

SPORT AND THE LAW

Sex and the team player:
when a team becomes a gang

In an extended column, SALLY KIFT replays and laments the sexual assault scandals that enveloped Australian football in 2004–05, linking them to the bonding and humiliation central to so many men's team sports.

What is it about footballers and sexual assault or, more accurately given the broader national and international experience, male sporting celebrity and sexual mistreatment of women? While this column focuses on the more recent appalling incidents of off-field behaviour by Australian National Rugby League (NRL) players and their colleagues in the Australian Football League (AFL), it is only fair to acknowledge that issues around sex and team sports are not confined to sportsmen behaving badly in Australia, as isolated from the rest of the world. Nor, indeed, is it only a contemporary phenomenon or confined to these two football codes.

However, it is these two codes that have produced the most recent and startling bad-boy examples to have impinged on the Australian psyche. Witness the very public spectacle of repetitively salacious starts to the last four NRL seasons: police investigations in 2002 into alleged sexual assault by Cronulla-Sutherland players in New Zealand; allegations in 2003 and — snap — again in 2004 against several Canterbury Bulldogs at Coffs Harbour; and, in 2005, a drunken rampage by twelve Newcastle Knights at Charles Sturt University (CSU), Bathurst. Add to that the plethora of allegations made against high-profile AFL players — most prominently in early 2004 against St Kilda's Milne and Montagna, but also allegations that surfaced surrounding Heuskes (at least two separate incidents in 1999 and 2000), Burgoyne and O'Loughlin — and there is more than enough material for present purposes.

Fair game

Let's not be coy about this. This isn't simply a case of boys getting a bit drunk and rowdy with their mates: these allegations were of serious sexual assault, exacerbated in almost every instance by both the siege-mentality reactions of clubs callously managing and spinning these slurs to protect their lucrative brands and an astounding display of indifference, condescension and outright hostility by those associated with the game. Who can forget the following 'highlights'?

- 'Some of the boys love a bun'; 'gang-banging is nothing new for our club, or the rugby league' (reported comments of anonymous Bulldog player).
- Reports of Bulldogs' players urinating for the media and making lewd comments to female reporters, and the spectacle of members of that team turning up late for police interviews in thongs and t-shirts, one of which read 'We play dirty'.
- Australian NRL captain Darren Lockyer's televised 'joke', playing on the name of former star, John Raper.
- Eddie McGuire on the AFL Footy Show, suggesting, on this issue in March 2004 that, as people no longer turned

to the church for 'moral guidance', AFL clubs might step into the gap.

- The arrogant celebration of vindication (especially by CEO Malcolm Noad) when no charges were laid against any Bulldogs — proof that *nothing* ever happened — exacerbated by the insulting, simplistic closure of asserting ultimate exoneration by virtue of on-field success, when the Bulldogs won the NRL 2004 Grand Final.
- As an interesting footnote to the 2004 season, that the NSW Police Integrity Commission (PIC) is now investigating, inter alia, the leaking of information gathered during the Bulldogs 2004 gang-rape investigation to the media, and in particular how 2GB broadcaster Ray Hadley obtained a copy of the police occurrence report about the rape and how details of a telephone intercept regarding an alleged drug transaction found their way into the media (*Sydney Morning Herald*, 24 April 2005). Throughout the investigation by Strike Force McGuire, the Bulldogs' management expressed dissatisfaction with the police handling of the rape claims, though their request for a PIC Inquiry was turned down last year. This year, however, things have changed, and several senior police have now been referred to the PIC following independent advice received.

In living memory, no successful prosecution of allegations of sexual assault against AFL or NRL players has been sustained. Recent experience will hardly be reassuring for, or encouraging of, complainants who wish to come forward with their stories, especially when fear of reporting sexual offences is already endemic in the wider community (fewer than 20% of sexual assaults are reported to police). Whither the 'fair game' and the 'level playing field'?

Playing by the rules

Sport and its players' moral codes cannot, of course, be divorced from broader Australian society, of which both are integral parts. The NRL commissioned a \$1 million, 110-page report to investigate player attitudes and behaviours towards women in the wake of the 2004 Bulldogs scandal (*Playing by Rules*, released 20/12/04, but apparently no longer worth listing on the official NRL website). Its authors strongly made the point that when it comes to 'anti-social behaviour and binge drinking, lots of young men are on a learning curve, and few have to conduct their education in public' (Catherine Lumby, *Sydney Morning Herald*, 23 February 2005). In short, the Report said that players' 'general attitudes were not out of step with those of many young Australian men' (NRL Media Release, 20 December 2004, presumably referring to the general social malaise around the sexual mistreatment of women).

The Report's recommendations aimed for 'long term cultural change', ranging through player education,

increased feminisation of leadership/authority positions in clubs, and the development of charters of responsibility and procedures for dealing with complaints. All of this would be fine, but despite the Report's endeavours, the Newcastle Knights debacle at CSU in February 2005 provided another extreme example of an inability to comply with the most basic social norms of off-field 'play'. Most damningly, the Newcastle player sacked for his part in the affair and deregistered by the NRL for one year, 20-year-old Australian junior representative Dane Tilse had, just two weeks earlier, attended a pre-season education session run by the NRL to address exactly this sort of behaviour (three two-hour forums at the University of Sydney). Tilse was widely felt (in supporters' circles) to have been a sacrificial lamb. Not that he didn't deserve to lose his livelihood for a year: rather that, as a young player, not yet a 'star' on a longer contract, he was singled out (by comparison, Kurt Gidley, the acting captain and also involved, was only fined by the club). The more valuable the player, the greater the temptation to defend or cover up.

The question of the relevance to footballers of theoretical classroom discussions in making subsequent judgments about what is and is not consensual sexual behaviour (or even appropriate public behaviour) remains problematic. In the light of bitter experience, the codes' responses need to be slightly more realistic in addressing the all-too-common scenario of incidents involving boys who seem to be incapable of being anything other than boys when away from home, drunk and running as a pack.

Are footballers not (just) men?

What is it that these players don't get? What is so difficult about playing by the rules and complying with minimal standards of acceptable off-field behaviour? Certainly the testosterone culture plays a large part. The adulation of tribal fans and glorification of arrogant male sporting celebrity by a fawning media, particularly the elevation of on-field 'biffo' into a form of hegemonic masculinity and male dominance, venerated for the purpose of symbolic annihilation, must be a difficult skin for individual players to shed when off-field. Worse, these players are far from individuals: they are inculcated as mere parts of a much greater, bonded whole, into the iconic 'team'.

This narrow, stereotypical conception of masculinity exacerbates the 'd'oh — don't-get-it' factor in player responses, and draws attention to the NRL Report's purposeful and too-frequent downplaying of abusive behaviour as 'anti-social' (in this regard, the 12-page discussion paper circulated to clubs by the AFL in late 2004 is a much more useful document). There is a very real difference between socially irresponsible behaviour and (at best) unwanted sexual harassment and (at worst) criminal sexual conduct. Naming the behaviour holistically as 'anti-social' simplistically validates the superior spin that many complicit and well-resourced clubs have so successfully used in the past to 'manage' these 'unfortunate' occurrences for players who have too infrequently been required to be accountable for their own behaviour.

It also ignores a deeply ingrained 'booze culture' that seems to intensify when football teams play 'away' (where most of the trouble occurs) and other equally entrenched bonding rituals that ought to be categorically ruled out as unacceptable in 21st century society. It may be that footballers have little experience of mixed-gender environments and that as, predominantly,

youngish men of 15–24, they are a high-risk group who may be lacking fully mature powers of self-control or the ability to understand fully the consequences of their actions (the High Court has touched on this in criminal provocation cases). Here we have an environment in which 'rape-supportive attitudes and beliefs are held, reinforced' and flourish (Jeffrey R Benedict, *Athletes and Acquaintance Rape*, Sage, 1998). But these factors may only explain, and not excuse, criminal behaviour.

Reversion to myth and stereotype as spin

In the 2004 frenzy, the Australian public experienced an incredible media-led foray into a cultural construction of assumptions about how consensual sex might be negotiated. All the old stereotypes and myths were trotted out as unsubstantiated fact, to invert allegations against players and shift the focus onto the complainants. In effect, the stories told by the clubs questioned whether there was ever any real rape by these poor, defenceless but hulking, men (who, presumably could have any woman they wanted, so why force *these* women). The implication was that the players were the real victims and the real offenders the predatory, vengeful women/groups who maliciously 'cried rape' for the ulterior purpose of (varyingly) financial gain, fame, revenge for being cast aside, an alibi or to cover-up guilt, shame, regret, infidelity or embarrassment. Consensual behaviour engaged in beforehand — especially if it was risk-taking, such as drinking, 'riding in cars with boys', accompanying them to their hotel rooms or, worse still, if actual sex had occurred — was callously invoked to obscure the distinction between consensual and non-consensual behaviour or to cast doubt on the credibility of such 'atypical' rape victims. By smearing the women and their complaints, the players-as-accused were rendered, if not invisible, at least as badly maligned souls grappling, psychologically and reputationally, with the burden until cleared.

The end

There is some hope that a real cultural shift is evident in the senior official levels of both codes, and this seems to be (slowly) filtering down to club executives. What remains problematic is the juvenile behaviour by which a team becomes a gang, about which clubs need to establish clear guidelines for young players. The US *Mentors in Violence Protection Program* (Northeastern University's *Center for the Study of Sport in Society*), where older players train as role-models for junior colleagues may also produce some promising results.

Fundamental to addressing this issue, however, is a recognition of the role that power, dominance and ritual humiliation plays in many male sports (just think of sledging). There is still a lesson to be learnt from that now legendary on-field example of 'bad boy' behaviour by the NRL's John Hopoate, who took to digitally penetrating opponents' anuses in tackles (we call that rape in a number of jurisdictions). What was that, if not violent humiliation and an exercise of power perpetrated in a climate, as is so often central to sexual abuse, of silence and isolation: the players knew but did not 'dob'. Interestingly, according to players who finally spoke about it, the embarrassment was as much for the code, as for any defilement of themselves. In a more recent imbroglio, Broncos' coach, Wayne Bennett, told the media that he'd reported another team for using 'the wedgie', a schoolboyish, but illegitimate way of causing

'Sport And The Law' continued on page 145