

Sport Criminology
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This paper seeks to argue for the relevance of criminology to sport and vice versa - hence sport criminology. Atkinson and Young come close to this in arguing:

.. in the subfield of criminology, deviance and social control, sport is rarely considered seriously despite the many and varied controversies, corruptions and illegalities *out there*. [...] When, for example, sport is mentioned in criminology/deviance texts, or when deviance is addressed in sociology of sports texts, little clear conceptual distinction is made between hard-line actions that fall under the purview of law as crime and softer manifestations such as violations of norms or mores. [...] Occasional summaries of or references to (criminal or norm-breaking) rule violation in sport may be found in the respective literatures, but they usually serve as small case examples, empirical oddities, or points of discussion rather than legitimate academic concerns ... (2008: vii)

Tony Jefferson (1998) opens his discussion of Mike Tyson, in and out of the ring, with some personal memories. Interestingly, Tony started out as a PE student yet found himself not 'hard' enough during his vacational manual labour. Here I need to confess to some sport. I played soccer and cricket for school teams at primary level and cricket, rugby union, basketball and athletics at secondary school and competitive judo for an outside club, turning to social rugby in early adult life. On giving up rugby I took up running, doing 6 marathons and a number of olympic distance triathlons plus veteran's athletics - pole vault, hammer and steeplechase! - but now only jog and go to the gym. I have also scuba-dived, zorbed and micro-lighted. My live sports spectating is rarer and patchy but includes professional football, rugby league, rugby union, cricket, ice hockey, Tour de France, athletics and triathlons. The majority of my spectating is now on TV. These all feed into my understanding of sport.¹

Turning to law James says, 'Sport and the law' is more properly the simple application of national and EU law to a sports dispute (2010: 19). He then goes on to argue for the specificity of sport and talks of - and entitles his book - Sports Law. McFee (2004) spends some time trying to work out whether he is making a contribution to philosophy that takes sport as its subject or to the philosophy of sport. In work on video games and criminology, rather than the games discussed here, I declined to define my terms too closely (Groombridge, 2008). What must be noted here is sports claim to, and partial recognition of, its specificity. Historically, and to date, sport has sought to sustain the reality, and sometimes the illusion of, its own separate jurisdictional competence.² Famously sport has also resisted its interaction with politics; for instance, various Olympic boycotts and sporting sanctions against apartheid South Africa.

The law and criminal justice came to have application when god and other sovereign beings personal diktats, ukases and fiats were reined in; yet sport continues to claim such sovereignty. For instance, football kept its players in 'bondage' until the Bosman ruling 'freed' them to ply their trade throughout Europe without national restrictions. Most sports seek to wash dirty linen in-

¹ I also teach a module in sport, culture and media in the media programme at a University College with a proud sporting heritage and strong connections to sport organisations. I have also had the occasional pleasure of teaching elite level student athletes through the modular programme but am not part of the sports science team. The views expressed in this paper are entirely mine and do not represent those of St Mary's.

² Thus in England the decision making processes and appeals tribunals of national governing bodies are not subject to judicial review (James, 2010: 29).

house. Once the law connived at this. Thus Lord Denning said, in *Enderby Town FC v The Football Association*:

In many cases it may be a good thing for the proceedings of a domestic tribunal to be conducted informally without legal representation. Justice can be done in them better by a good layman than by a bad lawyer. This is especially so in activities like football and other sports, where no points of law are likely to arise, and it is all part of the proper regulation of the game.

Denning was wrong on this, as much else, as the sports law literature shows. Coming up to date and going transnational, the sports authorities were horrified when the European Court of Justice affirmed in *Meca-Medina and Majcen v Commission* that, as an 'economic activity', sport was subject to European Law when they found for the sport's authorities in the case of two swimmers complaining about anti-doping provisions (James, 2010: 48/49). In an earlier ruling, *Walrave and Koch*, 1974, they had recognised a separate 'purely sporting interest' that they were able to distinguish from 'economic activities' which James (2010: 47) doubts would now be sustainable in the circumstances of modern international sport.

That is, what happens on/in the pitch/course/track/ring/mat/court etc is - in as much as it does not breach any national law - is entirely within the ambit of the National Governing Body and International Sports Federation. Like Diane Modahl, you might show your sport's anti-doping, disciplinary and appellate procedures were faulty but not the necessity of them. You will not be able to press the case for the three-legged race or doggy paddle let alone overturn an offside; though official observers in the stands and technology do allow some retrospective review by those authorities. Such punishments cannot effect the played game, or, indeed games, as Sheffield United found when complaining that West Ham had not been punished sufficiently for fielding an ineligible player, Carlos Tevez.

The Olympic movement makes considerable 'sovereign' demands. James (2010: 10) notes, 'some sections of the London Olympic and Paralympic Games Act 2006 appear to have been inserted at the behest of a purely private body, the International Olympic Committee, rather than on the basis of rational legal debate'.³ Draconian powers are deployed to protect the commercial sponsors from 'ambush' marketing by competitors. For instance, American Express ran adverts running up to the games in Barcelona pointing out people would not need a Visa (an official sponsor) (Healey, 2009: 96). The recent World Cup offers other examples, with the 2010 Fifa World Cup South Africa Special Measures Act in South Africa deploying civil and criminal powers against ambush marketers and petty crime alike (Hyde, *The Guardian* 20 June 2010).⁴ A lawyer might see it as proportionate or disproportionate but the critical criminologist might see it as the criminalisation of fans - for wearing the logos of non-sponsoring companies or bearing the flags of non-Olympic nations - or small businesses long-trading under olympic-related names.⁵

³ Criminologists have largely eschewed such amour propre by the simple trick of ruefully remembering that our advice on crime and criminal justice matters is routinely ignored for the nostrums of media and ministers (Groombridge, 2007). See drugs or sentencing policies for instance.

⁴ World Cup 2010: Fans, robbers and a marketing stunt face justice, Fifa style <http://www.guardian.co.uk/football/2010/jun/20/world-cup-2010-fans-marketing-justice-fifa>

⁵ The three 'Olympic Cafes' in London - all Greek run - should be concerned. See also 'Advertisers cry foul over Olympics law' Cosima Marriner.

In the next section the two literatures - sports law and sport sociology are briefly outlined to examine what space there is for sports criminology. The argument will then be furthered by some case studies from recent incidents. Those case studies and the literature will then be used to speculate on what the study of sport might add to criminology more generally and what criminology might add to sports studies beyond sociology and law. A short conclusion argues for sport criminology and sets out some of its potential connections and contributions.

the sport law and sociology literature

In this section the sport law literature and sport sociology literature are separately considered before turning to the works of Atkinson and Young (2008) and Blackshaw and Crabbe (2004) who, in their different ways, come close to my intentions. Clearly the entirety of all these growing numbers of books cannot be reviewed here. There has been selection, partly seeking a modicum of breadth but also contemporary relevance.⁶

sports law

From the numbers of books, specialist journals and standalone modules on undergraduate and post graduate degrees this is a growing area. Books on sports law typically set out the law in respect of particular jurisdictions and journal articles typically analyse or set out notable cases. Largely they follow the black letter law tradition and often, as textbooks, contain little critical material. Some take sporting celebrity and the extreme circumstances that occur in live sport as vignettes to illuminate the law - sometimes intending humour (Day, 2005). Obviously the growth in international organisations and law and the influence of international sports federations with their imbrication in late modern mediatised societies mean a growing confluence of sports, entertainment and media law. Resisting such globalising tendencies, and reinforcing the argument for 'sports law' over 'law and sport', we find France with its own specific *Loi du Sport*.

In Brazil football has needed, and has acquired under President Lula, the protection of law - the 'Law of Moralisation in Sport' and the "fans statute". The statute requires the Brazilian FA (CBF) to hold at least one national competition in which the "teams know before it begins how many games they will play and who their opponents will be". Brazil has had a national league only since 1971 and changed its format every year as the *cartolas* (top hats) and dictators who use to rule, used the sport to serve their own interests. Relegation rules have been changed to keep big clubs up, and teams have been included in the league in return for political favours (Bellos, 2003).⁷ During the recent UK General Election all parties made mention of greater regulation of football (Harris, 2010)

Two of the most common aspects of recent UK (England and Wales) legal publications are drugs testing and the Olympics. Drugs are seen to be a problem in all sports and all jurisdictions so might be expected. The arrival of the Olympics in London for 2012 ensures that Lewis and Taylor's (2008) standard work now includes a special section on this as does James (2010). Mestre gives a whole book over to the *lex olympica*. Some criminology might be found in a consideration of the

⁶ Addressing a specialist audience Bourdieu (1993: 117) asks them to be 'good sports'. I too offer my apologies to both legal and sport sociology scholars for missing any classics of the genre.

⁷ Stevenage Borough have just won promotion to the Football League. In 1996 they were denied this despite winning their league but failing to meet the League's stipulations in respect of ground and finances. They were not successful at law.

Olympics - as opposed to its constituent sports - and investigative journalists may be first to the corporate and organised crime aspects but here I propose to deal initially with the most obviously criminological in sports law - drugs.

In the sports law literature 'drugs' generally mean performance-enhancing drugs rather than 'recreational' or illegal drugs. Indeed Hartley's index just says 'drugs see doping' (2009: 325) but is covered, encouragingly for the critical criminologist, as a human rights issue (though mostly in the language of natural rights and ethics) to which we will return in the case studies. Healey (2009) too, in her analysis of Australian sports law takes much the same line. Gardiner et al (2006) however discuss the issue in contractual terms, often implied and now more often explicit, between the sports authorities and the competitor and raising the moral issue of 'cheating'.

Much of the standard, shared contents of these texts is on the application of the doctrine of *volenti non fit injuria*. That is in stepping into the ring or onto the pitch you consent, within the rules of the sport, to be injured. Hartley (2009) interestingly expands on this by deploying arguments from the homosexual sado-masochistic case of *R v Brown* [1994] on boxing but also mixed martial arts and cage fighting.⁸

Hartley's work promises a bridge to the sociological literature. Concentrating on English law her work is commended to us by Helena Kennedy's foreword as being the 'development of the law through a sociological lens' (2009: xvii).⁹ By this she seems to mean the recognition of the rise of 'race', religion, homosexuality, age and disability as rising legal issues that have finally, formally impacted on sport that are reprised in the sports sociology literature proper. That is it is sports law with a strong sociological flavour. We turn now to sport sociology proper.

sports sociology literature

To generalise sweepingly, this literature tends to universalise about sport - but closer attention shows this often to be about US sport and gender and race/ethnicity issues - or focus on a particular sport (and therefore sometimes tends towards one country or continent). As a sociology it contains more critical commentary, particularly about structural issues such as gender, ethnicity, sexuality and ability, but often of a campaigning equal opportunities nature. Empirical research is deployed to promote inclusion and diversity within sport. That is, it is critical of sport's failings in the modern world which sport has only slowly, and unevenly, responded to without troubling its roots; deeply entwined with power and culture. Whilst many sociological disciplines have 'beaten themselves up' about a failure to engage with the public Jarvie (2009) is particularly scathing of his discipline of sociology of sport.

Coakley and Pike (2009) update Coakley's multiply editioned USA-based text for the UK and make extensive engagements with the many issues and controversies raised by sports that might be

⁸ The specific details are glossed over, in James (2010) - you'd not know it involved sex at all. The critical and feminist criminologist might recall that Smart noted the decision, 'left Britain with a law on sexuality which states - symbolically at least - that when women say No to rape they mean Yes, but when men say yes to homosexual sex they mean No.' (1995: 120).

⁹ Jarvie (2006) reciprocates spending a chapter on sports law and governance.

ignored by sports science students who are very active, and often over-conforming, sports people.¹⁰ Amongst those issues are deviance and violence (accorded a chapter each)¹¹. Each is examined below with contributions from some of the other texts in the area.

Deviance is seen to occur on and off field and also amongst spectators, managers, coaches and media and might extend to consideration of whether 'field' sports were deviant. But the majority of the chapter is taken up with is the problem of overconformity which is often boiled down to performance enhancing substances. The various issues raised include the legality of some substances when not taken by elite athletes under the World Anti-Doping Agency's (WADA) surveillance. I follow up some of these issues more critically in the case studies.

Interestingly they raise the issue 'is sports participation a cure for deviant behaviour' (ibid: 204) and summarise Nichols (2003), who I discuss later, but also Trulson (1986). Trulson found that training in tae-kwon-do allied to associated philosopho-ethical ideals could lower delinquency rates whereas less traditional sports-orientated tae-kwon-do could not.¹² Interestingly they make no specific connection to the violent deviant potential of such martial arts with their own discussion in the next chapter on violence.

Violence is also seen to be a form of overconforming deviance which can be on field, off field between athletes or spectators. Here sports law, sports sociology and criminology have all contributed to issues of stadium safety and hooliganism (see Scraton, 1999, particularly for a critical 'organic' intellectual take on this). The nearest to a recognition of the full criminality of some sports deviance/violence comes in a discussion of Smith's (1983) typology of sports violence: brutal body contact; borderline violence; quasi-criminal violence and criminal violence.

It is telling that such books, and the courses they support or derive from, typically discuss deviance or violence in terms that derive clearly from 'the sociology of deviance' with such interactionism posited as a radical move on from its previous functionalism with marxist, feminist and minority perspectives name checked along the way. There is a time warp feel about this which may reflect not only sportspeople's overconformity, or conservatism, but also that of those who teach them.¹³ That is much of the last forty years of conflict, consensus and paradigm shifts within and between the sociology of deviance and criminology goes missing, though, as we shall see Blackshaw and Crabbe are honourable exceptions. Other developments in sociology have also been ignored; for instance, Bourdieu has specifically addressed himself to sport on several occasions yet merits only two glancing mentions (ibid: 359, 476). Journals offer a richer intellectual diet but often bemoan the marginality of sports sociology and its lack of influence on sport (see for instance, Bairner, 2009 and Jarvie, 2009).

¹⁰ It is an irony that rugby union's founding myth involves deviance, indeed a breach of the rules, yet I found in my playing days (1970s) rugby players to be conformingly racist, sexist and homophobic but also a threat to public order and highway safety.

¹¹ Delaney and Madigan (2009) follow the same scheme.

¹² My judo was learned in a traditional fashion with extensive use of japanese nomenclature and cultural values so this accords with my sense of what might work.

¹³ The lack of gay role models in sport is frequently commented on but 'out' socialists, liberals or greens are pretty rare whereas Christians in Sport are keen to promote themselves.

Atkinson and Young (2008) specifically address deviance, cite authors familiar to criminology and offer specific chapters on Criminal Violence in Sport and Terrorism and Sport. Helpfully they offer sections on Theoretical Intersections in which some criminological theories are applied. The reasons for this are set out early on with four largely recognisable as criminological: violence and aggression; sub-cultural; victimology and identity politics (which intriguingly name checks New-Left Realism without explication). This leads all the Theoretical Intersections to be organised in the following eight 'houses' of: functionalism and strain; conflict; interactionism; social control; classicism; critical; gender and integrated theories. (ibid 47).

For violence they take the example of ice hockey. They give a litany of ultra-violence which fails to end in court, or, if taken to court, fail to end in prison and none of this or various crackdowns reduce violence on the rink.¹⁴ The NHL, the fans and media discursively circle the wagons and talk away the problem. They cite the work of others or suggest ways to understand the violence as potentially functional; profitable for the owners; a form of tertiary (self-chosen) deviance; a sport specific failure to inculcate social control; a failure of the authorities to be rational and proportionate; race, ethnicity and gender are often issues as are combinations of all these.

For terrorism they rightly look at the Olympic Games given its pre-eminence and prior history, for instance Munich 1972, but other sports mega events like the World Cup might be seen in the same light. Historically they point out battles and guerilla actions between Turkey and Greece in the 1896 Games and the spectre of Irish Nationalism hovered over London 1908. Thus terrorism can be: investigated as a neo-Parsonian homeostasis; deployed by the State to promote appropriate ideas of good and evil; political and media labelling; the 'opportunity' for organisers to provide guardianship; potentially deterred by talking up the security; seen as part of a rhizomic surveillance or used as an excuse to 'protect' women and bar countries with unacceptable policies towards women.

Interestingly Coakley and Pike make only one mention of Blackshaw and Crabbe, and then only to observe that, 'off-the-field deviance among athletes attracts widespread media attention' (2009: 200). This rather underplays, indeed undervalues, their work. Blackshaw and Crabbe are specifically mentioned by Atkinson and Young (2008) as notable exceptions in taking criminology/deviance seriously. Where Atkinson and Young explore the possibilities of established and traditional deviance/criminology theories Blackshaw and Crabbe engage with Sumner (1994) and cultural criminology.

Building on Downes and Rock (1998) they note the lurking, and sometimes unacknowledged, functionalism in sociology and sport sociology's adherence to the abnormal and pathological; and suggest the overconformist 'positive deviance' as an example of Mertonian innovation and 'negative deviance' as retreatism. They also point out the Weberian interpretivism of work like Snyder's (1994) work on a group of college athletes who practised burglary (so much for the sports builds character functionalism). They swiftly move onto Lyng's 'edgework' and Rojek's 'wild leisure' and drag in Sutherland, Box, Croall and Ruggiero to discuss white collar and respectable crime before lighting on Brohm's (1971) Althusserian account of sport as part of an ideological state apparatus. On-field deviance is obvious whereas off-field fraud is as invisible as all other corporate crime. Quickly left realist and feminist critiques are added and finally the actions taken

¹⁴ The only live professional match I've seen featured pantomime violence and too much enforced crowd participation.

against paedophilia in sport seen to be akin to the risk management approach identified by Feeley and Simon as 'new penology'.

Intriguingly they claim, 'had he cared to discuss it, Foucault would without doubt have recognised the disciplinary techniques of the emerging institutional regime of sport as a crucial part of the 'carceral archipelago' (2004: 44). They persuasively go on to cite studies in this vein which indicate the disciplinary nature of sport. As a former marathoner and current gym goer I don't deny those aspects but as a former rugby player and viewer of the sport would also note the indiscipline on the pitch and in matters of training and alcohol intake. Examples from the hooligan literature again emphasises social control but ignores the mayhem on the pitch.

Their case studies look at the soap opera that is the Premiership (then Eric Cantona, Lee Bowyer and the Beckhams). The car cruising scene and community sports as social control before returning to the alleged sexual offences and offensiveness of footballers. I return to these sorts of issues when considering the possibilities of a sport criminology but some of the issues seem to arise from the elision of crime and deviance, on and off-field and participant and spectator violence.

More polemical accounts of sport, law, crime and deviance are available that draw on a variety of discourses, these include blogs and internet fan forums.¹⁵

As might be expected some of the most cutting critiques of violence in sport - and sometimes of sport *tout court* - is feminism but, in the sports literature, it's often men deploying a feminist perspective (see for instance, Messner, 1990). For some, sport itself is deviant and for some too many of its male participants are criminal and hubristically see themselves above the law (Jamieson and Orr, 2009).

New media offers many interactions and passing e-fevers which are not easily fixed in academic discourse but the work of radical sports journalists Andrew Jennings (transparency in sport)¹⁶ and Dave Zirin (Edge of Sports)¹⁷ offers plenty of investigative and muck-raking potential with which critical criminologists could find common cause (see also King, 2008) which brings us to some possibilities.

Case studies - 'he proceeded to kiss a woman he had not met before who might, for all he knew, be a cocaine user'

You don't need to be an Eliasian or figurational sociologist to agree with Dunning and Malcolm when they take 'anti-doping' to argue against 'judgementalism': 'drugs and sports policies to date have tended primarily to involve an emphasis on detection and deterrence, and yet the use of performance-enhancing drugs continues to grow apace' (2003:2). They underplay this. I would call drugs policies positively abusive and pre-modern. Atkinson and Young (2008) set out some possible directions for a 'criminological' - my reading - of sports deviance. Under their 'victimology' strand in the doping area I'd want to add and investigate 'miscarriages of justice', 'abuse of process' and 'human rights'.

¹⁵ See World Sport Crime & Justice Timeline for list of but little judgement of sport crime <http://www.mapreport.com/subtopics/s/j.html>

¹⁶ <http://transparencyinsport.org/index.html>

¹⁷ <http://www.edgeofsports.com/index.html>

Relativistically one might think of other forms of assistance which are not seen to be ‘cheating’ from natural biological differences through high altitude training or the sort of technological and psychological advances made by UK’s Olympic cycle team but here the emphasis must be on drugs. First they feature so strongly in law and sociological accounts as well as media coverage and secondly - usually in a different circumstances - within criminology. To make a crude distinction sports law and sports sociology deal with usually legal, allegedly performance-enhancing drugs (doping) whereas criminology deals with illegal often performance-impeding drugs (dope!). However, much of the martial and maximalist discourse is shared. Thus much of the argument in Waddington and Smith (2009) on drugs in sport is congruent with criminological understanding.

The two cases set below have not been chosen neutrally. They illustrate the ongoing capacity of sport to enforce its specificity. First the case of US winter games slider, Zach Lund, illustrates over-reaction and rough justice. Second the very different case of tennis player Richard Gasquet illustrates the exercise of equity but throws a fascinating light on the ‘policing’ of the self and others required in international sport and some very old-fashioned attitudes.

It may not help Lund’s case by being cited by Floyd Landis as an example of the deficiencies in the doping regime which saw him barred from cycling (see Mooney, 2007) but his story is instructive (Alexander, 2010). Lund is bald and used a preparation for it from 1997 which contains finasteride. When WADA was formed in 2004 it was not on their list but he declared his use. It was added to the list a year later as it was deemed to be a masking agent: he continued to declare it. He claims to have been tested and passed negative but eventually failed a test. He sought to argue that the substance should not be on the list but was thrown out of the Turin Winter Olympics, after reference to the Court of Arbitration for Sport (CAS), losing sponsorship and the opportunity to make up for missing Salt Lake City in 2002 due to a car accident.

In 2008 WADA dropped finasteride from its list claiming that steroid testing had moved on. As a previous offender he risks a life ban for any further infraction. Some of the complaints made on behalf of Lund and, indeed Landis, is that WADA’s procedures do not meet the high standards of American justice. North American professional leagues in football, baseball, basketball, and hockey are still holding out.¹⁸ Some of the criticisms of WADA and the IOC can be seen as a proper concern with judicial procedures, borderline xenophobic/racist or even a type of paranoia about world government. Some of the same legal issues, but also other issues, are raised by the case of Richard Gasquet.

Gasquet is tennis player subject to the International Tennis Federation’s doping procedures. In early 2009 he was suffering shoulder injuries and playing through the pain (the sort of deviance often examined by sports scholars as overconforming or positive deviance) and withdrew from a tournament in Marseille in February. He travelled to Miami on 22 March to play in a tournament in which he was a seed with a bye that meant he was not due to play until Saturday 28 March. On the Friday evening he discussed an MRI scan of his shoulder with his physio, coach and the tournament doctor. On his return to the hotel he decided to withdraw but also decided to leave the formalities to the next day as he needed to return a hire car and collect an expenses cheque!

¹⁸ The failure of the USA to sign up to the International Criminal Court is instructive and Guantanamo Bay offers its own commentary on American Justice. Forman (2009) uses discussion of Guantanamo to throw doubt on the claims made for the rest of the Justice system.

He decided to go out that night to meet up with compatriot Bob Sinclar, a DJ playing at the Winter Music Conference who he had met earlier that day. They met at a restaurant with his coach, another coach and the DJ and his wife. During and after the meal they fell into conversation with a table of women all French. Gasquet spent much, but not all, of the evening, and later at some clubs, with 'Pamela' (her full name is never discovered) and some deep kisses (des galoches not un bisou) are exchanged. They part early in the morning, he returns to his hotel to sleep. He attends the tournament to withdraw formally and takes a doping test which is deemed, and then later found, to be 'in-competition'. The test contains a minute trace of cocaine and metabolites thereof. He is punished by the ITF, the Tribunal finds for the ITF but the CAS brings some equity to the case. The CAS recognises he gained no advantage and all accept his explanation that the contamination came from those kisses. It is accepted that he is not a cocaine user - or, indeed, the subject of a deliberate contamination - as the amounts found would have been larger. He keeps his winnings and points from later matches and ITFs general principles are upheld.

The details are fascinating but a number of points are worth drawing out. In paragraph 16 of the ITF Tribunal they remark, '.... as part of the Winter Music Conference; an event which, though the player did not know it, is notoriously associated with use of illegal recreational drugs including cocaine' and at paragraph 100 they excel themselves in opining, 'he proceeded to kiss a woman he had not met before who might, for all he knew, be a cocaine user'. Judges during the 70s and 80s were sometimes equally insensitive in dealing with rape cases.

Standing behind the infantilising and patronising tone of the judgement is a positivistic yet 'new penological' reliance on science and a one size fits all management of crime. No proper 'policing' or evidence gathering is attempted or required (or perhaps possible, Pamela is not compellable) and the player is expected to roll over and accept the strictly liability and rough justice in the name of keeping sport 'clean'. Sport may be part of the ideological state apparatus but it often nakedly repressive. Gasquet was nearly subject to a miscarriage of justice and Lund was.

Stewart and Smith (2008: 279) suggest:

The implication of this argument is that drugs-in-sport policies dominated by testing, coercion, and escalating penalties are flawed and should be supplanted by harm-reduction models that give greater focus to the health and well-being of athletes.

I would agree and argue for the same in drugs in society. There is a further cross-over in that steroid use is now, as the Advisory Council on the Misuse of Drugs Annual Report 2008/9 (2009: 7) has it:

become increasingly concerned at the use of anabolic steroids by the general public, and in particular young people. These substances have become "popular" in relation to body building and image enhancement. Data from the British Crime Survey (2006/07) estimate that 32,000 people had used them in the last year and 14,000 in the last month.

some possibilities for and potential exclusions from sport criminology

I declined to define sport above and criminology in the past (Groombridge, 2008a) but some boundaries need to be considered. For instance some of the materials reviewed and referred to above move smoothly, or unconcernedly, from considering sport and crime or sport and deviance to

considering sportsmen (largely) and crime/deviance. There is some allure in covering the recent 'spate' burglaries of footballers in the Manchester area but these might well be addressed by or within criminology 'proper' or under the aegis of 'celebrity' (Penfold-Mounce, 2010).¹⁹ That is the only connection with crime is that a sportsperson has been the victim. Similarly, accusations of sporting violence against women and other, often overlooked, crime (Benedict, 1997 & 2004 and Benedict and Yaeger, 1999) is important but might fall outside a sport criminology. Though the work of Tony Jefferson (1998) on boxer, Mike Tyson might be considered as it explores the continuities in Tyson's sport and life but is also a depiction of the psycho-social method and a contribution to the masculinities literature.²⁰ There is obviously an overlap between the masculinities literature and the sports one and those interested in a gendered criminology might take this forward.

A rising concern in sports law, indeed in sports administration and more widely, is child protection. Clearly this is of interest for criminology but this too might not be sport criminology as sport is the context rather than a defining characteristic. Should the religious context of paedophile priests be used to propose a religious criminology?

Indicators against a sport criminology might be taken from the absence of the term or consideration in standard criminology texts. Thus the only mention of sport in the Sage Dictionary of Criminology is by Jupp (2001: 203) as a throwaway example of 'hidden crime' - bribery to effect a sport result - and two in the Oxford Handbook. The first, by Heidensohn and Gelsthorpe (2007: 390) - again a throwaway - mentions sport in a discussion of masculinity. The second by Morgan and Newburn (2007:1048) notes that sports projects (undefined) are well represented in youth justice provision. Even in Newburn's own magnum opus (2007)²¹ there are only 4 occurrences of the word sport; with one being metaphorical (op cit p 275), another refering to some work of Eynsenck on personality (op cit p163). The tendency of the press, in the past, to report assaults on the police as being akin to a 'spectator sport' (op cit p45) or noting the motor sport elements of joyriding (op cit p 468).

A very modern example of Jupp's 'hidden crime' might be seen in reports and speculations about tiny manipulations in Twenty20 cricket - a wide here, a full toss there - that might allow the spread better to make a killing without attracting any attention (Selvey, 2010). Similarly, at the time of writing, snooker is wracked with concerns about thrown matches, frames or shots and the influence of betting mobs.²²

In proposing sports criminology or criminology and sport I seek to open up friendly relations between sport, law and criminology to examine the Venn diagram overlaps. I hope the case studies above indicate some worked through examples that show the possibilities. What follows are more speculative shots that suggest some further work that might be done by myself or others.

¹⁹ I gave a brief interview to Radio 5 Live on 4 March 2010 about this.

²⁰ See also Wacquant's (1995) personal engagement with boxing.

²¹ I know him to be a devoted football fan.

²² See also problems in Sumo The Guardian 28 June 2010 <http://www.guardian.co.uk/world/2010/jun/28/sumo-wrestles-illegal-betting-scandal>

- 1 As Morgan and Newburn (2007) note sport is often deployed as crime prevention, rehabilitation or programme element some of this is explored by Nichols (2007). Smith and Waddington (2004) cite some of Nichols early work. Blackshaw and Crabbe (2004) see the social control aspects of such schemes yet he does not reciprocate but he is not uncritical of the possibilities and problems of such schemes. Kelly (2008) notes that the 'hook' is now for both diversion/desistance rather than 'moral improvement'.²³
- 2 In respect of joyriding many saw motor sport, or at least motor mechanics, as crime prevention or an element in youth justice or probation responses. I explored this in my PhD (Groombridge, 1998) without picking up on this but agreed with Campbell's (1993) description of joyriding as 'auto-dressage' and quoted Sir Philip Sydney on the pleasure of mastering horses and some modern Welsh youth who stole them.
- 3 Some of the earliest uses of CCTV has been in sports stadia for crowd control and targeted arrests which critical criminology and sports sociology rightly sees as evidence for social control. Others focus more on the effectiveness of the wider street use of CCTV (Groombridge, 2008b). Yet despite the presence of numerous cameras, up to 100,000 spectators and dedicated officials diving and assorted cheating appears to be endemic. Here sport is an example of an 'experiment' that might not be sanctioned in real life.²⁴
- 4 Parkour or free running is an urban recreation, which like skateboarding and roller blading is more popular with young people than the authorities and might attract 'designing out' crime prevention measures or ASBOs. Indeed Tim Shieff, 2009 Barclays (!) World Freerun Champion, has been warned by a Police Community Support Officer that his behaviour is anti-social (*Daily Star* 14 March 2010). Hartley notes the potential Parkour raises for negligence and public liability claims and rightly argues that it is, 'a site ripe for socio-legal analysis of law and popular culture' (2010: 278)²⁵. Free runners, or *traceurs*, have been heralded as high speed flaneurs (Atkinson, 2009), picked up on by cultural geographers (Saville, 2008) and attracted the concern of medical journals. Clearly there is an interest for cultural criminology and youth justice specialists where this analysis might commence. My own hunch would be to relate it to joyriding but hailing it as more green and having more *jouissance*.
- 5 I have long used the examples of the playing of sport and differences between sports in lecturing on the sociology of deviance and criminology.²⁶ Just as comparative legal scholars and criminologists note differences between laws so if you have played or spectated a variety of games differences in rules or laws or, indeed their application can be a source for meditation on the nature and malleability of such rules. See Gardiner et al (2006: 72) for discussion of rule changes like those in Formula 1 where one team is seen to be gaining too great an advantage.

²³ See also Coalter Fred with Allison Mary and Taylor John (2000)

²⁴ Lampard's recent 'goal' in the recent World Cup loss Germany shows where technology might have been useful.

²⁵ A point picked up on by sports sociology texts which aim to get 'down with the kids' with several featuring it on their covers.

²⁶ And see that Blackshaw and Crabbe concur (2004: 22)

6 'Crashgate' also involves Formula 1. Here the Renault team ordered Nelson Piquet Jnr to deliberately crash his Renault in the 2008 Singapore Grand Prix. This did involve both sport and national courts but lawyers thrashed out an agreement which leaves Flavio Briatore free to become involved with the sport from 1 January 2013. Like much elite wrongdoing it would be difficult to investigate such matters and even journalists who cover the sport may be reluctant to risk their access-all-areas passes.

7 'Bloodgate' is the catch all media denotation of the whole story of Tom Williams's deployment of fake blood during a match against Leinster in a Heineken Cup match to enable a specialist kicker to come on to the field and the eventual revelation that it had been ordered by Quins Director of Rugby Dean Richards. He was banned for 3 years and the club fined £240,000. Clearly no such event could occur in American Football where the rules specifically allow for multiple replacements and substitutions. When I played rugby no substitutions were allowed and replacements only with independent medical approval, and were rarely available at the level at which I played. So we have on field 'positive deviance' or innovation and off-field corporate/management actions. This was played out in the media but remained within the sports 'justice system'. Here still and moving images played their part in alerting suspicion.

Some of these might feature in sports law in future and sports sociology and sports journalism touches on these but perhaps only a sports criminology has a less partial take on it.

Final whistle/no side/finish line²⁷

Giulianotti and Klauser (2010: 49) argue that an interdisciplinary research approach is required to understand security governance at sports mega events that:

brings together three particular strands: first, a sociological approach that explores the "security field," drawing in part on Bourdieu; second, critical urban geographical theory, which contextualizes security strategies in relationship to new architectures of social control and consumption in urban settings; and third, different strands of risk theory, notably in regard to reflexive modernization, governmentality, and cultural sociological questions.

I would argue that their work is highly relevant and that much of what they propose could be subsumed under 'surveillance studies' or the sort of broad criminology I already support. I have already suggested sports criminology's overlap with cultural criminology, crime and media perspectives and corporate crime but some others are possible too.

Foster argues, that law is increasingly invasive but that sport, 'uniquely offers a field in which the constitutive power of regulation and law is easily studied, and where the arguments over legal intervention are not yet closed' (2006: 155). Much the same argument might be made for criminology. Indeed sport might be seen to be a different country where they do things differently so enabling the national-based criminologist to practice some transnational criminology.

Atkinson and Young (2008) talk of theoretical intersections and some others for this work are clearly the sociology of masculinities with which the best sport sociology engages. Development

²⁷ 'No side' is rugby union's version of full time.

and green perspectives - in criminology or elsewhere - should be interested in the growth of mega sports events in the Global South or plans to fell forest for unnecessary golf courses (Guardian, 23 April 2010). Others have have been mentioned above and it is hoped that others will find more.

From what we have seen sports law is largely involved with disputes between players and authorities or authorities and news media. Indeed in the Gasquet case Adam Lewis QC represented the player and Jonathan Taylor the ITF yet they edit a book together and presented the case to a sport and law conference jointly.²⁸ As the case study of Richard Gasquet shows 'sport law' follows the 'black letter' law²⁹ and sports sociology largely backs the huge anti-doping edifice heaped on sportspeople. A critical realist culturally informed sports criminology notes the imposition and echoes of the treatment of women in rape cases. It may come closer to Finley and Finley's (2006) *The Sport's Industry's War on Athletes*. They take issue with the use of the concepts of deviance and overconforming in sports sociology. They note the sacrifices made in the name of the sports ethic and the harms drugs, eating disorders, playing whilst hurt, hazing, various 'isms and predatory finance etc have on athletes. Such a mix might be of interest to zemiologists and criminologists of the harm perspective (Hillyard et al, 2004).

Game on?

²⁸ 30 March 2010, Montague on the Gardens.

²⁹ or 'white line' given the tennis/cocaine connection.

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