by the rules, that was very frustrating.”

“That was a problem outside of our control and not much we could have done about it.”

Overall, the coaches’ comments reflected the traditional acceptance of legal constructions and deference to the law’s authority (Ewick & Silbey, 1998).

R3. Engagement

Groups’ understanding and perception of the law fundamentally shape their engagement with it (Klambauer & Cserne, 2019). Our findings suggest that the coaches were somewhat engaged with the law. Only one coach admitted to personally viewing the COVID-19 restrictions as a “game to play” using that precise language, saying, “I played the game.” This lack of game-playing differs from Sarat’s (1990) finding that engagement included hoping the law’s power and authority could be made to work for their benefit and from Cooper’s (1995) finding that the law as a game of strategy and skill was expressed by a range of respondents.

Someone who is “with the law” perceives the law as pliable (Levine & Mellema, 2001). Several coaches did perceive the COVID-19 restrictions as guidelines that could be manipulated, without expressly articulating that they were playing a game. Coaches gave examples of pushing the boundaries of the shutdown restrictions. For example:

“As far as fitness ... [the restrictions] didn’t really impact us. I found us alternative measures.”

“There was a time where the gym was closed ... but we were allowed to come in and coaches were coming.”

“A couple of times I had one or two of the [members] came (sic) to my garage, which is fully outfitted and we did an in-person training there ... so they had some in-person coaching.”

“We did do some outdoor workouts and stuff during the lockdown. We did a workout in the parking lot.”

Many coaches indicated that they did not object to COVID-19 restrictions and gym closures at the beginning but changed their opinion over time. This reflects how people accept formal legal constructions only for specified objectives and limited situations (Ewick & Silbey, 1998). Coaches expressed:



“So in the beginning, everybody was, I think, on board and very compliant, because we didn’t really know much, right? It was a learning process in the beginning, so we were very careful and respectful of what they felt we had to do. Then at some point, it was just like ... we felt we could go back.”

“Towards the end ... we were going to open up whether we were allowed to or not ... we were done ... enough was enough.”

“At first, I was ... like, ‘Okay, let’s do it.’ ... Let’s make sure everyone is safe. But then as data started coming out, as far as ... the main underlying conditions for death with COVID-19 ... [then] I think it was kind of disingenuous to just keep telling people stay home.”

“At first, it was the right move ... until we figured out what the deal was with the virus and how people could handle it and implement ways to limit its impact.”

“I do think ... going on a bit of hiatus and closing things down a little bit to get ahead of it, to see what was actually happening, was the smart thing to do. But, I also thought that them opening back up was the smarter thing to do.”

When “engaged with” the law, people display less concern about the legitimacy of legal procedures than about their effectiveness for achieving personal desires (Ewick & Silbey, 1998). The most common illustration of engagement reported by the coaches involved their concern with how following, or not following, the COVID-19 restrictions was going to impact their business. For example:

“Clearly, I didn’t want to get ticketed or fine[d], nor do I want to get my coaches in a situation.”

“More than anything, it was our concern ... for our member perception ... what the optics were ... the biggest concern was the optics with members.”

“I didn’t want to get a fine or written up in the paper that [gym name] was open.”

“I’m not going to risk my business license to continue doing this.”

We found that coaches were less concerned about the legitimacy of the COVID-19 restrictions and safety protocols than how their members felt about them and how they would impact the public perception of the gym. This is similar to previous work that found that citizens’ perception of state actors as legitimate led to increased legal compliance (Sunshine & Tyler, 2003; Tyler, 2004). Here, the coaches may not have perceived the restrictions as legitimate, therefore, they did not feel compelled to conform, but rather engaged with the restrictions. Coaches said:



“We were ... trying to be more mindful of ... the client and their comfort level, and just having more of an understanding of where they’re at ... what are things that are bothering you? Just really trying to get a gauge of how the clients are going to be.”

“We ask[ed] the members via ... like an email survey ... ‘who’s really with this whole mask thing?’”

“So those first couple of months, it was very quizzing the members. ‘Are you guys comfortable? What do you guys need?’ ... I leaned on the members with a bunch of surveys ... ‘What do you need to feel comfortable to come back?’”

“Our clients see so much value in this. We need to stick with that.”

“Gym owner[s] need to do his best to listen to his members’ feedback.”

“The idea of perception ... and what that would do to our perceived brand was a pretty big factor in continuing to ... go the route that we went.”

These findings support that a person’s engagement with the law in a particular situation depends on a complex and dynamic set of processes. One’s experiences, attitudes, understanding of one’s identity, and one’s beliefs about social norms can be factors that determine a level of engagement with the law (Young, 2014).

R4. Resistance

The overall lack of resistance differs from much of the legal consciousness research, which has found active resistance in the “welfare poor” (Sarat, 1990), mixed status immigrant families (Abrego, 2019), formerly incarcerated job seekers (Augustine, 2019), sex workers in England (Klambauer & Cserne, 2019), labor organizers (Ewick & Silbey, 1998), and during police-citizen encounters (Young & Billings, 2020). Those who practice tactical resistance often have limited access to resources that otherwise might be converted into power within the situation, such as money, social position, social networks, education, or other forms of cultural capital (Ewick & Silbey, 2003). Most of the CrossFit coaches in the sample were highly educated and at least middle class, so they may have felt like they had options other than resistance to exert power over their situation during COVID-19 restrictions.

Several coaches, particularly those who owned their gym, mentioned relying on advice from within the social networks of their gym’s membership, which included health care workers and law enforcement officers. For instance:

“I wasn’t making any plans to close unless she told me to do so, which eventually she did.”



“I had a collective that every time we would make a decision for the gym, there were four different people I would call. So one of those people is a nurse ... two people who work at the CDC ... and a nurse practitioner. So that was really my collective of using the membership to say ‘Hey, what should we do on this?’”

“We do have a couple of members here who are part of the law enforcement ... we got a lot of advice from [them].”

Coaches did note that they would resist in the future if a similar situation arose again. For example:

“If it came back ... around ... now ... [it] would be totally different.”

“Had they not opened it back up, I’m not sure how we would have handled it because I was getting to my point where I was like ready to, to find some crafty ways.”

“If they lock me down again, I’m not going to ... shut down.”

Coaches also mentioned that they would have resisted stricter regulations if they had been mandated. They said:

“One thing we were just not going to concede on, which was making people work out with masks on. To me [that] was more of a risk than it was a benefit.”

“I didn’t make people wear masks. I thought that was a little bit ridiculous.”

“Toward the end ... we were going to open up whether we were allowed to or not.”

Similar to Cooper (1995), where the law could be ignored because it lacked the power to compel compliance, coaches focused more on the potential consequences of non-compliance. One owner noted, “I ignored most of it, because I was leaning heavily on our member of the police department on what’s going to happen if we aren’t shut down during this period.”

R5. Social Position Differences

Per capita differences greater than or equal to one illustrated past experiences and social positions that affected coaches’ legal consciousness. These included whether the respondent owned the CrossFit gym or only coached in one, their race, age, and political views. Gender did not appear to strongly affect responses and there was not enough variance in the participants’ social class to analyze. These findings are different than Nielsen (2000), who found that gender was an important factor in understanding legal consciousness (see Table 3).



Table 3. Interview Code Frequency Per Capita by Demographic Group

	Conformity	Engagement	Resistance
Owners	2.9	2.6	1.2
Non-owners	2.5	1.6	.64
Difference	.4	1	.58
Female	2	1.5	.67
Male	2.9	2.2	1
Difference	.9	.7	.33
White	2.8	2.9	.9
Non-white	2.5	1.1	.9
Difference	.3	1.8	0
45 – 54 age group	3.3	3	2.3
Under 44	2.5	1.8	.65
Difference	.8	1.2	1.65
Left-leaning	3.4	1.4	.4
Other political views	2.4	2.3	1.1
Difference	1	.9	.7

The coaches’ responses regarding legal consciousness supports the idea that people make connections from their past experiences—good or bad—that arise in part from the social positions they occupy, and these experiences shape their understanding of the law (Nielsen, 2000). The coaches’ attitudes toward COVID-19 restrictions varied according to ownership status, race, age, and political views. This finding is consistent with Young and Billings’s (2020) legal consciousness research, which reinforces that acquiescence or deference to legal system authority may reflect broader cultural differences between people from different backgrounds.

Many of these factors intersect, making it difficult to parse which experiences or social positions have greater influence on the coaches’ legal consciousness. The population of CrossFit coaches who owned their gym was older and more likely to be white than the coaches who were not owners, demonstrating connections between asset accumulation, race, and age. Similarly, Young and Billings (2020) noted the complex interaction between race, gender, and cultural capital in producing legal consciousness.



CrossFit coaches who owned their gyms displayed higher levels of engagement with the COVID-19 regulations as compared to coaches who were not owners. The pandemic created an unprecedented economic crisis, particularly for small businesses (Gotberg, 2021). Owners may have perceived COVID-19 restrictions as threats to their gym's viability and income. Whereas a coach could simply get another job coaching fitness at a facility that successfully weathered the pandemic, an owner might fear that they may entirely lose their business and livelihood. The higher financial stakes for gym owners may explain their engagement.

White CrossFit coaches were also more likely to engage with COVID-19 restrictions than non-white coaches. This supports Nielsen's (2000) finding that race plays an important role in understanding legal consciousness. Due to the pronounced racial disparities across nearly all stages of the criminal justice system in the United States (Du, 2021), it is logical that non-white coaches would be less willing to take risks associated with "playing games" with the law.

Older coaches (i.e., aged 45-54) exhibited more engagement with and resistance to the COVID-19 regulations than the other age groups. This differs from Harding (2006), who found that the legal consciousness did not differ on the basis of age. According to age stratification theory, people in the middle-age range hold more socially valued resources (Morgan & Kunkel, 2016). Informal norms encourage people to perform in ways that are consistent with the expectations associated with their age (Morgan & Kunkel, 2016). Therefore, perhaps the older coaches felt that they had more power and leeway to engage with and resist the regulations since "acting their age" may entail less need to conform to social rules than younger people.

Left-leaning coaches displayed more conformity to COVID-19 regulations than coaches with other views. This is not surprising due to the current political divide in the United States. Political partisanship strongly predicts what individuals know, believe, and do regarding COVID-19 (Allcott et al., 2020; Heyman, 2021). Conway et al. (2021) found that conservatives and liberals have ideological beliefs that predispose them to believe that COVID-19 is differentially threatening. Liberal coaches believing COVID-19 is more threatening would likely be more willing to adhere to government-mandated gym closures.

Implications

Large pandemics like COVID-19 and Spanish flu remain relatively likely, and their probability is growing (Marani et al., 2021). Therefore, communities must prioritize efforts to prevent and control them in the future, including implementing legal restrictions. Legal consciousness can be an important tool in identifying the different ways in which law is used within local authority bureaucracies (Cooper, 1995). This study can assist owners of gyms and fitness centers, government



authorities, and industry associations to understand potential reactions to public health restrictions placed on gyms and fitness centers and how to best implement them.

The overall conformity displayed by the interviewees indicates that most CrossFit coaches are willing to follow restrictions. However, gym and fitness center owners should understand that their coaches exhibit different levels of conformity, engagement, and resistance to the law based on their social positions and their life experiences. Owners should be sensitive to avoid placing their coaches in uncomfortable or untenable situations where the owner may be more willing to resist government restrictions than the coach.

Due to this conformity, authorities may be able to spend less effort regulating gyms and fitness centers and focus their attention on other industries that displayed less willingness to comply. When governmental restrictions on gyms and fitness centers are necessary, authorities should issue clear guidelines with a published rationale justifying the action and include a sunset date, if possible, or a target sunset date. There should also be clear articulation of the enforcement mechanisms and consequences for non-compliance. If gym and fitness center owners and coaches have additional information that helps them perceive the restrictions as legitimate and enforced, it may alleviate some of the boundary pushing exhibited by respondents. Having an end date for restrictions, even if the date may need to be revised, would also avoid some of the potential resistance the respondents mentioned might occur if the restrictions lasted longer or were repeated.

Similarly, industry associations should communicate early, quickly, and consistently with gym and fitness center owners. Providing assistance interpreting the government guidelines with recommendations for putting them into practice in gyms and fitness centers would help alleviate some of the uncertainty displayed by respondents.

Limitations

The current study was limited by a small-sized convenience sample from only two U.S. states, which does not allow for the generalizability of the results. Additionally, response bias may have occurred, in part, due to the interviewer's personal and demographic background (e.g., gender, race/ethnicity, previous CrossFit coaching experience). Also, coaches may have been unwilling to admit direct resistance to the law and provided socially acceptable answers, even when assured of confidentiality and anonymity.

Despite these limitations, the findings are one of the few studies of legal consciousness applied to sport and recreation contexts and builds on DeMartini et al. (2021). This study could be expanded to include interviews of CrossFit coaches in other U.S. states, or into other countries, which had more restrictive



COVID-19 regulations that persisted for longer periods of time. Additionally, this study could be replicated to include other types of fitness instructors (e.g., aerobics, yoga, spin, Pilates, etc.) and in gyms and fitness centers in other segments of the fitness industry (e.g., large-scale, high-volume gyms like Planet Fitness).

Conclusions

This study utilized semi-structured interviews with a diverse sample of CrossFit coaches. The study found little active resistance to COVID-19 restrictions by CrossFit coaches, which differs from much of the legal consciousness literature. The coaches' thoughts did not fit precisely into the three traditional legal consciousness orientations and the categories were not mutually exclusive. They primarily conformed to and engaged with COVID-19 restrictions.

Coaches demonstrated engagement by pushing the boundaries of the restrictions and indicating that their perception of the restrictions changed over time. The degree of engagement and resistance did vary by the coaches' ownership status, race, age, and political views. This variance based on social position supports previous legal consciousness research, which reinforces that acquiescence or deference to legal system authority may reflect broader cultural differences between people from different backgrounds (Young & Billings, 2020).

This study investigated CrossFit coaches and COVID-19 restrictions using the theoretical lens of legal consciousness. The findings contribute to and expand upon the literature in the sport law discipline by utilizing qualitative methods and applying an inter-disciplinary theory. This information can be used by owners of gyms and fitness centers, government authorities, and industry associations to better understand and implement public health restrictions placed on gyms and fitness centers.

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