Narrative Immunity:

Australian Footballers in Sexual Assault 'Trials by Media'

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For those loved and lost

Dad
June 3, 1940 – April 3, 2009

Gran
May 6, 1907 – March 23, 2008

Arni
August 20, 1992 – December 7, 2007

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Abstract

In Australia in 2004, several sexual assault allegations were made against footballers from the nation's principal football codes, Australian Rules and Rugby League, sparking an intense media debate around the culture of the leagues and the nature of relations between elite footballers and women. None of the cases was tried in court, and despite several new cases since, no Australian footballer has yet been made to stand trial for sexual assault. There is a disjunction between the growing number of cases and the repeated failure of any case to be criminally prosecuted; however, there is only a small literature on the problem of athletes and sexual assault, and the majority of this attempts to uncover what "causes" athletes to rape, rather than addressing the silencing of the cases once they have been reported. The Australian events illuminate a previously un-researched aspect of the unfolding of these types of crimes: the extensive public media debates that they ignite, which, I argue, ultimately perform a kind of *de facto* adjudication of the crimes.

Using narratology, I argue that in the public discourse about these events, certain narrative and grammatical techniques are repetitively employed to deflect blame away from footballers and onto the women involved in the cases, providing footballers with what I call a "narrative immunity" against allegations of sexual assault. This narrative immunity is partly constructed through the rhetorical techniques used in criminal rape trials to discredit complainants. I also broaden the traditional boundaries of such investigations by examining the discourses of football reporting generally, including match reports, injury reporting and general sports news. These broader discourses of football underpin the discourses of sexual assault, and I further investigate the ways in which individual narratives intersect with, and are informed by, "stock" or "cultural stories" − those such as the Woman Scorned and the

Gold Digger − which are widely understood to have truth-value, and work to undermine the validity of a woman's claim of sexual assault. I show that the circulation of these stories constitutes a *de facto* adjudication of the women's claims, and thus the media debate supplements and replaces an actual legal process. In this way, the narrative immunity of footballers relegates complainants to the position of Jean-Francois Lyotard's victim: the one who is injured, and deprived of the means to prosecute the injury. However, alternative narratives are possible, and I examine the possibilities that these alternative strategies provide for contesting footballers' narrative immunity, thus making it possible for rape complainants to argue their case in the public discourse, not as victims, but as plaintiffs.

I, Deb Waterhouse Watson, declare that this thesis contains no material which has been accepted for the award of any other degree or diploma in any university or other institution. I also affirm that, to the best of my knowledge, the thesis contains no material previously published or written by another person, except where due reference is made in the text of the thesis.

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Deb Waterhouse Watson

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A Note on Terminology

There has been much feminist debate over the most appropriate term to describe a woman who has (allegedly) been raped: ‘victim’, ‘survivor’, or ‘complainant’. Linda Alcoff and Laura Gray (1993) explicitly link ‘victim’ with passivity and ‘survivor’ with activity, and in their article refer to all raped women as ‘survivors’. Sharon Lamb (1999, p. 119) cautions against the use of ‘survivor’ as it is a ‘grand term’ indicating ‘that the victim’s life was at stake and that the victim survived an event on a par with a genocide’, which may deter women who did not consider their experience to entail this level of destruction from recognising it as rape. Nicola Gavey (1999, p. 78) also warns that ‘it may be difficult for a woman to call herself a survivor without necessarily marking her self-image with the sense that severe damage has occurred’, suggesting that adopting this term may affect a woman’s ability to move on from the experience. Joanna Bourke (2007, p. 7) also prefers ‘victim’ as it ‘draw[s] attention to the hurt of abuse’ adding that ‘it is not a moral judgement, nor an identity’, and does not preclude victims from also being survivors. Each position has its merits; however, individuals will find different words applicable and helpful, and part of regaining a sense of control over their situation might involve making that choice. I therefore consider that it should be an individual victim/survivor’s own choice which term they feel best applies to their situation. However, as none of the cases I will analyse has been legally tested, I will primarily use ‘complainant’, as it draws attention to the act of *speaking* about rape. In addition, I will at times use ‘(alleged) victim’, as in legal discourse ‘victim’ is the term ascribed to a wronged party; more importantly for this thesis, in Jean-François Lyotard’s (1988) terminology, ‘victim’ has the additional sense of one who has been wronged but is denied the possibility of testifying to the

wrong (see Chapter Three). For these reasons I will use it in this thesis in preference to survivor or victim/survivor.

BULLDOGS PARTY ENDED IN WOMAN'S SCREAMS BY POOL
Sydney Morning Herald, 25 February 2004

SHE WAS SOBBING, SOAKING WET AND DISTRESSED
Daily Telegraph, 27 February 2004

SEX CHARGE 'SOON': STRONG EVIDENCE OF RUGBY ASSAULT
Sunday Herald Sun, 29 February 2004 (O'Neill 2004)

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BULLDOGS RAPE CASE THROWN OUT
'I think it should be seen as a true vindication' —Bulldogs CEO Malcolm Noad

Sydney Morning Herald, 28 April 2004

***

On 24 February 2004, a handful of articles appeared in Australian newspapers, reporting that members of the Canterbury Bulldogs rugby league team[1] allegedly raped a woman at the Pacific Bay Hotel in the New South Wales coastal town of Coffs Harbour. The following day, the police report of the case was read out on Sydney's Radio 2GB by "shock jock" Ray Hadley, revealing that the 21-year-old complainant had been taken to hospital and treated for 'grazing, bruising and trauma' (Halloran & Magnay 2004), after at least six Bulldogs players allegedly 'sexually assaulted her, without consent, by anal, oral and vaginal penetration' (Breen 2004). Commentators pointed out that 2004 was the third year in a row that the National Rugby League (NRL) pre-season had begun with an alleged sexual assault. Prominent *Sydney Morning Herald* sports journalist Jacquelin Magnay wrote at length about the

[1] Rugby league is the principal football code in New South Wales, Queensland and the Australian Capital Territory, and the sport is governed by the National Rugby League (NRL); Australian Rules, or the Australian Football League (AFL), is the elite football competition in Victoria, South Australia, Western Australia, Tasmania and the Northern Territory. See Chapter Four for a description of how both games are played. Appendix 2 provides a full list of club names and nicknames from both the NRL and AFL.

culture within rugby league that endorses the subordination and denigration of women (2004). This followed on from her 2003 exposé, written with colleague Jessica Halloran, which first revealed that "gang bangs" and disrespect for women in general are commonplace for NRL players (Halloran & Magnay 2003). Many fans also expressed their 'outrage and revulsion', declaring that if the players were guilty, 'the full force of the law should take its course and the game of rugby league should abandon the perpetrators' (Frilingos 2004a). Others suggested that the complainant was lying in order to gain a financial settlement, or, in the words of one blog contributor, 'that after consensual sex with one or two of [the players] they treated her disdainfully and she got hysterical' (Baird 2004) − in other words, she was a "gold digger", or a "woman scorned" out for revenge.

The intense media debate that surrounded the Canterbury Bulldogs case escalated when news broke less than a month later that players from the Australian Football League (AFL) − St Kilda's Steven Milne and Leigh Montagna − allegedly raped a woman following the club's pre-season competition victory. The woman and a friend each had consensual sex with one player. The woman said that the players then wanted to swap partners and forced her to have sex against her will. While Canterbury was widely criticised for adopting a 'siege mentality' (Magnay 2004), refusing to co-operate with the media, St Kilda was generally praised for its comparative 'openness and honesty' in handling the case (Wilson, C 2004b). Nevertheless, the revelations prompted many to question whether the AFL might also have problems with regard to sexual assault. Some groups pointed to the culture of football codes as a source of negative attitudes towards women and called for change, the majority suggesting that limiting players' alcohol consumption (Chapter Five) or "education" programs (Chapter Six) could solve any problems.

As the series of front-page headlines that opens this introduction indicates, despite six weeks of police investigations into the Canterbury incident, evidence of rape, and police belief that they would be able to charge players with sexual assault, the case was thrown out by the Director of Public Prosecutions (DPP). Shortly afterwards, the St Kilda case met the same fate. Canterbury officials declared, 'We knew from day one we've been guilty of nothing' (Brown, A 2004b), 'I think this should be seen as a true vindication', and 'Let's believe nothing happened in Coffs Harbour' (Kennedy, L & Magnay 2004). This pattern of events has been repeating in the media ever since, in both the NRL and the AFL: footballers are accused of group sexual assault against a woman or women[2] (a few cases involve a single player), and police cite evidence that rape occurred, but the case is thrown out before it can be tried in court. In a few cases, charges are laid, but they are subsequently dropped, or dismissed prior to a trial committal. Coaches, CEOs and other football representatives then declare that "their" players have been found "innocent". At least twenty distinct cases involving AFL or NRL players have been reported in the Australian media since 1999, involving more than fifty-five players and staff,[3] only five of whom have ever faced criminal charges.[4]

[2] I do not imply that only women can be victims of sexual assault by men, that footballers have never/could not rape other men, or marginalise the suffering of male victims; clearly, both women and men can be perpetrators and victims. In 2001, then-Wests Tigers NRL player John Hopoate infamously inserted his finger into several opponents' anuses during matches, which constitutes sexual assault (Payten 2001). However, it was, with very few exceptions, not reported as such, and the case is markedly different from those involving female victims in terms of location, media coverage and public response; thus it is beyond the scope of this thesis. As all reported cases of sexual assault by footballers in Australia involve male perpetrators and female victims, and I am tracing the public record of cases, my focus will be on them. Further, the overwhelming majority of rape cases in general involve (a) male perpetrator(s) and female victim(s): in a study by Melanie Heenan and Suellen Murray (2006), over 99% of reported rapes in 2000-2003 in Victoria were perpetrated by men, and 92.5% of victims were female.

[3] The majority of alleged perpetrators were not named, and some teams are implicated in more than one case, so precise numbers cannot be established as it is possible that there is some overlap; one player, the AFL's Adam Heuskes, is known to have been involved in two incidents.

[4] See Appendix 1 for a summary of all cases reported in the Australian media.

The question of footballers and sexual assault has been considered by scant few scholars, and while the majority of these rely on constructing narratives of selected sexual assault cases to explain and provide evidence for their arguments (Benedict 1997, 1998; Nelson 1994), only two consider the important role of language and representation in the cases' public existence in the media. Gender theorist Kim Toffoletti (2005, 2007) presents a preliminary investigation of a select sample of newspaper articles covering the alleged rape involving St Kilda footballers, considering various aspects of media representations of the case, and Nina Philadelphoff-Puren (2004) analyses statements of football club representatives in relation to both the Canterbury and St Kilda cases. However, there has been no comprehensive investigation of the role of *narrative* in the public articulation of these cases − the way stories of footballers and sexual assault are told − and in particular its role in effecting a *de facto* adjudication of the cases. In the absence of actual legal adjudication, each case plays out entirely within the public discourse. This occurs through discursive and narrative contests between those who uphold the validity of complainants' words − that is, render them *admissible* as evidence in a "trial by media" − and those who oppose them and undermine their testimony. These kinds of narrative contests ultimately *decide* the truth or falsity of each claim, and for this reason analysing the narrative existence of these events is of critical importance.

I will use narratology to uncover the ways in which narrative and grammatical structures in media texts operate to distribute blame and responsibility, and hence invalidate claims of rape. I will also explore how these narratives intersect with wider discourses and stories about women and sexual assault. Football representatives, as well as media commentators, construct narratives that shift blame away from footballers and onto the women involved, frequently ascribing sole agency for

anything that occurred to the women. They also deny footballers' agency in their actions, thus denying their *intention* to commit any crime. This is of particular significance as, in legal proceedings, an accused person's intention to commit a crime − their *mens rea* − is critical in determining guilt, and one cannot be found guilty of a crime one did not intend to commit. These same patterns of distributing blame and responsibility are repeated with each new case, providing footballers with what I call a "narrative immunity" against being answerable for allegations of sexual assault (Chapter Two). This is tantamount to a successful legal defence in a trial by media. Complainants are largely denied a voice within the debate, with the majority of space devoted to the statements of football representatives. These narratives also effect a *silencing* of complainants' accounts, making it virtually impossible for rape testimony against footballers to be considered admissible as "evidence" in the media adjudication of the cases (Chapter Three).

The sexual assault discourses form only one small part of the discursive construction of football, and I will therefore also analyse media sports reporting and football literature unrelated to sexual assault, uncovering similar patterns of allocating blame and responsibility. The representations of the sexual assault cases and these broader discourses reinforce each other to render players blameless, no matter what they do. Discourses of injury and the footballer's body (Chapter Four), team bonding and alcohol (Chapter Five), and "education" and the official league discourses (Chapter Six) reinforce the narrative immunity provided in media portrayals of the cases. I will also argue that the discourses of football imply a 'rape culture' (Donat & D'Emilio 1992; Heberle 1996; Herman 1984), or 'rape prone society', as anthropologist Peggy Reeves Sanday terms it (1981, 1986). In a rape culture, rape is more prevalent than in other contexts and, based on studies of 95 tribal societies,

Sanday (1981, p. 19) identifies the characteristics of rape prone societies as high levels of interpersonal violence, male dominance, and sexual segregation; in some rape prone tribes, "normal" heterosexual practices are also characterised by violence (pp. 10-11), like the footballers' sexual discourses outlined in Chapter Five. However, alternative narrative strategies to those that blame alleged victims also circulate in the media. Although they are marginalised in favour of those that blame complainants, this nevertheless demonstrates possibilities for undermining footballers' immunity and lending truth-value to the words of complainants (Chapter Seven).

Although endeavouring to address the issue of athletes and sexual assault, critical literature can in fact perpetuate some of the problems I identify in media texts. For example, as I will argue in Chapter One, in *Public Heroes, Private Felons: Athletes and Crimes against Women* (1997) Jeff Benedict both explicitly and implicitly blames women for the higher prevalence of rape among elite athletes. He argues that women who have casual sex with athletes contribute to the men's misconception that all women are sexually available to them, and are therefore partly responsible when athletes commit sexual violence.

Mirroring the focus of the debate, the leagues introduced measures aimed at circumventing the "causes" of sexual assault; however, their discourses continued to uphold footballers' narrative immunity. The AFL introduced penalties for players and clubs for responding inappropriately to an allegation of sexual assault (see Chapter Six), the AFL and NRL implemented "education" programs, and many clubs introduced measures to curb players' drinking. These measures were supposed to bring about change and inhibit players from committing such acts in the future, although the clubs and leagues persistently denied that any of the allegations could be valid. However, new cases continue to be reported with similar frequency, and no

Australian footballer has yet been tried on a charge of sexual assault.[5] This thesis seeks to account for this anomaly, arguing that it is the circulation of popular woman-blaming narratives that shields accused players from being prosecuted for sexual assault. This means that complainants in the footballer cases become what philosopher Jean-François Lyotard terms 'victims' (1988, p. 8) − that is, they are divested of the means to prove that they have been wronged and they cannot therefore act as 'plaintiffs' who have the ability to prove their case.

In Chapter One, 'The Story of Rape', I unpack the construction and "constructedness" of sexual assault narratives, arguing that individual narratives are populated with the same stock female "characters" who willingly have sex with footballers and make false complaints, for different reasons. These characters, or 'stereotypes' (Gilman 1985), include those of the Predatory Woman, Woman Scorned, Gold Digger, Groupie and Party Girl, all of whom can replace the Raped Woman and thus undermine complainants' testimonies. I also demonstrate the power of narrative alone to render a complain(an)t credible or incredible by juxtaposing two narratives based on the same testimony, one of which validates the testimony, while the other undermines it.

Chapter Two, 'Narrative Immunity', examines the discourses of the 2004 footballer sexual assault cases and traces narrative patterns of deflecting blame away from footballers onto any and all women. My analysis examines: media texts, which were produced immediately after the events; Roy Masters' *Bad Boys* (2006), which is the only Australian book to date to address the issue in detail; and statements of football representatives. I thus uncover the narrative immunity such texts supply to

[5] NRL Manly Sea Eagle Brett Stewart is due to appear at a committal hearing on 4 February 2010 over an incident which occurred after his club's 2009 season launch ('Stewart Hearing' 2009). Stewart, the face of the NRL's 2009 season launch and one of its highest profile players, was charged with sexually assaulting a 17 year old girl, who was unknown to him, outside her own home. Witnesses also say he 'crash tackled' the girl (Massoud and Kent 2009).

footballers. I also elucidate the ways in which familiar stock characters, or 'stereotypes', inform these texts, invalidating women's claims of rape.

In Chapter Three, 'Silencing the Feminine', I consider the role of silence in the 2004 debate − both the silence of actual complainants and more particularly the silenc*ing* effects of the types of discourses discussed in Chapters One and Two. The silencing of complainants is both literal and figurative, as it deprives complainant testimony of truth-value and inhibits others from speaking out. This constitutes a *différend*, as Jean-François Lyotard explains it, under which a rape complaint against a footballer is virtually impossible to be registered as a harm. Complainants are thus rendered 'victims' rather than 'plaintiffs', divested of the means to argue their case in the public domain.

Chapter Four, 'The Male Footballer's Imaginary Body', demonstrates that an 'imaginary' of the footballer's body is produced in the discourses of football generally, as well as those of sexual assault. This body is tough, violent, invulnerable, sexually driven, and provides footballers with excuses for sexual assault; I argue that this, along with the practical training of the body involved in football, helps to construct a subjectivity prone to rape. Footballers are also constructed as "bodies without minds", who therefore cannot be held responsible for anything they do, which provides them with ready-made excuses for committing sexual assault. However, the contradiction this presents when football clubs claim that their players could not have committed any rapes goes unremarked.

In Chapter Five, 'Rape is Not a Team Sport', I contend that the narratives and practices of team bonding in the Australian football codes help to construct a masculine subjectivity that endorses the degradation and humiliation of women, and hence sexual assault. These narratives and practices interlink with discourses of

alcohol and the military to deflect blame away from footballers, and provide them with excuses for sexual assault. I argue that the bond not only excludes women, but is constructed as a defence against them, which in turn constructs a rape complaint as an unconscionable attack on the team, by an outsider whose words cannot be trusted.

Chapter Six, 'The Official Story', considers the official discourse of the AFL and NRL, arguing that these discourses attempt to project any potential problems onto rogue individuals, and simultaneously represent the AFL and NRL themselves as community leaders in addressing the problem of sexual assault. This problem, they implicitly claim, really exists outside football. I identify recurring footballer "characters" − the Bad Apple, Heroes and Little Boys − which are used to exonerate footballers and the leagues from any blame. I analyse the statements of the CEOs of both leagues, the AFL's official policy document *Respect and Responsibility*, and the NRL's *Playing by the Rules*, and unpack the contradictions inherent in the stories they tell about football, footballers and sexual assault, which simultaneously admit and deny that footballers could, and do, rape.

Chapter Seven, 'Fighting Words', examines alternative narratives − ones that seek to portray the complaints and complainants as credible − and argue that the media framing of a complainant's testimony against footballers plays a vital role in legitimating or undermining it. I analyse newspaper articles, as well as television programs, which seek to allow complainants' own words to be heard and have truth-value, and employ narrative strategies that circumvent negative female stereotypes. I also demonstrate that this process is fraught, as complainants can still be diminished and their narrative authority undermined or denied, even when their words are (re-)presented in the public sphere. However, despite the potential dangers, it is through these strategies that the *différend* may begin to be broken down, and

footballers' narrative immunity against being held accountable for sexual assault demolished. Thus the complainants may appear as plaintiffs rather than victims, and their testimony may be considered admissible in the *de facto* media adjudications of the cases.

Chapter One

The Story of Rape: Narrating Sexual Assault Involving Footballers

While narrative constructions of specific cases circulate in the media debates, such as those involving Canterbury and St Kilda players, the majority of narratives in fact relate to supposedly typical interactions between women and footballers. For example, they portray female characters who actively 'hunt' down players for sex (Lyon 2004), or characters who make rape complaints for money. These narratives are used to explain (away) the deluge of alleged sexual assaults, and identify the problems (within rugby league, Australian Rules or elsewhere) that purportedly led to them. In this chapter, I will trace the way these narratives intersect with each other, and are populated and informed by "stock" characters like that of the Woman Scorned. These characters circulate and are widely accepted to explain other cases of sexual assault, in the legal system as well as the media. I will analyse extended rape narratives involving footballers to illustrate the ways in which they are used to support or deny a woman's claim of rape. This demonstrates that the construction of a rape narrative − for example, its structure and characterisation of alleged perpetrators and victims − produces truth-effects that serve to render a complainant's testimony either admissible or inadmissible in a trial by media.

No narrative or statement occurs in isolation, but instead appears within a much broader tapestry of interlocking discourses and parallel narratives that serve to explain events, and the narratives I will analyse intersect with both the footballer sexual assault discourse and football discourse generally. I use 'discourse' in a Foucauldian sense: that of a system of representation that classifies, regulates and

controls. As Foucault argues in *The History of Sexuality Volume I* (1978, p. 38), the proliferation of discourses about sex from the eighteenth century onward was significant not for its quantity, but for 'the forms of imperatives that were imposed on it by speaking about it'. That is, intra-marital, procreative sexual behaviours were normalised and virtually all others pathologised through the legal, medical and moral discourses that abounded. What could be said about sex and in what contexts was kept under strict regulation. Similarly, discourses of football found in sports reporting and commentary define what "normal" football *is* – the characteristics of the game, the footballer's body, player attitudes, and so on, − and what it is not. Likewise, as the cases lack legal adjudication, the way sexual assault involving footballers is constructed through language *decides* what occurred in each case, as well as the state of sexual relations between footballers and women. I contend that the repetition of similar blame-deflecting grammatical and narrative patterns in these different discursive contexts produce what Pierre Bourdieu calls 'une sorte d'épaisseur sémantique' (1998, p. 14), or 'semantic thickness' (2001, p. 8), whereby different usages confirm and reinforce each other. Bourdieu writes of the sexual division of labour:

> The division of (sexual and other) things and activities according to the opposition between the male and the female, while arbitrary when taken in isolation, receives its objective and subjective necessity from its insertion into a system of homologous oppositions − up/down… outside (public)/inside (private), etc − which in some cases correspond to movements of the body (up/down // go up/go down // inside/outside // go in/come out). Being similar in difference, these oppositions are sufficiently concordant to support one another, in and through the inexhaustible play of practical transfers and metaphors, and sufficiently divergent to give each of them a kind of semantic thickness, resulting from overdetermination by harmonics and correspondences. (2001, pp. 7-8)

I will demonstrate that individual sexual assault cases involving footballers are inserted into a homologous system of *stories*, wherein the female characters all consent to sex with footballers for differing reasons. The repetition of these types of stories, 'being similar in difference', adds layers of meaning that consistently

undermine the claims of rape. While Bourdieu refers to similarities between sets of oppositions, I will demonstrate that semantic thickness is also created when distinct narratives and statements appear in different contexts, with different authors and audiences, yet produce similar effects of distributing blame. Likewise, when similar effects can be identified in narratives in seemingly "opposite" genres, this also creates mutually reinforcing concordances between them, as their very difference testifies to the importance of the similarities.

Bourdieu (1990, 2001) argues that humans have (largely subconscious) attitudes and beliefs, or 'dispositions', that are acquired through their experiences of social life and the world, and those most fundamental are acquired through the training of the body. These fundamental dispositions make a person 'both *inclined and able*' to participate in the world in particular ways (2001, p. 56, my italics). Bourdieu downplays the role of language and discourse in forming these dispositions, dismissing philosophical stances that 'attribute all the symbolic effects of legitimation (or sociodocy) to factors belonging to the order of more or less conscious and intentional *representation* ("ideology", "discourse" etc)' (p. 9). However, as Foucault says of discourse (1972, p. 216):

> [w]e know perfectly well that we are not free to say just anything, that we cannot simply speak of anything, when we like or where we like; not just anyone, finally, may speak of just anything.

Representation and discourse, therefore, are far from being conscious, intentional and unconstrained choices, but are governed by rules which constrain what can be said, where and by whom. Bourdieu argues (2001, p. 9),

> [t]he strength of the masculine order is seen in the fact that it dispenses with justification: the androcentric vision imposes itself as neutral and has no need to spell itself out in discourses aimed at legitimating it.

However, while there may be no need for *explicit* attempts at legitimation, patriarchal discourse is so embedded in narrative and grammatical structures, and the stories

which inform them, as to be endlessly (and virtually invisibly) repeated. As rape theorist Nicola Gavey notes in *Just Sex? The Cultural Scaffolding of Rape* (2005, p. 92):

> [t]hose discourses which are commensurate with widely shared commonsense understandings of the world are perhaps most powerful in constructing subjectivity, yet their influence can most easily remain hidden and difficult to identify, and, therefore, resist.

Bourdieu himself remarks that it is 'the inexhaustible play of practical transfers and *metaphors*' that create semantic thickness (2001, p. 8, my italics), also describing masculine domination as a 'symbolic violence' (p. 1). As metaphor and symbolism are both realised in and through language, the importance of language is thus embedded in his argument.

Reading Narratives, Reading Grammar

As indicated in the introduction to this thesis, research into elite athletes and sexual assault is rare, particularly qualitative research. Quantitative research, mainly from the United States, is largely found in the field of sociology, and many studies suggest that elite male athletes are over-represented as perpetrators of sexual assault (Boeringer 1996, 1999; Brown, TJ, Sumner & Nocera 2002; Crosset, Benedict & McDonald 1995; Frintner & Rubinson 1993; Koss & Gaines 1993; Sawyer, Thompson & Chicorelli 2002).[1] However, the solutions they propose generally focus on modifying players' behaviour, and thus "educating" them,[2] consciousness-raising, or restricting behaviour believed to be associated with sexual assault such as night-clubbing[3] and

[1] See also Nelson (1994, pp. 129-30), who cites two more studies conducted on US college campuses: at one university, athletes committed 55% of admitted acquaintance rapes in 1991, despite comprising only 16% of the male student population. Koss and Gaines (1993, p. 97) also refer to two studies from the 1980s that suggest such a connection.

[2] The use of "education" programs as a solution and narrative device will be discussed in detail in Chapter Six.

[3] At least two rugby league clubs have employed 'minders' to accompany players while they are out drinking on tour, to "keep them out of trouble" (Westlake 2004).

binge-drinking (see Chapter Five). As the problems continue despite such interventions, in different cultural contexts and over many years, belief in their eventual success seems misguided. Some researchers have also argued that male athletes' violence against women may be 'structurally encouraged or… a situationally appropriate means to constructing and maintaining one's place in a masculine hierarchy' (Crosset 1999, p. 254). Timothy Curry (1991, 1998) identifies elite male athletes' "locker room talk" as important in establishing the boundaries of what they consider to be gender-appropriate behaviour, such as promoting the denigration and potential rape of women. However, none of this research relates to Australia, and none of these approaches addresses the fundamental importance of language in not only maintaining gendered hierarchies within individual clubs, but also in evaluating cases of sexual assault in the wider public sphere via the media. Nor can they address the failure of any Australian case to reach a criminal trial, despite police belief that there is evidence to support a conviction (Kennedy, L 2004; O'Neill 2004).

The more extensive investigations to date, all from the United States,[4] investigate both the reasons why male athletes are over-represented as perpetrators of sexual assault, and the paucity of successful prosecutions. Jeff Benedict's *Public Heroes, Private Felons* (1997) and *Athletes and Acquaintance Rape* (1998) and Mariah Burton Nelson's 'Sexual Assault as a Spectator Sport' (1994) all suggest that popularly held beliefs about men and women − and about male athletes in particular − contribute to the widespread disbelief that complainants are met with. Although these works rely heavily on constructing narratives of specific cases to provide evidence for their arguments, none does this in a self-reflexive way, failing to address the important role of narrative construction, and discourse, in (re-)producing these rape-

[4] Roy Masters' *Bad Boys*, discussed in Chapter Two, investigates some of the alleged rapes by Australian footballers, but he does not do this in a scholarly manner, nor does he seek to portray his work in this way.

supportive beliefs or social structures. Feminist sociologist and former basketballer Michael Messner, who has also written extensively in the area, takes a different approach, as I will outline below.

As an employee of the US Center for the Study of Sport and Society, Jeff Benedict was commissioned to conduct a study that would "prove" that athletes are no more likely to commit sexual assault than any other male (Benedict 1997). However, although the study showed that athletes were in fact over-represented as perpetrators of sexual assault, the Center declined to publish the findings as it feared damaging the relationships it enjoyed with the sports organisations that funded its existence (p. x). Nevertheless, Benedict and his colleagues went ahead and published the findings themselves (Crosset, Benedict & McDonald 1995). *Public Heroes, Private Felons* and *Athletes and Acquaintance Rape* are the results of Benedict's continued research after leaving the Center, which comprised extensive interviews with perpetrators, victims, witnesses, lawyers, judges, coaches and other sports representatives, and examination of court and police transcripts and other documents. In the published works, Benedict relies heavily on narrative to formulate and support his arguments, and the majority of both texts is composed of narrative representations of cases he investigated, interspersed with commentary on the narratives' meaning.

Although both works recognise that problems exist within elite male sport, Benedict's analysis in many ways contributes to the victim-blaming structures I identify in media representations of sexual assault. His main arguments assign blame to the presence of 'incorrigibles' − men predisposed to commit crimes − within elite sport, and to the fact that some women are willing to have casual sex with athletes. He claims that athletes who commit crimes, including violence against women, are innately violent, as athletes with criminal backgrounds and/or tendencies are recruited

indiscriminately. In *Public Heroes, Private Felons* (1997), he further asserts that, not only is a victim who has engaged in consensual casual or group sex prior to the rape responsible for what has happened to her (and therefore not really raped), but quotes a prosecution attorney who claims that all 'women who indulge athletes [by having casual sex with them] have got to start participating in some of the blame' (p. 42). That is, every woman who sleeps with a footballer is (partially) responsible if any footballer rapes any woman, including herself. By blaming women and 'incorrigibles' for elite athletes' commission of sexual assault, Benedict deflects blame away from both the athletes and elite sport itself.

While Benedict does draw attention to the difficulty of obtaining successful prosecution of athletes, he attributes this to the victims behaving in ways which might "cause" jurors to disbelieve them. For example, *Athletes and Acquaintance Rape* presents three case studies, one of which resulted in an acquittal, one in a plea bargain for a much lesser charge − unprecedentedly so[5] − and one which was successfully prosecuted. The two unsuccessful cases involved women who had consensual sex with athletes, and were therefore successfully portrayed as 'groupies' who sought sex with famous athletes. Benedict continually implies that these women's behaviour *caused* their complaints of rape to be unbelievable to jurors, claiming that 'women who are criminally violated in the bedrooms of professional athletes provide defense attorneys with character evidence that is potentially very persuasive in creating "reasonable doubt" in a juror's mind', and

> [b]ecause the backgrounds of most women who willfully sleep with athletes are checkered, the lawyers are provided with a wealth of background information that prejudices the jury in a most detrimental way. (p. 5)

[5] The charge of rape was reduced to indecent assault and battery, and the defendant Marcus Webb was ordered to spend only thirty days in prison. Judge Barton, who presided over the case, remarked on the extraordinary lenience of the penalty (Benedict 1998, p. 44).

By contrast, in the case that was successfully prosecuted, Benedict continually emphasises the complainant's *non*-groupie status, stating that jurors believed her because she had a 'pristine background' and 'did not project as a sports groupie' (p. 84), attributing its success to these factors. *Public Heroes, Private Felons* also presents a series of cases in which Benedict emphasises the effect of sexual history on a complainant's credibility, quoting a prosecutor on one of the cases: 'My frustration with these cases is that I'd like to get a good one, one of these days. I'd like to have one with substantial evidence and credible witnesses' (p. 108). This suggests that the problems lie with (alleged) victims, and not with the jurors who (mis)interpret their behaviour as giving consent; Benedict never proposes that the prejudices of jurors should be addressed, thus implying that victims should alter their behaviour so as to appear more believable to a jury in the event that they are raped. In neither book does he question the validity of these beliefs − although he is careful to point out that women are legally entitled to refuse any sexual behaviour, at any stage − nor does he suggest the possibility of beliefs being constructed and endlessly (re-)produced through language. He does not entertain the possibility that the beliefs themselves might be altered, rather than women's behaviour.

Former professional US basketballer Mariah Burton Nelson's 'Sexual Assault as a Spectator Sport' is part of a longer exploration of the connection between so-called "manly" sports (football, basketball, baseball, boxing, ice hockey, wrestling and soccer) and male dominance. Nelson argues that elite athlete sexual assault is part of a broader system of male privilege and the result of male athletes' sense of 'entitlement' when it comes to sex. Like Benedict, Nelson uses sexual assault narratives extensively to make her points but, also like Benedict, does not consider the

significance of the representation in language of these cases in producing doubt in the victim's claim.

Michael Messner devotes chapters of several books to the issue of athletes and sexual assault and, unlike Benedict and Nelson, does not construct narratives of sexual assault cases to advance his arguments (1992, pp. 86-107; 2002, pp. 28-47; 2007, pp. 107-19; Messner & Sabo 1994, pp. 33-52). He examines factors in sport that encourage sexual and other violence, citing athletes' sports training, the social interactions between teammates and the institutional structures of sport as formative influences. However, he does not consider the failure of so many cases to be successfully prosecuted or the role of narrative constructions of the cases in endorsing this failure. Although Messner (with colleague Donald Sabo) does examine the importance of athletes' language amongst themselves in communicating "ideals" of masculinity and "appropriate" ways of relating to women, like Benedict and Nelson, he does not consider how language operates in the *public* domain to condone sexual assault.

In addressing this gap in the literature, I will show that the way narratives of sexual assault are *constructed* has direct consequences for the meanings that are attributed to them. In particular, I will employ a feminist narratology to explore the way specific narrative choices produce truth-effects, and thus apportion blame and responsibility between different characters within the narratives − that is, between the complainants and the accused footballers. These structures are used to discredit complainants' accounts. News reporting purports to represent "objective facts", unlike literary fiction, which is intentional fabrication; nevertheless, events must be selected or omitted, characters sketched out, metaphors employed, the points at which the narrative begins and ends decided upon, and so on. They are thus also constructions,

and the same news "story" can be assembled into narratives with completely different truth-effects; that is, of two "objective" news reports, based on the same rape case, one could portray the complainant as credible while the other undermines the validity of her claims, as I will demonstrate below.

I consider the formal, technical language of narratology to be of particular value for my project as it draws attention to the "constructedness" of narratives which lay claim to truth, and the fact that they are language artefacts whose construction is by no means natural nor arbitrary. In 'Toward a Feminist Narratology' (1986, p. 344), Susan Lanser argues that feminist criticism tends to treat fictional characters as if they were real people, whereas narratologists generally treat them as patterns or motifs. In this thesis I will examine how *real people become characters* within texts, and use narratology to illustrate the ways in which these real people are constructed within the texts as recurring *patterns*. It is also important to note here rape theorist Tanya Horeck's assertion (2004), following Phyllis Frus, that readers use the same criteria to interpret "real" rape narratives as fictional ones, and thus the way rape narratives are constructed is of paramount importance in rendering them (un)believable. As Horeck writes: '[our] idea of what is real… comes from the world of representation' (p. 149).[6]

Narratology is, as it is most broadly defined, a theory (or theories) of narrative, although it has been conceived and used in many different ways. It considers the technical elements of narrative, such as levels of narration and the narrator, focalisation, structure/sequential order, events, chronology, time, actors and characters. Narratology's original project, studying the structures underpinning all narratives in order to develop a "science" of narrative, branched out into a grammar of

[6] Joanna Bourke (2007, p. 398) also refers to the tendency for people − including jurors and judges − to evaluate rape cases on the basis of how they match up with what they have seen on television, terming it the '*CSI* effect': 'Through a multitude of cultural productions, jurors believe that they know what rape "looks like" and disbelieve other scenarios'.

narrative with Tzvetan Todorov, Roland Barthes and Algirdas Greimas; a discourse of narrative with Genette; and the 'heteroglossia of novelistic discourse' with Mikhail Bakhtin (Mezei 1996, p. 2). More recently it has also come to be recognised as a methodology − a framework for analysing texts − or as Mieke Bal puts it in the preface to the 1985 edition of *Narratology: Introduction to the Theory of Narrative* (1997, p. x), 'a set of tools… a means to express and specify one's interpretative reactions to a text'. However, the purposes to which narratology should be put has often been contested, particularly the relevance and/or possibility of a feminist narratology. Some theorists consider the supposedly "objective", scientific project of narratology to be incompatible with the political, ideology-based project of feminism; some feminists object to the reductionism of narratology, describing it as taking literature as 'so many nuts and bolts easily disintegrated from the whole' (Josephine Donovan, cited in Lanser 1986, p. 342). A debate between Susan S. Lanser and Nilli Diengott, which was printed in the journal *Style* between 1986 and 1988, exemplifies the debate. Lanser (1986) suggests that feminist criticism and narratology might benefit from each other − that both schools of criticism might, in recognising the dual nature of literature as both mimetic and semiotic, 'find categories and terms that are abstract and semiotic enough to be useful' for analysis but also 'concrete and mimetic' enough to satisfy critics who consider literature to be more closely connected to the conditions of everyday life (p. 344). As Bal argues (1983, p. 121), '[t]he use of formally adequate and precise tools [ie: narratology] is not interesting in itself, but it can clarify other, very relevant issues and provide insights which otherwise remain vague', and thus narratology can be used to clarify some issues of feminist interpretation. Lanser also argues that narratology, in 1986, was unable to

account for aspects of certain texts authored by women, including plot and narrative voice, as it was based on "masculine" texts. Following Donovan, she writes:

> [w]omen's experience… often seems, when held against the masculine plot, 'static, and in a mode of waiting. It is not progressive, or oriented toward events happening sequentially or climactically, as in the traditional masculine story plot'. (p. 358)

Such writing, according to a narratology that defines plot in this way, can be described as "plotless", and Lanser argues that narratology also needs to account for these differences. Diengott (1988) somewhat scathingly replies that narratology and feminist criticism are different projects with completely different objectives, narratology being a theoretical, descriptive (i.e. 'scientific', objective) analysis, whereas feminism is critical and interpretative (i.e. subjective), interested only in the meanings of individual texts. However, as Lanser rightly points out (1988), scientific study is not, and cannot, be value free, and there is no objective, gender-neutral position from which to analyse a text; an objective interpretation of any text is therefore impossible. For my purposes, feminist narratology provides a method of elucidating the structures of media narratives − a 'set of tools' for analysing texts from a feminist perspective. These structures, as I will show, embed particular gendered patterns in certain kinds of stories. Since they are texts which claim to expose the "truth" about real people and events, my approach will necessarily be slightly different, as outlined below.

I will use narrative theory to explain how Australian media narratives about footballers and sexual assault have been constructed to produce truth-effects. Truth-effects, or readings that are likely to be accepted as "truth", are those that are likely to appear "obvious" to many, or most readers. Marxist philosopher Louis Althusser's concept of *interpellation* (2001, pp. 117-21) − the process by which a reader is presented with such an "obvious" reading position − is particularly relevant here.

Althusser proposed in 1970 that social conditions are (re-)produced by what he calls 'Ideological State Apparatuses (ISAs)', such as education, family and religion, in addition to Repressive State Apparatuses (RSAs) such as the government, army and police force. ISAs rely on *ideology* − here defined as 'the system of the ideas and representations which dominate the mind of a man [sic] or social group' (2001, p. 107) − to regulate behaviour. Literature forms part of the 'cultural ISA', and the media form the 'communications ISA' (p. 98). According to Althusser, ISAs function by *interpellation*: a process of (symbolic) 'hailing' and 'recognition', where the text 'hails' the reader as a subject *in and of ideology*, and the reader recognises themselves[7] as that subject: that they 'really do occupy the place [ideology] designates for them as theirs in the world, a fixed residence' (p. 121). That is, the text proposes to the reader the most "obvious" subject position from which to interpret it, which corresponds to the commonly accepted ideology. I argue that the ideology into which readers are interpellated in most texts relating to footballers and sexual assault holds rape complainants to be untrustworthy and largely responsible for anything that occurs; the "obvious" subject position from which readers are invited to interpret these texts blames the alleged victims and exonerates the accused players. I argue that the majority of media texts in this debate interpellate the reader into an ideology that blames women for all sexual interactions with footballers. Thus stories which portray the accused players as innocent are likely to be accepted as "the truth" of what occurred in each case.

[7] In this thesis I will use 'they', 'them', 'their' and 'themselves' as singular ungendered pronouns rather than standard she/he, he/she, 'her or his' and so on, as 'they' is in common usage in spoken English, and she/he is clumsy, particularly when used repeatedly. Both singular 'they' and universal 'he' were widely used prior to the nineteenth century, and it was only the decision of prescriptive grammarians that outlawed singular 'they'. They argued that 'he' should be preferred, as 'they' is incorrect as to number and the masculine gender is 'worthier' (Bodine 1990). Many languages − English included − currently employ the same pronoun for both singular and plural usages. For example, 'you' can be either singular or plural; the French 'on' can mean singular 'one', or informal 'we'; French 'vous' can be formal singular 'you' or plural 'you'; and German 'Sie' can likewise be formal singular 'you' or plural 'you'. Therefore I consider the use of singular 'they' to be unproblematic.

In *Narratology* (1997), Bal identifies three levels in texts: narrative text, story, and fabula, where narrative text is a text 'in which an agent relates ("tells") a story in a particular medium'; a story is 'a fabula that is presented in a certain manner'; and a fabula 'a series of logically and chronologically related events that are caused or experienced by actors' (p. 5).[8] The material of the fabula is events, actors, time and location. When a fabula is constructed into a story, the events are arranged in sequence (not necessarily chronologically),[9] the actors assigned traits so that they are individualised and become characters, and a point (or points) of view selected. Bal proposes that sympathy is produced at the level of the fabula, using the example of Tom Thumb, to argue that despite having read different texts of the same tale readers nevertheless 'usually agree with one another as to which of the characters deserves sympathy' (p. 6). However, as Bal later points out, fabula 'is really the result of the interpretation by the reader, an interpretation influenced both by the initial encounter with the text and *by the manipulations of the story*' (p. 9, my italics). This is particularly pertinent for rape narratives, as the truth-value of events is often contested, and the construction of character and ordering of events − which occur at the level of story − profoundly affect the production of truth-value and allocation of sympathy, blame and responsibility. I propose that, particularly in rape narratives, there is a *fabula pool* – a collection of events and actors from which a writer selects, to organise into a story − and a *"truth"-fabula*, which is what a reader understands to be the truth about what occurred in the particular case. Unlike writers of fiction, a

[8] Cohan and Shires (1998, p. 53) distinguish only between story and narration, where story is a sequence of chronological events and narration is the organisation of their telling. I prefer Bal's three levels as it allows the narrative agent to be interrogated, as well as maintaining 'story' as a term which denotes "constructedness".

[9] Some narratologists, including Barthes and Barbara Herrnstein Smith, question the need to distinguish between fabula and story, arguing that 'there is no reason, in principle or in fact, to reconstruct a hypothetical chronological "story" from which the written narrative deviates' (Martin 1986, p. 109). However, particularly when a narrative depicts "actual" events, this distinction is imperative as it permits the discussion of how a different organisation of events would produce different truth-effects.

rape-narrative writer does not invent the events they organise into story, but takes them from elsewhere; for example: the alleged victim's police statement, and statements from players, club representatives and league CEOs. My analysis interrogates the relationship between the three: the selection of events from the fabula pool and the choices a writer makes in their organisation into story, and how the resultant "truth"-fabula interprets events through the construction of character, and distribution of blame and responsibility amongst those characters at the level of 'story' and 'narrative text'.[10] This is an important distinction as it emphasises the fact that writers choose narrative strategies, which generate truth-effects, and evoke (or not) woman-blaming "truth"-fabulae. Therefore, for rape narratives, readers are positioned to allocate sympathy, blame and responsibility at the level of story and narrative text.

Although Bal (1997) defines *narrative* broadly, she defines a text as 'a finite, structured whole composed of language signs' and a narrative text as 'a text in which an agent relates ("tells") a story in a particular medium, such as language, imagery, sound, buildings, or a combination thereof' (p. 5). Much of what is printed and spoken in the media is fragmentary, portraying only a single event, or commenting on an event, therefore not satisfying this definition of a narrative text. For example, consider the often-quoted statement from Canterbury Bulldogs CEO Malcolm Noad, following the announcement that charges would not be laid against accused Bulldogs players in 2004: 'Let's believe nothing happened in Coffs Harbour'. This statement generally

[10]Bal argues that it is both impossible and useless to speculate as to the author's process of constructing the story, and that analysis can only focus on possible interpretations of the text that is presented. However, particularly given that the contested versions of events which make up the 2004 footballer sexual assault cases were widely circulated, I argue that it is altogether possible, and necessary, to interrogate a writer's choices. As I am concerned with how the process of constructing a narrative creates truth-effects it is therefore necessary to focus on the process of writing: the choices made and their effects (for example, discrediting the complaints); as well as alternative choices which would have different effects, such as affording the complainants' versions truth-value.

appeared in isolation in the context of news reports, and not as part of an extended narrative; however, I argue that such statements, although not complete narratives in themselves, nevertheless *perform narrative functions.* As they appear in the context of narrations of the cases, these narrative fragments can be considered as contributing to the broader story of what occurred. For example: they can ascribe characteristics to various participants; present different viewpoints and otherwise assign meaning to events; thus affirming or denying accused footballers' guilt. The reporting of many statements that deflect blame away from footballers in different ways creates semantic thickness between them. In the above example, Noad's claim that 'nothing happened' in Coffs Harbour performs the narrative function of discrediting the complainant, because if 'nothing happened', then her claim of rape must be a lie.

The narrative functions these statements perform strongly resemble what socio-linguist Sandra Harris calls a *narrative Point* (2005). Harris argues that individual courtroom narratives − that is, lawyers' opening and closing statements and witness testimonies − form part of an overall 'trial narrative'. The defence's overall narrative claims that the defendant is innocent, and the prosecution's narrative argues for their guilt (p. 219). Each separate courtroom narrative concludes with a 'Point' which establishes the significance of the specific narrative in relation to the overall trial narrative − that is, it makes a claim about the defendant's innocence or guilt.[11] Further, Harris argues that the Point often does not need to be made explicitly, as a *coherent narrative* alone will evoke it with sufficient strength. In her work, Harris analyses the direct- and cross-examination of a witness in a sexual assault trial. Sixteen-year-old Elaine Perhach testified that she found her mother, Vanessa, crying in the bathroom on the night in question; Vanessa showed Elaine deep scratches and

[11] Harris uses a modified form of a model proposed by William Labov in 1972.

bruises on her back, identifying the defendant, Marv Albert, as the perpetrator. In neither Elaine's account, nor any statement made by the prosecutor, is it made explicit that her evidence undermines the defence's claim that Vanessa had consensual sex with Albert; however, as Harris explains, 'the narrative coherence of this testimony is such that there is no need for an explicit *point*, and the testimony concludes instead with a climactic account… of what happened' (p. 233). Thus Noad's assertion that 'nothing happened' contributes to the Point in the club and league's overall narrative that the footballers are innocent, without the need to state it explicitly. Its coherence with other narratives and statements about the case generates semantic thickness, and makes this Point. As reported statements are generally brief, one of the most important ways in which they perform narrative functions is through the grammar and syntax employed to distribute blame and responsibility, as I will explain below.

Many theorists have exposed the way syntax can be used to obscure agency and diffuse responsibility, particularly in the case of violence against women. Although it has not previously been a feature of analyses of footballer sexual assault, it is clearly useful in evaluating the distribution of blame in these cases. Grammatical choices are neither arbitrary nor neutral, and they can play a vital role in creating meaning. As functional grammar theorist Geoff Williams writes (1994, p. 20, my italics),

> representations of experience are built not just from vocabulary but from *both* lexis (vocabulary) and grammar. The grammatical resources code relationships between entities, thereby constructing representations of how the world works… If only one clause in a whole text is involved it may not be very significant, but as a *patterning* of grammatical meaning across a text, *or even a number of different texts*… it becomes very significant.

This is of particular importance for my project, as I am concerned with the way grammatical structures are *repetitively* used to deflect blame away from footballers, representing their immunity against allegations of rape as simply 'how the world

works'. Kate Clark (1992) analysed the allocation of blame in the reporting of crimes of sexual violence in London's *Sun* tabloid newspaper, uncovering repetitive linguistic patterns which obscure the male perpetrators' agency in the violence and also grammatically assign blame to the female victim. Sharon Lamb (1991) found similar tendencies in her study of articles on violence against women, in eleven journals from the disciplines of psychology (clinically-oriented journals), social work, family therapy/development, and sociology. Lamb reports that 69% of sentences relating to men's violence against women were problematic by diffusing responsibility for the violence (eg: labelling it 'couples' violence'); representing acts without agents via nominalisation ('the battery' or 'the abuse') or the passive voice; representing victims without agents ('battered women'); or obscuring the sex of the perpetrator and victim. Even when the phrase 'battered women' was not counted as problematic, 49% of sentences were still found to diffuse or obscure responsibility for violence against women.

Grammar is also used in rape trials to obscure agency: in analysing the language of trials, prominent legal theorist Susan Ehrlich (2001, pp. 36-61) found that accused rapists frequently employ what she terms a 'grammar of non-agency', in which defendants use grammatical constructions to deny responsibility for their own actions. These constructions include the use of 'agentless passives', in which actions occur without agents, for example: a defendant employs phrases such as 'our pants were undone', and 'all our clothes at one point were taken off' (p. 47), without marking who was responsible for removing the clothing. An accused perpetrator may also employ 'unaccusative constructions', which lack an agent altogether, such as 'there was *a lot of sexual activity going on*' (p. 51, author's italics), denying his agency in it. Ehrlich also found that adjudicators frequently uphold the accused's non-

agency, remarking that, in one case, 'the adjudicators' decisions are continuous with [the accused's] representation of himself as a non-agent, even in their grammatical representations' (p. 60). The judge in this case implicitly evoked the *male sexual drive discourse* (discussed in Chapter Four), which states that men's sexual urges cannot be controlled, thus attributing his behaviour to an external force and removing his agency for it (p. 57).[12]

In this thesis, I will utilise the language of functional grammar (Williams, G, 1994) to elucidate some of these blame-deflecting grammatical patterns: according to this model, the verb or verb group is called the Process, and for Material Processes (verbs of action) the Participants are the Actor – the one who performs the action – and the Goal, the one to whom the action is done. A Circumstance denotes the circumstances – spatial, temporal or otherwise – in which the Process occurs. What has been done to whom, and who is responsible for it, can be obscured or altered by manipulating these structures. For example, in the statement 'all our clothes at one point were taken off', taken from Ehrlich's research (see above), 'all our clothes' is the Goal, 'at one point' is a temporal Circumstance, 'were taken' is the Process and 'off' is a spatial Circumstance. Foregrounding the Goal in this way makes it the focal point of the sentence, and omitting the Actor erases the agency; placing the temporal Circumstance in the middle of the clause further distances the Goal from the Process, obscuring the connection between the two. The sentence could alternatively be constructed as 'at one point we took all our clothes off', or even 'at one point *I* took all our clothes off', both of which have the structure: temporal Circumstance, Actor, Process, Goal, spatial Circumstance. This structure clarifies 'who is doing what, and to whom', by keeping them in close proximity within the clause. I will uncover

[12] See also Sue Lees' *Ruling Passions* (1997).

similar grammatical patterns of obscuring and/or displacing agency in a range of media texts, which thus deflect blame for alleged sexual assault away from footballers.

Significantly for this thesis, studies have also demonstrated that the use of agency-obscuring grammatical tactics affects readers' responses to the representation of (sexual) violence. For example, Nancy Henley, Michelle Miller and Jo Anne Beazley (1995) presented fifty-four college students with mock news reports on crimes of violence against women, including rape, using both passive and active constructions to represent the violence. They found that male readers (but not female) attributed less victim harm and perpetrator responsibility for violence against women with the passive voice, and both female and male readers demonstrated more acceptance of violence against women when passive constructions were used. This demonstrates that the use of grammar and syntax are critical in the production of narrative truth-effects, and that the way the crime of rape is narrated is of prime importance. Nevertheless, it is frequently overlooked in the social sciences, and goes missing entirely from debates over footballers and sexual assault in Australia.

Predatory Women, Groupies, Gold Diggers, Women Scorned and Party Girls

There is a further dimension to the construction of footballer sexual assault narratives: in addition to events drawn from witness statements and representatives of clubs and leagues in relation to specific cases, within the fabula pool there is also a proliferation of stock "characters". These characters can replace that of the Raped Woman in narratives of the cases, and therefore discredit rape complainants. Only Kim Toffoletti has identified sports writers' repetitive use of particular characters to explain (away) the prevalence of alleged rapes by AFL players. In her study of newspaper articles on football sexual assault, Toffoletti identifies the 'predatory female' as a recurrent

figure, who is employed to portray footballers as victims of 'deviant' female sexuality (2007, pp. 432-3). As Toffoletti points out, the assumption underlying the use of the predatory female is that 'incidents of sexual assault can occur when women deviate from the "conventions" of heterosexual relations that expect them to be passive and sexually available, and men to exude sexual virility' (p. 433). I contend that the Predatory Woman, who hunts down footballers for sex and is always sexually available to any and all footballers, functions as a *character* in these narratives, and serves as a replacement for the Raped Woman, therefore negating the claim that sexual assault took place. I also extend the analysis to include: the Groupie, a football fan who is always sexually available to any and all footballers; the Party Girl, who goes out drinking and looking for sex; the Woman Scorned, who makes a false rape complaint out of revenge; and the Gold Digger, who makes a false complaint for money. These characters can also usefully be referred to as 'stereotypes',[13] a term whose origins Sander L. Gilman (1985) traces back to the late eighteenth century, when it was coined as a printing term 'for the casting of multiple copies of printing type from a papier-mâché mold' (p. 15). Thus, originally, 'stereotype' was literally a block of *text* reproduced and reused in exactly the same form, and these blocks of text are readily drawn from the sexual assault fabula pools and applied to different complainants.

These stereotypes are so embedded in the collective cultural consciousness that they can also be evoked regardless of whether a writer consciously and/or explicitly incorporates them as characters in the narrative. Gilman argues that there is no necessary connection between the characteristics assigned to the stereotype and the actual observable characteristics of an individual person, as stereotypes all come from

[13] I will use the terms interchangeably.

the same stock standard repertoire which is familiar to (virtually) all those within a cultural context (p. 21). This is evident in the way that many football fans immediately projected the stereotypes of the Gold Digger and Woman Scorned onto the 2004 Canterbury Bulldogs complainant, despite the fact that none of the media narratives up to that point had included characteristics that suggested these stereotypes, such as seeking a financial settlement. This demonstrates that these stereotypes are so familiar that they can be evoked whether a writer explicitly draws them from the fabula pool or not, suggesting that *readers*, in constructing a "truth"-fabula, can also draw on these stereotyped characters. While, as Gilman argues, there need not necessarily be any connection between observable characteristics and the stereotype, as I will demonstrate below, certain portrayals of complainants can make the incorporation of negative stereotypes into a "truth"-fabula more likely.

These characters have a long history, are frequently evoked in sexual assault discourse, the legal system, the media, popular literature and film, and all of them feature prominently in stories that circulate during the ongoing Australian footballer sexual assault debates. Legal theorist Carol Smart identifies the importance of damaging stories about women that have 'common currency' in cross-examination of complainants in rape trials, particularly the 'pornographic vignette' (1989, p. 39). Cross-examiners can insert complainants into a 'standard soft porn fantasy scenario',[14] and these fantasies,

> like the standard window cleaner tale, or the man who picks up the hitch-hiker, reflect the notion of the lucky man (or group of men) who find(s) a real 'goer'. *The problem is that the wide currency of these accounts adds to their plausibility* (my italics).[15]

[14] Sue Lees (1997, pp. 78-9), following Catherine MacKinnon, also describes rape trials as pornography, as the victim's body is similarly objectified and 'by being forced to speak about sex, the woman herself becomes a pornographic vignette'.

[15] Wendy Larcombe (2005, p. 6) identifies a common 'fictioning of femininity' between romance and the law, arguing that the same damaging gender stereotypes can be found in the two seemingly opposite domains.

When these stories are embedded in the genres that are most heavily invested with the authority to legitimate/de-legitimate a rape claim − the law and the media − the impact a woman's words about rape can have is severely limited.

The Predatory Woman was the stereotype most commonly alluded to during the 2004 debate, as well as the one most explicitly called up, and continues to feature in more recent discussions. The character can also be traced back at least as far as the early nineteenth century, when so-called "fallen" women were frequently 'scorned as predatory creatures who lured young men into sin' (Clark, A 1987, p. 59); she also has links to the sexually voracious 'man-eater' whose 'sexual appetites must be curtailed and controlled, because they threaten to deplete and consume the body and soul of the male' (Bordo 1993, p. 117). The Predatory Woman is the aggressor in all sexual encounters with footballers, a 'sexual predator' (McCabe 2004) who is said to 'target' players and 'hunt in packs' (Lyon 2004). In a 2004 interview, one footballer described the phenomenon as 'frightening' (McCabe 2004), and another in 2009 claimed that footballers are 'given temptations', and 'some of them [women] are downright predators' (Cunningham 2009). The metaphor of the hunting animal clearly portrays women as sexual aggressors, virtually implying that they are engaging in violent acts − moving in on unsuspecting footballers for the "kill" (sex). Thus portraying a complainant as one who seeks out footballers, as Waldron does, implies that she victimised the players. This is not to say that no woman ever seeks sex with footballers − clearly some do, as demonstrated by SBS documentary *Footy Chicks* (2006), which interviewed three women who claim to do so.[16] The *Four Corners*[17] episode 'Code of Silence' (2009), which will be analysed in detail in Chapters Five, Six and Seven, also featured a woman who seeks casual sex with

[16] See also Stephen Drill's 'Footy Groupie: I am Not Ashamed' (2009).
[17] *Four Corners* is a current affairs program which screens fortnightly on public television station the ABC. It investigates one issue or event in depth each episode.

footballers and sets up players and other women for casual sexual encounters through her Facebook web page.[18] However, as the same person cannot occupy the positions of sexual aggressor and rape victim simultaneously, the character of the Predatory Woman *replaces* that of the Raped Woman, therefore invalidating a complainant's testimony.

The sense of threat towards footballers that accompanies the Predatory Woman story is its most problematic element.[19] Kim Toffoletti and sociologist Peter Mewett (2008a), who interviewed sixteen female AFL football fans about their responses to the alleged sexual assaults of 2004, found that many of the respondents brought up the predatory or 'sexually dangerous' woman who hunts down footballers for sex. They used this stereotype as a means of explaining the prevalence of the allegations (pp. 168-71). For example, Mewett and Toffoletti quote 'Sapphire', a woman in her twenties, recounting a scene she witnessed in a city nightclub:

> girls ran at them [players] – literally – like they've sat down at their seats and these girls just appeared out of nowhere and started dancing basically right on their laps and I was quite shocked… like full on in there not giving them any space. Like the guys were sort of like, 'Can we just have a drink?' sort of thing and the girls were, the whole night… they didn't move from them, the whole night, they didn't give them a break. When you see that happening, you see what they [players] have to deal with. (p. 169)

Sapphire's narrative portrays footballers as victims of female sexual aggression. That the players (rhetorically) ask whether they can 'just have a drink', which the 'girls' do not allow them to do, suggests that the footballers have been rendered powerless victims. Mewett and Toffoletti's findings therefore provide examples of the

[18] 'Code of Silence' is a journalistic investigation into footballers and group sex/gang rape, which caused great controversy as it involved high-profile former NRL player and *Footy Show* co-host Matthew Johns, who lost his job over the incident, and reignited the debate over footballers and sexual assault. See Glossary and Appendix 1 for further details. The program will be analysed in detail Chapters 5, 6 and 7.

[19] Brisbane Broncos CEO Bruno Cullen evoked the danger of the Predatory Woman on the NRL *Footy Show* following 'Code of Silence' in 2009. Cullen said of female fans: 'they're all there with their cameras and they *just attack*… at the back of their [a footballer's] mind is just "I've gotta get out of here because I don't know what's going to happen next"' (my transcription, my emphasis).

widespread acceptance of the Predatory Woman stereotype in place of the Raped Woman.

Closely related to the Predatory Woman, and almost as prominent in the debates, is the Groupie:[20] the female football fan who is willing to sleep with footballers and socialises at venues that they frequent. Although, according to the *Shorter Oxford English Dictionary*, the term 'groupie' is usually applied to women who follow rock bands on tour and 'provide sexual favours' (Trumble & Stevenson 2002, vol. 1, p. 1160), it is now widely used in the context of professional football. Jeff Benedict demonstrates that defence attorneys actively attempt to portray complainants as Groupies in rape cases involving US athletes, and that a successful portrayal generally results in acquittal (1998, pp. 2, 39-40, 64-5, 82, 86-8). As a Groupie is defined as consenting to sex with any and all footballers, her right to refuse consent is automatically revoked and she is essentially portrayed as unrapeable. *Four Corners* 'Code of Silence' (2009) demonstrates that the belief that consent to sleep with one footballer means consent to sleep with others remains prevalent amongst footballers. The program presents a recent workshop on consent, in which a group of NRL Newcastle Knights players is shown a video depicting a woman returning from a bar with two men, and going willingly into a bedroom to have sex with one of them. He leaves the room, and unbeknown to the woman, another man replaces him in the bed. When she discovers the deception, the woman is upset and angry, and then leaves. The consensus from players watching the video is that, although they believed the men would be 'in trouble', the woman was 'up for it' − that is, the fact she

[20] Mewett and Toffoletti employ 'groupie' as a broad term, encompassing Predatory Women: 'from those who hang around the grounds after training sessions to see their "idolized footy player or get a signature or just to say hello even"… to those that go to pubs and clubs that they know are frequented by players and attempt to pick-up footballers for sex' (2008a, p. 169). However, I will consider them as separate figures as different language is used to evoke them, the former emphasising the danger they pose to footballers, and the latter emphasising sexual availability.

consented to sex with the first man was taken as evidence that she consented to sex with the second, and by extension, any number of men. Thus, these players appear to take the first act of consent as blanket consent to other, or all, sex, which implies that a woman who agrees to sex with one footballer then becomes essentially unrapeable in their eyes: a Groupie who consents to anything. It should be noted that the workshop also presents a video depicting a man coming home from a bar and being raped by another man. When the players respond that 'no-one asks for that', former player Mark O'Neill points out that they are applying a double standard in the two cases. However, as *Four Corners* reporter Sarah Ferguson remarked, there is still 'a long way to go' in changing footballers' attitudes towards and perceptions of women. Current Knights player Simon Williams, while participating in this workshop, commented on camera about the prevalence of group sex/rape incidents involving NRL players:

> It's not during the act, it's the way you treat them after it. Most of them could have been avoided, if they [players] had put them [women] in a cab and said thanks or that sort of thing not just kicked her out and called her a dirty whatever. It's how you treat them afterwards that can cover a lot of that stuff up.

Williams' implicit claim is that no woman would make a rape complaint as long as footballers always 'said thanks' after sex. Even more disturbingly, he thus implies that no woman could be raped by footballers − or at least that no woman has (yet) been raped − and the complaints have instead been about revenge from women who felt mistreated after consensual sex. According to this narrative, *all* complainants are Women Scorned.

Another character who features in public narratives of the footballer alleged rapes is the Party Girl, who is out to have a good time, consume large quantities of alcohol, and is therefore also out for sex. I base my analysis on Alison Young's

discussion of perceptions of intoxicated complainants (1998).[21] Young argues that the complainant's consumption of alcohol functions 'to impugn her character and imply consent' (p. 451), citing studies of rape trials in Victoria by Anne Edwards and Melanie Heenan, who found that the complainant's alcohol consumption was a significant component of the defence's case (1994), and Gary LaFree, Barbara Reskin and Christy Visher in the United States, which indicates that juries are more likely to acquit a defendant when the victim has consumed alcohol or drugs prior to the rape (1995).[22] Young argues that the association of alcohol consumption with immorality and consent to sex are linked to '[o]ur fascination with the speaking mouth [which] derives from its constitution as a border between the inner self and the outer other'; when alcohol or drugs are ingested, '[t]he outer other is incorporated into the interior self' (p. 454). Young thus concludes that

> the woman who drinks from her glass or swallows the pill, while engaging in acts which may be entirely appropriate to their context, is never looked at as simply drinking from her glass or swallowing the pill, but as metonymically speaking her willingness to have sex. (p. 455)

If she is willing to incorporate one other − alcohol or drugs − she signals her willingness to incorporate "other" others: a penis, or penises.[23] Thus, when a woman is portrayed having a good time and consuming alcohol, the stereotype of the Party Girl means that she is simultaneously portrayed as inviting sex.

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[21] On ABC's Radio National, in the context of footballers and sexual assault, *Sydney Morning Herald* sports journalist Jacquelin Magnay also included the complainant's intoxication as one factor widely considered to imply consent ('The George Munster Forum' 2009)..

[22] A study of Victorian police responses to rape complaints conducted by Melanie Heenan and Suellen Murray (2006) found that victims who had not consumed alcohol or drugs were significantly more likely to have charges laid against the alleged perpetrator than those who had. Jan Jordan (2004, pp. 98-9, 112-36) found police were more likely to disbelieve intoxicated complainants; in a study of juror attitudes and biases, Natalie Taylor (2007) cites a UK study which found that focus group participants tended to blame rape complainants when they drank alcohol; Diana Scully (1990, pp. 123-5) demonstrates convicted rapists' knowledge of how intoxicated complainants are implicated and blamed). In her study of British rape trials, Sue Lees (1997, p. 67) found that, in all but one trial, the defence made exaggerated or unfounded claims about the complainant's intoxication or drug use, and in three trials argued that the '"loosening of inhibition" led women to have sex with strangers in car parks, waste ground or lift shafts'.

[23] Peggy Sanday (1990, p. 56) identifies this as a common belief amongst fraternity brothers; see also Benedict (1997, pp. 46, 73).

Another prominent stereotype populating public narratives of football and sexual assault is the Woman Scorned, who has also been evoked by the defence in criminal rape trials for centuries. In *A Woman Scorned: Acquaintance Rape on Trial* (1996), Peggy Sanday traces this story back as far as the seventeenth century, when rape complainants were required to provide evidence of having resisted to the utmost to avoid being judged a scorned, vindictive woman who made the complaint to get revenge (p. 20). Sanday cites numerous high profile rape cases from the late twentieth century where lawyers use a famous misquotation of seventeenth century playwright William Congreve as part of the defence − 'Hell hath no fury like a woman scorned' (p. 23) − demonstrating the currency that the story of the Woman Scorned retains.[24] A 2004 headline appearing during the investigation into rape claims against St Kilda AFL players Leigh Montagna and Steven Milne explicitly evokes the Woman Scorned: 'Thoughts of Women Scorned Are Scaring the Tripe out of the AFL' (Hinds 2004). Although the body of the article mainly discusses the possible consequences for the AFL of female fans being 'offended' by the alleged sexual assault, in this context the suggestion is also present that the woman allegedly raped was in fact a lying Woman Scorned.

The Gold Digger is likewise an established character in both football rape stories and criminal rape trials; Sanday identifies her in cases dating from the eighteenth century (1996, p. 95). This character is also connected with the more general stereotype of the Gold Digger who uses her sexuality to obtain money from wealthy men, as is frequently evoked with phrases such as 'she only married him for

[24] Jeff Benedict demonstrates that defence attorneys frequently evoke the Woman Scorned in rape cases involving athletes in the United States (1998, pp. 2, 39, 40, 83). Wendy Larcombe (2005) also cites a Department For Women (NSW) study of rape trials, which found that 52% of complainants were accused of making false reports for ulterior motives including revenge − Women Scorned. Sue Lees (1997) reports a defence counsel in her study of British jury rape trials in 1988-1989 as stating 'This is a case of a woman scorned' (p. 78).

his money'. In rape cases, the Gold Digger can be evoked when a prominent and/or wealthy man − such as a noble in the eighteenth century, or a footballer in the contemporary context − is accused of rape, whether or not the alleged victim seeks or receives a financial settlement. As noted above, many football fans evoked the Gold Digger on internet blog sites, even when there were no observable characteristics corresponding to the Gold Digger in any of the media narratives. One declared: 'My mum said she was probably being a slut, then after they "did" her, she decided 2 say summin coz she thought she could get money or summin out of it [sic]' (in Baird 2004). The Gold Digger stereotype invalidates a rape complaint, as a woman who alleges rape for financial gain must be lying, and was therefore not raped.

There is much cross-over between these five fictional characters, particularly as they all represent different motivations for consenting to sex, or complaining of rape after consensual sex. The distinctions between them are often blurred and the same narrative can evoke more than one character, for example: a woman who consumes alcohol and has consensual sex with one or more footballers could simultaneously be cast as both a Party Girl and a Groupie. Evoking the Predatory Woman, Groupie or Party Girl automatically invokes the Gold Digger and/or Woman Scorned at the level of the "truth"-fabula, for if the complainant is any one of the first three, then her complaint must be false, and her motivation for doing so either money or revenge.[25]

These stereotypes are generic, global and long-standing, as evidenced by their prominence in America and the UK, and thus the homology of stories about rape

[25] It is significant that tabloid *Herald Sun* sports writer Mike Sheahan evoked the Woman Scorned, Gold Digger *and* Predatory Woman to explain the St Kilda AFL and Canterbury NRL allegations, implicitly denying that any of these women could have been raped (2004).

complainants extends internationally.[26] Their prominence increases their believability – that is, contributing to their semantic thickness − and the more widespread their acceptance, the more likely they are to be accepted in the Australian context. My emphasis in this thesis is on the ways stereotypes such as the Predatory Woman, Groupie, Party Girl, Gold Digger and Woman Scorned are used as *characters* within narratives in the debate, and how these characters function to invalidate complainants' testimony; the more familiar they are, the more likely they are to invalidate that testimony. In a recent study, Melbourne University researchers Anthony Lyons and Yoshihisa Kashima found that participants were more likely to communicate information that was in accordance with stereotypes of footballers than that which ran counter to the stereotype (Lyons & Kashima 2001).[27] This lends support to the assertion that familiar stereotypes in media texts, such as Predatory Women and Women Scorned, are more likely to be repeated and believed than non-stereotypical representations, such as the Raped Woman.

It is important to specify that, although stating that the Predatory Woman, Gold Digger and so on are fictional characters, I do not imply that narratives portraying the complainants' versions of events as credible are therefore "true" representations. *All* representation occurs in language and is therefore constructed, and feminists' and victims' narratives are also constructions. The difference is that stereotyped constructions, as Joanna Bourke argues, 'try to harm women' (p. 7), and inhibit all complainants from being believed; whereas it is possible for alternative, victim-supportive constructions to give women's testimony the chance to be tested. This allows victims the possibility of becoming plaintiffs able to testify to a wrong (Lyotard 1988).

[26] Numerous examples can be found in Benedict (1997, 1998), Larcombe (2005), Lees (1997) and Sanday (1990).
[27] See also Lyons and Kashima (2003).

Rape Narratives: Negotiating Gendered Stereotypes[28]

To illustrate the prime importance of narrative choice in creating truth effects, I will analyse two news reports relating to the same incident, in which AFL players and an official from the Hawthorn Football Club allegedly raped a Californian woman while on tour in Hawaii in 1998. The first article, Michael McKenna's 'I Didn't Say Yes to Anyone: Booze Cruise, Claims of Spiked Drinks and Allegations of Three Rapes', appeared in Melbourne's tabloid newspaper *Herald Sun* in June 2004; the second, Padraic Murphy's 'I Was Drugged, Says "Gang Rape Victim"' appeared in national broadsheet *The Australian* one day later. Juxtaposing these two articles best demonstrates the power of narrative choices in portraying a complaint as believable and thus 'admissible' in a trial by media, as although each is based on the same primary text – the alleged victim's police statement − and thus draw from the same fabula pool, one affords truth-value to the claim of rape while the other undermines it and implies that the complaint is false. Both narratives are based only on statements made by the complainant to Californian police, as official statements from the players involved were not taken. However, there are substantial differences and discrepancies between the two accounts: in the details included or omitted; sometimes direct contradictions in the nature of the details themselves; the structure of the narratives and the portrayal of the events; and thus the portrayal of the complainant and alleged perpetrators as characters within the narrative. I will use these parallel narratives to illustrate the power that journalists have to either confirm rape-supportive, victim-disbelieving myths or undermine them. While neither writer explicitly declares that the complainant's story is "true" or "untrue", credible or incredible, Murphy

[28] A version of the following analysis will be published in 'Silencing or Validating Traumatic Testimony: Australian Footballers' Narrative Immunity against Allegations of Sexual Assault' (Waterhouse-Watson forthcoming(b)).

constructs a narrative which supports the view that the complainant may have been raped. McKenna, by contrast, although basing his article on exactly the same information as Murphy, systematically undermines the complainant's credibility and casts doubt on her claims of rape, evoking negative stereotypes of rape complainants. If two such wildly differing accounts can be based on the same testimony, this demonstrates the fact that journalists can play a vital role in either upholding or disrupting the status quo, under which women's rape claims against footballers are disbelieved, simply by the narrative choices they make.

The narratives' titles[29] set up this contrast, as although each contains speech attributed to the complainant, Murphy's supports the complaint's validity while McKenna's undermines it.

> I Was Drugged, Says AFL 'Gang Rape Victim'. (Murphy, P)
>
> I Didn't Say Yes to Anyone: Booze Cruise, Claims of Spiked Drinks and Allegations of Three Rapes. (McKenna)

Implicit in the claim 'I was drugged' is the assertion that the complainant could not consent to sex, and that someone set out to ensure that eventuality. In contrast, McKenna's title contains an explicit denial of consent, but places this denial in a context which implicitly questions its validity. Each title refers to the woman's belief that a player or players added something to her drink; while 'drugged' carries criminal overtones, 'spiked drinks' suggests a joke, or something titillating, as does a 'booze cruise'. The complainant herself does not figure in McKenna's title; unlike the "gang rape victim" she is a disembodied voice placed in the context of a titillating booze cruise, which suggests that her claim of non-consent may be untruthful. McKenna's narrative is denied *as narrative*; while his title emphasises 'claims' and 'allegations', it is followed by 'Michael McKenna reports', marking his account as "factual"

[29] I refer to the headlines as 'titles' to illustrate the literary function of the articles.

reporting, not narrative construction, and (potentially) in opposition to what was 'claimed' or 'alleged'. McKenna draws attention to the fact that only the alleged victim's version of events was presented in the police documents, declaring,

> Police documents, released yesterday in Honolulu, tell only part of the story − the victim's version of events. The documents reveal nothing about what the players and official had to say in their defence.

This implies bias on the part of the police, as they supposedly only released one side of the story, and thus presents the complainant's claim of rape as suspect from the outset. McKenna also makes an implicit claim to objectivity and truth-telling, employing a "neutral", reporting tone.

Both narratives make use of *anachronies* − that is, points where the order of the narrative sequence differs from the chronological order − but with markedly different effects. Anachronies can be either *analepses* – looking back to events prior to those being narrated – or *prolepses* – which look forward (Cohan & Shires 1998, p. 85). Anachronies, particularly at the beginning of a narrative, can be used to foreground certain events and lend them greater significance; they can also be used to suggest causality. McKenna's narrative begins with a prolepsis that bypasses the events in question:

> In police documents released in Honolulu yesterday, a Californian woman − who will not press charges − alleges she was raped in 1998 by three members of a touring Hawthorn Football Club group.

In this prolepsis, the woman as sole actant 'alleges she was raped', drawing focus away from whether or not men raped a woman and placing it on the making of a rape allegation. Drawing attention to the fact the woman did not press charges, without any explanation for her choice,[30] also suggests the complaint is false, as it implies that it

[30] Murphy explains that the alleged victim made the police statement in case the players committed another rape, in which case she would then consider pressing charges.

will not stand up in court and that the complainant is aware of this. This contrasts strongly with Murphy's opening:

> Bruised, drugged and smeared with semen, a Californian mother of two was forced to endure one final humiliation as she staggered from a Hawaiian hotel *after allegedly being gang raped* by at least three − probably more − members of the Hawthorn Football Club.

Murphy also begins with a prolepsis, but depicts the complainant's dishevelled state immediately after the alleged rapes, a state which is inconsistent with consensual sex. Where McKenna's opening foregrounds words such as 'claims', 'allegations' and 'alleges', which represent acts of language, Murphy includes 'allegedly' towards the end of the first paragraph, so that it marks the actual rape alone and is thus delayed, allowing the opening to generate truth-value.[31] The description of the victim's state that occupies the first part of the sentence is therefore not presented as an allegation, but works to add truth-value to the claim of rape.

Through the systematic foregrounding of particular events selected from the fabula pool, and the de-emphasising of others, McKenna constructs the complainant's character as a Party Girl: one who is out to have a good time, consume large quantities of alcohol, and is therefore also out for sex. McKenna both emphasises and inflates the complainant's use of alcohol and habitual "partying", while eliding or erasing entirely the footballers' drinking. In the title, the complainant is directly linked with a 'booze cruise', whereas in the opening paragraph the Hawthorn team is described as 'touring', with no mention of alcohol. McKenna lists 'swimming, driving a jeep around Oahu, and parties at night' as the three things that made the holiday 'wonderful' for the complainant, following this directly with:

> On October 17, 1998, their last evening in Hawaii, they bought tickets for the Endless Summer Pub Crawl.

[31] The use of phrases such as 'alleged rape', as opposed to 'rape allegation', will be discussed further in Chapter Three.

> It was billed as a 'booze cruise'. Cheap drinks flowed, first at a nightclub before the crowd of about 200 moved to the boat that sailed off the coast for several hours before returning to another club.

With no indication of a disjunction between the 'parties at night' and the 'booze cruise', the story which follows appears as simply another night of parties, implying that the first three nights were similar. McKenna lists the drinks the woman consumed, compressing time and implying that they were consumed in quick succession: 'She drank a cocktail, and a rum and Coke, before ordering another rum and Coke as she was called to the stage by "the host" for a contest'. After the description of the contest, McKenna writes that

> the crowd was taken to the ship where the two women had a shot of tequila. 'And, um, and then it begun (sic) to get a little fuzzier, um, as far as the night goes,' the alleged victim told police.

Following the consumption of tequila with 'and *then* it begun to get a little fuzzier' strongly suggests that drinking the tequila caused the fuzziness, not the rum and coke being spiked at the club as the woman alleged.

Murphy, by contrast, portrays the woman's drinking as modest, particularly in comparison with the footballers, who were 'already drinking heavily' when the women arrived, and makes it clear that her disorientation was not due to excess alcohol consumption: 'Although she [had] had only four alcoholic drinks by the time she got on the boat, the woman said she was feeling dazed and confused, and was *corralled* by a group of the players who told her they were as famous as NFL [elite US gridiron] stars' (my italics). The use of 'only' indicates that her alcohol consumption had not been excessive, and 'corralled' implies threatening behaviour on the players' part, treating the woman like an animal. He also refers to the cruise as a 'sunset cruise', avoiding the sordid implications of 'booze cruise' and the suggestion that the woman's confusion was due to excessive alcohol consumption.

The two accounts also diverge sharply when the Hawthorn official who allegedly set up the rape and the scene of the rape itself are figured. While Murphy portrays him as something of a predator, McKenna places him in a romance script with the alleged victim, therefore implying that she consented to sex. Murphy writes that:

> She also remembered being 'hit on' by a club official aged in his mid-30s.
>
> After the cruise, on a bus that was taking the woman and the players to another nightclub, the club official groped and kissed the woman.
>
> 'He was really ugly,' the woman told police. 'If I was anywhere near normal, I would have been like "OK, go away".
>
> 'He was just short and ugly and (had a) big nose'.

Being 'hit on' suggests that his overtures were unwanted; that he 'groped and kissed' her marks both acts as unwanted sexual touching (and therefore sexual assault). The assertion that he was ugly and that she would normally have told him to go away therefore supports the claim that his touching was unwanted, and undermines the counter claim that she later had consensual sex with him.

McKenna's version is substantially different. He writes: 'After the boat had docked (about 11.30pm), she alleged she boarded a bus and one of the team had *held her hand* and kissed her. "He just started kissing me. I mean, he was really ugly," she said'. Describing the man's actions as 'held her hand and kissed her' characterises him as the suitor in a romance script rather than a sexual predator. Although McKenna also quotes the alleged victim here, the assertion of ugliness, rather than supporting the claim of non-consent, portrays the woman rejecting a romantic suitor on seemingly superficial grounds.

Both accounts agree that the woman vomited, and the club official offered to buy her a toothbrush; however, once again McKenna chooses narrative events that imply consent, whereas Murphy's account suggests non-consent and the woman's

honesty. While Murphy writes that they boarded 'a bus that was taking the woman and the players to another nightclub', and that the woman vomited outside the nightclub, McKenna claims, 'The bus dropped the crowd opposite the players' hotel' and she vomited outside the hotel. It seems likely that the bar and hotel were near each other; however, while Murphy's narrative marks the nightclub as the bus's destination, McKenna claims that it is the hotel, further implying that the alleged victim was going to the players' hotel anyway (and not her own), and was therefore interested in sex − a Groupie.

Murphy's narrative portrays the complainant's stated actions and motivations as reasonable, and he writes:

> Although drunk, she told police she was not drunk enough to vomit. The club official then offered to buy her a toothbrush and took her to his hotel room upstairs, just after 11pm.
>
> She thought he was giving her a place to clean up, and told police she would not have gone had she not been drugged.

Naming the man a 'club official' marks him as an authority figure, supporting the woman's claim that she thought he was (just) giving her a place to clean up and making her actions appear reasonable rather than risky. He is figured as the agent and instigator, taking her upstairs to his room; reiterating the assertion that she had 'been drugged' confirms the involuntary nature of her state of intoxication and provides an explicit explanation for her presence in the hotel room which does not suggest consensual sex. By contrast, McKenna writes:

> She said *the member of the Hawthorn party who had kissed her* had offered to buy her a toothbrush.
>
> They had gone to his room, where she cleaned her teeth.

The man in this narrative is the romantic suitor who 'held her hand and kissed her' on the bus; they are co-agents in going to the hotel room, and what happens thereafter is set up as consensual. McKenna continues:

> ‘And, then, I don’t know… I was in bed, somehow,’ she alleged.
>
> ‘My next recollection is (name, etc blacked out) *having sex with me*.’
>
> She told police she had been naked, but she could not remember how she got that way. She had drifted in and out of consciousness (my emphasis).

That she was at times unconscious is placed at the end of this sequence, minimising its impact, and the use of ‘drifted’ implies a pleasant sensation; as the complainant has been portrayed throughout the narrative as a heavy drinker, her uncertainty about what occurred becomes attributable to the memory loss which sometimes occurs after a night of drinking. He continues:

> During the alleged rape, she said the room door kept opening and closing. Her next memory, she alleged, was waking up with the ‘*next person on me*’ in the other bed of the room.
>
> ‘At the same time, I noticed there were other people in the room,’ she alleged. She thought someone might have taken photographs.
>
> After waking during the second *alleged attack*, she told police she had blacked out again before waking up with a ‘*third person on me*’.
>
> The woman said that *during this attack* he had asked her if she remembered that ‘I was the one in the contest with you?’
>
> ‘He started saying stuff like, “Tell me you’re an American slut. We, I love American sluts,”’ she alleged.
>
> *After the last alleged attack, she had dressed, but could not find her underwear* (my italics).

In this section of the narrative, McKenna uses ‘alleged rape’, ‘alleged attack’, and even ‘The woman said that *during this attack*’ (my italics), which can be used to suggest truthfulness, as I will argue in Chapter Three. However, the positive work this grammatical construction can perform is in shifting the focus from whether the woman was telling the truth when she made an allegation to whether or not a rape occurred. In the context of this narrative, and at this point where the woman’s consent to sex has already been confirmed, the likely conclusion is that the rape did not occur. The language used to describe the sexual contact is consistent with consensual sex:

McKenna quotes the woman describing the first man as 'having sex' with her and waking up with 'the next person on me' and later with 'a third person on me'. This presents the three men 'having sex' with the woman as a predicted sequence of events; that the woman's own words are used implies that she was aware of what was going to happen, and therefore consenting to it. This is an example of an utterance, when removed from the context in which it was spoken, being also 'cut off from its original "vouloir-dire" (desire-to-say-what-one-means)[/meaning]' (Derrida 1988, p. 12)[32] – that is, cut off from its meaning, and more specifically, the intended meaning of the speaker. McKenna uses them to undermine her credibility and support his implicit claim of a false complaint. Apart from the framing of 'alleged attack' and 'alleged rape', there is little to indicate that the contact was against the victim's will at the time. The last sentence of this section also appears incongruous, as after (allegedly) being raped by multiple perpetrators, the woman simply gets dressed. There is no indication of time delay, as in Murphy's account:

> The single mother, whose children were aged 1 and 4, *woke about 4.30am*. She said the hotel room was a mess, with clothes and personal items spread across the room. She got dressed but could not find her underwear. (my italics)

According to McKenna's narrative, it is as if, after being raped by three men, the woman simply got up off the bed and put her clothes back on without any fuss, an incongruous suggestion that strongly implies that consensual sex occurred. Although, in Murphy's account, an indication of the victim's mental state might have leant extra weight to the claim of rape, the victim's behaviour nevertheless appears consistent in this sequence of events.

[32] I consider the translation here to be misleading, as although the French verb 'vouloir dire' *literally* translates as 'wanting to say', or 'to want to say', and 'vouloir-dire' is not commonly used as a noun, in practice it is simply 'to mean' (Carney 1995, p. 969; Varrod 2000, p. 2705). That is, 'Qu'est-ce que ça veut dire?' translates as 'What does that mean?', or 'Je veux dire…' as 'I mean…'. A French speaker would understand this phrase as '[e]very mark, written, spoken etc, can be cut off from its original "meaning"', with 'wanting to say', or 'the desire to say' present as a connotation. Thus in Samuel Weber's translation the sense that every mark can be cut off from what it *means*, both to the speaker as well as the listener, is lost.

Murphy's account of the rape scene is also far less consistent with the suggestion of consensual sex:

> Now lapsing in and out of consciousness, she next remembers waking to find the club official performing oral sex on her. She woke again and noticed the official putting on a condom before penetrating her and whispering: 'Don't worry, I'm the only one with the key.'
>
> The comment jarred because, even in her haze, the woman noticed the door of the room opening and closing, and men milling in the hallway outside. She also believes some of the men took photos.
>
> The woman next woke up on another bed in the room with a second man penetrating her. She described him as tall, with dark hair, muscular build and aged in his early 20s. 'I remember realising he's on top of me... and freaking out,' she said.
>
> She woke later to find another player − aged 18-20 with dirty blond hair − penetrating her.
>
> She told police he 'flipped her over' and penetrated her 'doggy style' before ejaculating on her neck and face. 'He started saying stuff like "Tell me you're an American slut. I love American sluts. I want to, you know, f..k your brains out",' the woman told police. She said she could taste semen in her mouth but could not remember being orally penetrated.

Murphy uses 'lapsing in and out of consciousness', as opposed to McKenna's 'drifting', and employs 'penetrated' repetitively to describe what the footballers and official did to the woman. Including the woman's statement that she was 'freaking out' further underlines the claim that what occurred was not consensual sex. The description of the third man's behaviour more plainly marks his actions as abusive, degrading and therefore rape. That he 'flipped her over' implies that she did not change positions willingly, and ejaculating on her places him outside a romance script as it is inconsistent with a mutually pleasurable sexual encounter. The rendering of the woman's descriptions of the perpetrators − for example 'dark hair, muscular build and aged in his early 20s' − places them in a type of "crime stoppers" genre, in which it is clear that a crime has occurred and the only question is identifying suspects.

In McKenna's narrative, the complainant is portrayed as a Party Girl who voluntarily got drunk, had sex with multiple men, filed a rape complaint for an unspecified reason, and declined to press charges. In the discursive context in which

the article appeared, McKenna does not need to explain why the woman would make a false complaint, because the familiar characters of Predatory Women, Women Scorned and Gold Diggers, which were in constant circulation, provide these explanations for him. The "truth"-fabula of McKenna's account is most likely that the complainant fits one (or all) of these culturally embedded stereotypes rather than that of the Raped Woman. In Murphy's account, however, the complainant drank moderately, was drugged and raped, and reported the incident to police when 'depression and trauma started to sink in': a Raped Woman.

Thus the narrative organisation of elements from the fabula pool can either support or discredit a complainant and her account of rape, portraying her as a Raped Woman, or as a Predatory Woman, Gold Digger, Party Girl, Groupie and/or Woman Scorned. This illustrates how the debate is one of competing *narratives*. However, as I will demonstrate in the following chapters, the majority of these narratives work to undermine complainants' accounts, portraying them as Women Scorned and Gold Diggers and thus presenting their testimony as inadmissible in a trial by media. Footballers are therefore provided with a "narrative immunity" against being held accountable for sexual assault.

Chapter Two

Narrative Immunity: Patterns of Deflecting Blame[1]

We knew from day one we've been guilty of nothing. (Masters 2004a)

When NRL Canterbury Bulldogs coach Steve Folkes learned that his players would not be charged with rape over the 2004 Coffs Harbour incident, he made the above declaration, clearly suggesting that his players had therefore been "found innocent" of any wrong-doing. The case was never heard in court; however, it, like subsequent cases, was heavily debated in the media, (re-)narrated by journalists and other commentators as well as representatives from the football clubs and leagues. Former rugby league coach and now sports journalist Roy Masters also devotes a chapter of his 2006 book, *Bad Boys*, to the issue. I contend that the representation of footballer rape cases in the Australian media (in which I include Masters' work) performs a *de facto* adjudication of the cases, providing footballers with what I call a "narrative immunity" against being held accountable for alleged sexual assault. Football representatives and many journalists employ grammatical and narrative techniques to deflect blame and responsibility away from footballers and onto the women, in a similar manner to the techniques of criminal defence lawyers in rape trials (Ehrlich 2001; Larcombe 2005; Lees 1997; Smart 1989). Although some journalists endeavour to provide alternative narratives which render the complaints admissible (see Chapter Seven), they are in the minority, and those narratives which seek to shift blame onto the alleged victims work together, and are informed by the culturally-embedded stereotypes of the Predatory Woman, Groupie, Woman Scorned, Gold Digger and

[1] Parts of the following will be published as 'Narrative Immunity: Australian Footballers' Defence in a Sexual Assault "Trial by Media"' (Waterhouse-Watson forthcoming (a)).

Party Girl. The homology of these narratives with the stories of stereotyped characters creates semantic thickness. The congruence between the overall media representation and the failure of any case to reach trial, let alone conviction, suggests that the *de facto* defence provided for footballers in the media continues to be successful.

Part of footballers' narrative immunity is constructed through *denials*, both implicit and explicit, that they could have committed sexual assault. This is achieved by the circulation of what Stanley Cohen calls 'statements of denial' − that is, 'assertions that something did not happen, does not exist, is not true or is not known about' (2001, p. 3). These statements can be of 'literal denial', where it is stated directly that an event did not occur; 'interpretive denial', where it is conceded that "something" happened but a different interpretation, or 'spin', is placed on the event (pp. 7-8); or 'implicatory denial' where the event is conceded to have occurred but its psychological, political or moral implications are denied (p. 8). Interpretive denial is generally achieved by renaming or euphemising events: '"moderate physical pressure", not torture' and '"collateral damage", not killing of civilians' (pp. 7-8) are two examples Cohen proposes. This conceptual framework is particularly relevant in analysing responses to the sexual assault allegations, as they contain denials in many forms. For example, in football discourse, an event in question is sometimes named 'group sex' rather than sexual assault.

Denial also often takes a slightly different form from those Cohen suggests, as commentators and football representatives do not always state *directly* that the sexual assaults did not occur, but imply it by making statements that are inconsistent with footballers committing sexual assault. I will call this type of statement "implicit denial". Whole narratives, or narrative sequences, can also constitute denial, which I will call "narratives of denial".

Many narrative representations of the sexual assault cases in the Australian media, and Masters' *Bad Boys*, draw authority from the identity of the narrator − that is, the agent who tells the story. When the narrator is a well-known journalist or sports personality, they implicitly draw on the credibility associated with their name. In newspaper articles particularly, the narrator is often highly visible, sometimes with an accompanying photograph. They are familiar to the audience, and their association with the newspaper's masthead lends them further credibility. Further, particularly when constructing news reports, journalists implicitly lay claim to "objectivity" and "truth", and when a trusted journalist produces a rape narrative they have far greater narrative authority than, for example, a rape complainant.

Similar effects are produced when well-known footballers appear as characters in a narrative, and the mere fact that the alleged rapists are well-known footballers, and the alleged victims anonymous women, puts the complainants at an immediate disadvantage in terms of being believed. Many readers have pre-formed opinions about footballers, or feel that they "know" them on some level. This relates to the anthropological concept of 'personalised strangers': fans do not know these celebrities personally, as in a reciprocal friendship, but know many personal details *about* them (Watson, R 1973). They therefore often "feel" like they know footballers as they are familiar with their background, personality and family, and generally respond to news about them *as they would for someone they actually knew*. This is particularly the case with high-profile players like Brett Stewart, the "poster boy" of the NRL's 2009 season launch campaign, who was charged with sexual assault in early 2009. It bears equally on former footballers as sports writers, as they retain the identity of the 'personalised stranger' they had as players, with the added authority of an "objective", journalistic voice. When 'personalised strangers' deny that footballers (could) have

raped, they contribute even more to upholding footballers' narrative immunity than other commentators.

Harmless Fun: Roy Masters' *Bad Boys*

In 2006, Roy Masters published *Bad Boys*, the only Australian book to date to examine sexual interactions between footballers and women in any detail.[2] The book is presented as an "insider's" account of 'sex scandals, fierce rivalries, gambling excesses, boardroom rants, bar-room bust-ups, media headbutting and battle-worn bodies'. Framing the book in this way means that 'Bad Boys and Birds', the chapter dealing with footballers, sex and the sexual assault cases of 2003-2004, is portrayed as just another part of this titillating volume whose purpose is to entertain, thus downplaying the seriousness of the issue.

Like Jeff Benedict and Mariah Nelson (see Chapter One), Masters constructs his work of narratives: anecdotes, and events Masters has experienced, witnessed, or heard "first hand" from players and coaches with whom he is acquainted. Masters frequently appears as a character in these stories, foregrounding his close, personal association with the famous people involved and confirming his status as a football "insider". His purpose here is clear: he constructs his narrative authority on the basis of his insider status, as first-hand accounts are more readily believed than other stories. Of greatest importance, he can lay claim to the status of "impartial eyewitness" as he is not the main character in his anecdotes, but nevertheless has first-hand knowledge

[2] Sports broadcaster Debbie Spillane, who also worked as media manager for the Canterbury Bulldogs from 1996-1999, briefly addresses the 2003-2004 sexual assault cases in *Where Do You Think You're Goin', Lady?* (2007, pp. 244-6). Spillane refers to the cases as 'rape incidents', and 'rape scandals', thus ensuring that rape remains a possible explanation for what happened, criticises Canterbury's response to the alleged rapes, and states 'I don't know what really happened' (p. 244). However, almost a page of the three page discussion concerns Predatory Women and the 'restraint' demonstrated by players when faced with them, therefore also perpetuating the discourses that blame women and exonerate players (pp. 245-6).

of events in which he did not participate. This is the perspective most likely to be believed as it can be considered "unbiased", and not self-seeking.[3] Even when he recounts the stories of others, their authenticity is implied by the seamless way in which they are interwoven with Masters' personal, "eyewitness" anecdotes. As he also discusses four football codes rather than just rugby league, which he coached, he lays claim to a "big picture" perspective. Strikingly, when seeking support for his arguments from sources outside football, Masters relies heavily on literary works – fictional stories – most frequently Shakespeare. A quote from *Measure for Measure* forms the basic premise of the whole book, appearing both in the text of the opening chapter and on the back cover:

> Most bad boys become settled citizens and you wonder whether their badness helped turn them good. Shakespeare expressed it best in Measure for Measure [sic]: 'They say, best men are moulded out of faults, and, for the most, become much more the better for being a little bad'. (Masters 1006, p. 19)

It is worth noting that almost all the male characters' faults in the play relate to their mistreatment of women: Angelo abandons his fiancée, Mariana, and leaves her destitute because her dowry is lost in the same shipwreck that kills her brother; the Duke attempts to force Isabella to marry him against her will; and Lucio gets a prostitute pregnant and refuses to marry her. Thus by aligning modern football's 'bad boys' with Shakespeare's "bad men" in this way, Masters orients his discussion of footballers' interactions with women around the suggestion that abusing and mistreating them is simply a part of being 'a little bad'. Shakespeare is wielded as a kind of "literary warrant" − a precedent for this behaviour that casts it in a positive light.

[3] Several studies of mock-jury trials suggest that jurors are likely to believe an eyewitness who is confident in the evidence they give, even despite inconsistencies in their testimony. For example: Brewer and Burke (2002) and Lindsay et al. (1986). From my own experience on a jury, jurors constantly asked the question, "why would they lie?" when evaluating the evidence of witnesses who were not involved in the incident, and despite significant discrepancies between their testimonies, ultimately accepted their veracity.

The choice of such an ancient and well-known part of the literary canon suggests that Masters' stories about 'bad boys' are simply another example in a long history of such stories, lending them the authority derived from semantic thickness, as well as a sense of immutability. Further, it provides another example of the complex relationship between "fictional" and "factual" stories. If, as in Masters' book, *fictional* stories are seen to legitimately provide evidence to support the view taken in *factual* stories, then it appears that the fictional stories that have passed into our general cultural understanding contribute to a reservoir of "commonsense", along with those based on "fact", which can then form part of a fabula pool.

Masters' chapter 'Bad Boys and Birds' explores interactions between male footballers and women, its principal focus on sexual relations and the sexual assault cases involving Canterbury Bulldogs, St Kilda and Melbourne Storm players. The back cover claims that Masters' book 'brings genuine analysis and investigation into the current state of play and what can be done to *correctly apportion the blame*, improve the behaviour and put footballers' actions into a larger social context' (my italics). In 'Bad Boys and Birds', Masters details how the blame should be 'correctly' apportioned, placing it all onto women while shielding players from taking responsibility for anything that occurs, including all sexual encounters. Rape is not figured as a possibility in his explanations for why the women made allegations against footballers.

Masters is quite explicit about what he believes to be the situation that caused the sexual assault allegations: he states clearly that Groupies seek out footballers for sex, and those who "cry rape" are either Women Scorned or Gold Diggers. In any case, the women are liars; there is no possibility that any footballer could rape any woman, and thus his arguments constitute implicit, and overt, denials of rape claims

against footballers. However, he also employs narrative and grammatical techniques to further substantiate his claims. To this end, he weaves a tapestry of stories about the interactions between footballers and women, using the macro-structure of the chapter – that is, the sequential arrangement of the anecdotes − in addition to the internal structure of the anecdotes and grammatical constructions within them, as "evidence" for his points.

Masters begins by narrating two incidents involving women he identifies as Groupies, which demonstrate that the women are the instigators of sexual activity (and thus Predatory Women) and are satisfied with their interactions with footballers. The first, told in a humorous style, recounts how a group of rugby league players on tour in England became exceedingly drunk the night before their flight, to the point where many had to be carried from the hotel the next day and staff were recruited to pack up their luggage (pp. 73-4). An unnamed, unknown woman appears only as a shadow in the story: a bag of women's clothing was discovered on the airport luggage carousel when the plane landed, and the coach concluded that it belonged to a local woman who spent the night with a player and whose belongings were accidentally collected by the hotel staff and sent off with the players. Masters adds, tongue in cheek, 'Either that or a Kangaroo had decided to leave his expensive cross-dressing habit in England!' (p. 74). Thus casual sexual encounters between male footballers and women are constructed from the outset as a source of humour, something not to be taken seriously. Masters goes on to declare that 'It's not unusual for some English women to develop relationships with single players on tour' (p. 74). In this statement, the English women are the agents and instigators of any relationships and the players are passive recipients of their actions. Using the terminology of functional grammar (Williams, G 1994, as outlined in Chapter One), the operation of this language

becomes more explicit in assigning blame and removing the agent. The 'English women', are the Actors, 'developing' is the Process, 'relationships' are the Goal, and the 'players' are merely a Circumstance in which the Process occurs. Thus Masters portrays these casual sexual relationships as female-instigated, with the players as almost incidental to the action and not responsible for what occurs. The second anecdote concerns a woman the players nicknamed 'Barry Beath', as rhyming slang for her teeth, which were badly decayed. While the nickname is clearly not complimentary, Masters is explicit in establishing that the woman in question readily identified herself as Barry Beath, was the instigator of all sexual contact, 'even following some [footballers] into the gents' toilet to determine their interest' (p. 75), and was at all times treated 'courteously' by the players. Thus Masters portrays this woman as satisfied with the situation and the instigator of all sexual activity: a Predatory Woman.

Masters implies that these women's actions are "wrong", persistently claiming that they 'admit' to wanting to sleep with footballers, but he never attributes any "wrongness" or guilt to footballers. For example, he claims that Barry Beath '*admitted* that she craved physical connection with athletic young men' (p. 75, my italics), and that '[s]ome of the English groupies *admit* [that they want casual sex with footballers]' (p. 75, my italics). Similarly, he claims that the SBS documentary *Footy Chicks*, which features three women who seek out casual sex with footballers, 'focuses on three groupies who *admit* to their predatory search for footballers from the AFL, NRL and Super 14' (p. 77, my italics). An admission is usually associated with guilt, and implies that the action, belief or attitude admitted is somehow wrong, suggesting that these women, in wanting to sleep with footballers, are blameworthy and admitting their guilt; notice also that Masters explicitly describes these women as

'predatory'. Footballers who sleep with multiple women never 'admit' to anything and thus responsibility (or guilt) for casual sex involving footballers is solely attributed to women.

Masters mainly employs women as focalisers of both other women's and footballers' behaviour, thus circumventing accusations of bias which might result from presenting an exclusively male perspective on the issue.[4] He uses women's voices to express concern for the players' safety in the presence of Groupies and/or Predatory Women. He describes the attitudes of footballers' wives to players' "bad behaviour" or 'larrikinism' as either denial or appreciation (p. 75). For example, Masters details an incident where one player performed a 'helicopter' – making his penis into a propeller – to the enthusiastic applause of watching wives (p. 75). Thus wives are portrayed as complicit in their husbands' behaviour and either openly supporting it or turning a blind eye and giving tacit approval. Having thus established the wives' acceptance, Masters allows concern for the supposed danger that Predatory Women pose to players to be voiced through some of these women. Claiming that wives 'are universally attuned to groupies at home' (p. 76), Masters quotes Cathy Roach, a 'lovely, caring, generous woman with innate Irish decency' saying, 'The groupies of today appear to be more aggressive than ever before', and another football wife who spoke of the 'issue… [of] the young girls hanging around after games and the question of whether the boys are equipped to handle it' (p. 76). Thus women (Groupies) are established as the instigators, aggressors and predators, who are happy with the way they interact with footballers, responsible for everything that occurs, and

[4] The appointment of academic Catharine Lumby to advise the NRL on gender issues, conduct a study of player attitudes, and work with the league on developing "education" programs, appears to have the same motivation, as I will argue in Chapter Six.

who (potentially) make victims of footballers. This negative view of 'groupies' is also presented as a *female* perspective, as women are the focalisers of their behaviour.

With the scene thus set, Masters proceeds to identify footballers, and football itself, as the victims in the sexual assault cases. Making no mention of rape or sexual assault, he calls the Canterbury case the 'Coffs Harbour firestorm' (p. 77), thus portraying the incident as one of violence; as he goes on to detail the devastating effects it had on players and the codes in general, *they* are identified as the victims. Masters cites another woman in football, NRL media manager Polly McCardell, as claiming players became 'wary' following the allegations and that she did not 'see as many women in the foyers of hotels, or in the players' rooms anymore' (p. 77). The only interpretation offered for the diminishing numbers of women is that players are fearful of what may happen if they engage in casual sex, confirming that they are the only potential victims; the possibility that women are staying away because of potential danger to themselves is not entertained. In portraying the players as victims, Masters makes a statement of "implicit denial", as the players cannot simultaneously be victims and perpetrators.

Masters continues to emphasise his point that footballers are the "real" victims, following McCardell's statement with a string of stories which depict fearful men avoiding even the suggestion of being involved in a 'bun' (group sex), or anything that might be considered sexist or demeaning of women. He claims that a group of rugby players were so horrified when a former international suggested they have a 'bun' that 'they covered the distance to the door more quickly than they'd ever scored a try' (p. 77). He contrasts these fearful, constrained men with female journalists, club directors and speakers making comments such as, 'Who do you reckon will be Bun of the Year?' and 'She's got nice legs' (p. 78). The men present are scandalised, but the

women who make the comments appear oblivious to the horror they have inspired and the taboos which now constrain the men. The 'Coffs Harbour firestorm' is thus set up as an incident that made victims of men – in particular, male footballers – to whose effects women were impervious, and for which they were collectively responsible.

Masters then re-introduces the event that provoked all this activity as the 'Coffs Harbour bombshell that had a Pearl Harbor-like effect on the code' (p. 78), continuing his metaphor of epic violence and aligning rugby league with the "wronged United States" − that is, casting league as the victim of an unprovoked attack. His narrative implicitly denies the possibility that the Bulldogs raped the complainant. He chooses to begin the story with a prolepsis – the making of the sexual assault allegations – rather than any of the events that led to them: 'Allegations of sexual assault against six Bulldogs players during a pre-season training camp at the NSW mid-North Coast holiday resort sent seismic waves through rugby league' (p. 79); thus the allegations – the statements of the woman – become the grammatical agents, and are cast, literally, as the Japanese bomb or earthquake that was so destructive to the rugby league code. They are also given the most prominent position in the narrative, and therefore posed as the first cause of all the problems. Significantly, the reference to Pearl Harbor casts the allegation as an *act of war* visited on the code of rugby league (I will expand on this metaphor in Chapter Five). This is followed by reference to a complaint made the previous year where a woman 'alleged that two Bulldogs had non-consensual sex with her' (p. 79), emphasising Masters' point that it is allegations that are damaging. The curious wording of the claim itself also obscures precisely who was not consenting to sex, therefore obscuring the fact the woman accused the players of committing a crime against her. The ambiguity also leaves the position of victim equally open to the accused footballers.

Masters follows this with the next chronological event, outlining the outcome of the investigation and using the opposing statements of police investigators to support his claim that no rape occurred. After first stating that no charges were laid in either case, Masters refers to two male police officers who were in charge of the Canterbury case at different times, Detective Chief Inspector Jason Breton, who believed the woman's version of events, and Detective Senior Sergeant Gary McEvoy, who disagreed with Breton. Masters describes Breton as 'emotional' (and therefore irrational), and McEvoy as matter-of-fact. Masters writes that Breton was 'frustrated [at] having to make a recommendation to the DPP not to proceed' (p. 79), while McEvoy's view is quoted thus: 'I would go so far as to say that on Sunday 22 February, 2004, there was no woman raped in the pool area of the Pacific Bay Resort' (p. 79), a statement of 'literal denial'. Breton's view is represented as an emotional one, in which his belief that a rape occurred is not made explicit, while McEvoy's statement is unequivocal. Breton's expressed view of the case heads the next paragraph as follows:

> 'A very vicious sexual assault' was Breton's description of the case. It was a story that caused a forest of trees to be felled and the great squid fleets on the Indian Ocean to be put to sea to provide the paper and ink to cover it. The young woman, a 20-year-old mother of an infant son, refused to speak to the media and the Bulldogs have never publicly told their side of the story, except to criticise reports they deem to be inaccurate. (p. 79)

The 'story' is represented as Breton's, a story told by the police and not that of any of the parties involved. Breton, already associated with emotion, is now associated with "story", rather than "fact"; by contrast McEvoy's statement is presented in factual style, with no words suggesting emotion attached. The grounds for Breton's belief are therefore presented as dubious while no expression of doubt is attached to McEvoy's declaration, allowing his statement of literal denial to stand as the more believable of the two.

Masters explains the filing of the rape complaint as the action of a Woman Scorned, seeking revenge against the players with whom she had consensual sex. He begins this part of the narrative with the undisputed "facts" of the story: that the woman was found 'sobbing, wet and distraught' (p. 80) and told hotel staff she had been raped; and the sexual behaviour with players to which she 'admitted' prior to the evening in question. He then gives his 'best guess' as to why the woman made her complaint:

> The Bulldogs probably made it very clear she had been used and they wouldn't be seeing her again… What could have aggravated her distress was that the same men who had indulged her, even buying her drinks and playing poker machines with her, were later rude, dismissive and callous. (p. 80)

In this narrative of implicit denial, the woman is cast as a spoilt, 'indulged' child who threw a tantrum because the footballers would not play with her any more. The players' behaviour is portrayed as impolite but certainly not criminal, and, most importantly, in no way rape. Further, he strongly implies that she filed the complaint as an act of revenge, portraying her as a Woman Scorned.

Masters attempts to support this 'best guess' as to what happened by explaining away its apparent inconsistencies; however, in so doing he evokes the Gold Digger. He writes:

> So why would a woman expose herself to such ignorance and ignominy? A barman at the Plantation Hotel in town explains it succinctly. 'It's two-to-one here,' he says. 'There's two girls to every guy in Coffs'. (p. 80)

This suggests that a shortage of local men means that local women are so desperate for sex, with any man, that they willingly 'expose [themselves] to such ignorance and ignominy'. He then describes the benefits of attracting a footballer: looks, money and the fact 'they don't tell the whole town about you', adding '[p]lus unemployment in Coffs Harbour is double the national average'. Thus the added benefits of choosing an out-of-town footballer for a sex-starved, unemployed woman is that she can avoid

gaining a reputation as a "slut" and make use of his money. This allusion to women seeking out footballers for financial gain also evokes the figure of the Gold Digger, further undermining the woman's rape claim.

Having provided narrative "evidence" that the complainant is a Predatory Woman, Woman Scorned *and* a Gold Digger, Masters then positions the alleged victim as the one on trial.[5] He poses the question, 'But why did the police defend [the woman] so publicly?' (p. 81). Asking why they 'defended' the woman implies that she has been accused of wrongdoing − that she is the one who must answer for her actions, not the footballers. She is the one who is to blame, and her rape testimony is therefore presented as inadmissible.

Masters laments a 'sad postscript', which he uses to further portray the woman as a liar: he alleges that the woman met the buses that were carrying Newcastle and Cronulla players to Coffs Harbour in early 2006, two years after the alleged rape. He does not detail the woman's reasons for meeting the buses, allowing the culturally understood stereotype of the Groupie who will sleep with any and all footballers to explain it for him. He then makes it clear that she was a potential troublemaker:

> Officials of both clubs, aware of her identity, gently asked her to leave. It appears the woman had 'certain issues', as the DPP put it, which prevented charges being laid and the possibility of her telling her story on TV. (p. 82)

The club officials are cast in a positive light as they are 'gentle' with this troublemaker. Masters makes the woman's supposed motives abundantly clear in the following paragraph: 'So who is wrong? The defenders of Canterbury who *point out* the woman enjoyed the experience so much she backed up two years later to two teams, or the Bulldogs themselves for exploiting this woman?' (p. 82, my italics). That the woman enjoyed the experience and met the 2006 team buses to repeat it is

[5] A criminal trial is often said to constitute a 'second rape' for the victim, and cross-examination as putting the victim on trial. See for example Lees (1997, 53-4, 56-60, 66).

presented *as fact* through the use of 'point out'; no other possible motive is entertained (for example, that she wanted to remonstrate with the players), and if she did meet the buses because she wanted to have sex with footballers, it can only be because she was not raped in 2004 and had a thoroughly enjoyable time. Being raped does not preclude a person from ever wanting sex again and it cannot be assumed to be proof that they were not raped. Charmayne Palavi, who seeks out casual sex with footballers and appears on television program 'Code of Silence' (2009), tells of an incident in which a footballer raped her while she was drunk and unable to fight him off. Despite this, she continues to enjoy casual sex with (presumably, other) footballers.[6]

In his narrative of the alleged rape involving Melbourne Storm players, which also occurred in 2004, Masters again relies on the stereotypes of the Gold Digger and Woman Scorned to explain the incident. He also portrays the police investigation as inept, implying that the police were "out to get" footballers. He alleges that, while questioning Melbourne chief executive John Ribot over the incident, police officers asked Ribot whether a 'jockey-sized male' on a hotel security video (p. 82), who left the building with the alleged victim, was a Storm player. Masters sneeringly remarks that 'the diminutive male did not appear tall enough even to push a pen in the club's clerical division, let alone a scrum' (p. 82), implying that the police are ignorant about rugby and willing to act on dubious information. The error is described thus: 'the Victorian police did not rewind the security tape far enough' (p. 82), implying bungling on the part of the police, and further implying a vendetta against footballers. They are thus figured as victims of the police as well as women.

[6] Although the incident has not deterred her from sex with footballers, it is significant that she now 'doesn't drink much', and ensures that she is never drunk around footballers.

According to Masters, the security tapes revealed the woman and the two rugby players leaving the club, and 'the trio later returning, the two players chatting amiably with each other, the girl a few paces ahead. Another tape at a nearby 7-Eleven store showed the woman entering and buying condoms' (p. 82).[7] That the players are 'chatting amiably' afterwards supposedly indicates that the woman was not raped. No time frame is given for the condom purchase; the fact she bought condoms on the same night that she claimed to have been raped is sufficient evidence for Masters that her claim was false. Similarly, Masters provides no evidence − no testimony from any of the parties involved − to suggest that the woman ever slept with the 'jockey', but claims that she 'then chose the jockey as her next partner' (p. 83); that she left the club in the company of another man is reason enough for Masters to assume that this man was to be her *sexual* partner.

Masters portrays the woman as a Woman Scorned by implying that her delay in reporting indicates a false complaint: '[i]t took her a week to file the complaint, indicating she expected some follow-up response from the players' (p. 83). Masters implies that she was hoping to turn a one-night stand into a relationship, and when the players did not contact her again, filed a rape complaint to get revenge. Although many women who have been raped do not report it straight away, for many different reasons (Jordan 2004; Temkin 2002; Warshaw 1994), Masters relies on the strength of the Woman Scorned story to uphold his explanation. The implication that a delay in reporting indicates a false complaint is commonly held in the legal system (Graycar

[7] The police findings have never been made public; thus Masters' is the only publicly available narrative of the investigation.

& Morgan 1990; Temkin 2002)[8] and police investigations (Jordan 2004), as well as popular opinion.

A story can be narrated using mimesis − a technique that refers to the '[d]irect presentation of words and actions of characters; often called "dramatic"' (Martin 1986, p. 124), which gives immediacy to events, and is more likely to evoke an emotional response − or diegesis − narrating events or summary − which maintains distance from the events narrated. Rather than mimesis, Masters uses sketchy diegesis exclusively to narrate the alleged sexual assaults, maintaining the women and the players as focalised and himself as focaliser. This distances the reader from the actors in the story and inhibits them from sympathising with the women as they are denied the possibility of an emotional response. However, the players are portrayed sympathetically through Masters' choice of descriptors, such as 'chatting amiably' (p. 82); he also portrays one of the Melbourne Storm players as an object of pity who 'desperately tried to gain an erection' (p. 82), and as a victim, who had to '*endure* "soft cock" jibes' as a result of his flaccidity (p. 83, my italics). Diegesis also reduces the impact of each individual story, rather giving more significance to the sequence of stories and the homology between them. This allows Masters to foreground their common themes, so that several narratives which evoke the Woman Scorned and the Gold Digger appearing close together lend weight to each other; it also portrays the women in the narratives as *types* or patterns rather than individualised characters to whom readers can have an emotional response. This technique foregrounds Masters' point that women who have social contact with footballers are Women Scorned, Gold Diggers, Groupies and/or Predatory Women, and that each rape complainant's testimony against footballers is inadmissible as evidence.

[8] Until relatively recently, rape trials had a 'fresh complaint' rule, which meant that the victim needed to provide evidence needed that she complained shortly after the rape as it was deemed more likely to be true the closer it was to the actual incident (Graycar & Morgan 1990, p. 339).

Juxtaposing Woman Scorned stories with narrative sequences portraying footballers as victims creates further semantic thickness as they are 'similar in difference' (Bourdieu 2001, p. 8). Each approaches the same destination − portraying footballers as victims − but from opposite directions, as the Woman Scorned story in and of itself refigures perpetrators as victims. As Wendy Larcombe points out in *Compelling Engagements* (2005, p. 100):

> [t]he complaint appears false, then, in the sense that it is not strictly about non-consensual sexual penetration and in (falsely) complaining of rape the complainant not only lies she also maliciously activates the machinery of criminal prosecution against the accused − who is refigured as *her* hapless victim. This rescripting of the complainant's character is particularly effective then because it inverts the victim/perpetrator roles established by the complaint, displacing the complainant as the object of sympathy and re-placing her as the perpetrator of abuse.

Each story thus confirms the other(s): women are sexual predators and footballers are their victims. When discussing the alleged rape which took place in Coffs Harbour in 2003, Masters implicitly discounts the complainant's account, again turning to *Measure for Measure* for "evidence" to support his claim. Further, he admits that footballers committed acts that constitute sexual assault, but trivialises the whole incident:

> The first Coffs Harbour incident – men hiding in the bathrooms, playing tag, deceiving the woman into thinking the same footballer was having sex with her – was not new, no matter how offensive it was to many. In Shakespeare's *Measure for Measure*, one woman is substituted clandestinely for another in what was called "the bed trick", deceiving a ruthless Italian count. [Angelo was in fact not a count but the Duke's deputy. A minor point.] *But* any suggestion of harming women physically, or reviling them afterwards, horrified past players. (p. 85, my italics)

Deceiving a person into thinking they are having sex with someone else is the crime of sexual assault (NSW, or rape in Victoria) as, according to the NSW *Crimes Act 1900*, consent is not given if a person is 'under a mistaken belief as to the identity of the other person' (s. 61HA, (5)b). Similarly, the Victorian *Crimes Act 1958* states that consent is not given 'if the person is mistaken about the sexual nature of the act or the identity of the person' (s. 36f). Therefore, the behaviour that Masters describes as

merely ‘offensive’ is in fact the crime of rape. That Masters chooses ‘but’ to link his description of the incident with the horrified reactions of past players to the abuse and mistreatment of women indicates that the behaviour he describes is not that which horrified the players and therefore does not constitute physical harm.

The footballers’ behaviour in this incident is constructed as a harmless game in which the actions of hiding in bathrooms, playing tag and deceiving a woman about the identity of the man she is having sex with are all on the same level, giving them all an air of levity and playfulness. In likening this “game” to the ‘bed trick’ in *Measure for Measure*, Masters aligns the woman deceived (raped) with the ruthless Angelo, and the players who deceived (raped) her as Isabella and Mariana, one of whom Angelo had blackmailed into sleeping with him (Shakespeare, act 2, scene 4) and the other the woman to whom he had promised marriage and subsequently abandoned (act 3, scene 1). Mariana was substituted in bed for Isabella to get Angelo to honour his promise (act 5, scene 1). Employing an analogy in which women are the deceivers suggests that Masters is attempting to obscure the gendered nature of the players’ actions, implying that such deception is something that men do to women, or women to men, rather than forming part of the systematic use, abuse and demeaning of women. The bed trick is no game: Mariana is substituted for Isabella because she would otherwise have been left destitute; getting Angelo to sleep with her was the only way to get him to honour his promise. That Isabella and Mariana perform the bed trick because they were first Angelo’s victims also bestows victim status on the footballers in this incident, further “justifying” the incident that Masters admits meets the definition of rape.

Masters then introduces the popularly held “no harm done” myth of rape, using another story to illustrate what constitutes “real” harm, or ‘physical

mistreatment', as he puts it. The "no harm done" myth holds that as long as there is no violence in addition to the rape – theorists including Pauline Bart and Patricia O'Brien (1985) point out that rape itself *is violence* – then it is no different from any other sexual act and the perpetrator is therefore not culpable (Burt 1998; Nelson 1994). In Masters' story, one player strikes a woman for refusing to allow him to join in having sex with her and two other players. The player who recounts the incident confesses to being 'haunted' by it, and fearing the other player had broken the woman's jaw (p. 85). Thus Masters clearly marks what 'harm' is: visible, physical violence; without this, rape does not hurt anyone.[9]

The narratives that follow portray footballers even more clearly as victims in sexual encounters with women, but also portray this "victimisation" as insignificant, suggesting that sexual victimisation of any sort is "no big deal". Masters generally represents women as powerful in casual sexual encounters, using footballers for sex and humiliating them; there is no suggestion that footballers use women in this way. The narratives are much more detailed than those concerning sexual assault, and many contain mimetic sections, including direct speech from those involved, allowing readers to engage with the characters. Written in humorous style, they tell of the Groupie asked to adjudicate a 'short dick competition' (p. 101), women who belittle and insult players after sex, and a woman known as 'Shaz' who cooked players meals in the nude. The humorous, laid back style of these stories suggests that all parties are satisfied with the arrangements, and if things occasionally go wrong – someone, whether woman or man, ends up embarrassed or humiliated – no one has really been hurt. This also feeds into the "no harm done" myth, providing semantic thickness. The

[9] Nelson (1994, p.139) quotes convicted rapist and former boxer Mike Tyson's articulation of the "no harm done myth": 'I'm in the ring, I'm breaking their jaws − to me that's hurting somebody… didn't hurt anybody − no black eyes, no broken ribs'. According to Tyson, like Masters, only visible injury can be considered harm.

final story, purported to be one of many similar tales, attempts to prove that players do not disrespect the women with whom they have casual sex, as it concerns a player who married a woman he met 'in a bun' (group sex). The story

> was occasionally said in front of others, drawing a horrified reaction from those observing the altercation. But she settled everyone with her response: 'Yes, but I'm still the best fuck you ever had.' To which he invariably agreed, saying, 'Can't argue with that'. (p. 107)

Both are portrayed as satisfied with the situation, and the woman appears to have the upper hand.

Masters' persistent implicit claim that women are *never* victims and always powerful predators has the additional effect of obscuring the power relations that actually exist between elite male footballers and women − particularly those who participate in casual sex with players. As Kim Toffoletti remarked on Channel 31 discussion forum 'Conflict of Interest' (2009, my transcription), 'There are power relations… between footballers… and what might be termed "groupies", in that, you know, these men have economic power, they have social power [and] they have cultural power'.[10] Masters inverts these power relations, bestowing a *sexual* social power on women that seemingly overcomes any other, thus making footballers committing rape against (these) women appear unlikely.

Immunity in the Media

Although their writings are considerably smaller in length and scope than Masters' text, the same stereotypes underpin the arguments of many media commentators writing at the time of the 2004 allegations. It might seem that Masters' arguments and narrative constructions relate only to popular-cultural discourse; however, I will

[10] Michael Messner (2002, p. 43) also argues that '[a] key… to understanding the complexity of this situation [footballers and group sex] lies in viewing both women's and men's sexual agencies as embedded in unequal power relations'.

demonstrate that Predatory Women, Gold Diggers, Women Scorned, Party Girls and/or Groupies are also evoked in newspapers claiming to cater to a more highly-educated, critical audience. I will analyse three articles from Melbourne broadsheet newspaper *The Age*, exploring how these woman-blaming stereotypes are used as substitutes for the Raped Woman. The articles were published in March 2004, shortly after the allegations that AFL St Kilda players Steven Milne and Leigh Montagna raped a woman after their team's pre-season cup victory were made public, and are by writers from varied backgrounds and perspectives: 'AFL Players and the Trouble Zone', by former AFL player and now sports writer Tim Watson; 'life skills' coach to AFL players Damien Foster's 'When an Elite Footballer Has Sex with a Girl…'; and feminist Germaine Greer's 'Ugly Sex Has Just Got a Lot Louder'. Watson and Foster persistently use grammar and narrative to blame the women involved and evoke victim-blaming stereotypes. It would seem likely that Greer, as a feminist, would present a markedly different account from men associated with football clubs; however, although her narrative registers rape as a possibility in the cases, she too evokes victim-blaming stereotypes that ultimately undermine the complainants' testimony.

Watson's article features a number of Predatory Women, who make "victims" of footballers; however, while he does not provide direct narrative accounts of the alleged rapes, he instead recounts narratives of other interactions between footballers and women. Predatory Women therefore come to replace Raped Women as characters and invalidate the alleged victims' claims; as Watson represents these women as the sole agents, full responsibility for these incidents is attributed to women. As a former player, Watson lays claim to 'personalised stranger' as well as "insider" status, and the positioning of Watson's photo at the top of the article serves to remind his

audience of this and lend his words authority. Watson constructs a narrative of implicit denial, repetitively employing grammatical constructions which deny the players' agency in events, blaming the women involved, and evoking the Predatory Woman story to replace the Raped Woman. Watson dissociates footballers from any suggestion of rape, renaming the incident a 'sex scandal'; he further removes their agency in even having consensual sex with women, declaring, 'I'm not suggesting the players are guilty, but in light of what happened with the Canterbury Bulldogs at Coffs Harbour, the players should not be *courting potential trouble*'. Watson refuses to blame the players for *causing* even something as innocuous as 'trouble', allowing them only to *court* it, when its source is elsewhere.

To illustrate exactly what this trouble is and who causes it, Watson introduces two stories that evoke the Predatory Woman. In telling these stories, Watson highlights his authority as an "insider", recounting that he was personally informed of the incidents by those (footballers) involved. He tells the story of two separate AFL teams travelling to the country for training and being harassed by women despite the footballers' best attempts to discourage them. In the context of discussing alleged sexual assaults, placing the narratives immediately after vague warnings about the 'trouble zones' that players face off the field strongly suggests that the narratives he relates serve to explain what 'potential trouble' and 'trouble zones' are, and thus what "really" happened with the St Kilda (and Canterbury) players. The only instances where players are given grammatical agency is when they 'mingled with the locals' and 'left the function as a group'; all other narrative action is attributed to women. 'Mingling' has no sexual connotation, and 'the locals' is a gender neutral term, implying that the players' only action at the function was to interact with men and

women in a non-sexual way. The characters of 'a couple of girls' are introduced, and, according to Watson, these 'girls'

> made it clear to everyone that they were keen to attract the attention of a couple of the players. One girl was so convinced of her intentions that she sidled up to the coach to explain to him what she planned to do later in the night to one of his players.
>
> The team left the function as a group and went back to the hotel without the adoring fans.[11]

In order to portray the women more clearly as the sole sexual aggressors, Watson elects to omit events which in all likelihood occurred, events in which the players actively participated. For example, in Watson's narrative there is no two-way flirtation; the players are not depicted as seeking out, encouraging or even responding positively to any of the female attention they receive.[12] The women are only grammatical agents with intentions – their agency relates to what they plan to do; however, emphasising the fact that the team left as a group suggests that it was only this defensive action which prevented the women from carrying out their intentions and being the instigators of sexual activity. Watson's use of 'sidled' rather than 'went' or 'approached' characterises the woman in question as sly and manipulative, casting her in a negative light and adding to the sense that she was solely responsible.

The second story is described as 'almost identical' to the first, but Watson takes even greater pains to emphasise the players' passivity and victim status. The players appear only in the passive voice, being 'woken in their hotel rooms' and 'subject to determined, but unwanted, advances'; the women themselves are entirely absent. They appear only as shadows presumed responsible for waking the players and making the unwanted advances. This erasure of the female agent only emphasises

[11] Toffoletti (2007, p. 433) points out that the use of phrases like 'adoring fans' implies obsession, and therefore instability on the part of the women, further undermining their credibility.

[12] This is extremely unlikely to have been the case: anecdotal evidence suggests that footballers also actively seek casual sexual partners, approaching strangers looking for sex. In Mewett and Toffoletti's study (2008a, p. 172), several respondents observed that footballers were 'sexually forward and confident with women'. 'Lapis' reported that she had been 'hit on by every single one of [the footballers in her town], and I tell you what, they don't like no for an answer at all'.

the players' passivity in the face of female seduction and general resistance to overwhelming female sexual aggression. As in the first story, the only action attributed to a footballer is defensive, with a senior player convincing the women to leave. This reinforces the idea that male footballers are the victims when it comes to casual sexual relations, undermining women's claims of rape.

Damien Foster, who works closely with AFL clubs, again tells a similar narrative of implicit denial (2004): he obliquely claims that the St Kilda and Canterbury cases arose simply because women and men view sex differently and therefore '[a] footballer may land himself in trouble because it just doesn't occur to him to develop tactful, diplomatic methods of saying goodbye'. Foster continues, '[w]hen the girl [sic] realises the total indifference with which she is being treated after intimacy, bitterness sets in and it lingers. There are many girls in Australia now in this situation'. While Foster does not *explicitly* say that the 'girls' who made rape complaints against the Bulldogs and St Kilda are Women Scorned, the fact that this story is used to explain why the allegations were made says it for him. According to Foster's logic − again strikingly similar to that of Masters (2006, p. 80) − if footballers were to simply learn to say 'thanks, love, that was great' after sex, then no rape complaints would ever be made.

It might be expected that, as a noted feminist, Germaine Greer would provide alternative narratives to football "insiders", who have a vested interest in defending his fellow players. However, although Greer's article does not follow Watson's portrayal of utterly passive, squeaky-clean footballers, or Foster's narrative of undiplomatic players, she nevertheless portrays women as the aggressors in sexual encounters, evoking the Predatory Woman, Gold Digger and Woman Scorned. Greer elects to tell a "history" of male footballer-female interactions, establishing male

athletes' disrespect for and mistreatment of women as a given. She portrays 'groupies' as utterly desperate and willing to go to any lengths to have contact with players. She laments,

> [g]ood family men have been known to succumb to the groupies' onslaught, believing that as long as they don't kiss these desperate creatures, as long as they make no move that could be interpreted as a sign of affection, they haven't been genuinely unfaithful to their wives and sweethearts. Indeed, the more brutal the treatment of the women they have casual sex with, the less they have to reproach themselves for. Pack rape in such circumstances can come to seem guiltless, a condign punishment for being a stupid slag, even.

This explanation of footballers' behaviour contains several patterns which represent the players as passive and (grammatically) not responsible for anything that takes place. In the first sentence, the only actions these footballers actually engage in are succumbing and believing, both passive verbs; the rest of the sentence is devoted to what they *do not* do: 'as long as they don't kiss… as long as they make no move'. Thus the players are not represented as the agents of any sexual activity − it is instigated by the women. That the women are labelled 'desperate creatures' who launch an 'onslaught' to which footballers 'succumb' confirms their sexual aggression, and suggests that the players are acting merely to satisfy the women, not because of any desire for sex on their own part. While Greer has stated earlier in this article that '[i]f a sporting opportunity for sex of any kind arises, sportsmen will go for it', this paragraph suggests that even unwilling players have no choice but to go along with the desires of the women who confront them.

Unlike Watson and Foster, who both elide sexual assault and deny that it could happen, or has happened, Greer registers 'pack rape' as a possible action; however, she nevertheless employs grammatical constructions that deny footballers' agency in rape, and deflect responsibility away from players. The 'brutal… treatment' of the women the players have casual sex with has no agent, dissociating them from the brutality. Similarly, 'pack rape' has no agent: no player commits or is involved in it,

and it appears to occur independently of footballers. Thus even when rape is registered, the same grammatical patterns which deflect blame away from footballers are used, absolving them of any responsibility for it.

Greer also introduces the figures of the Woman Scorned and Gold Digger, which call into question the veracity of the allegations of rape. She claims that the only difference between "the old days" and the present scenarios is that now women are 'not embarrassed to say that they agreed to sex with one man they'd only just met, or even with two, but they hadn't agreed to being brutalised, insulted or humiliated, and they want redress'. This paragraph appears almost directly after the one where Greer mentions 'pack rape' and violence, and it may seem therefore that the redress these women seek is for rape. However, that at least some of the women who 'want redress', according to Greer, want it because they have been 'insulted or humiliated' evokes the Woman Scorned. Greer continues by introducing the Gold Digger as a further (and complementary) reason why these insulted and humiliated women might have sought 'redress'. She writes that women now 'also seem quite interested in another factor in *sex* with footballers – namely, *indecent amounts of money*' (my italics), implying that some women have sex with footballers just so that they can make a rape complaint afterwards and obtain a large payment. She concedes that the women who make allegations against footballers *may* have been 'abused', but she trivialises them, saying that they 'scream and holler', portraying them as hysterical and thus discrediting them. Greer elides the fact that only one woman has either sought or obtained a financial settlement from footballers for a case of rape,[13] and in

[13] At the time Greer wrote the article, Heuskes, Burgoyne and O'Loughlin were the only players in either the AFL or NRL widely known to have paid money to an alleged victim. In June 2009, former Carlton president John Elliot revealed that 'up to five' women who claimed to have been raped by Carlton players in the 1980s and 90s were offered money in exchange for their silence (Gregory, Lane & Collins 2009). However, it appears to have been "common knowledge" among journalists prior to this (Sheahan 2004; Halloran & Magnay 2003).

this instance AFL players Peter Burgoyne and Adam Heuskes, two of the players involved, had already been charged and required to appear in court.[14] While Greer's argument is clearly unfounded, the strength of the Gold Digger stereotype, along with the Predatory Woman and Woman Scorned, interpellates the reader into the belief that the rape complaints made against Canterbury and St Kilda players were spurious. Thus even a commentator who is more-or-less an "outsider" to football (and, to some extent, Australia) evokes the same victim-blaming stereotypes as "insiders" to discredit the complainants.

Self-Immunisation

Although football representatives rarely give in-depth narrative accounts of the sexual assault cases, their statements nevertheless contain implicit denials, and serve to exonerate players from blame. They present the women as blameworthy Women Scorned, Gold Diggers, Predatory Women, Groupies or Party Girls, who are the agents and instigators of any activity, sexual or otherwise. St Kilda CEO Brian Waldron presented the following narrative at a media conference following the announcement that Leigh Montagna and Steven Milne were being investigated over sexual assault allegations:[15]

> The alleged matters relate to two women and two players. We understand that *one of the two women has previously met one*, and possibly both, of those players.
> *This woman and her friend contacted the players* on Sunday night, and *arranged to meet them*.
>
> *The women arrived* in one of their own cars, *met the players*, and *drove the players* to one of the players' homes.

[14] Michael O'Loughlin was also identified by the alleged victim as one of her assailants, but was not charged.

[15] Marg Darcy, of the Centre Against Sexual Assault at the Royal Women's Hospital, drew attention to the club's damaging portrayal of the women involved on *Four Corners* episode 'Fair Game?' (2004): 'The St Kilda Football Club appeared to move into a very deliberate campaign of smearing the women involved. They did that by talking about the fact that the women had contacted the players − that they had somehow been complicit in what had happened'.

> The following day, Monday, *they made allegations* which *are vehemently denied by both players*.

The presenter of the news item in which this narrative appeared continues:

> Mr Waldron said *both players are cooperating with police* and *will continue to do so*. He also pleaded with the media and public to respect the privacy of the players, and their presumption of innocence (‘Saints Name Pair at Centre of Sex Allegations’ 2004, my italics).

The five sections of this narrative contain ten verbs relating to actions taken by either the alleged victims or the players, nine in the active voice and one in the passive. The women are the subjects and agents of the first seven actions, of which the players are present only as passive receivers of those actions, as in Waldron’s fourth statement: ‘The women… met the players, and drove the players to one of the players’ homes’. The set of actions attributed to the women forms a lexical chain which covers the sequence of events in which the women and the players interact, from the initial meeting to the making of the sexual assault allegations, which forms the final link in the chain. The three actions of which the players are the subject only appear *after* the women make the sexual assault allegations, thus presenting the players’ agency as only in *reaction* to the actions directed at them by the women. The players’ acts form a completely separate lexical chain, relating to the allegations and the police, and thus not relating directly to interactions with the women. The separation of the women’s actions from the men’s in this way allows agency for sexual activity to be attributed to the women. All sexual activity between the parties is elided, although the fact that it did occur is clear given that the narrative appears in a television program which opens by announcing that the players are ‘under investigation after allegations of sexual misconduct’. The contested (elided) events − the sex or rape − appear in between statements three and four; that is, *they are embedded within the chain of actions attributed to the women*, and are thus portrayed as actions carried out as well as initiated by the women.

In this narrative, the players do not figure as agents in any of their interactions with the women. This lack of responsibility, what Susan Ehrlich (2001, p. 38) calls 'a grammar of non-agency', is particularly important as psycholinguistic studies indicate that reading subjects, particularly men, are more likely to be accepting of violence against women, or downplay its seriousness when grammatical techniques are employed which diminish the accused's agency, as discussed in Chapter One (Henley, Miller & Beazley 1995). This suggests that the grammatical depiction of agency can influence the way in which readers interpret responsibility for particular actions, and thus their construction of a "truth"-fabula. When women are portrayed as the sole agents, as in the above narrative, this suggests readers may be inclined to attribute responsibility for what has occurred to the women.

The following narrative was provided by the manager of an accused Canterbury Bulldogs player in a newspaper interview early on in the police investigation:

> According to (the player) *the young woman came to the hotel* before the night in question and *had sex with a couple of players*.
>
> The final time *they were treating her like they did before* and she didn't like it.
>
> The player saw there were problems and *he tried to comfort her*. *He assisted her* to get a cab or something like that. (Frilingos & Ritchie 2004, my italics)

Although two of the three statements figure a player or players as agents, it is the first, in which the woman is the sole agent, which orders and gives meaning to the other two. As in the previous example, the woman is the agent, and therefore responsible for what happens: she comes to the hotel and has sex with the players. They are merely the passive recipients of her actions. Thus when sex is represented, it is the woman's action, at her instigation and her responsibility. Although players are figured as agents in the second statement, this claim is informed by the preceding one, for if the players were 'treating her like they did before', when they were passive recipients,

this implies that once again the woman both initiated and carried out the sexual activity. There is no suggestion that her *actions* changed any more than the players' did; only her response is said to have changed. Thus the players' agency is negated by the fact it occurs within bounds set by the woman. Again, the players' actions are cast as responsive, and the woman's displeasure that they behaved in the same manner implies that she (unreasonably) expected them to react in a different way. The third statement positions the player-agent in a "helper" role, where he 'tried to comfort' and 'assisted' the woman. His actions towards the woman are thus cast as positive, and directed at her well-being, thus working to exonerate him from any possible blame.

In their statements, football representatives of both codes appropriate the language of victims for their players; they also portray the clubs, the leagues and the games of AFL and rugby league themselves as victims, claiming to have been 'hurt', 'humiliated', 'harassed', 'abused' and 'distressed'.[16] As rugby league has a reputation as a "working class" game, and AFL football is popularly considered the "cleaner", less "thuggish" code, it might seem that there would be marked differences between the discourses. However, just as the same discourses can be found in broadsheet newspapers and popular media texts, there is virtually no difference between the discourses of representatives from the two codes. As stated above, when alleged perpetrators claim victim status for themselves, the Woman Scorned and/or Gold Digger figures are automatically invoked as the alleged victim is refigured as a malicious false complainant and the perpetrator of harm.

> 1. As you'd expect they're [Milne and Montagna] obviously very distressed about the whole thing. —St Kilda coach Grant Thomas, after the allegations against Milne and Montagna were made public (Lyon & Berry 2004)

[16] Toffoletti (2007, p. 432) also identifies the representation of footballers as victims − 'confused players' − as a theme in two media narratives from 2004: 'The modern player is framed as the confused innocent in [an] unfamiliar sexual landscape, struggling to ward off the advances of predatory groupies who won't let up'.

2. I felt sick in the stomach when I had to go to a police station over something I had nothing to do with. It was a humiliating and degrading experience just to walk up the stairs. —Canterbury Bulldog NRL player Hazem El Masri on refusing a DNA test (Pritchard 2004)

3. I just didn't want to be associated with such filthy, horrible allegations. —El Masri (Pritchard 2004)

4. We knew from day one we've been guilty of nothing… It's been extremely difficult. The [Canterbury Football Club] family has been abused, harassed, humiliated all through it. —Canterbury coach Steve Folkes after learning no charges would be laid against his players (Brown, A 2004b)

5. The players realise more than ever the consequences of their actions – they are not illegal actions but actions that have damaged the club, [its] reputation, the players' reputation and the reputations of innocent players. A lot of innocent players have been hurt along the way. —Canterbury CEO George Peponis (Walter & Magnay 2004.

6. 'I'm not saying a lot of that good work has been undone but it's like a cannon has been shot into the ship,' [NRL CEO David] Gallop said.
'The ship was sailing well. It won't sink but it took a big blow'. (Honeysett 2004)

Casting themselves as the victims, as in examples 1-3, protects players and clubs from being blamed for what has occurred; instead, they are the victims of another's negative actions. It is not always clear who inflicted the damage, nor from what dangers the players and codes must be protected. Examples 1 and 2 represent injury without stating which actions caused the damage, nor whose actions they were. What these damaging actions were therefore remains ambiguous. Hazem El Masri's second statement, however, clearly states which actions are damaging: it is the *allegations* of sexual assault made by a woman that are 'filthy' and 'horrible', not the act of sexual assault itself, and are apparently what caused his feelings of humiliation and degradation. Thus while conspicuously absent from these statements, the woman who made the allegations is nevertheless identified as the one who caused the hurt, humiliation, degradation, harassment and distress experienced by the footballer-victims. In example 4, George Peponis lays the blame for the 'damage' and 'hurt' on the players' actions; however, he is careful to emphasise his belief that these actions were not illegal – or in other words, did not constitute sexual assault. Further, like El

Masri, Gallop labels the incident which left such a litany of victims a 'sexual assault *allegation*', again positioning the woman as the perpetrator of abuse. In example 5, Gallop attributes the force of the damaging actions to a cannon blow, suggesting not only extreme violence but an act of war, as Masters does in likening sexual assault allegations to Pearl Harbor. In Gallop's statement, the symbolic act of war can only have been made by one outside the club: the woman who made the allegations, although she is elided. It is also curious that the 'cannon' is not identified, and nor is the person, or people, who "fired" it; responsibility for causing the damage to the code is left ambiguous. The footballers are virtually absent from this narrative, which implies that all damage was caused by a third party: the 'cannon' that strangely lacks a referent.

Footballers are never grammatically rendered responsible for any actions which relate to the alleged victims. Nina Philadelphoff-Puren (2004) identifies a series of statements made by club and league representatives, regarding the St Kilda and Canterbury cases, which identify the only culpable actions attributable to footballers in this situation. She notes, '[i]n the statements of the codes, footballers only ever appear as grammatical agents in those sentences in which they are figured alone, in a closed, solipsistic moment of reflexivity' (p. 42). Their agency never relates to the alleged victims. Consider the following:

> I think it's disappointing that given all the programmes we've put into place that things like this could possibly happen and that *players can put themselves in this position*.
> —AFL Chief Executive Andrew Demetriou (Johnson & Connolly 2004)

> [T]he Port player… was fined $5000 for 'putting himself in a position of risk'. (McGuire, McGarry & McAsey 2004)

> We are not going *to be put into a compromising situation* where such a thing could ever happen again. —Canterbury CEO George Peponis (Walter & Magnay 2004)

> Some players *had put themselves in a position* where such accusations could be made.
> —Canterbury Captain Steve Price (Walter & Magnay 2004)

It is not immediately clear what 'such a thing' or 'a position of risk' is; however, as Philadelphoff-Puren points out, Price's comment reveals that the 'risk' is of harm befalling players as a result of women's accusations. Like the players' claim to victimhood, women are rendered the aggressors and the cause of harm to players. The players' only culpable act was to put themselves in a position where women could (falsely) accuse them of rape, and they are thus constructed only as 'the potential passive recipients of women's negative actions' (Philadelphoff-Puren 2004, p. 42), a statement of implicit denial.

The constant repetition of woman-blaming narrative and grammar undermines the credibility of individual complainants and constructs them as malicious Women Scorned, Gold Diggers, Predatory Women, Party Girls and/or Groupies. Thus footballers are provided with a narrative immunity against being held accountable for sexual assault. Further, there is a clear congruence between media narratives which discredit complainants, and the failure of any charges against Australian footballers to reach court: the cases were *de facto* adjudicated through the media, the complainants' testimony rendered inadmissible and the defendants acquitted.

In April 2007, an incident occurred which highlights how grammatical patterns of assigning blame to women in sexual matters are so deeply embedded in language as to make alternatives rare.[17] Fremantle player Des Headland accused West Coast opponent Adam Selwood of pointing at a tattoo of Headland's six-year-old daughter during a match and saying, 'I fucked her last night'. When Headland exclaimed that the image was of his daughter, Selwood allegedly replied, 'yeah, she's a slut'. Headland became enraged and twice punched Selwood during the match.[18]

[17] A version of the following analysis appears in 'All Women Are Sluts: Australian Rules Football and Representations of the Feminine' (Waterhouse-Watson 2008).
[18] Selwood claimed that he said, 'I was with a woman like that the other night'. Selwood was charged by the AFL tribunal with using insulting language and Headland with striking. The cases were heard

While the initial media reports of the incident were condemnatory of the alleged comments, it is perplexing and disturbing that the pattern of blaming the woman/female was still grammatically present. When the story first broke the following appeared on the front page of *The Age*, alongside a close up of the tattoo of Madisan: 'The face that launched the latest West Coast nightmare…' and further down, 'Docker Des Headland's tattoo of his daughter Madisan… sparked the altercation between him and Eagle Adam Selwood' (Rielly 2007). In each case it is claimed that the girl's face, or its representation, caused the incident, and the first headline clearly marks West Coast – Selwood's team – as the victim of Madisan's action: she launched their nightmare. By implication, her face invited, or caused Selwood's sledge, exonerating him from blame. The reference to Helen of Troy − 'the face that launched a thousand ships' (Homer) − further implies Madisan's complicity in the violent confrontation between her father and Selwood as she is likened to Helen, who enjoyed the attention she received from Paris and Manelaus without regard for the bloodshed the ensuing war brought. The front page of the *Herald Sun*, while establishing in the body of the article that it was Selwood allegedly calling Madisan a slut that sparked the altercation, nevertheless portrays her as a participant in the banner headline: 'Six-year-old Daughter in New Eagles Row'. To be 'in' a row is to be an active participant, despite the fact Madisan was not even present. This betrays a disturbing tendency on the part of the media to (grammatically) assign blame to a female victim, even when this is clearly preposterous.

separately, and although the tribunal found that the insulting language charge was 'not proven', in deciding Headland's striking case they were instructed to accept *as fact* that Selwood had said, 'I fucked her last night'. Both players were found not guilty, and the vast majority of media commentators and public opinion were satisfied with the outcome, despite the fact that Selwood's admitted taunt actually portrays all women as sexual objects and sluts. See Waterhouse-Watson (2007) for a full analysis of the representation of the incident in the media.

Some commentators, while not blaming Madisan, nevertheless exonerate the players from any culpability, as in an article by Mike Sheahan (2007) the day the allegations were made public: 'Yet another drama for the 2006 premiers, invincible on the field, accident-prone off the field'. Selwood's sledge is here recast as a simple accident, a slip of the tongue that could happen to anyone, not revealing of any negative attitudes towards women or girls. This reveals a pattern of language that is used when females, sexuality and culpability are concerned, to deflect blame away from those who clearly are responsible for what has occurred. Although it is unlikely that a reader, or even the sub-editor who devised the headlines blaming Madisan, would believe that she was responsible for the incident, this nevertheless provides another example of the grammatical patterns in the language used to represent this type of incident. That the same structures are used when a child completely removed from the situation is involved as when a female victim of sexual assault is blamed reveals how deeply entrenched and normalised these patterns are.

Chapter Three

Narrative Exile: Silencing the Feminine

> There's one person who knows what really happened that night in Coffs Harbour, but for now, she's not talking. ('Sex Allegations Hit AFL Club' 2004)

In constructing footballers' narrative immunity in the media, many words have been spoken, written, produced and reproduced, repeating patterns of language that deflect blame away from players. However, prior to 2004, there was an almost total silence on the issue of footballers and sexual assault, the handful of articles published on cases occurring between 1999 and 2003 receiving scant or no attention.[1] The silence before the 1999 cases was total, with no rapes involving Australian footballers reported in the media, although former Carlton AFL president John Elliot revealed in June 2009 that payments were made to at least five women during the 1980s and 90s, to ensure their silence, and several others were turned away.[2] Thus it would appear that the silence prior to 1999 was enforced by football clubs. Even after 2004, when the issue began to be publicly debated, complainants were denied a voice as they were not provided with newspaper space or television air time to present their versions of events. The partners and friends of footballers remain silent,[3] as do many women on AFL and NRL boards. The majority of the debate about footballers and rape,

[1] See Table of Cases for details of the ten cases known to have occurred prior to 2004; the few news reports these cases generated received minimal public attention. The only specific case known to have occurred prior to 1999, involving AFL Hawthorn players and staff in Hawaii in 1998, was reported in the Australian media for the first time in 2004.

[2] *Herald Sun* sports writer Mike Sheahan (2004) alluded to 'dozens' of similar cases; *Sydney Morning Herald* sports journalists Jessica Halloran and Jacquelin Magnay (2003) also cited 'numerous' such cases. While Elliot's 2009 statement sparked widespread condemnation and police action, the journalists' statements, made in 2003-2004, attracted no attention. Elliot's comment was made shortly after the screening of 'Code of Silence', which drew unprecedented condemnation of rugby players' sexual abuse of women, and probably explains the public response to Elliot's claim.

[3] None has spoken to the media to date. Further, as part of the research for her PhD thesis, *In the Outer, Not on the Outer: Women and Australian Rules Football* (2006), Deborah Hindley attempted to interview the partners of AFL footballers in relation to the alleged sexual assaults; ultimately, none would speak to her.

therefore, came from journalists, commentators and the football world itself. The limited literature on this subject constitutes another silence: few texts relating to elite athletes and sexual assault have been published outside the news media,[4] and even fewer relate to Australian cases.[5] Further, as I have demonstrated in previous chapters, many of these texts are problematic in their appraisal of the situation, and contribute to some of the problems I identify. I will consider these silences in the context of the more general silence about rape historically, in literature, and from the perspective of victims, seeking to portray alternatives. Although victims' silence was generally portrayed as a *choice*, as the quote that opens this chapter suggests, I will also demonstrate that complainants' voices were also *silenced*. This silencing is another consequence of deflecting blame for sexual assault away from footballers in the manner described in Chapter Two. It is both figurative and literal, effected through grammatical, narrative and linguistic techniques employed by club representatives and many sports journalists. I will demonstrate that these blame-deflecting techniques (re-)produce discursive conditions in which complainants and their testimonies are discredited and discounted.

Although silence about rape clearly has negative implications − in that it is only through speech and writing that attention is drawn to the societal problems that perpetuate it − it is also important to interrogate the popular association of "good" speech with freedom and "bad" silence with repression, as well as the assumption that

[4] Jeff Benedict (1997, 1998) has published the only complete books to date; Nelson (1994), Messner (1992, 2002, 2007) and Messner and Sabo (1990, 1994) each devote one chapter of their books to the issue; a number of quantitative studies have also been published in academic journals, but discussion is limited to the prevalence of rape amongst athletes.

[5] One chapter of Masters (2006) relates to sexual assault; journal articles and book chapters have been published by Cleary (2004), Hindley (2005), Mewett and Toffoletti (2008a), Philadelphoff-Puren (2004), Toffoletti (2005, 2007), Warren (2005), and Waterhouse-Watson (2007, 2009, forthcoming(a), forthcoming(b)). One chapter of Deborah Hindley's Doctoral thesis (2006) relates to footballers and sexual assault.

speech and silence are opposites. In *The History of Sexuality Volume I* (1978, p. 27), Michel Foucault argues that

> [s]ilence itself − the things one declines to say, or is forbidden to name, the discretion that is required between speakers − is less the absolute limit of discourse, the other side from which it is separated by a strict boundary, than an element that functions alongside the things said, with them and in relation to them within over-all strategies.

Foucault suggests that silence and speech work *together* to produce discourse, so that what we choose not to say, and what is considered taboo, form part of broader discursive strategies. These strategies can be deployed to proscribe certain behaviours (such as homosexuality and child sexuality) and normalise others (such as sex within marriage); however, Foucault also argues that the same discourses and the same vocabulary can be employed in opposing strategies:

> We must not expect the discourses on sex to tell us, above all, what strategy they derive from, or what moral divisions they accompany, or what ideology − dominant or dominated − they represent. (p. 102)

Silence can therefore form part of discursive strategies that portray rape complainants as liars, as well as those that give their stories truth-value. Wendy Brown (2005, p. 83) also points out that 'silence [is] convened, broken, and organized by speech', adding that 'if discourses posit and organize silences, then silences themselves must be understood as discursively produced, as part of discourse, rather than as its opposite' (p. 87); thus speech and silence are two different forms that discourse can take. I will demonstrate that the silence of complainants can signify different things, and that discourses surrounding the sexual assault cases in fact *impose* silence on complainants, as they undermine the truth-value of rape complaints against footballers. Brown also interrogates the implicit equation of speech with freedom, as there is a 'regulatory potential in speaking ourselves, its capacity to bind rather than emancipate us' (p. 86), for all speech takes place within genre and discourse. Terry Threadgold argues that what can be said is limited by the discourses within which we speak or

write, and more significantly, the discourses with which we are familiar (1997), or to which we have access (1988). Considering the case of Pierre Rivière, who wrote a confession to multiple murders in 1835, Threadgold (1997, p. 140) points out that '[w]hen a killer writes, or speaks, a confession, he cannot do it except within the limits of his own experience, within the limits of the discourses and texts to which he has had access'. She also argues that

> [t]he possibilities of the adversarial arguments in the courtroom are constrained by the limits of a discourse that both silences and appropriates the stories of the everyday, the community and its others. (p. 149)

Thus the discourses of football, sexual assault, sexuality and gender, and a complainant's familiarity with them, affect the way she speaks about her experiences. Discourse and genre can thus serve to regulate speech as well as the speaker. As Linda Alcoff and Laura Gray argue (1993, p. 261), in the context of victim testimony, speech can be 'recuperated and co-opted in the sense that it is taken up and used but in a manner that diminishes its subversive impact'.[6] In this context, silence − the refusal to speak − can also be understood as a form of resistance to domination; a refusal to have one's speech taken up and used for purposes other than one's own. The Milan Women's Bookstore Collective (1987, p. 100) designates this the 'silent woman's objection'; that is, 'the woman who will not play when the game is between one who dominates and one who is dominated'.

For victims of rape, refusing to speak can entail its own dangers, for as silence is a part of discourse, then it, too, can be co-opted to serve others' ends, and to reinforce dominant views of rape, rape victims, and women in general.[7] When speech

[6] Similarly, Nicola Gavey (2005, p. 228) notes that '[o]ne other problem with some of these kinds of disruptions to traditional narratives of gender and sexuality is that they risk popular recuperation within depoliticizing if not thoroughly reactionary forms'.

[7] Foucault's argument about the same discourses being used within different discursive strategies is relevant here, as the same victim's silence can be used within a strategy to undermine her complaint, as well as in one that validates it.

and writing which blame the victim are widespread, as in the footballer cases, a victim's unwillingness to put across "her side of the story" publicly can be construed as a sign of dishonesty. Also, as Brown rightly points out (2005, p. 97),

> it would be a mistake to value this resistance too highly, for it is, like most rights claims, a defence in the context of domination, a strategy for negotiating domination, rather than a sign of emancipation from it.

Speech about rape which resists being co-opted by discourses that are harmful to women − that makes 'its own discursive bid for hegemony' (Brown 2005, p. 97) − would therefore seem to be a more positive move. I am not suggesting that all rape victims are obliged to speak out or risk being complicit in promoting patriarchal sexual violence; the individual's well-being, autonomy and freedom are paramount. However, refusing to speak as a *political* move has limitations, and speech about rape, in appropriately constructed contexts, is likely to be more effective, as silence has the same potential to be co-opted as speech. As I will argue later in this chapter, victim silence can be understood as a replacement for certain phrases; however, by choosing silence, a victim has no control over which phrase her silence is interpreted as signifying.

A History of Silence

Rape, like sex, has a history associated with silence. In particular, the rape of slave women by white men in the United States was shrouded in silence until relatively recently (Bevacqua 2000, pp. 18, 21-3), and rape did not become a political issue in the United States until the nineteenth century (Bevacqua 2000, p. 18). Foucault (1978) argues that sex is popularly held to have a history of 'repression' − that is, that speech about it has been taboo and that non-procreative sex has been prohibited. However, he contends that from the seventeenth century onwards, 'sex was driven out of hiding

and constrained to lead a discursive existence' (p. 33), spoken about in intimate detail; but only in particular contexts, and particular ways. The central issue for Foucault is

> to account for the fact that [sex] is spoken about, to discover who does the speaking, the positions and viewpoints from which they speak, the institutions which prompt people to speak about it and which store and distribute the things that are said. (p. 11)

Rape has a similar history: before second wave feminism took it up as a key part of its agenda in the 1970s, rape was a subject surrounded by silence − elided, denied and displaced, with speech about it marginalised or erased. However, as Foucault argues of sex, it was spoken about, but who spoke about it, to whom, and what they said about it was under strict regulation. In the introduction to *Against Our Will* (1975), Susan Brownmiller points out the virtual absence of rape analysis in the narratives of the major schools of thought of the twentieth century, including psychoanalysis and socialism, and the work of sexuality theorists including Krafft-Ebing and Wilhelm Reich (pp. 1-2). Prior to the 1970s, many feminists, including Brownmiller herself, also believed that rape was not an "issue" worthy of serious consideration, 'a product of a diseased, deranged mind' (1975, p. xii), or (only) something white men falsely accused black men of doing to white women as an excuse for lynching. However, from the 1970s onwards, feminists began to speak out, uncovering rape as a deeply embedded social problem, a symptom of societal structures which support and enforce male dominance, and not the aberrant actions of (a few) individuals as many had previously thought. As studies by Peggy Sanday (1981, 1986, 1990) and Michael Flood (2008) demonstrate, institutions and social contexts that foster and celebrate male dominance are more likely to be 'rape prone' than those contexts that foster equality between the sexes, to which argument I will return in Chapters Four and Five. Further, as Joanna Bourke also demonstrates in *Rape: A History from 1860 to the*

Present Day (2007),[8] feminists spoke about rape in the nineteenth century − for example: speaking out against the use of drugs to carry it out (p. 54), and against young girls being 'seduced' or forced into prostitution (p. 122) − but it was not widely acceptable speech.[9] It was debated prior to the 1970s in medical and legal contexts, but generally to discredit rape complainants, by deploying myths such as 'no means yes' that are still prevalent today (pp. 67-9). It was also presented as a biological inevitability (pp. 90-118) or a medical condition which could be "remedied" by radical "treatments" including castration (pp. 147-8) and lobotomy (pp. 167-72); however, this debate circulated largely amongst professionals, and *public* discourses, including public testimony about rape, were not taken up until the 1970s. This constitutes what Stanley Cohen (2001, pp. 10-11) calls 'cultural denial' of atrocities, whereby

> [w]ithout being told what to think about (or what not to think about) and without being punished for 'knowing' the wrong things, societies arrive at unwritten agreements about what can be publicly remembered and acknowledged.

While Cohen mainly refers to atrocities such as Holocaust or Gulf War, he also concedes that the same forms of denial *can* apply and have historically applied to violence against women (pp. 51-2) and rape (p. 75). However, he also claims that rape and violence are no longer denied, which gives hope that people's responses to large-scale suffering might change (p. 75). Although rape by strangers has become more widely accepted as a social problem, attitudes towards acquaintance and intimate partner rape are more difficult to shift (Sanday 1996), and the low rates of conviction are testimony to widespread adherence to rape myths (Trewin 2004). Also, as this

[8] Of course, speech about rape did not "begin" in 1860. For example, the infamous judge Matthew Hale, whose decrees on rape complainants' lack of veracity and the 'marital rape exemption' were cited in legal judgements well into the twentieth century, published his views on rape as early as 1678 (Bourke 2007, p. 307); in her novel *The Wrongs of Woman*, published in 1798, feminist Mary Wollstonecraft (1976, pp. 106-7) includes the repeated rape of a servant girl by her master as one of the wrongs suffered by female characters.

[9] Maria Bevacqua (2000, pp. 18-26) also dates politicised speech about rape from the nineteenth century.

thesis demonstrates, rape by footballers is systematically denied in the media, and thus in popular opinion, which is a form of 'cultural denial' (Cohen 2001, pp. 10-11).

As Foucault says of sex, Alcoff and Gray argue that the subject of rape was (and is) characterised by particular kinds of silence in particular locations, and constrained in what kinds of stories about it can be held to have meaning. Alcoff and Gray argue (1993, p. 265):

> [t]he speech of survivors involving reports of their assaults has been excluded speech. At various times and in different locations it has been absolutely prohibited speech, speech categorized as mad and/or untrue, or speech that presumed objects (such as a rapist father) that were not statable and therefore could not exist within the dominant discourses.

Speech about rape was largely taboo prior to the 1970s, and silence has likewise surrounded child sexual abuse and marital rape; however, even when such speech has been permissible, silence has been enforced in particular settings. For example, while feminists succeeded in publicly naming marital rape in the nineteenth century (Bourke, pp. 140, 308-9), an institutional silence on the subject was maintained as late as the 1980s and 90s when rape in marriage was finally recognised as criminal. In the second half of the nineteenth century, philosopher John Stuart Mill and suffragists Elizabeth Cady Stanton and Susan B. Anthony pointed out that the marital rape exemption gave women the standing of slaves, or worse, with fewer rights than animals (Bourke, pp. 308-9). As criminalisation of behaviour can delegitimise it, the silence of the law has the effect of legitimising the behaviour which it does not prohibit, and therefore the silence of the law on marital rape had this legitimising effect. According to Carol Smart (1989, p. 40), in the Victorian era, the speech of many rape victims was excluded from the legal system altogether as

> [m]odesty insisted that a pure woman could never speak of such [sexual] acts in public, so the woman who complained of rape became lewd herself. The extreme of this was the tendency of magistrates to dismiss cases on the basis that a public airing of the case would corrupt public morals.

Thus rape testimony in general was frequently not heard by the legal system, a practice which continues today: even when victims report rape to police, in the majority of cases either the police or DPP determines that there is insufficient evidence to proceed with charges and the case is never heard before the law. In a study of 850 rapes reported to Victorian police between 2000 and 2003, Melanie Heenan and Suellen Murray (2006, p. 5) found that no further police action was taken in 46.4% of cases, and charges were laid in only 15%.

As observed above in Brownmiller's work, feminist rape theorists have noted that, despite its focus on sexuality, Freud's psychoanalytical theories largely ignore the subject of rape, including rape of children.[10] Judging by the majority of psychoanalytic literature, Freud *appears* to have been silent on the subject; however, research by Jeffrey Masson (1984) reveals that Freud's theories of sexuality are based on a decision to reinterpret as 'rape fantasies' what he initially believed to be genuine cases of child sexual abuse in hysterical patients. Masson writes that the psychoanalytic movement emanating from Freud's work still holds that his earlier views were 'an aberration' (p. xxxiv); however, Masson also reveals that Freud's change of heart was less reasoned, decisive and free than is commonly thought.[11] In 1896, Freud presented a paper, 'The Aetiology of Hysteria', in which he established hidden memories of child sexual abuse as the common factor in each of 18 cases of hysteria, including six men and twelve women, and therefore a probable cause. He termed it the 'seduction theory'. It is significant that Masson writes that the paper was 'met with total silence' by the psychoanalysts present (p. xxx); none engaged with Freud's arguments, simply ignoring them and shunning their author. Freud's initial

[10] Bourke (2007, pp. 30-1) identifies other medical practitioners' silence on child sexual abuse, particularly amongst working class children in the nineteenth and early twentieth centuries, where doctors frequently misdiagnosed venereal disease in children as 'irritation' and claimed that rape complaints made by working class children were motivated by a malice towards innocent men.
[11] Bourke (2007, pp. 69-71) also expresses doubts over the logic of Freud's change in position.

response was: 'they can all go to hell' (p. 9). Masson attributes his swift turnaround to the fact that '[g]iving up his "erroneous" view allowed Freud to participate again in a medical society that had earlier ostracized him' (p. 12). Masson cites numerous letters written by Freud which express continuing reluctance to renounce the seduction theory, all of which were omitted from the published collections and are therefore virtually unknown. As Masson notes in the preface to the 1985 edition of his work, citing a study in which a quarter of the women surveyed had been sexually abused before the age of 14 (Russell 1983), 'it can be assumed if abuse is so prevalent in one segment of the general population, then among people who seek psychotherapy, it is likely to be even higher' (p. xvii). Thus it is highly *un*likely that, as Freud ultimately claims, virtually no-one who seeks psychotherapy has been abused, and the stories they tell are fantasies. Freud abandoned the seduction theory in favour of the Oedipus complex: '"aggressive impulses" [in children] replaced seduction in Freud's theories. An act was replaced by an impulse, a deed by a fantasy' (p. 113). The whole of psychoanalysis revolves around the Oedipus complex, and, as Freud's daughter Anna writes, 'keeping up the seduction theory would mean to abandon [sic] the Oedipus complex, and with it the whole importance of phantasy life, conscious or unconscious phantasy' (Masson 1985, p. 113). The whole of psychoanalytic theory therefore appears to be built on the repression of sexual abuse of children, and hence silence about rape.

Literature has also historically been characterised by silences, elisions and erasure on the subject of rape. The significance of this cannot be underestimated, as literature – particularly well-known literature, like Shakespeare's *Measure for Measure* (discussed in Chapter Two) − forms part of the fabula pool of events, characters and so on from which people draw, and determine the "truth" of "actual"

events. I return to the idea expressed by Phyllis Frus (cited in Horeck 2004, p. 149) and discussed in Chapter One:

> The irony is that we get our ideas about what is real from narrative and dramatic constructions, from particular rhetorical devices and cinematic strategies that produce the effect of reality, and we judge the realism or credibility of even nonfictional representations against these conventions.

Our notions of what constitutes "reality", therefore, are shaped as much by fictional literature and film as "factual" media reportage. As Lynn Higgins and Brenda Silver observe in the introduction to *Rape and Representation* (1991, p. 2), in literature there has been 'an obsessive inscription − and an obsessive erasure − of sexual violence against women'.[12] Sexual violence is present in the texts considered in the book, but its representation is oblique, as, for example, the scene of the violence is elided or the rape displaced from the central characters. Essays presented in the book demonstrate this systematic erasure and denial of rape across a range of literary and cinematic texts from different eras, tracing a historical tradition. For example, Susan Winnett identifies a scene of sexual violence almost completely under erasure in *The Marquise of "O"*: a Russian Count saves the Marquise from being raped by a crowd of soldiers, only to rape her himself while she is unconscious. However, this scene of rape is not narrated at all, and it is represented only by a dash. It does not become clear that it occurred until the Marquise finds herself pregnant and genuinely unable to account for how it could have happened (pp. 67-8). In all the novels analysed in *Rape and Representation*, from different eras but written by men of the dominant cultural group, sexual violence against women is placed under erasure and denied even while present, creating a silence surrounding rape which is difficult to break, even today. The same

[12] Foucault (1978) observes that sex in general was frequently put under similar erasure in non-literary genres, noting that in the nineteenth century, doctors frequently omitted references to sex in their published papers, although it was central to the conclusions they drew, and they thus 'constructed around and apropos of sex an immense apparatus for producing truth, even if this truth was to be masked at the last moment' (p. 56).

types of narrative devices are equally visible in non-literary, non-fiction texts, such as legal and media texts, as demonstrated in the above example of Carol Smart's (1989, p. 40) assertion that rape testimony was silenced within legal discourse in the nineteenth century because the case might corrupt public morals if spoken of in public.

Higgins and Silver (1991, p. 6) claim that the gap, or 'O', these elisions and displacements leave, is the place which allows critics to introduce the violation of women and their subjectivity that has been omitted from the original text. This is certainly true, as Winnett and others demonstrate in recovering the sexual violence that was elided; however, literature being far more widely read than criticism, the recurrence and subsequent silencing of rape in this way is unlikely to itself effect change. It is only by directly challenging stories about popular stereotypes of rape complainants, replacing them with stories that do not discount women's suffering, that they can begin to be altered. As discussed in Chapter One, the embedded stereotypes that discredit rape complainants are repeated in the media, literature − particularly popular romance fiction (Larcombe 2005; Radway 1984) − and legal discourse (Ehrlich 2001; Larcombe 2005; Sanday 1996). When faced with the semantic thickness provided by the similarities between these diverse and sometimes "opposite" genres, silence surrounding sexual violence against women can only contribute to its perpetuation. This is not to say that a *victim*'s self-chosen silence is to be condemned, or that it indicates complicity. As I will demonstrate, speech about rape can be co-opted to serve ends other than transforming societal understandings of it, and care must be taken to provide contexts and genres in which the words of victims can be heard and heeded, and victims can feel confident that their words will not be co-opted in this way (see Chapter Seven). However, silence in law on, for

example, marital rape, and narrative silence in literature, film and the media[13] are likely, indirectly, to perpetuate rape.

Victim Silence: A '*Différend*'

The majority of the alleged victims of NRL and AFL footballers choose not to speak to the media about their experiences, although some have agreed to do so. I will argue that, not only is it common for rape victims to have extreme difficulty in speaking about what occurred, the discourses surrounding the football cases effect a two-fold silenc*ing*, ensuring that if a complainant does speak out, her words are treated with suspicion and disbelief. This re-produces the fear in complainants that their words will not be believed, dissuading them from speaking out.[14] Particularly in cases where footballers are the alleged perpetrators, I propose that the silencing of rape complainants amounts to what Jean-François Lyotard calls a '*différend*' (1988) – that is, that the discursive environment in which any complaint against a footballer appears divests that complaint of all authority and the complainant of any (legitimate) speaking position from which to voice it.

Lyotard employs the *différend* to articulate Holocaust denial, illustrating how testimony to a particular wrong can be made virtually impossible, and the 'double bind' in which those so wronged find themselves (pp. 3-4). A denier refuses to believe in the existence of gas chambers unless an eyewitness can testify to being a victim of a gas chamber. As all victims are (necessarily) dead, and none can give such

[13] Tanya Horeck (2004) argues that representing the violence and injury of rape in cinema, literature and the media can, even unintentionally, provide a 'spectacle' tantamount to pornography, with spectators implicated as voyeurs. Similarly, Alcoff and Gray (2003, p. 262) warn that rape testimony can be used to 'titillate'. I will address these concerns more fully in Chapter Seven.

[14] After the announcement that Canterbury players would not be charged with sexual assault, lawyers and 'women's groups' expressed concern that victims would be discouraged from speaking out as a result ('Victims Likely to Lose Confidence' 2004; 'Women's Groups Fear Rise in Rape Cover-ups' 2004).

testimony, the denier concludes that, therefore, there were no gas chambers, and, under this (il)logic, it is impossible to draw any other conclusion. Either there were gas chambers, or there were no gas chambers. If none can testify that there were gas chambers, then they did not exist. If someone does testify, then as they are alive they could not have been a victim of the gas chambers, so their testimony is invalid, and there were no gas chambers. Lyotard remarks that, in a *différend* such as this, '[i]t's as if you said both, *either it is white*, or *it is not white*; and *if it is white, it is not white*' (p. 6, emphasis in original). I will argue that the discourses surrounding the footballer sexual assault allegations create a similar *différend*, stating: either you were raped, or you were not raped; and if you were raped, then you were not raped. As my analysis of Masters' *Bad Boys* (2006) in Chapter Two showed, sex between elite footballers and women is constructed as entirely the women's responsibility, suggesting that all sexual encounters between women and footballers are consensual. The narrative and grammar employed by football representatives and media commentators generally also blames women for all the events surrounding an alleged sexual assault, portraying women who have social contact with footballers as Groupies, Predatory Women, and/or Party Girls, who are always consenting to sex. Therefore, the "footballer rape denier", who accepts these portrayals, can only agree that a woman did not consent to sex with a footballer *if sexual activity did not occur*. If no sexual activity occurred, then the woman was not raped. But also, if sexual activity did occur then the complainant is lying and was not raped.

As noted in the introduction to this thesis, Lyotard (1988, p. 9) distinguishes between a 'plaintiff', who has the means to argue their case, and a 'victim', who has been divested of these means. He writes:

> I would like to call a *differend* (*différend*)[15] the case where the plaintiff is divested of the means to argue and becomes for that reason a victim. If the addressor, the addressee, and the sense of testimony are neutralized, everything takes place as if there were no damages… A case of differend between two parties takes place when the "regulation" of the conflict that opposes them is done in the idiom [*idiome*] of one of the parties while the wrong suffered by the other is not signified in that idiom.

In footballer rape cases, the complainant is always a victim in Lyotard's sense, because her testimony is automatically neutralised by footballers' narrative immunity and she cannot speak as a plaintiff. As stated in the previous two chapters, a woman cannot simultaneously be a Predatory Woman (or Woman Scorned etc) and a Raped Woman, and thus she is always divested of the means to argue that she was raped.

According to *Le Petit Robert* French dictionary, the French term 'idiome' denotes an '[e]nsemble des moyens d'expression d'une communauté correspondant à un mode de pensée spécifique' (Varrod 2000, p. 1258); that is, a collection of a community's means of expression corresponding to a specific mode of thinking (my translation). Thus if the resolution of conflict is done in the idiom of one party, the means of expressing the conflict corresponds to the particular mode of thinking − the shared beliefs − of that one party. As evidenced by numerous recent incidents and statements, the mode of thinking shared by footballers positions women as objects of sexual conquest, not persons, and as legitimate objects of sexual violence (see Chapters Four and Five). Added to the way in which rape complainants are perceived as one or more of the damaging stereotypes, when the cases are adjudicated within this idiom, the case of the Raped Woman cannot signify.

A comment made by disgraced former *Footy Show* presenter Matthew Johns strongly implies that footballers do not consider the women with whom they have casual sex to be human beings. Tracey Grimshaw interviewed Johns on *A Current Affair* ('Grimshaw Talks to Matt Johns' 2009) about the 2002 NRL Cronulla Sharks

[15] The French spelling '*différend*' will be employed throughout the thesis, as I consider the translator's alteration to be unnecessary.

incident in which Johns and teammate Brett Firman brought a woman back to their hotel room. After Johns and Firman had sex with her, ten other Cronulla players and staff entered the room, some through the bathroom window, also expecting sex. Grimshaw asks Johns, 'Did it occur to any of you that the girl on the bed was somebody's sister, somebody's daughter, a girl with hopes and dreams and aspirations of her own?' Johns replies, 'At the time, *no you don't think*… no it's fair to say we didn't think like that at all' (my emphasis, my transcription). Johns' comment clearly implies that he and his teammates did not consider the woman to be a human being. Further, the statement he discontinues − 'no you don't think' − suggests he began to make a general statement about how women are viewed in group sex: that 'you' (footballers) do not (ever) think about women as persons in group or other casual sex situations.

Two highly-publicised incidents from 2008 and 2009 further demonstrate that women are seen as legitimate objects of (symbolic) sexual violence in the idiom of football.[16] In early 2008, frequently offensive and extremely popular AFL *Footy Show* presenter Sam Newman took a mannequin dressed in a skimpy bikini, and stapled it with a photo of prominent sports journalist Caroline Wilson's face (*The Footy Show (AFL)* 2008a). While ostensibly 'trying out' different outfits on the mannequin, Newman groped its crotch and fondled its breasts as his co-presenters looked on. In 2009, a video made by two senior North Melbourne AFL players and shown to the entire playing group was posted on popular internet site YouTube. It features a rubber rooster named 'Little Boris' selecting a chicken from a supermarket freezer and shoving 'his' head, encased in a condom, into the chicken's rear end, in various settings. The video is highly gendered, showing the rooster in a bar with a pot of beer

[16] See below, Chapter Four and Waterhouse-Watson (2009) for further analysis of these incidents.

and the (headless) chicken with a white wine, while the rap soundtrack repeats 'get out the way, bitch' over the top. The final scene graphically depicts Boris flinging the chicken against a wall, running over it in a van, and attacking the mangled corpse. The acts portrayed are clearly rape and sexual murder. Therefore, within the footballers' idiom, it seems that women are objects, not subjects, and thus they cannot generate meaningful refusal.

According to Lyotard, a *différend* constitutes the specific wrong of making a plaintiff into a victim:

> a damage (*dommage*) accompanied by the loss of the means to prove the damage. This is the case if the victim is deprived of life, or of all his or her liberties, or of the freedom to make his or her ideas or opinions public, or simply of the right to testify to the damage, or even more simply *if the testifying phrase itself is deprived of authority*. (p. 5, my italics)[17]

This last point is of greatest importance in the case of rape complaints against footballers, as although complainants remained alive, not detained, and were permitted to speak publicly, I will demonstrate that their speech was deprived of authority by the surrounding discourses, imposing what I call a *semantic silence* − that is, where the testifying phrase is divested of meaning. I take speech which has authority to be that which is readily accepted, considered legitimate, and considered to have positive truth-value. As complainants' testimony takes place within a football idiom which denies their authority, they are discounted and making a rape complaint against a footballer therefore constitutes a *différend*.

The alleged victims' silence was occasionally evoked in the 2004 cases, but without any acknowledgement of how common it is for victims to maintain silence or the difficulties faced in speaking publicly about such crimes. The 2000 British Crime

[17] See Alison Young's 'The Wasteland of the Law' for discussion of strategies employed in rape trials to deprive a complainant's testimony of authority. Young argues that, at its worst, 'law repeats the actions of Tereus the "barbarous king", cutting out the victim's tongue to prevent her accusation' (1998, p. 465). In Ovid's *Metamorphoses*, Tereus cut out the tongue of Philomela to prevent her revealing that he had raped her.

Survey found that 30% of female victims who were raped or sexually assaulted in the past five years *never told anyone*, and a further 23% told no-one at the time of the rape, only telling somebody at a later time (Myhill & Allen 2002, p. 46). Similarly, an anonymous woman who told the SBS *Insight* program[18] how a prominent AFL player and his local league associates raped her, did not tell her family what had happened until six months after the incident ('Foul Play' 2004). When victims find speaking about rape too difficult and traumatic, this represents one facet of the *différend* which precludes the possibility of rape testimony against footballers being validated − that is, being considered admissible in a trial by media. An ABC *7:30 Report* program on the Canterbury allegations concluded with the statement which heads this chapter: 'There's one person who knows what really happened that night in Coffs Harbour, but for now, she's not talking' ('Sex Allegations Hit AFL Club' 2004). No mention was made of the constraints against complainants' speech, neither the difficulty of even articulating what had happened, nor the powerful discursive forces at work to discredit the women's testimonies before they are even given. Never was the question posed, "How did you find words to speak about this experience?"; that it was speakable was never in question. Susan Brison (2002), who was raped and left for dead in 1990, reports in a book on the event and its aftermath that:

> I lost my voice, literally, when I lost my ability to continue my life's narrative. I was never entirely mute, but often had bouts of what a friend labelled 'fractured speech,' in which I stuttered and stammered, unable to string together a simple sentence without the words scattering like a broken necklace. (p. 114)

Brison cites Holocaust survivor Jean Améry, who links torture with rape, noting that Améry's analysis is appropriate 'not only because both [torture and rape] objectify and traumatize the victim, but also because the pain they inflict reduces the victim to flesh, to the purely physical' (p. 46). It follows that being reduced to the body in rape

[18] *Insight* is an unscripted discussion forum that brings together people with different perspectives to debate a topical issue. This edition of the program will be discussed in detail in Chapter Seven.

may also entail a reduction to a state without language. In *The Body in Pain* (1985, p. 4), Elaine Scarry writes,

> Physical pain does not simply resist language but actively destroys it, bringing about an immediate reversion to a state anterior to language, to the sounds and cries a human being makes before language is learned.

Scarry links this pre-linguistic state to the instant that pain is inflicted, although it is not in the instant of the rape that language is silenced, but in attempting to speaking about it afterwards. However, as Améry writes, '[w]hoever was tortured, stays tortured' (cited in Brison, p. 65), implying that the pain of torture continues long after the physical pain ceases. I suggest that the pain of rape is similarly ongoing, and that the inability of victims like Brison to speak about their experiences, or speak at all, implies that rape, like pain, has this silencing effect, a reduction to a pre-linguistic state of being. Scarry argues that pain is resistant to language as it 'has no referential content' (p. 5); that is, unlike other interior emotional or physical states which are directed at a person or object − love for someone, hunger for something − pain has no point of reference exterior to itself. It is not pain *for* or *about* something outside the body. The ongoing pain of rape has a similar lack of referential content, as, like pain or injury in general, the effects last beyond the instant in which it was caused. Many victims blame themselves and have difficulty getting angry with their assailants (Brison 2002, p. 63); thus the pain of the rape is, at least initially, not directed at anyone, or anything external to the victim's body.

As a result, rape is a referent which '"asks" to be put into phrases, and suffers from the wrong of not being able to be put into phrases right away' (Lyotard 1988, p. 13). Lyotard argues that in a *différend*, the wrong that cannot be 'put into phrases', creating a silence that is in fact replacing a 'negative phrase':

> The phrase replaced by silence would be a negative one. Negated by it is at least one of the four instances that constitute a phrase universe: the addressee, the referent, the sense, the addressor. The negative phrase that the silence implies could be formulated

> respectively: *This case does not fall within your competence,*[19] *This case does not exist, It cannot be signified, It does not fall within my competence*. A single silence could be formulated by several of these phrases. (p. 13, author's italics)

That is, the addressee does not have the right, authority or capacity to hear it; the referent/case does not exist and therefore the event did not occur; the event cannot be signified/has no meaning; or the addressor does not have the right, authority or capacity to speak it.

There are several sorts of phrases which correspond to these silences in the case of rape victims, encompassing the phrases, 'This case does not fall within your competence', 'It cannot be signified', and 'It does not fall within my competence'. Silence may signify that a victim '[feels] a degree of self-blame', as chair of the National Association of Services Against Sexual Violence Vanessa Swan argues on 'Foul Play' (2004), which equates to 'It does not fall within my competence'. If victims feel responsible for what occurred, then they may not feel they have the right to speak about it as rape. Competence here clearly connotes 'legal authority' or 'right to take cognizance' (Trumble & Stevenson 2002, vol. 1, p. 467). The inability to speak about a rape, as described above in relation to Scarry and Brison, may correspond to 'this case cannot be signified', as the victim cannot find words to express what has happened. Many victims feel that they will not be believed if they speak about rape, or that they will be blamed, and their silence in this instance corresponds to 'It does not fall within your competence', in the sense of the addressee having the *capacity* to hear the victim's testimony. Jan Jordan (2004), who conducted a study of interactions between rape complainants and police in New Zealand, argues that 'a core of disbelief towards women reporting sexual assaults appears to lie at the

[19] In the original French 'Ce cas n'est pas de votre ressort' (1983, p. 30), 'ressort', here translated as 'competence', has a decidedly legalistic sense, generally referring to a court or tribunal's capability to adjudicate a case (Varrod 2000, p. 2195). This suggests that 'competence' here carries connotations of 'legal authority' or 'right to take cognizance', as the *Shorter Oxford Dictionary* defines it (Trumble & Stevenson 2002, vol. 1, p. 467).

heart of police culture' (p. 64). Jordan cites several studies which suggest most investigating police officers believe that the numbers of false complaints are high (pp. 66-7, 81), including a 1995 study in which one in six police officers 'felt that many women who reported rape were lying and wanted revenge' (p. 81). Officers who volunteered an estimate of the proportion of false claims in this study gave figures of 60% or higher. Another New Zealand study demonstrates that many complainants feel that their claims were, at least initially, treated with scepticism by police (p. 83). This unbelief may have devastating effects on a victim, as Brison (2002) indicates, arguing that a rape victim's very *survival* depends on her testimony being heard and acknowledged by others: '[s]ince the earlier self died [during the rape], the surviving self needs to be known and acknowledged *in order to exist*' (p. 62, my italics). It is therefore imperative that rape complaints be met with the presumption of "innocence" and truth-telling in the media and dealings with police, as well as before the law.

The Struggle to Speak

Despite the many difficulties faced by rape victims in speaking out, some complainants have spoken to the media, giving interviews to specific journalists on condition of anonymity. However, as I will demonstrate, the discourses of footballer sexual assault cases effect a silenc*ing*, which deprives their testimonies of truth-value and hence constitutes a *différend*. Speaking out about rape has both personal and political motivations and effects: as part of the victim's struggle to rebuild and regain control of her life, and in increasing public awareness so that preventative measures can be taken. Alcoff and Gray (1993, pp. 261-2) argue that

> [s]peaking out serves to educate society at large about the dimensions of sexual violence and misogyny, to reposition the problem from an individual psyche to the social sphere where it rightfully belongs, and to empower victims to act constructively on their own behalf and thus make the transition from passive victim to active survivor.

Where the alleged perpetrator is a footballer, the politics of speaking out seems to be about drawing attention to a specific sector of the community that enjoys immunity from allegations of rape, as demonstrated in Chapter Two. Despite the difficulties victims face when speaking out about rape, testimony by seven complainants has appeared in four television programs and two newspaper articles since 2004: one on 'Foul Play' (2004) and one on 'Sexual Consent' (2009) on SBS *Insight*, one on 'Fair Game' (2004) and one on 'Code of Silence' (2009) on the ABC's *Four Corners*, one in an article printed in *The Sydney Morning Herald* (2004) and another in the *Sunday Telegraph* (Doneman 2009).[20] The woman on *Insight*, allegedly raped by an AFL player and his local league friends, the woman interviewed by Wockner allegedly raped by a Canterbury player in Coffs Harbour in 2003, and Clare, interviewed on 'Code of Silence' and allegedly raped by six Cronulla Sharks players in 2002, give reasons for speaking publicly about alleged rapes they had experienced, expressing the desire to make the public aware of the issue of rape and footballers. In response to the question, 'Why do you think it is important to talk about it now?' the woman on 'Foul Play' said, 'I just need to speak out for those women [footballers' wives and girlfriends] and for any man or woman that has gone through this horrific ordeal, that the public needs to be aware of these criminals'. Thus the reasons she gave for speaking out are political: the desire to make the injury visible, facilitate change, and,

[20] Three Brisbane Broncos players, Karmichael Hunt, Darius Boyd and Sam Thaiday, allegedly raped the woman in a toilet cubicle in 2008. The case represents an extraordinary example of silencing as nothing resembling the alleged victim's version of events was printed in the media. Following 'Code of Silence', the woman told Sydney's *Sunday Telegraph* that, 'star-struck', she went with Hunt into the cubicle but 'after a few kisses, things went drastically wrong': Boyd and Thaiday entered and all three raped her (Doneman 2009). When the incident was first reported in the media, it was claimed that the three players and the woman 'engaged in oral sex' and then two 'had sexual intercourse' with her while a third filmed the incident ('NRL Stars Named in Toilet Sex Claims' 2008). In other articles, the events in question, or in which consent was in question, were omitted altogether. It was nowhere suggested that the woman told police that she did not consent to any sex with any of the players until she gave her interview in May 2009, and she was thus portrayed as a Groupie, Predatory Woman, Woman Scorned and/or Gold Digger.

as Alcoff and Gray argue, 'to educate society at large about the dimensions of sexual violence and misogyny' (p. 261). The first Coffs Harbour victim gave similar reasons for speaking out – increasing public awareness: 'it's time people knew the truth' (Wockner 2004). Clare said:

> I wanted at least their wives or girlfriends to know what they had done at the very least… because I was so angry and I wanted their lives destroyed like mine was and part of me wanted them to know so that they could go and meet the better people that wouldn't treat them like that [sic]. ('Code of Silence' 2009)

In the case of these women's experiences, their speech also draws attention to the "commonsense" understandings of what constitutes rape, as each of these women's experiences falls outside the category popularly considered 'real rape'. Susan Estrich (1987, p. 4) calls 'simple rape' 'a case of a single defendant who knew his victim and neither beat her nor threatened her with a weapon', as opposed to 'real rape', which involves 'an armed stranger jumping from the bushes' (p. 10). Although the reported rapes involving footballers generally involve more than one player, the prevalence of Groupie and Predatory Woman stories, which normalise group sex within this particular context, positions group situations as part of 'simple rape' when footballers are involved. Estrich demonstrates that, if they are reported, 'simple rapes' are less likely to result in criminal convictions than 'real rapes' (p. 15), and that 'simple rapes' are likely to be considered less serious, and doing less harm, than 'real rapes'. [21]

There is no doubt that these women's efforts in speaking out ensured that their stories were heard by members of the public, drew the attention of some to how destructive rape can be, and drew attention to the possibility that elite footballers can be rapists. However, their treatment in the context of the wider media, and

[21] See also Sanday's *Acquaintance Rape on Trial* (1996) and Ehrlich's *Representing Rape* (2001) for further discussion of how the legal system treats rape differentially when victim and perpetrator are acquainted. Ehrlich specifically focuses on the language of the trial and how legal discourse and generic structures can legitimate or deprive testimony of legitimacy: 'Questions in acquaintance rape trials… that potentially encode powerful social discourses about female and male sexuality and violence against women, create the context for witnesses' answers' (p. 31).

grammatical and narrative techniques employed to debate the cases generally, served to marginalise, invalidate and effectively silence their voices.

Silencing the Victim

As demonstrated previously, the silence of victims can serve as a replacement for 'negative phrases' − that is, according to Lyotard (1988), a victim's silence can be a substitute for the phrases: '*This case does not fall within your competence, This case does not exist, It cannot be signified, It does not fall within my competence*' (p. 13, author's italics). However, I also contend that silence can be *produced* through the articulation and imposition of these negative phrases. That is, the circulation of phrases which assert, directly or indirectly, that a rape case does not fall within the competence of the addressor or addressee, that it does not exist or cannot be signified, helps to *create* silence, whether literally inhibiting complainants' speech or divesting that speech of meaning. As noted above, a *différend* does not necessarily include literal silence, but can also occur when the 'testifying phrase itself is deprived of authority' (p. 5). In this instance, a *semantic silence* is created, or, in Lyotard's words, the case 'cannot be signified' (p. 13). Following Foucault, Alcoff and Gray (1993, p. 265) argue that

> [t]hrough rules of exclusion and classificatory divisions that operate as unconscious background assumptions, a discourse can be said to set out not what is true and what is false but what can have a truth-value at all, or in other words, what is statable.

In the case of footballers and sexual assault, when the media and football representatives' discourse precludes the statement that footballers could rape anyone, the discourse positions rape testimony against footballers as something which cannot have truth-value. Also, particular genres of discourse − for example, legal discourse or the media − serve to legitimate or make illegitimate individual testimony about

rape.[22] Carol Smart (1989) argues that the law gains much of its authority by setting itself up as an impartial, independent entity which can then pass judgement on societal mores from its "outside" vantage point: 'law sets itself outside the social order, as if through the application of legal method and rigour, it becomes a thing apart which can in turn reflect upon the world from which it is divorced' (p. 11). Yet Smart points out that 'the judge does not remove his [sic] wig when he passes comment on, for example, issues of sexual morality in rape cases' (p. 13).[23] Smart argues that the voice of the law holds sufficient authority to assert that the version of events it upholds is the *only* truth of the event. Thus every rape trial that finds the accused innocent also finds the victim culpable to some degree (p. 34). And, of course, individual judgements do not only relate to the particular events in question, but speak more generally to what is acceptable behaviour and what is not, and to the "truth" about sexuality. As I contend, the media representations of footballer rape cases constitute *de facto* legal adjudication, and "acquittal" of the accused players, serving as a replacement for legal proceedings. In a sense, the media assume the position of enactors of law, and take on a *de facto* legal discourse. Therefore, when the legitimating discursive genre of the media denies that a woman's account of rape by a footballer can have a truth-value, such testimony is deprived of its authority and a semantic silence ensues. In other words, when language is deployed which deprives

[22] Sue Lees (1997) argues that rape trials have a similar silencing effect, 'subtly [silencing and discrediting] the complainant's voice, using medical and legal discourses to distort her testimony' (p. 84).

[23] Reactions of lawyers and judges to rape law reforms introduced to NSW on 1 January 2008 suggest that the enactors of law are strongly biased against rape complainants and distrusting of women. The reforms introduce a definition of consent which requires an accused's belief in the consent of the complainant to be reasonable, allow for a finding of no consent if the complainant is 'substantially intoxicated' and disallow the accused's level of intoxication from being considered when determining whether or not the accused should have known that consent had not been given. Prominent lawyers opposed the reforms, warning that NSW men will now be jailed for long periods of time simply for treating women with disrespect after sex, despite the fact that similar laws have been in effect in other states (including Victoria) and other nations (including England) for some time with no such injustices; nor have any such occurred since the introduction of the reforms. See Albrechtsen (2008) for the types of arguments put forward in opposition to the reforms.

the testifying phrase of its signification, the producers of that language are contributing to upholding the *différend*.

Although the complainants' stories were not absent from the media, they were nevertheless marginalised and given much less space and publicity than comments by league and club representatives. I conducted a Newsbank database search of Victorian, New South Wales and national newspapers, which revealed that Bulldogs CEO Malcolm Noad's exhortation 'Let's believe nothing happened in Coffs Harbour' appeared in 14 articles, his comment that the failure to lay charges against his players 'should be seen as a true vindication' appeared in five, and St Kilda coach Grant Thomas' assertion that the sexual assault allegations would make the club 'stronger and closer and better' was found in eight. By contrast, only one quotation from the first Coffs Harbour victim − that Bulldogs officials told her, 'We guarantee you they will not get away with it. They will be punished' − appeared in an article other than that by Cindy Wockner (2004) in which it was first made public.[24] Although many other quotes from league and club representatives were published only once or twice, the total number of quotations when compared with those from the alleged victims makes it clear that the opinions of the former were made far more visible.

More recently, one complainant's speech received more media attention than any previous testimony; however, the quotes selected do not present the complaint of rape as credible. Clare's statement on 'Code of Silence' (2009) that 'If I had a gun, I'd shoot them right now' appeared in six articles, and three articles contained variations on 'There was always hands on me and there was always... if one person had stopped, someone was touching me and doing something else… There was never a point where I was not being handled'. Neither quote explicitly portrays rape, and the first

[24] A search was made for sections of each quote appearing in Cindy Wockner's article, revealing only one match. The original article was published in *The Sydney Morning Herald*; the second quotation appeared in Melbourne's *Herald Sun*.

statement taken in isolation suggests that Clare is mentally unbalanced and therefore not a competent witness. It should also be noted that 'Code of Silence' made it clear that the rape complaint made to police was not substantiated and the program did not suggest that the footballers raped Clare; the program implied that Johns and his associates were only guilty of "abusive sex" (see Chapters Five, Six and Seven). Although some of the alleged victims' words were publicised, their speech about rape was marginalised by the media as a whole in favour of statements made by representatives of football.[25] When the speech of one party is given more publicity than another, that speech becomes dominant. As Elaine Scarry (1985, p. 12) notes, '[i]t is not simply accurate but tautological to observe that given any two phenomena, the one that is more visible will receive more attention'; the visibility of club and league representatives' discourses ensured that their positions received the bulk of public attention, and therefore appeared to carry the most weight. They thus became "commonsense" understandings of what occurred. On studying the perpetrators of rape, which necessarily includes reporting 'the aggressors' vernacular' purporting a "natural" link between masculinity and aggression, Bourke writes (2007, p. 7),

> [n]o amount of distancing oneself from [the aggressors'] comments can negate the fact that simply repeating their distortions threatens to construct a female body that (once again) becomes little more than property, the object of trespass.

As discussed in Chapter One, Bourke's statement implies that feminist constructions could produce an "objective truth", ignoring the fact that all representations are constructions; nevertheless, the dearth of reporting of the complainants' perspectives in the football rape cases, and the prevalence of club and league statements which portray innocent footballers (and, by implication, guilty complainants) further serves

[25] It may be argued that an "exclusive interview" with someone who has a newsworthy story to tell is a highly prized commodity in the news media, and that it may therefore be a consideration for some editors that to print sections of these interviews might grant publicity to their rivals; however, most major newspapers printed excerpts from Matthew Johns' exclusive interview on *A Current Affair* ('Grimshaw Talks to Matt Johns' 2009).

to undermine the complainants' testimonies and create the semantic silence which upholds the *différend*.

The narrative and grammatical techniques employed by football representatives and some journalists further help to impose this semantic silence. Chapter Two demonstrated that by appropriating the language of victims for themselves, attributing agency to the women involved and not footballers, and evoking the figures of the Predatory Woman, Groupie, Gold Digger, Woman Scorned and Party Girl, footballers may be protected from being held responsible for anything that has occurred in connection with an alleged sexual assault. However, each of these techniques has implications for all rape complainants, as well as the footballers against whom complaints have been made, for if the players cannot be blamed for anything they do, and the responsibility is entirely the woman's, any rape complaint she makes is already invalidated and the event cannot signify as a wrong. As a result, the negative phrase 'This case does not exist' is evoked, for if the "real" story is one of the five stereotypes, the story of the Raped Woman cannot exist simultaneously.

The style of "comedy" employed on television football programs such as *The Footy Show* serve as a further means of regulating what is sayable, and imposing silence on both victims and others who would speak out against footballers' sexual abuse of women.[26] Humour was deployed to defend the acts of symbolic sexual violence given above, both the North Melbourne "chicken rape" video,[27] and Sam Newman's mannequin-groping "stunt" involving the image of Caroline Wilson. Newman attempted to pass the incident off as a bit of harmless fun, telling Wilson

[26] A version of the following analysis was published in 'Playing Defence in a Sexual Assault 'Trial by Media': The Male Footballer's Imaginary Body' (Waterhouse-Watson 2009).
[27] It should be noted that the incident was widely reported as the 'chicken *sex* video' or 'the chickengate scandal', trivialising it and eliding its (sexual) violence: a Newsbank database search returned 33 relevant matches for 'chicken sex' combined with '"North Melbourne" or 'Kangaroos' or 'Roos', and 39 for 'chickengate' combined with '"North Melbourne" or Kangaroos or Roos', but none for 'chicken rape'. 'Chicken' combined with 'rape' returned one match, from a letter to the editor.

that it was ‘an affectionate send-up demonstrating how completely he admired and accepted [her] as part of the [football] culture’ (Wilson, C 2008). Players and their supporters also tried to portray the video as a ‘joke’, and a bit of harmless fun. Both incidents were widely condemned in the media, North Melbourne fined the players who made the video, and Newman was briefly stood down over the mannequin “stunt”. Wilson, and fellow sports journalist and television personality Samantha Lane, spoke out against Newman’s behaviour in particular, labelling it ‘degrading… humiliating… violent and vulgar’ in an article (Lane 2008). Several prominent women within the AFL also wrote to Channel 9, which screens *The Footy Show*, expressing their disapproval. However, the hosts of *The Footy Show*, while maintaining the comedic tone of the program, banded together to belittle and demean these women in the following week’s episode. Newman labelled them ‘shrieking’ and ‘hysterical’, ultimately declaring that ‘women have done nothing for football’ (*The Footy Show (AFL)* 2008b). Thus the women who spoke out against Newman were portrayed as wowsers who simply “can’t take a joke”, not as persons with a legitimate grievance. The gendered nature of the attack was also elided. In explaining why she did not make more of the issue initially other than expressing displeasure on her program *Footy Classified* (2008), and requesting an apology from Newman, Wilson points out that within the ‘blokey’ culture of football, and the comedy culture promoted by *The Footy Show*, it does not pay to ‘be seen to whinge’ (2008), particularly when you are a woman.

Erasing the Victim, Erasing the "Perpetrator"

As discussion in Chapter Two showed, footballers are frequently represented as victims, and the women blamed for everything that occurs in relation to an alleged sexual assault. However, a further dimension to this shifting of responsibility and declaration of victimhood is their bearing on the *différend*. When footballers are constructed as the victims, and women as the aggressors, the implicit claim is that the case of rape does not exist as a woman cannot simultaneously be a rape victim and a sexual predator. When the complainant is recast as the aggressor, the possibility of her suffering is also erased.

Further, even when women are not explicitly represented in an utterance, blame can nevertheless be attributed to them as their presence is under erasure. In the majority of claims that the players are unquestionably innocent, there is a persistent, yet hidden claim that the woman who brought the rape complaint is a liar, and that the case therefore does not exist. Yet, the complainants are not figured as agents and are therefore simultaneously denied the possibility of refuting that claim. Nina Philadelphoff-Puren (2004) identifies the accusation of "liar" in Bulldogs CEO Malcolm Noad's statement following the announcement that no charges would be laid against his players, 'Let's believe that nothing happened in Coffs Harbour'. The elided claim is that 'nothing happened and *this woman who said that it did is a liar*' (p. 37, author's italics). This claim is also implicit in each of the following examples, the first made before any announcement that charges would not be laid:

> We are confident the complaint will not be sustained. —Melbourne Storm chief executive John Ribot on learning that two of his players were being investigated for sexual assault (Mascord 2004)

> We knew from day one we've been guilty of nothing. — Bulldogs coach Steve Folkes after the announcement that no charges would be laid (Brown, A 2004b)

> I think it should be seen as a true vindication. —Bulldogs CEO Malcolm Noad on the DPP's decision not to lay charges (Frilingos 2004c)

> Let me repeat that there was no illegal activity in Coffs Harbour and this has been supported by the police investigation, the DPP's decision and independent witnesses. —Malcolm Noad (Walter & Magnay 2004)

This last claim of Noad's is clearly false, as Detective Chief Inspector Jason Breton who was in charge of the investigation stated several times, including after the decision not to lay charges was made, that he 'absolutely' believed something *did* happen, and that there was evidence to support the woman's story (Kennedy, L 2004). However, Noad's statement was nevertheless widely published. The prevalence of these views in media reports − that the lack of charges equates to a finding of innocence, and the hidden accusations of lying − further discredits the complainants and contributes to upholding the *différend* that prevents their testimony from being admissible in this *de facto* legal adjudication. It also serves as a declaration that the defendants have been acquitted, or 'found innocent' (Smart 1989).

Obscuring women's agency while blaming them may seem a curious phenomenon, as assigning blame to one party would logically imply agency. However, if agency is denied, then so too is the possibility of rebuttal, for denial of agency also entails a denial of the possibility of speech, a claim that, 'this case does not fall within your competence' addressed to the complainant (Lyotard 1988, p. 13). An example from Chapter Two, taken from Tim Watson's 'AFL Players and the Trouble Zone' (2004) demonstrates this: 'players were woken in their hotel rooms in the early hours of the morning, and subject to determined, but unwanted, advances'. Although the clear implication is that the 'girls' from the function were responsible, these determined advances are nevertheless attributed to unmarked actor(s). As Philadelphoff-Puren (2004) points out, this grammar puts the female aggression '"under erasure", in such a way that women do not occupy an actual subject position

in this description, so there can be no possibility of an ethical *agon* between women and men' (p. 42). Women are left without a position from which to speak, and so cannot dispute the actions and motivations which have been attributed to them. Another example is found in the clubs' claims to victim status: in claiming to have been 'hurt', 'humiliated', 'harassed', 'abused' and 'distressed', football representatives make no mention of the women involved. They are the victims of the unspecified actions of unmarked agents, who have no speaking position from which to answer back, a further claim that the case does not fall within the women's competence, which divests them of the means to testify to the wrong. This represents the ultimate case of the plaintiff being 'divested of the means to argue', as she is denied the possibility of speaking altogether.

The marking of the object of debate as an 'allegation' rather than an 'alleged sexual assault/rape/attack' can also constitute a 'negative phrase' of the type '[this case] cannot be signified' (Lyotard 1988, p. 13). When the object of debate is an allegation, then the question becomes one of the truthfulness of the complainant rather than of whether or not a rape occurred. Significantly, newspaper database searches reveal that the usage of these terms varies substantially according to whether the alleged rapists are footballers, with 'alleged sexual assault' less likely to be used when footballers are involved. I conducted a nationwide database search across newspapers from January 1998 to June 2009, which returned 1396 matches for 'alleged sexual assault', while 'sexual assault allegation' and 'allegations of sexual assault' returned approximately half this number, a total of 682 matches. When combined with the search term 'football', 'alleged sexual assault' returned 239 matches, and 'sexual assault allegation' and 'allegations of sexual assault' combined returned only slightly less, a total of 210 matches. Although the findings were less marked, similar

tendencies were found in the usage of the word 'rape'. 'Alleged rape' (2111 matches) was used more than twice as frequently as 'rape allegation' and 'allegations of rape' together (994 matches), whereas when combined with the search term 'football', 'alleged rape' (239 matches) was used approximately one and-a-half times more frequently than 'rape allegation' and 'allegations of rape' (131 matches). This suggests that media reporting is more likely to frame the contested domain as the complainant's truthfulness rather than whether a sexual assault occurred when footballers are involved.[28] St Kilda Chief Executive Brian Waldron's narrative of the St Kilda case provides a clear example of the effects of using 'allegations' rather than 'alleged rape'. Waldron states, 'The following day, Monday, [two women] made allegations which are vehemently denied by both players' ('Saints Name Pair at Centre of Sex Allegations' 2004). In this statement, the actions that occurred were, on the one hand, making allegations, and on the other, denying them. Thus the contest is over whether or not the women who made the allegations are liars, not whether or not a rape occurred. There is no space in the scheme of representation demonstrated in these quotes for testimony about (alleged) rapes, and thus the implied negative phrase is that rape against footballers 'cannot be signified' (Lyotard 1988, p. 13).

The existence of the *différend* will inevitably affect any future victims − including those making complaints against non-footballers − as when rape complainants' testimony is consistently represented as 'inadmissible', victims are less likely to feel able to report the rape to police, or even to tell anyone about it. Fear of not being believed is one of the biggest factors in a woman deciding whether or not to report a rape. On 'Code of Silence' (2009), an alleged victim of sexual assault by

[28] It is interesting to note that similar database searches reveal that 'alleged murder' is used 25 times more frequently than 'murder allegation' and 'allegations of murder' combined, with 'alleged murder' returning 1456 matches and 'murder allegation' and 'allegations of murder' returning a total of only 58. This is congruent with the general suspicion afforded to rape complaints compared with other crimes.

footballers made explicit reference to not being believed in giving her reasons for not reporting the incident to police. On the program, Charmayne Palavi stated,

> Why would you go forward? You're about to be ridiculed and your name dragged through the mud and you will be made out to be something that you're not and that you asked for it.[29]

Fear of disbelief is implicit in each of the four problems Palavi anticipated would come with reporting the incident.[30] The repetition of narrative and grammatical structures that combine to generate truth-effects, silence complainants' voices, undermine their credibility and deny them a place of authority and sympathy from which to speak, sends a message to other (future) victims that they will not be believed either. They, too, will be labelled Predatory Women, Gold Diggers, Women Scorned, Groupies and Party Girls, responsible for everything that happens to them.

[29] Sherry Coverley, who appeared on 'Bad Sports' (1994), a BBC2 television exposé on US athletes and sexual assault, also revealed athletes' knowledge of their privileged status, saying that the athletes who gang-raped her taunted her by saying, 'We're football players. Who's going to believe you?'
[30] The 1994 *Ms*. magazine survey of female rape victims identified the fear of not being believed as one of the most important factors in victims electing not to pursue criminal charges (Warshaw 1994).

Chapter Four

The Male Footballer's Imaginary Body: Legitimating Sexual Violence[1]

The first three chapters of this thesis analysed the discourses of footballers and sexual assault cases as presented in the media and popular literature, identifying the narrative and grammatical patterns that deflect blame for all sexual activity away from players and onto women. These repeated patterns provide players with a narrative immunity against being held accountable for sexual assault. However, the sexual assault cases are only one small part of the football discourses, and in the following chapters I will connect the discourses of sexual assault with the broader discourses of football across media sports reporting, football literature and popular television programs. In this chapter, I will argue that an 'imaginary' of the footballer's body is produced in football discourse; further, this imaginary operates as part of a much broader system of representation, which, along with the practical training of the body involved in football, helps to construct a subjectivity prone to commit rape. The imaginary body is "naturally" violent, possessed of an uncontrollable sexuality, and not responsible for causing harm to anyone. Further, the scheme of representation that supports it describes a 'rape culture', in which rape is more likely than in other contexts (see Introduction). The construction of the imaginary body also provides footballers with excuses for sexual assault, despite the unremarked contradiction this presents when football clubs claim that their players could not have committed any rapes.

[1] A version of the following analysis was published as 'Playing Defence in a Sexual Assault "Trial by Media": The Male Footballer's Imaginary Body' (Waterhouse-Watson 2009).

Contrary to the historical Western philosophical belief in the possibility and desirability of maintaining a separation between mind and body, feminist scholars including Moira Gatens (1996), Elizabeth Grosz (1994) and Ann J. Cahill (2001) argue that we are, necessarily, embodied subjects, and thus mind and body are inseparable. Further, they demonstrate that the experience of embodiment relates less to the biological body than to an 'imaginary' body (Gatens 1996), which encompasses what we imagine our body's appearance, capabilities, and functions to be. Drawing on the work of Freud, Lacan and Schilder on hysteria and phantom limbs, and citing the homogeneity of hysterical symptoms in particular time periods, Gatens contends that the imaginary body is culturally and historically located, and that it is 'developed, learnt, connected to the body image of others, and is not static' (p. 12). In tracing the imaginary of the footballer's body, I follow Gatens in using the term 'imaginary' 'in a loose but nevertheless technical sense to refer to those images, symbols, metaphors and representations which help construct various forms of subjectivity' (p. viii). To this definition, I add the manipulation of grammatical structure to obscure or displace agency and distribute blame and responsibility. The imaginary body in its specific historical and social context will determine the capacities and 'normal' functions ascribed to those bodies. Pierre Bourdieu's concept of the 'habitus' is also particularly relevant here (1990, pp. 54-65): habitus refers to the systems of perceiving, thinking and acting which humans acquire through practical experiences, and, I contend, through language. Although Bourdieu downplays the role of language in forming the habitus, it is in fact embedded in his arguments, as it is in his concept of semantic thickness. Habitus is an 'embodied history' (p. 56), acquired subconsciously and, so, Bourdieu argues, the ways of perceiving, thinking and behaving that it produces are beyond the conscious control of the will. Bourdieu uses the function of language as an

illustration of the way habitus is produced and reproduced, arguing that the morphological, syntactic and generic forms available to draw upon have discourses embedded in them, of which a speaker is unaware, and so inevitably (re-)produce themselves: 'the virtuoso finds in his [sic] discourse the triggers for his discourse, which goes along like a train laying its own rails' (p. 57). However, I contend that the two are inextricably linked, and that linguistic forms and practical experiences reflect and reinforce each other to form the habitus. As discussed in Chapter One, Bourdieu (2001) writes that masculine domination is (re-)produced 'through the inexhaustible play of practical transfers and *metaphors*… [which are] sufficiently divergent to give each of them a kind of semantic thickness' (p. 8, my italics). Thus the practical training of the physical body and the representation in language of the imaginary body will provide this semantic thickness for each other, each reinforcing the other. Terry Threadgold (1997, p. 101) writes that 'if the body and the text are enfolded… it will not be too circular an argument to insist that work on and with texts will also always be work on and with bodies'. Although Threadgold is arguing that texts can be used to positively impact a habitus, it follows that the reverse is also true, and writing the body in familiar, stereotyped ways must have at least the same (re-)productive power. Therefore, not only does the specific imaginary of the footballer's body, as realised through language, give insight into the type of habitus which may be formed as a result, it is also likely to aid the production of that habitus: one that condones destructive behaviour, disregards the bodies of others and has serious consequences for the way footballers treat others off, as well as on, the field.

Football Sexual Culture and the Male Sexual Drive Discourse

The 2004 debate in particular revealed that, in elite football of both codes, group sex, infidelity, and sexual behaviour that is generally degrading to women even when consensual are rife (‘Code of Silence’ 2009; Khadem & Nancarrow 2004; Masters 2006; Weidler 2004). Although many commentators identified problems in football *culture*, framing their arguments in terms of footballers’ rationality and reason, their discourses are in fact underpinned by a conception of the male body as sexually uncontrollable, providing footballers with excuses for committing sexual assault. Footballers past and present told the media of coaches hiring prostitutes for the team to share (Halloran & Magnay 2003), that group sex was called ‘chop up’, women who participated in it were called ‘buns’ to be passed around, and players enjoyed a ‘spit roast’, where one player has vaginal sex with a woman while she performs fellatio on another (Masters 2006). One former first grade rugby player said in an anonymous interview, ‘I played football for about 15 years, so I reckon I played with 600 blokes. Maybe five of them didn’t play up’ (Smith, W 2004) – that is, cheat on their partners and have group sex. These revelations were met with outrage and disgust; however, commentators seeking to address the problem framed it as one of sporting ‘culture’, a culture aligned with the rational, thus ignoring the place of *bodies* within this culture:

> [W]e’re in the situation now where perhaps there is not much difference [between Australian Rules football and rugby league] and perhaps there is a culture that exists in all the football codes. —football commentator Mike Sheahan (‘Sex Allegations Hit AFL Club’ 2004)

> It’s critical that fans are involved in moving the culture forward on attitudes and behaviours towards women. —Associate Professor Catharine Lumby, advisor to the NRL (Norrie 2005)

> This component [of the AFL sexual assault policy] aims to foster a culture that creates an environment of equality been women and men. (Demetriou 2005)

> He [NRL CEO David Gallop] is also sadly aware of the culture that exists within clubs which excuses ‘the boys’. (Wilson, R 2009)

As Hélène Cixous (1986) argues, historically, 'Culture' has occupied the dominant side of a binary of which 'Nature' is the subordinate term. Culture has also been associated with reason, the mind and masculinity while Nature has been aligned with chaos, the body and femininity. In football discourse, the frequent calls for "education" programs to solve the problems indicate that football culture is widely perceived to be the product of reasoned, rational thought rather than natural or bodily impulse; the presupposition behind these calls is that problems can be solved by appealing to footballers' reason alone. The link is made explicit in the following comment from Minister for Women's Affairs Mary Delahunty, announcing a Victorian State Government plan to implement anti-sexual assault programs in football clubs in 2005: 'This is about changing the culture and making sure the boys know what's right and what's wrong' (Austin 2005). Others, particularly code officials, call for policy and code of conduct revision, suggesting that changes to rules and regulations can help solve the problem (see Chapter Six), again an appeal to the rational. Thus both "problem" and "solution" are identified as the domain of the mind, to be solved by educating players on 'what's right and what's wrong'. This approach also presumes that players will acknowledge the validity of the new rules and modify their behaviour accordingly. What these commentators neglect to consider is that the 'culture' to which they are referring is a *sexual* culture, and as such it necessarily involves bodies and beliefs about their capabilities, desires and functions. Commentators also elide the male body itself − nature and biology are absent from these discourses − and thus endorse the supposed necessity of a split between mind and body.

As footballers' behaviour is linked with reason and culture, masculinity is implicitly similarly aligned, in keeping with the historical binary organisation;

however, not only is this contrary to Gatens, Grosz and Cahill, who argue that mind and body cannot be considered separate, it is also in direct contrast to the significance of the body in football itself, and the ways in which that body is represented. The capacities of the body − its strength, fitness, speed, endurance, functions and freedom from injury − are all-important if a team hopes to win games, and while peak physical performance can mean club success, accolades, media attention and lucrative contracts, the body's failure in any one of these areas can spell the end of a player's career. The body is critical to football, and it cannot therefore be elided from discussion of players and sexual assault. Embodiment is also crucial to Bourdieu's theory of the habitus, as it is through practical experiences that the habitus is acquired; more importantly, it is acquired subconsciously, and therefore cannot be freely controlled or altered by the conscious mind. Bourdieu (1990, p. 73) writes: 'What is "learned by the body" is not something that one has, like knowledge that can be brandished, but something that one is'. As such, one cannot simply "change one's mind" when it comes to such deeply embedded systems of behaviour, thought and perception, as those who recommend "education" as a solution imply.

Other commentators avoid the problem of aligning culture with reason by ascribing a different meaning to culture, one which gives it the appearance of immutability and inevitability. In 'AFL Players and the Trouble Zone', analysed in Chapter Two, former AFL player and *Age* newspaper columnist Tim Watson explicitly defines culture as 'the way of life' (2004), and attests the inevitability of the way of life of elite footballers:

> The growth and popularity of the game has produced trouble zones and situations only the modern-day footballer and club staff could begin to comprehend. Add to the *social cocktail* immaturity, notoriety, a pocket full of money and considerable time on the hands. No wonder club officials shudder every time the phone rings late at night. (my italics)

Watson's analogy is of a cocktail recipe, where the addition of particular social "ingredients" inevitably causes the behaviour that causes club officials to shudder when the phone rings. Watson is not specific about what this behaviour is, other than making repeated references to 'trouble zones', followed by stories of Predatory Women (Girls) who seek to seduce the players. There is no activity and therefore no agency attributed to footballers in his statements, suggesting that (sexual) contact with women is inevitable and this sexual contact poses the danger.

In 'Ugly Sex Just Got a Lot Louder', analysed in Chapter Two, Germaine Greer (2004) also portrays an unchangeable male sporting culture, claiming that the systematic abuse, degradation and humiliation of women 'was and is, and probably always will be, the morality of the locker room'. Further, Greer implies that casual sex is also inevitable for athletes, as well as managers: after first portraying the predatory 'groupies' as 'rape fodder' and 'desperate creatures' who cause even 'good family men … to succumb', she claims that '*even if* [players] use prostitutes, they run the risk of bringing their sport into disrepute' (my italics) if the prostitute goes public, and:

> even managers can be caught out in this way; a few minutes' drunken fooling by the top man has been known to cost a leading club an undisclosed amount of money.
>
> All the more reason, you might think, for the athletes (and their managers) to behave with more discretion. This is, from some points of view, a tall order. All athletes live on a knife edge. All are only as good as their last performance.

Like Watson, this suggests that having a lot of casual sex is an inevitable part of the football sexual culture. However, despite these commentators' insistence on culture as the source of these problems, a particular discourse of the body underpins them: the 'male sexual drive discourse',[2] which posits that men have an uncontrollable, biological sexual need that must be released − a "hydraulic", mechanical model of

[2] See for example Ehrlich (2001, pp. 56-8) and Gavey (2005, pp. 103-5).

male sexuality.[3] Taken to its logical conclusion, this discourse makes rape an inevitable consequence of male arousal, and thus responsibility is conferred on women to modify their behaviour in order to prevent arousing men to the extent that they 'cannot' stop, or to submit to the act. The male sexual drive discourse is frequently evoked by judges and lawyers in criminal trials as a defence for alleged rapists' behaviour, and thus Australian footballers are being provided with elements of a criminal defence even before police investigations have concluded (Ehrlich 2001; Gavey 2005). There is a clear congruence between this type of media adjudication and the failure of the cases to reach criminal prosecution.

The interplay of discourses at work here is made explicit in Damien Foster's 'When an Elite Footballer Has Sex With a Girl…' (2004), although the body itself remains invisible. Foster in fact collapses the nature/culture binary completely, implying that the culture of football *is itself natural*. The article by-line establishes the problem as one of culture: 'There is much about sports club culture that must change. But where do we start?' However, Foster also claims that the interactions between the sexes represent 'deeply embedded rituals that have existed since the beginning of time', suggesting that the culture that now appears problematic has always existed, and is therefore "natural". The breaking down of a binary should be able to be viewed positively; however, although in Foster's discourse women and men are not split along a nature/culture binary, its collapse serves to underline the inevitability of the stereotypical gender relations he describes and thus resists positive change. Foster describes all gendered behaviour as tribal, declaring that a woman 'will use a shoe to protect territory and to announce to female peers where she belongs in the tribe'. Similarly, footballers have casual sex with 'girls' because they believe that it will

[3] RW Connell (2005, p. 47) argues that 'mechanical' metaphors for male behaviour inscribe that behaviour as "natural" and unchangeable, and are so common as to have 'passed into journalistic common sense'.

increase their status in the football 'tribe'. Foster is more specific than Greer or Watson about the problems within the sporting sexual culture, citing the 'fundamental difference between men and women' with regard to sex. Foster asserts that, in casual sex, 'the boy can't quite get his head around the girl imagining that it was more than a physical act of release'. The 'girl's' perspective – that sex is anything more (other) than an act of release − is clearly marked as a fantasy as it is only what she imagines. What the sex act *is* is male-defined and phallocentric, its only importance male orgasm and ejaculation. Further, the implicit argument is that these "natural" tribal behaviours *cannot* be changed by appealing to the rational, as he further inscribes footballers' behaviour as natural by likening them to animals. He claims that 'animals, like footballers, are not good listeners', and the only way to change the situation is by working within the "natural" order.

Although these commentators make no explicit reference to biology, the male body is nevertheless present, although under erasure. In Foster's case, if footballers' sexual behaviour is inevitable, 'tribal' and natural, this suggests that it is instinctive rather than learned, implying that male biology is responsible for the inordinate amount of indiscriminate sex that the players have, and thus that sexuality itself is determined by the biological body. The prevalence of these types of discourses within football implies a 'rape culture'. When footballers observe their teammates' sexual behaviour, and are immersed in a culture of locker-room talk which is premised on such beliefs about the male body, they may develop a habitus that includes seeking sex without having regard for the woman's desires, which may also foster a tendency

to rape.[4] That their behaviour is inscribed as natural within media football discourses reinforces and facilitates the adoption of this habitus.

A common theme in the debate is that players behave as they do towards women because there are no restraints on them; because, as footballers, they are lauded as heroes and nobody ever tells them 'no'.[5] This implies that "natural" behaviour for footballers is to rape. Former rugby union player Peter Fitzsimons remarked on the 'Foul Play' (2004) episode of unscripted SBS television discussion forum Insight, which addressed the issue (see Chapter Seven): 'I wonder if why generally in this whole conflagration your saying "no" means "no" there is a lot of sports people who move through a cocoon of adulation where just about nobody ever says anything'. In other words, he claims that it is difficult for players to understand that a woman saying "no" to sex actually means "no" if they have never heard the word in other contexts. If problems relating to sexual assault occur simply because players are never told "no", this implies that their natural behaviour is to rape and otherwise sexually abuse women. Further, for this presumption to be sustainable, an ideology in which women are perceived as always consenting must also exist, and the prevalence of the Groupie in sexual assault narratives (see Chapter One), as well as the inherent presumption that Groupies consent to all sexual acts with all footballers, indicates that this is the case.

Just weeks after the announcement that no charges would be laid against the Canterbury Bulldogs, members of the New South Wales state rugby league team were each given A$1000 for a 'team bonding' − that is, binge drinking − session. Team

[4] Timothy Curry's (1991, 1998) research on college footballers' locker-room talk found that acceptable talk objectified women and valued sexual conquest rather than relationships, and promoted actual sexual abuse and violence. See Chapter Five for further discussion.

[5] This is one of the premises of Jeff Benedict's *Athletes and Acquaintance Rape* (1998) and *Public Heroes, Private Felons* (1997). Benedict makes repeated claims that '[u]ltimately, athletes' indulgence in such [casual sexual] relationships reduces their ability to distinguish between force and consent' (1998, p. 2).

member Mark Gasnier left a lewd, drunken message on a woman's answering machine, demanding that she have sex with them all, although Gasnier later denied that that was his intention (Kent & Clifton 2004). Scandal ensued, and while debate about the Bulldogs incident continued, rugby representatives made the following comments to the media:

> If you give a monkey a machine gun, he's going to play up. (Walter & Mascord 2004)
>
> Look, with hindsight, I don't know whether we can let them out of their rooms any more. (Walter 2004b)

Each of these responses presents the players' behaviour as inevitable, a natural consequence of giving them the $1000 or allowing them to go out at all. The first example casts the players as 'monkeys', an animal metaphor which emphasises the inevitability of their actions and lack of rational control. This completely undermines the construction of the problem as one of a culture aligned with the rational, which can be altered by "educating" players about 'what's right and what's wrong' (Austin 2005). The military metaphor of the machine gun also portrays sex as violence; in the context of a debate on the rape and abuse of women, these metaphors strongly imply that footballers, if unrestrained, are "naturally" going to rape women. These metaphors further imply that, like a monkey with a machine gun, they would not have *intended* to commit rape, and *mens rea* would therefore not be present.

'Mike', a former rugby league player who spoke to national newspaper *The Australian* about footballer rape, promiscuity and disrespect for women in general, made the purported link between men's "natural" biological sexuality and propensity to rape more explicitly, concluding:

> But I guess you're fighting against *the nature of men.* There are no restraints on them and I guess you have to ask yourself the question: if you were them, would you behave the same? (Smith, W 2004, my emphasis)

This presents the ludicrous suggestion that men's natural inclination is to rape women, and they will only refrain when 'restraints' are placed on them or they are somehow prevented from doing so. Thus the logical conclusion is that footballers' bodies are biologically programmed to rape. However, football representatives repeatedly deny that any rape has occurred, presenting an inherent, although unremarked, contradiction.

The excuses these commentators present as to why football culture cannot be changed significantly, or at all, are underpinned by a view of human behaviour that is natural and unchanging. This view ties in closely with the theory of sociobiology (Shields & Shields 1983; Thornhill & Palmer 2000; Thornhill, Thornhill & Dizinno 1986),[6] which explains all human behaviour as the result of evolution, and claims that different sexual behaviours have evolved in women and men in order to maximise their reproductive success. These include men desiring to 'copulate' with as many women as possible, and women being 'choosy' about their sexual partners, or 'mates' (Thornhill & Palmer 2000, p. 35). Thornhill and Palmer (2000) argue that rape evolved as a male sexual behaviour largely because men desire sex with as many women as possible, and it can be used as a means to overcome the desire of women to be selective in their sexual partners. Although Thornhill and Palmer claim that their arguments do not suggest that rape is in anyway justified, nor immutable (pp. 110-11, 179-80), as a solution, they propose "teaching" girls that the way they dress sends signals about their sexual availability to men, and that girls should alter their dress accordingly (pp. 180-3). Thornhill and Palmer also propose that a boy should be educated about the 'power' of his sexual desires, so that 'if he understands and adamantly resists his evolved desires, a young man *may* be able to prevent their

[6] The approach has been widely refuted (Sahlins 1976; Sunday and Tobach 1985; Tobach and Rosoff 1994), and its espousal is not considered welcome in academic circles (Thornhill and Palmer 2000, p. 105).

manifestation in sexually coercive behaviour' (pp. 180-1, my italics). This further emphasises rape as a natural, biological behaviour for men, which they cannot necessarily control. Thornhill and Palmer further propose that 'structural barriers', which keep women and men separate from each other, should be put in place in order '*not to create* situations in which women are especially likely to be raped' (my italics), recommending the implementation of 'practices (such as chaperoning) that keep males and females from being isolated together' (p. 185). They thus argue that the best way to prevent men from raping women is never to allow them to be alone together, again constructing the desire to rape as a "purely" biological impulse that cannot be controlled, which further excuses (male) rapists' actions. It seems that the same view of sexuality underpins both sociobiology and the male sexual drive discourse, which explains its widespread acceptance to explain the football sexual assault cases.

The Footballer's Imaginary Body: Promoting and Legitimating Sexual Violence

Footballer sexual assault discourses do not occur in isolation, but alongside and as part of general football discourse. I contend that they are overlaid on an imaginary of the footballer's body as big, tough and indestructible, inherently and legitimately violent, and thus immune from being accountable for sexual assault. The imaginary is visible in metaphor and grammatical construction across the genres of general football writing, match reporting and injury reporting. As discourse and practical training of the body reinforce each other, so too do the different genres work together to provide semantic thickness, with each ostensibly separate set of discourses intersecting with, overlapping and thus reinforcing the others through their similarity.

While within the idiom of football, players may legitimately be violent, violence is not generally perceived as acceptable for all people, or even for all men. Sharon Marcus (1992, p. 392, author's italics) contends that there exists a '*gendered grammar of violence*', by which all violence is considered legitimate or illegitimate dependent on the race and sex of its subject and object. She argues that

> [b]etween men of different races, this grammar predicates white men as legitimate subjects of violence between all men and as subjects of legitimate sexual violence against all women; it portrays men of colour as ever-threatening subjects of illegitimate violence against white men and illegitimate sexual violence against white women. In an intraracial context, this grammar generically predicates men as legitimate perpetrators of sexual violence against women. (p. 392)

As Marcus also argues that 'women's resistance to this violence is considered unthinkable and often condemned when it occurs' (p. 392), this suggests that the symbolic violence of a rape complaint against footballers is similarly illegitimate violence, as it is committed against the doubly dominant social group of male footballers.[7] It would also seem that Australian Indigenous footballers would be considered subjects of illegitimate violence against white women, and subject to the same racist constructions as black and other "Other" men.[8] For example, as Tanya Serisier argues (2006, 2008), when groups of men committed a series of brutal gang rapes in the Sydney suburb of Bankstown in 2000, the rapists were 'Othered' as 'Lebanese Muslims' in the media, and their victims constructed as 'white' or 'Australian girls', despite racial diversity among the victims.[9] The media and public were outraged by the crimes, and the perpetrators received almost unprecedentedly long prison sentences,[10] clearly demonstrating a case perceived as illegitimate sexual violence by 'Lebanese Muslim' men against 'white Australian' women. However, in other cases of alleged rape in the Australian media, footballers appear to be immune

[7] Chapter Seven will explore how this 'grammar' can be overturned.
[8] See also hooks (1992), Kennedy (1992) and Marcus (1992, pp. 385-403).
[9] See also Manning (2003, pp. 50-70) and Poynting, Noble et al. (2004 pp. 116-52).
[10] Bilal Skaf, reported as the 'ring leader', was sentenced to 55 years in prison (Serisier 2006, p. 76).

from these racialised constructions, as no reference to race was made in the media in relation to the only publicised cases of sexual assault made against non-Anglo footballers. Indigenous AFL footballers Peter Burgoyne and Michael O'Loughlin allegedly raped a woman in 2000, but the charges were later dropped, and no reference to their heritage was made in the media at any stage. Of course, racial heritage should never be implied as a determining factor in criminal cases; however, the fact that footballers alone escape this is testimony to the power of the immunity they are granted, as it appears to supersede other narratives and discourses. Footballers, therefore, are considered subjects of legitimate violence against all non-footballers, regardless of race.

Common descriptions of "great" players and the qualities which make them so relate to their size, power, toughness and violence. Rugby league literature includes titles such as *Hit Men* (Adams 1994), *Laurie and Clyde: Young Guns of Rugby League* (Clyde & Lane 1995), and *Hard Man: A Life in Football* (Kelly & Heads 1996). Literature of both codes is littered with references to the "toughness" and "ruggedness" of players who continue playing despite injury, and the "strength" and "power" they display in bringing their team to victory. Also celebrated is players' "aggression", "fierceness" and "brutality"; similar language and values are found in popular football television programs such as *The Footy Show* and *Before the Game*. Specifically in AFL discourse, rucks[11] are often called "big men", and a club whose ruck options are limited can be said to be "low on big man stocks". "Talls" are seen as another valuable commodity, with height such an important attribute the player becomes his height: he is "*a* tall". An NRL or AFL team that has few players to choose from due to injury is often said to be "skinny" and therefore less likely to win.

[11] When the umpire bounces the ball to begin play, the rucks (or "ruckmen", in common usage) contest each other, attempting to knock the ball down for their teammates to gain possession.

While the word “skinny” is used positively for women − for example, to market low-fat milk to women in Australia − it is here used negatively to describe a football side depleted by injury and/or suspension. Other terms for successful players in commentary of both codes include “hard man”, “hit man” and “young gun”; a high-scoring team might be described as “potent”, or an accurate AFL goal-kicker might be said to have a “lethal left foot”. These images all represent violence as an innate and desirable quality; however, two terms in particular also suggest sexuality, and thus sexual violence. The insistence on “hard *man*” has a sexual resonance, closely linking the masculinity depicted in football with biology and sexual function; the use of “potent” may similarly imply positive footballer masculinity and sexuality. A commentator during the 2007 AFL Grand Final made an explicit sexual reference, exclaiming that a player had ‘joined a veritable orgy of goal-kickers’ (‘AFL Grand Final’ 2007). On the *Four Corners* episode ‘Code of Silence’ (2009), Newcastle coach Brian Smith also linked erection with success, asking his players in a pre-game motivational speech, ‘do you just soft-cock it and find another fucking reason’ for not winning (my transcription). This explicitly links losing with flaccidity and, therefore, winning with erection; that Smith’s speech was not critiqued on a program which is highly critical of rugby league culture is testament to its acceptability as part of “normal” football discourse. In this light, it is significant that researchers Mary Koss et al. (1985) found that men who self-reported that they had threatened or actually used force to gain intercourse with a woman without her consent (ie: commit rape) were significantly more likely to view the intermingling of sexuality and aggression as normal.

Many metaphors applied to footballers construct them as legitimately violent, and, significantly, not responsible for any acts of violence. A common metaphor for

footballers is that of a machine,[12] for example: a player with great endurance can be said to "have a big engine" or one who gets tired in a game might be described as having "run out of petrol". In and of itself, likening a footballer's body to a machine suggests inherent strength and power; however, of particular significance here, figuring the footballer's body as a machine represents the ultimate expression of the mind/body split: a body *without a mind*. If footballers can be constructed in such dehumanising ways, this implies that they can also be excused for sexual assault and thus shielded from being held accountable, as a mindless machine cannot be responsible for anything it does. Further, much of footballers' practical training is dehumanising: their bodily functions are carefully monitored and controlled, with every drop of sweat accounted for.[13] As Debbie Hindley (2005, p. 25) notes of AFL players, in both codes, footballers' bodies are also commodified in that they usually have little say in which club they play for, and if they do not perform to expectations, or another player is seen as more "valuable", they can be traded or "sold" to another club at the end of the season. Being thus treated as an object may influence the formation of a habitus that dissociates mind from body, and therefore footballers' responsibility for their body's actions.

Further, attributing positive attributes to integral parts of the machine − a big engine − and negative ones to transitory parts − running out of petrol − suggests the positive are inherent while the negative are temporary. Thus the power and endurance implied by having a big engine are depicted as inherent characteristics, while any weakness implied by growing tired can be regarded as temporary and not an innate flaw in the player. In this imagery the footballer's body exceeds the "human" powers

[12] Michael Messner (2002, pp. 52, 58; 2007, p. 102) also notes that athletes are taught to view their own bodies as machines and weapons.
[13] Players are weighed before and after games, and forced to drink rehydrating fluids until they regain the weight lost through sweat.

of strength and endurance, while the supposed weakness of fatigue is negated and can be put down to a lack of input – petrol, something external to the player – and not the fault of his body at all.

The importance of size in football discourse is reflected in a headline reporting Collingwood's defeat of the Western Bulldogs in early 2006, 'Big Task Too Much for Small Doggies' (Stevens 2006). However, even within this article it is clear that size is not as all-important as the headline would have readers believe. In fact, it only mentions one Bulldogs player 'out of his height and weight division', and cites Collingwood 'small forwards' Alan Didak and Leon Davis as being instrumental in the side's win. I suggest that this insistence is no coincidence. Mariah Burton Nelson (1994, p. 7) asserts that, in football and other 'manly' sports, '[b]y pointing to men's greater size and strength and by imbuing those qualities with meaning (dominance, conquest), many men justify to themselves a two-tiered gender system with men on top'. I would add that the 'meaning' of greater size and strength is perceived, somewhat erroneously, to be victory, the ultimate goal in football, and the agenda behind this 'error' is the justification of dominance by physical power, on and off the field. If the male footballer's imaginary body is constructed as bigger, stronger and more powerful than the ordinary human (as in the machine metaphor), and this greater size and power is construed as legitimately and positively dominating on the field, this imaginary is likely to form a subjectivity or habitus that sees all weaker "opponents" – women and other men – as legitimate objects of male footballer dominance, both on and off the field.[14]

[14] In a study of almost 200 male and female college athletes, Howard L. Nixon (1997) found that male athletes (but not female) who accidentally or intentionally hurt other athletes on the field were much more likely to also report having been physically aggressive outside sport.

As the 'training of the body' is so critical in the formation of the habitus (Bourdieu 2001, p. 56), what is required of the body to play NRL and AFL football is particularly significant. Both are hard-hitting contact sports, and the object of rugby league is to run from one end of the field and place the ball over the "try-line" at the other, while opposition players attempt to stop them by "tackling". When a player is tackled, they must pass the ball backwards to a teammate; if a team is tackled six times without scoring a try, play passes to the opposition. Although all that is *required* in a tackle is to grab hold of the opposition player, as the player must immediately relinquish the ball, they are frequently very violent, with players crashing into one another; the object is as much to hurt the player as to stop him. Play in Australian Rules football is less structured, and generally involves more running and passing of the ball as players attempt to kick the ball through their team's goal posts. However, violent contact is also prominent, as players may tackle an opponent who has possession of the ball, or apply a hip-and-shoulder bump to an opponent who is attempting to gain possession. These actions also involve much force, and although contact to the head is not permitted, they can nevertheless cause serious injury, as outlined below. This practical training in violence combines with discourses that celebrate it, to both foster the formation of a habitus that condones violence, and legitimise footballers' violence both on and off the field.

Although the term "violence" is generally not used in celebration of footballers' exploits, it is nevertheless present in subverted form. Violence is euphemised as "physicality", and this physicality hurts players. Yet, as Brett Hutchins and Janine Mikosza argue (1998, p. 258), 'the players most able legitimately to injure others, exploit weakness in opponents, and willingly submit themselves to physical

damage, are still highly valued and heroised'.[15] Former league player and chair of the NSW and Australian Rugby League Ken Arthurson describes his one on-field encounter with 'the great "Bumper" Farrell':

> I had followed Frank Farrell's career with awe… Bumper was a living legend, a 'knock 'em down, drag 'em up' type renowned for his ruthless play. Such was my fear of the man, I spent the next 80 minutes just trying to avoid coming into contact with the man [sic]. (in Adams 1994, foreword)

Thus while Arthurson was afraid of the violence Farrell could do to him – and with good reason, as the tackle Farrell laid on him 'hurt for a week' – he continued to respect and admire the player. NRL Newcastle Knights coach Brian Smith stated on 'Code of Silence' (2009):

> We've got Kurt Gidley who's 87, 88 kilos and he gets hit by three guys sometimes who are in excess of 100 kilos going the other direction *all trying to hurt him, not just stop him, but hurt him*. That's the nature of the game. (my emphasis)

According to Smith, hurting your opponent − that is, doing violence − is part of the 'nature' of rugby league.[16]

Although AFL football has a reputation as the more intelligent, less "thuggish" code in comparison with rugby league,[17] violence is nevertheless an integral and celebrated part of the game. The discourse surrounding two events from 2006 and 2004 illustrates this. In 2006, Collingwood forward Anthony Rocca's violent exploits were celebrated as part of a chain of events where 'crushing' opponents brought about victory:

> [f]irst he delivered the furious tackle that crushed Robert Murphy's anterior cruciate ligament. Then he crushed the confidence of his opponent Brian Harris. And the big Rocca kept rolling, finally crushing the life out of the Bulldogs. (Stevens 2006)

[15] Hutchins and Mikosza are describing rugby league; however, as I will demonstrate, it is equally applicable to AFL football.
[16] Veteran Darren Lockyer likewise stated, 'It's rare in [State of] Origin that a tackle isn't made with the intention to hurt' (Malone 2009).
[17] Some AFL supporters refer to rugby league as "thugby" or the "no-neck code", whereas the AFL is known to many league supporters as "aerial ping-pong" or the "pencil-neck code". See for example Roy Masters' 'Love Them or Loathe Them, League Thrives on Pantomime Villains' (2005).

That Rocca injured Murphy so badly he did not play again in 2006 is not important because it was a 'legal' tackle, although its violence (positively coded as 'power' and 'force') made the chance of injury high.[18] Rocca's game was also gleefully described as '[h]e marked, goaled and hurt', with no sense of culpability attached. If a player can keep to the letter of the rules and hurt other players in the process, then his violence is celebrated and seen as a legitimate tactic to gain an advantage over the opposition. Michael Messner (2007), who conducted 'life-history' interviews with former athletes, quotes players whose careers were ended by the "legal" actions of opponents. These players attributed their injuries to 'fate', considering them to be just 'a part of the game' without blaming the opposition player (p. 101). This demonstrates the widespread acceptance amongst athletes that an opponent cannot be blamed for causing even a career-ending injury, as long as the action itself was within the rules.

The incidents surrounding AFL St Kilda star Nick Riewoldt's broken collarbone in 2004 further illustrate the potential consequences for footballers' violence off the field. After he was injured, Riewoldt elected to stay on the ground and continue playing. Despite knowing of Riewoldt's injury, Brisbane Lions Mal Michael and Brad Scott immediately ran up to put "legal" hip-and-shoulder bumps on Riewoldt's injured shoulder. Riewoldt left the field and did not return. Michael and Scott were not reported or reprimanded as AFL rules do not differentiate between bumps applied to injured and uninjured players. Although some sectors of the

[18] According to the AFL Laws of the Game (AFL 2008b), section 15.4.1 (a), a tackle is legal as long as the player held is in possession of the ball, and that they are held above the knees and below the shoulders. Section 15.4.4 (a) prohibits 'an act of colliding with an opposition Player where the amount of physical force used is *unreasonable* or *unnecessary* in the circumstances', and 15.4.5 (l) also prohibits 'engaging in rough conduct against an opponent which in the circumstances is *unreasonable*' (italics added). Incidents such as that involving Rocca and Murphy demonstrate how much force is permissible under these laws. Australian Rugby League Laws of the Game section 11 note 1 (a) states that 'A tackler must not make use of any special "holds" or "throws" which are likely to cause injury or use his knees in the tackle', but nevertheless permits considerable violence, as outlined above (ARL 2004).

community and media expressed concern over the incident, the general consensus from the football world was that Scott and Michael had done nothing wrong, and Riewoldt himself even conceded that he 'would expect his Saints team mates to do the same to a wounded opponent' (Blake 2005). Thus deliberately targeting a player's injury is deemed a legitimate and acceptable tactic as long as the bump itself is within the rules − which themselves sanction significant violence − even though it can potentially cause further damage and clearly has the object of hurting the injured player. It should be noted that the bumps were not considered to have exacerbated Riewoldt's injury; however, the potential for further complicating an injury in a similar situation remains. If exploiting another's vulnerability on the field is considered acceptable, then it follows that others who are perceived as making themselves vulnerable off the field, such as women who drink with footballers socially, and/or have consensual sex with them, may be viewed as legitimate objects of footballers' sexual violence. The stories of the Groupie and Party Girl work in precisely this way.

These representations of violence do not 'merely' exist in discourse, but the normalisation of violence in football, and the encouragement that players receive shapes both their attitudes towards violence and their propensity to act it out on and off the field. According to Messner, who has conducted extensive research into sports, violence and masculinity,

> everyone [sic] I talk to who's played violent sports has told me that they had to go through a process in boyhood of learning, through coaches, through teammates, through peers, through the press, that it was OK for them to do this [be violent], that they would get rewarded for it, and it becomes *integrated into their identity*. ('Bad Sports' 1994, my emphasis)

If being violent becomes integrated into a footballer's identity, and violence thus forms part of his habitus, as Messner implies, then there is no reason to suppose that it

will be restricted to the football field. On 'Code of Silence' (2009), Newcastle Chief Executive Steve Burraston neatly articulates footballers' violent habitus, strongly implying that violence and aggression will not, and even *cannot* be thus restricted. He declares:

> When we want [players] on the field we want them to be aggressive. They've got to make tackles, they've got to be fearless, then we want them to do things that other people don't do. So we attract an aggressive, young, risk taking male.
>
> We give him a shower, put a suit on him and then say now we want you to be you know a submissive male. We want you to go out there and not have any problems, it's very difficult to do that.

Burraston represents the only alternative to aggressive behaviour as being 'submissive', an attitude generally considered to be outside the realm of masculinity. He also explicitly portrays footballers' aggression and violence as an unchangeable part of their personality, as aggressive, violent tendencies cannot be removed simply by giving a player a shower and putting a suit on him. In the context of a program on sexual assault and misconduct, Burraston's comments further implicate sexual violence as part of footballers' habitus. In discussing the 'triad of men's violence', against women, against other men, and against the self, Messner (2002) also argues that

> [i]n the context of [violent] sports careers, you do not experience your body as a means of connecting intimately with others; rather, your body becomes a weapon, which you train to defeat an objectified, dehumanized opponent.[19]

Metaphors used to represent footballers' bodies are frequently weapons − 'young guns' or 'lethal weapons' − and as footballers of both major Australian codes regularly make newspaper headlines for behaving violently (using their bodies as weapons) off the field, it seems that Messner's observation also holds true for

[19] Michael Welch (1997) also discusses the significance of training footballers to use their bodies as weapons, identifying this as a means of reinforcing 'the aggressor's sense of hypermasculinity'(p. 401); he thus also proposes that those players who are the *objects* of this aggression on the field might be more likely to vent their frustration 'off the field against targets who are physically smaller and weaker, especially women' as a means of restoring their masculinity (pp. 402-3).

Australia.[20] The fact that elite footballers are trained to use their bodies as weapons, and not as a way of connecting with others, means that they therefore *experience* their bodies in this way. This combines with the way their bodies are *imagined* as indestructible instruments of violence, and thus the seemingly opposing spheres of the physical and the imaginary create a semantic thickness born of the similarity between them. When sexual prowess is also integral to the construction of footballer masculinity − and sexual violence into the imaginary body − the formation of a habitus which includes a propensity to sexual violence is more likely.

In relation to a series of tackling incidents in 2008, the AFL tribunal has begun to speak of players' 'duty of care' to protect other players' heads and necks in tackles.[21] Although as it only relates to caring for the head and neck, and particularly as any attempt to 'sanitise' the game − that is, curtail its violence − is met with extreme resistance from supporters and players, it is uncertain how much this will impact players' habitus regarding violence against others; however, it does represent a positive step.

Injury Reporting: The Grammar of Indestructibility and Blame

In addition to inherent and legitimate violence, injury reporting presents the footballer's imaginary body in another way: it is invulnerable to injury and thus indestructible. The significance of such representations in the context of sexual assault

[20] For example, the same night that NRL Manly player Brett Stewart allegedly 'crash tackled' and sexually assaulted a 17-year-old girl, teammate Anthony Watmough allegedly assaulted a club sponsor (Walter & Dart 2009). Former AFL champion Wayne Carey was arrested and charged with assaulting police in 2008 (Dobbin 2008), and received 2 years of probation and 50 hours of community service for assaulting police following a violent incident with his girlfriend in Miami in 2007 (Munro 2008). It should be noted that many of these non-sexually violent incidents were treated as criminal in ways that the alleged rapes were not. It is also significant that Stewart was suspended by the NRL for four matches (for being drunk at his club's season launch), Watmough was fined by Manly, and Bird was sacked by the Sharks.

[21] Geelong's Darren Milburn and Tom Hawkins were reported to the AFL tribunal for holding both an opponents' arms in a tackle and driving him headfirst towards the ground. Milburn's opponent was knocked unconscious. Thanks to John Watson (Dad!) for pointing out this development.

is in the connection with the perception that ignoring one's own pain and continuing to play injured is expected and a sign of masculinity (Messner 2002, p. 58; 2007, p. 97; Sabo 1994). Becoming desensitised to pain has been part of the training for torturers in order for them to become able to cause others pain, as it was for the Greeks during the 1967-74 junta; as Stanley Cohen argues (2001 p. 90, author's italics), from the torturers' perspective, '[w]hat is being done to *someone* just becomes "what is being done"'. The practical training of footballers to ignore injury, and the construction of an imaginary body invulnerable to injury, are therefore likely to facilitate footballers' violence against others both on and off the field; the indestructibility of the imaginary body also normalises its supposed imperviousness to pain and injury, thus endorsing footballer violence. A further significance to the representation of the body in injury reporting is that it constructs a player as causing injury to himself, thus exonerating other players from any blame. This resonates with the discourses and grammatical patterns of sexual assault and footballers, which similarly deflect responsibility for sexual violence away from players and onto the alleged victims. These parallel patterns of deflecting blame for sexual and other violence in the opposing spheres of 'on-field' and 'off-field' therefore reinforce each other and create semantic thickness.

Rather than operating only through metaphor and symbolism, the construction of the imaginary body through injury reporting occurs in deeply embedded grammatical patterns which dissociate players from their injuries. I undertook an intensive study of the grammatical structure of injury reporting in both codes in a one-month period in each of 2003, 2004 and 2006, across major state newspapers and national newspaper *The Australian*, which revealed the same patterns in each, from

both female and male journalists. Injury reporting demonstrates a determined reluctance to allow players to "own" an injured body part, as in the examples below:

> [The Kangaroos] were dealt a blow with livewire forward Daniel Motlop damaging *a* shoulder. (Coghlan 2004, my italics)
>
> [Black's]… pre-season training plan has been stifled by tendinitis in *a* knee. (Cartwright 2004, my italics)
>
> I didn't feel 100 per cent. I just thought it was from the knock on *the* knee. —AFL St Kilda player Lenny Hayes (Quayle 2006, my emphasis)

In each of these examples, the injured body part is completely dissociated from the player to whose body it belongs, and one might wonder exactly whose shoulder Daniel Motlop damaged, in whose knee the tendinitis was found, or whose knee was knocked. Television commentators will often report that a player has "left the field with a calf", or that "he's off with a hamstring", eliding the fact of injury altogether and thus reinforcing the wholeness and invulnerability of the imaginary body, and its dissociation from pain and injury.

The grammar of injury reporting also marks out the distribution of blame and responsibility for causing harm. Exceptions to the tendency to dissociate injury from the imaginary body occur when blame for causing harm is grammatically assigned to the hurt player, a practice which maintains the imaginary body's invulnerability to violence as only the player can cause himself harm:

> Collingwood will keep a watch on defender James Clement for the next few days before determining how badly *he injured his eye* and cheekbone. (Quayle 2004, my italics)
>
> Mark McVeigh strained his hamstring in a practice match. (Denham 2004)
>
> Sailor first injured his ribs about six weeks ago. (Smith, W 2003)
>
> Mark Johnson will be touch-and-go after damaging his hamstring last Saturday week. (Denham 2004)

In each of these examples, the player grammatically owns the injured body part; however, in each the grammar suggests that he caused the injury himself: Clement caused the injury to his own eye socket, and Johnson damaged his own hamstring.

Thus, like the 'out of petrol' metaphor, this grammatical construction obscures any sense of weakness in the injured body part, implying carelessness or culpability on the part of the player in causing the injury. The imaginary body remains strong as it can only be injured through the player's own negligence. Within this system of grammar, footballers are never represented as responsible for causing injury to another party.

It should be noted that grammatical constructions such as 'he fractured his ankle' or 'she broke her arm' are commonly used in other, non-football contexts. However, when these constructions appear within a broader discourse where injury is firmly distanced from the injured player, it takes on greater significance. Grammatically assigning blame to the injured party can serve to exonerate other players from responsibility for contributing to the injury, and when, as I will argue, this forms part of a pattern of removing responsibility for causing violence from footballers, it becomes part of a logic which also exonerates them from causing sexual violence, a technique successfully used in the courtroom to acquit other men on trial for sexual assault (Ehrlich 2001). Consider the following examples:

> 1. Simon *Goodwin had injured a wrist* by barrelling into the fence. (Palmer 2003, my italics)
>
> 2. *Goodwin injured his wrist* during the first quarter attempting to break his fall after being bumped across the boundary line by Hawthorn captain Shane Crawford. ('Weekend of Carnage' 2003, my italics)
>
> 3. [T]he Bulldogs received destabilising injuries… *Robert Murphy blowing out his* left knee under the weight of a crunching Anthony Rocca tackle. (Blake 2006, my italics)

Example 1 depicts Goodwin injuring 'a wrist' disconnected from his body; no other player is reportedly present when the wrist was injured. However, in example 2, the fact that Shane Crawford bumped Goodwin prior to the injury is included, and attributing blame for the injury to Goodwin erases any culpability on Crawford's part. Likewise, example 3 describes Murphy causing the injury to his own body, 'blowing out his knee'; indeed, most articles describing Murphy's injury do not distance him

from his injured knee. However, although football writers emphasise the ‘power’ and ‘crunch’ of Rocca’s tackle, and celebrate its brutality, the blame for the injury is Murphy’s and Rocca is therefore exonerated.

Using the language of functional grammar (Williams, G 1994) (see Chapters One and Two), in example 3, Murphy is the Actor, blowing out is the Process and his knee is the Goal, while Rocca’s tackle is a Circumstance to the action which took place. Murphy is therefore completely responsible for the damage to his knee, while Rocca’s tackle is incidental and Rocca himself exonerated from any blame. The example describing the tackle discussed in the previous section supports this: ‘he [Rocca] delivered the furious tackle that crushed Robert Murphy’s anterior cruciate ligament’. Rocca is the Actor, the tackle the Goal and delivering the Process. The embedded clause (‘that crushed Robert Murphy’s anterior cruciate ligament’) positions *the tackle* as Actor, crushing as the Process and Robert Murphy’s anterior cruciate ligament as the Goal. As Actor, Rocca was merely the messenger who ‘delivered’ the tackle. The tackle itself, an entity separate from Rocca, was the one responsible for crushing Murphy’s knee, and thus his *mens rea*, or intention to commit the act of violence, is denied. One might ask who ‘sent’ the tackle. In example 2, Goodwin is the Actor, injuring the Process, and his wrist the Goal. ‘Attempting to break his fall’ is the Circumstance; however, Shane Crawford’s bump is not even cited as the cause of the fall. ‘[B]eing bumped across the boundary line’ is simply something that occurred before the fall, and even its temporal proximity to the injury is left uncertain.

Even when physical contact by another player is said to cause the injury, the body part is the grammatical agent, not the player.

> Hunt… was cleaned up in a massive tackle… he was left prone on his back after Pritchard's shoulder collected him in the head, and looked visibly ill as a medicab ferried him from the field. (deKroo 2006)

Here, it is Pritchard's *shoulder* that collected Hunt in the head and caused his injury, not Pritchard himself. Further, the use of 'collected' marks the contact as incidental, clearly signalling that Pritchard's intent was not to smash his shoulder into Hunt's skull. AFL Brisbane Lion Tim Notting's collision with Collingwood's Blake Caracella in 2006 resulted in one of the worst injuries in football: experienced surgeons watching the footage were amazed that Caracella did not end up quadriplegic and stated their belief that it was probably only Caracella's physique and physical fitness that saved his life and the use of his limbs. He was nevertheless forced to retire as a result of the injuries. Notting's comment on the incident – 'I think my hip hit him in an awkward spot' (Williams, R 2006) – casts his hip as Actor, thus denying himself any agency in the incident. Other depictions also studiously avoid laying blame on Notting, for example: it is labelled 'the Blake Caracella incident'.

> 4. Blake Caracella's wife told of her relief that her husband had not suffered permanent spinal damage after his collision with Lion Tim Notting on Saturday night. (Williams, R 2006)

> 5. The combination of the way the ball bounced, Caracella's change of direction and slip placed the Collingwood player in a vulnerable position. —AFL match review panel report (Williams, R 2006)

> 6. [A] video review showed Notting running at full pace after Caracella, who was leading him to the ball. Caracella slipped as he turned back to gather the ball, which had bounced away from him. (Williams, R 2006)

> 7. The panel decided Brisbane Lions defender Tim Notting's collision with the Magpie midfielder was unavoidable. (Williams, R 2006)

Examples 4, 5 and 6 all attribute the cause of the incident to Caracella, 4 labelling it 'his collision'; 5 blaming the ball, Caracella's change of direction and slip; and 6 depicting Notting only running, eliding the collision itself and charting Caracella's changing movements. Although example 7 names it 'Notting's collision', it is in a

context that expressly exonerates Notting from blame, eliminating the need for grammatical exoneration. These statements both explicitly and implicitly blame the injury exclusively on Caracella.

A further construction suggests that an injured footballer is not in fact a footballer for the duration of the injury, as it is represented as a *place*. Consider the following examples:

> Both Wing and Fitzgibbon have only just *returned from injury* and showed they can make it through a full game. (Grant 2004a, my italics)
>
> Captain Ben Cousins made a successful *return from injury* and was one of the Eagles' best. (Ker 2004, my italics)
>
> Matt Maguire… *returned from a broken leg* against Port Adelaide last Friday. (Horan 2007, my italics)

Wing, Fitzgibbon, Cousins and Maguire did not recover from their injuries so much as come back to the game from a place outside football, a place where injuries exist. This implies that, in the world of football, injuries simply *do not exist*, and players who are injured are not really footballers for the duration of the injury.

These grammatical structures suggest a concerted effort – consciously or subconsciously – on the part of football writers and players to construct an image of the male footballer's body as powerful, strong, inviolable; the footballer is only able to 'injure himself', but not vulnerable to injury by others. However, the length of the 'casualty list' after every weekend's games recalls Mariah Nelson's observation that 'the truth is, *men* are too weak to play football – too fragile, too delicate to withstand the rigors of the game' (1994, p. 78, author's italics) as they are all too easily injured in "normal" play. A possible explanation for this determined refusal to admit weakness in the body might be found in the popular conception that '[t]rue masculinity' originates in the male body (Connell 2005, p. 45). RW Connell (2005) argues that as 'sport has come to be the leading definer of masculinity in mass culture'

(p. 54), embodiment as a footballer thus becomes a performance and display of (hyper)masculinity. However, as Connell contends, if masculinity is reliant on bodily performance, when the body is injured and cannot perform, its very masculinity may be called into question (p. 54). This would explain the determined inscription of footballers' bodies as indestructible, as men's greater sporting prowess 'serves as symbolic proof of men's superiority and right to rule' (Connell p. 54). The indestructibility of the imaginary body is therefore connected with the insistence on its size and power, further supporting the notion that upholding the supposed superiority of the male body at all costs may be a means of justifying footballers' domination over women, and other men.[22]

These grammatical patterns also function to deflect blame for causing the injury away from other players and onto the injured player. This is not to say that opposition players in all of the above examples were responsible for causing the injuries; however, it does present a pattern of assigning blame to the injured party and deflecting all responsibility away from others who may have been involved, unless their actions could be clearly proven to constitute a deliberate breach of the rules. Incidents of on-field violence − which, according to Marcus' 'gendered grammar of violence' (1992, p. 392), designates violence between men as legitimate 'subject-subject' violence − and off-field violence, including rape, are separate issues. However, as I have demonstrated in previous chapters, these patterns of assigning blame are repeated in the discourses of football and sexual assault. The claim that Caracella's actions 'put [him] in a vulnerable position' (Williams, R 2006)[23] and is therefore responsible for injuring himself, is echoed in the grammatical and narrative

[22] As noted above, Nelson (1994, p. 7) also argues that many men use the supposed superiority of the male body, exemplified through sport, as a means of justifying patriarchy to themselves.
[23] This grammar recalls the pattern of representing the Canterbury Bulldogs' actions in 2004 that Philadelphoff-Puren identifies: that players 'put themselves in a position where such allegations could be made' (2004, p. 42). See discussion in Chapter Two.

patterns that portray rape complainants as Groupies, Predatory Women and Party Girls who are responsible for everything that happens to them.

When players are cited for violence that is against the rules, they are likely to evoke the 'natural' violence of their bodies to excuse their behaviour, a tactic largely endorsed by and repeated in the media. When players attack opponents on the field − as when AFL Sydney player Barry Hall "king hit" an opponent in 2008, and threw a punch at another in 2009 − their actions are frequently labelled a 'mind snap' (Haywood 2008), 'brain fade' (Petrie 2009) or 'moment of madness' (Porter, A 2009), suggesting that these acts are not conscious or deliberate and are therefore performed in the mind's absence by the body itself. This is articulated most clearly in the following quote from St Kilda's Steven Baker:

> I went up to remonstrate [with Richmond's Kane Johnson] and *my body took over and the frustration came out in my right fist*... I felt pretty bad about that *even though* I did lose my faculties and didn't know what I was doing. (Ralph 2006, my emphasis)

According to Baker, his body 'took over' and of its own accord expressed his frustration by punching Johnson in the face. Saying that he '[lost] his faculties' implies that his reason, separate from his body, was temporarily removed by that body, and that nothing could be done to prevent it. In claiming that he felt bad *even though* his reason was absent implies that Baker was not responsible for what he did, and that he was in no way obligated to regret his actions. Like the machine metaphor, when violent acts are attributed to the absence of reason − a 'brain fade' or 'lost faculties' − this implies that the body itself is inherently violent as it behaves in this way without the control of the mind. Thus Baker's responsibility for the violent act is erased. This resonates strongly with the discourses surrounding the sexual assault cases, as players' sexual misbehaviour was said to occur because no restrictions were

placed on them and they thus behaved "naturally", as demonstrated earlier in this chapter.

In contrast to the many commentators who claim that the problem of football and sexual assault is one of culture aligned with the rational, which can be solved by education and "reasoning" with players, the broader discourses of football represent an imaginary footballer's body that is inherently sexually violent, but simultaneously not responsible for anything that it does. No commentator or scholar has yet remarked on the clear contradiction between these discourses, and the call for "education" as the solution continues to coexist with the claim that footballers' sexual violence is natural and inevitable, although they are not responsible for it. In the media debate, only Newcastle Coach Brian Smith ('Code of Silence' 2009), as noted above, alluded to the fact that when footballers are trained to use their bodies as weapons, exploit those perceived as "weak" or "vulnerable", and equate sex with violence, verbally "teaching" them not to rape is unlikely to have much impact on their habitus. The importance of football writing *not* directly related to sexual assault cannot be underestimated, as it describes a 'rape culture' within which the habitus is formed, and provides the context, or "backdrop", on which the sexual assault cases are narrated. Deflecting blame away from footballers in these specific cases is far more effective and seemingly "natural" when these patterns already exist in other contexts. Thus the construction of the imaginary body in the different genres of general football writing provides layers of semantic thickness to endorse and normalise footballers' narrative immunity against being held accountable for alleged sexual assault. The imaginary body can therefore also stand as "evidence" in a trial by media, as if the actions of a footballer's body can be dissociated from his mind, his intention to

commit sexual assault is denied and the *mens rea* necessary to determine guilt eliminated.

Chapter Five

Rape Is Not a Team Sport: Militarism, Alcohol and Team Bonding

> When you picked up a girl in a bar after a game, it wasn't with the intention of just having sex with her yourself… it was to share her with your teammates… You didn't just bonk them and then leave them. You passed them on. It was a team event. —Former rugby player 'Mike' (Smith, W 2004)

> Male bonding feeds sexual violence against women, and sexual violence against women feeds male bonding. —Researcher Michael Flood (2008)

Codes of "mateship" and male bonding have long been revered as essential to Australian masculine identity, and for elite football teams mateship and bonding are generally seen as necessary for success.[1] Mateship is extolled in the news media, literature and film as one of the quintessential Australian values, along with the "fair go".[2] When first announcing that those applying for Australian citizenship would have to pass tests on Australian society in December 2006, then-Prime Minister John Howard included sporting traditions and, somewhat controversially, mateship as key topics to be addressed. In 1999, Howard also proposed adding 'We value excellence as well as fairness, independence as dearly as mateship' to the preamble of the Australian Constitution, although the motion was rejected. However, despite its apparently universal application to all Australians, as Phillip Knightley writes in *Australia: A Biography of a Nation* (2000, p. 36): 'there is no sense denying it − Australian mateship is mainly for men'. Connoting sacrifice and "doing anything" for

[1] Peter Looker (1994) writes of the 'cult of mateship' as a crucial aspect of gender relations in Australia.

[2] See for example Knightley (2000, pp. 35-41) and author Linda Jaivin's 'The True Value of Aussie Values' (2006). A Newsbank newspaper database search for 'mateship' in Australian newspapers from 2002-2009 returned over 10,000 matches, frequently in relation to football and/or the military. See also Looker (1994) for discussion of mateship as a bond forged between men, through the intermediary of a woman, in the Australian film *Proof*.

one another, it is a value frequently evoked in the discourse of football, and something which clubs seek to foster through team bonding. Forging close bonds between sporting teammates is widely seen as essential both for on-field success and personal fulfilment; as veteran rugby league star Darren Lockyer stated in a 2009 interview: 'it is personal pride, responsibility and mateship which makes exhausted players haul themselves off the ground time and again to get back in the line' (Malone 2009), with mateship thus contributing to the team's success. In a 2009 article, senior AFL player Bob Murphy likewise describes the bond between football teammates as 'a deeper meaning' and 'spiritual aspect' of the game − 'something to call your own, that seeps into your marrow and lingers long after the siren has sounded and the crowds have walked away' (Murphy, B 2009). However, the methods of bonding employed can have disturbing consequences for the construction of players' subjectivity and thus their behaviour (and attitudes) towards others, on and off the field. Clubs of all codes promote bonding activities, employing strategies including end-of-season trips to the Kokoda trail in Papua New Guinea, a place of growing significance for young Australians (the symbolism of this will be discussed below). However, revelations about the rituals followed by some clubs and players suggest that the form their bonding takes contributes to the formation of a masculine subjectivity which endorses the degradation and humiliation of women, and hence makes sexual assault more likely. Discourses and narratives of the military and alcohol, which are intertwined with the discourses, narratives and practices of footballers' bonding, also combine to foster a 'rape culture', deflect blame for footballers' behaviour onto others, and provide footballers with excuses for sexual assault.

Degrading the Feminine and Other Bonding Activities

During 2003 and 2004, as media commentators probed the "culture" of football and footballers' attitudes to women, as discussed in earlier chapters, the extent of footballers' group sexual activities came to light. Commentators sought explanations for why multiple footballers having sex with the same woman was so commonplace compared with the wider heterosexual community; they also sought explanations as to why women in at least fifteen of these instances involving footballers since 1998 have said that the players sexually assaulted them (Halloran & Magnay 2003; Khadem & Nancarrow 2004). The 2002 La Trobe University 'Sex in Australia Survey', involving almost 20,000 people, found that only 2.3% of men and 0.6% of women reported having group sex (Jopson 2004).[3] However, in debates over sexual assault, rugby players declared, 'Gang-banging is nothing new for… the rugby league' (Weidler 2004) and, 'You won't stop our [group] sex romps' (Pandaram 2009b).[4] I will argue that group sex for footballers is about bonding with each other, and demonstrate that footballers' discourses and practices of group (and other casual) sex objectify, denigrate and humiliate women. In these circumstances, it becomes more likely that when the woman's and the footballers' desires come into conflict, the woman's will be ignored. I will further argue that these discourses and practices foster the formation of a habitus more prone to (gang) rape.

Studies of male 'homosocial' interactions − that is, the social interactions between men − confirm that heterosexual group sex, for men, is usually about using the woman's body to bond with each other rather than about (hetero)sexual

[3] Based on information from one of the researchers in the survey, Michael Flood, who was not involved in the project, told *The Age* he believes that the majority of the men were gay (Jopson 2004).
[4] *Footy Chicks* (2006) features many past and present players, and women, discussing group sex as a common activity; journalist Stephen Drill (2009) interviewed a woman who claims to have had sex with over 200 AFL players, frequently in group sex situations. See also 'Code of Silence' (2009), Halloran and Magnay (2003), Magnay and Walter (2004) and Pandaram (2009b).

gratification (Flood 2008; Looker 1994; Sanday 1990). Flood (2008) conducted a series of interviews with young, heterosexual men on their sexual and social relations, at the Australian Defence Force Academy (ADFA), a residential hall of the Australian National University, and a local (Canberra) Youth Centre. Flood recounts the narrative of 'Tim', a third year ADFA cadet, who describes a time when he and his friend were having sex simultaneously with their girlfriends in a hotel bathroom. Tim says, 'we're thinking of each other as we're giving it to 'em… It was great, 'cause it was like, it was *teamwork*, you know?' (p. 350, emphasis in original). The two men, in thinking of *each other* rather than their girlfriends during sex are thus using the women as a means of bonding with each other.[5] Flood, anthropologist Peggy Sanday (1990), former professional basketballer Mariah Nelson (1994) and Peter Looker (1994) all point to the obvious homoeroticism of groups of men watching each other have sex and getting aroused together.[6] As Nelson observes (1994, p. 146), 'They may not touch each other, but they look. It's like a gay men's or adolescent boys' "circle jerk", except there is a woman involved to offer heterosexual legitimacy'; however, as Flood (2008) argues, we cannot read this "purely" as an expression of displaced homosexual desire − although it is improbable that *no* footballer has sexual desire for other men (p. 354).[7] Rather, in contexts where any physical intimacy between men is taboo, such as football clubs, a woman's body can be used to disguise any homosexual interaction between the men, and serve to cement their identities as heterosexual men. The woman is therefore a mere prop, an object to facilitate bonding amongst the players and an excuse for them to engage in physical intimacy.

[5] In *Fraternity Gang Rape* (1990), Peggy Sanday describes various college fraternities' bonding practice of 'pulling train', where groups of men line up like train cars to take turns having sex with the same woman.
[6] See also Campbell (2004) for discussion of homoeroticism in football in Australia, including group sex.
[7] Ian Roberts, who came out in 1995 while he was still playing professional rugby league, is the only elite footballer in Australia ever to be openly gay.

During the 2004 media debate, it became apparent that certain other bonding practices within NRL and AFL football clubs focus completely on the degradation and humiliation of women, even without the excuse of "having sex". A Canterbury Bulldogs initiation ritual reportedly involves players selecting an unsuspecting woman at a nightclub and '"marking" her with urine on her feet or legs' (Magnay & Kennedy 2004). A strip-club owner reported that several AFL players once struck a deal with a stripper to tag-team sex with her, and offered extra money to urinate and defecate on her as part of their "bonding" (Halliday 2004). These practices have the degradation and humiliation of a woman in mind; the second instance clearly intends to degrade the woman sexually. North Melbourne AFL captain Adam Simpson explained that he and another senior player made their "chicken rape" video (see Chapters Three and Four) in 'an attempt to improve team bonding' (Wilson, C 2009), demonstrating that "bonding" in this case was enabled through symbolic acts of sexual violence, committed by a member of the team (its mascot) against a female. Former rugby player 'Mike' also explicitly links the spit roast (in which a woman performs fellatio on one player while another has sex with her from behind, as discussed in Chapter Four) with these aims, even when it is consensual: 'That was one the players liked because they could *look at each other* while it was happening and *get a laugh*' (Smith, W 2004, my emphasis). There is no suggestion that the woman is in on the joke; even when the act is consensual, she is the joke's object and thus the object of the players' ridicule, reinforcing the idea that footballers' sexual bonding aims to degrade women and takes no real account of their desires. It also demonstrates that the bond excludes women and positions footballers as superior to them. When so many of footballers' bonding practices have the denigration and humiliation of women in mind, this training of the body in sexual behaviours (Bourdieu 2001, p. 56),

in successive generations of players, is likely to foster the formation of a habitus that incorporates this type of abusive act, and thus a greater likelihood of (gang) rape.

The objectification and abuse characteristic of footballers' group sex and other bonding practices considered above is also reflected (and reproduced) in their discourse of group sex, which objectifies, belittles and derides the women involved. The language used to describe group and other casual sex casts women as degraded objects, with no agency or desires of their own − the meat on a penile 'spit roast' or a 'bun' − and group sex *as an act of violence*, in the 'chop up'.[8] In this light, the "line" between consensual group sex and gang rape becomes less clearly defined on the players' part, particularly when taking into account the striking similarities between the narratives of (consensual) group sex given by ADFA cadet Tim and former league player Mike, and a convicted gang rapist who admitted to participating in over thirty gang rapes. The three men's accounts convey the same themes of mateship, sharing and doing everything together, rendering the woman or women practically irrelevant. Tim says of an occasion where he and his 'mate' were having sex simultaneously with their girlfriends:

> I could see Curtis, like, in the other room goin' yeah yeah, and I'm goin' yeah yeah, and *we're thinking of each other you know as we're giving it to 'em* (…) [my emphasis] the girls were loving it 'cause they were both howling you could hear them go, oh!, fuck!, uh oh oh (…) it was *fantastic*. It was great, 'cause it was like, it was *teamwork*, [author's emphasis] you know? (…) *yeah so we just do everything together* [my emphasis]. (Flood 2008, pp. 349-50)

[8] Sanday's fraternity brothers used similarly objectifiying and degrading terms such as 'red meat' or 'fish' (1990, p. 11). Clare, who spoke on *Four Corners* 'Code of Silence' (2009) about her experience of what was generally considered to be group sex rather than rape, echoes this, saying that even in the beginning she felt the men treated her as 'a piece of meat' (see below for further discussion of this program). It is interesting to note that sex itself is coded as violence in football discourse, particularly as "rape as violence, not sex" was a significant part of early feminist rape theorising. Theorists including Susan Griffin (1979) employed the strategy to counter the popular (male) romanticising of rape, instead drawing attention to it as a harm. This suggests that causing harm through "sex" may not be an overly problematic concept for some footballers.

While Tim does make reference to the pleasure of the 'girls', the real significance of the event for him − what made it 'great' − appears to be sharing it with his 'mate'.[9] The convicted rapist made the following, remarkably similar statement:

> There's… a sense of camaraderie about a gang bang [gang rape], where you have a good mate, and you will share a woman with a good mate. It's… it's a very binding act with you and your friend, with you and your mate. The sense of camaraderie would be possibly the biggest aspect of it. *You do everything together*. (Looker 1994, p. 219, my emphasis)

The two accounts, and the one from Mike which opened this chapter, − 'it was to share her with your teammates… It was a team event' − all narrate the dynamics of team sex as one of camaraderie, mateship, sharing and 'doing everything together'.

In these group situations, the notion of 'consent' as the factor that distinguishes sex from rape must also be called into question. Carole Pateman (1989, p. 84, my italics) writes that, in the consent model of sex, '[t]he "naturally" superior, active and sexually aggressive male makes an initiative, or offers a *contract*, to which a "naturally" subordinate, passive woman "consents"'.[10] However, the situation becomes even more problematic in gang sex/rape when the object is for footballers to bond with each other, for the contract is no longer a contract that men offer to a woman − to which she can consent or not − but a contract *made between the men*. The woman therefore becomes the means by which that contract is enabled, rather than a participant in it, who can therefore be treated as an object − denigrated, used and discarded, and not a person with feelings and desires of her own. Whether she agrees ('consents') or not becomes irrelevant. Although some early feminist rape theorists, like Susan Griffin (1979, pp. 21, 51), argued that rape is an act of violence rather than

[9] Although there was no suggestion that this was not consensual sex, it is important to note that many rapists claim that their victims enjoyed the rape or 'wanted it' (Scully 1990; Gavey 2005).

[10] There has been much feminist criticism of the law's reliance on the notion of 'consent' in rape cases because of the way it positions men and women in relation to each other. It constructs sex as an act initiated and carried out by a man (or men), to which a woman passively agrees or refuses (Brown 1995; Pateman 1988, 1989; Vega 1988). Wendy Brown (1995, p. 163) further argues that consent 'operates both as a sign of [women's] subordination and a means of its legitimation', thus *perpetuating* that subordination.

of sex, many feminist rape theorists now argue that, on the contrary, it has everything to do with sex, and is in fact closely connected to a normative heterosexuality that incorporates male dominance, female submission, and coercion. This is not to say that rape is necessarily experienced as anything like sex, or vice versa, but as Nicola Gavey puts it (2005, p. 33): 'not only is rape not sexy, but also much of what counts for sex is not sexy either (from a woman's point of view)'. I argue that, as denigrating and humiliating a woman through group sex *is* normative heterosex for many footballers, then it is even closer to rape than normative heterosex generally. This is not to diminish footballers' responsibility if they *do* commit rape, but to point out that the notion of "sex" they espouse is itself abusive, whether the woman consents to the act(s) or not.

This point is made most poignantly on the 2009 *Four Corners* episode 'Code of Silence', which caused a public outcry against rugby league's sexual practices, reignited the debate over footballers and sexual assault in Australia, and precipitated the sacking of NRL *Footy Show* presenter and former player Matthew Johns. The program features testimony from New Zealand woman "Clare", who remains traumatised after a 2002 incident that the footballers involved have termed "consensual group sex". On the program, Clare states that she met then-Cronulla Sharks NRL players Johns and Brett Firman while working as a hotel waitress. They went back to the players' room, Johns and Firman had sex with her, and, uninvited, ten other Cronulla players and staff then entered the room, some through the bathroom window. According to Clare's testimony, over a period of two hours, six 'had sex' with her while the others watched and masturbated, joking amongst themselves. Johns encouraged the others and 'kept it going', she maintains. Clare says that the footballers treated her 'like a piece of meat' even from the beginning, stating,

'I thought… that I was nothing. I thought that I was worthless and that I was nothing'. Although she gave the *Four Corners* interview seven years after the incident, Clare's testimony demonstrates the continuing trauma that she suffered as a result. The program also presents psychiatrists' reports of Clare's mental state following the "group sex" incident, stating that she was suffering post traumatic stress disorder, was suicidal, had cut her wrists several times and bought a rope to hang herself. Reporter Sarah Ferguson states that Johns denied he 'kept it going' and that the players ignored Clare, as she said, and Firman claimed that she was 'up for it a hundred per cent'. However, neither denied that they allowed the other men to enter the room without consulting Clare, nor that the acts themselves were degrading. This suggests that their idea of group sex *is* abusive, and that establishing her willingness to engage in sex with the other footballers was of little importance to them.

As demonstrated in Chapter Three, Johns effectively admitted to television journalist Tracey Grimshaw on *A Current Affair* that he and his teammates did not consider Clare to be a human being during the "gang bang" ('Grimshaw Talks to Matt Johns' 2009). This supports the assertion that a "contract" was not made with Clare, but between the footballers. Consent in this type of case becomes virtually irrelevant, and the line between group sex and gang rape disappears as the players' total disregard for Clare left her, by all accounts, severely traumatised.[11] Former cricketer, now television and radio presenter James Brayshaw, who appeared on *The Footy Show* (2009) to discuss the incident, pointed out that in a situation like this,

[11] Clare reported the incident to police five days after it took place, and although forty Cronulla players and staff were interviewed, no charges were laid. I do not intend to suggest that the footballers did not rape Clare, which is the position *Four Corners* takes, stating: 'Four Corners doesn't say that what took place in room 21 of the Racecourse hotel is sexual assault' ('Code of Silence' 2009). I will discuss the problematic implications of *Four Corners*' strategy of constructing the issue as one of "abusive sex" rather than sexual assault in Chapter Seven.

> the issue of consent is gone. It is not the point here, and I've spent the last seventy-two hours canvassing opinion… and it is the degradation is the point of this issue [sic], respect for women, and it's calculating the damage to the game. (my transcription)

As Phil Gould, a former player and close friend of Johns also said on the program: 'The moment that door is opened and other players walk in and assume the right [to have sex], that's when it's wrong'.[12] The simple fact that they arrived expecting sex indicates their assumption that she was available for them,[13] and their disregard for her desires, demonstrating that even their admitted behaviour − for which they claim "consent" − was abusive.

This is not to say that no woman can find the experience of group or any casual sex with footballers satisfying – on the contrary; however, there are limits to women's agency in these situations. For example, the documentary *Footy Chicks*, premiering on SBS television in 2006, features three women who actively sought sex with footballers from different codes and reported feeling satisfied by their experiences, which they consider to be consensual. Charmayne Palavi, who is also interviewed on the 'Code of Silence' (2009) program which featured the Matthew Johns/Cronulla Sharks incident, reports that she sleeps with footballers 'on her terms'; however, her discourse also draws attention to potential dangers and alludes to the limits of female agency in these situations:[14]

> *It's consensual for a start*. I'm not drunk or on drugs and it's in, has an element of class to it do you know what I mean? It's either in the privacy of my own bedroom or in a hotel room or their house, not in the toilet or the back of a car or you know at some player's house on the lounge and everyone's watching and that. (my emphasis)

[12] Gould spends much time on the program detailing the 'suffering' of Johns and his wife, Trish, and the majority of the airtime is devoted to the game's suffering and the progress the NRL is making. However, Gould begins his discussion of the issue by commenting on Clare's 'obvious' trauma and pain, the unacceptability of abusive behaviour even when consensual, and returns to this point repeatedly, indicating an increased awareness of and concern for the victim's suffering.

[13] The assumption that a woman who has casual sex with one (or more) people is 'fair game' for any others who want sex is one of the popular "rape myths" Martha Burt investigated in her pioneering 1980 study, 'Cultural Myths and Supports for Rape'.

[14] Heather Brook (1996, pp. 35-6) presents a fictionalised account that illustrates these limits, where a woman has sex with two young footballers and feels empowered by it, not knowing that the men had intended to invite their teammates to join in whether or not "Susan" agreed, until a senior player stepped in and ordered them to treat her with respect.

Palavi, who also sets up players and women for casual sexual encounters via popular internet social networking site Facebook, implies that it is solely her decision when, where and with whom sex will take place. However, it is significant that her description of sex 'on her terms' begins with '[i]t's consensual', which strongly implies that sometimes casual "sex" with footballers is *not* consensual, or, perhaps, demonstrating an awareness that there is an increased *likelihood* of rape in these situations. Palavi reports that she herself was raped by a prominent NRL footballer while intoxicated and semi-conscious, but did not report the incident to police as she thought she would be disbelieved, 'ridiculed' and 'made out to be something [she's] not' − a liar, a "slut" who "asked for it". That she now drinks very little suggests that she feels the need to be on her guard when negotiating sex with footballers. Palavi also recounted several other incidents in which the players' discourse implies that the woman's consent was irrelevant to them. For example:

> [The player] said they made her put bunny ears on cause [sic] Easter's coming up and made her give head to all of the players one after the other. Made, like I don't understand the term, like we 'made her do it'.

Whether the woman protested, was silent, or nominally agreed, that the players reported 'making her' perform fellatio suggests that they did not care. I am not suggesting that all group sex scenarios involving footballers necessarily have the potential to end in rape, only that when there is an inherent power imbalance (see Chapter Two), and when the men's and woman's desires come into conflict, there is an increased likelihood that the woman's desires will be ignored if the situation is coded as a male-bonding activity. The problem is not inherent in multiple footballers and a single woman engaging in sex per se; it is when the woman's desires are considered irrelevant to the process, and it is coded and performed as abuse even when she consents. This type of sporting sexual culture revolving around bonding

through gang bangs is therefore also likely to foster a 'rape culture'. As noted in the introduction to this thesis, Sanday (1981) found that in some 'rape prone' tribal societies, "normal" heterosexual practices are also characterised by violence (pp. 10-11), which resonates with footballers' violent sexual discourses.

An Attitude Problem or the Masculinity Police?

Given how widespread these practices reportedly are, it would seem that footballers in the main hold dominative masculine attitudes, which see sex as about conquest, and women merely as sex objects who are inferior to men, as did the majority of the men Sanday (1990) and Flood (2008) interviewed. However, a 2005 study of AFL clubs by University of Melbourne academics Garry Robins, Dean Lusher and Peter Kremer found that this was not the case. I argue that the explanation for this discrepancy lies in the perceived need to *publicly perform* dominative masculinity,[15] a perception that is enforced through language. Robins, Lusher and Kremer administered a 30-minute written survey to players, coaches and other staff at four Victorian AFL clubs, investigating after-hours socialising and masculine attitudes. They found that while some players held dominative masculine attitudes – that is, believing that men using violence is natural and acceptable, men should distance themselves from any sort of "feminine" behaviour, women need to be controlled or restrained, "sexual success" is connected to manliness and that gay men are not acceptable (p. 19) − similar numbers held non-dominative attitudes and the majority were in between (p. 17). The reasons why certain *practices* which dominate, objectify and degrade women are so prevalent cannot, therefore, be attributed to the majority of footballers holding these dominative attitudes.

[15] See Judith Butler's *Bodies That Matter* (1993) for discussion of gender as performance.

Robins, Lusher and Kremer also found that players *perceive* that their peers hold more dominative attitudes than they reportedly do, and that in three of the four clubs those with highly dominative masculine attitudes are viewed as people to socialise with (p. 6). This suggests that dominative masculinity is enshrined in the culture and (AFL) footballer masculinity is therefore more likely to be *performed* dominatively, whatever the players actually believe about women, and those who hold non-dominative views are likely to remain silent. Significantly, the study also found that players who studied at university as well as playing football held less dominative attitudes than those who only played football,[16] which further suggests that the culture of football contributes to shaping and promoting the public performance of the attitudes which harm women.

This study relates only to AFL clubs, and it cannot automatically be assumed that rugby league clubs will operate in the same ways. However, numerous studies have found that the culture of a wide range of violent sports, including rugby league (Hutchins & Mikosza 1998), rugby in America (Schacht 1996), soccer (Goig 2008), ice hockey (Pappas, McKenry & Catlett 2004), American football and basketball (Curry 1991; Messner 1989, 1992, 2002, 2007; Messner & Sabo 1990, 1994), has a strong influence on its players' perceptions of and performance of masculinity; it is therefore likely that rugby league in Australia operates similarly.

Other studies have demonstrated that a culture or 'climate' of hypermasculinity, like the culture of dominative masculine attitudes which Robins, Lusher and Kremer's study suggests exists in the AFL, is strongly linked with actual abuse of women. Following on from research conducted by Kersti Yllö (1984) and

[16] This ties in with Diana Scully's finding (1990, p. 80) that the more education the convicted rapists in her study had, the more liberal their attitudes towards women were, and that many of those who undertook further study while in prison reported improved attitudes towards women since incarceration.

Michael Smith (1990), which demonstrated a relationship between patriarchal ideology and domestic violence, Leora Rosen et al. (2003) studied 900 married male U.S. army soldiers, and found that a climate of hypermasculinity, as defined by the Group Disrespect Scale, is associated with increased intimate partner violence. Most significantly, they found that '*[t]his influence appears to operate mainly through how the individual perceives his environment rather than the environment itself*' (p. 1065, my italics). Therefore, when considering what is likely to impact players' behaviour, the fact that the majority do not hold extremely dominative masculine attitudes is less significant than their belief that their peers do, as they are more likely to conform to what they assume others will expect of them.

In light of the importance of what players perceive their peers' attitudes to be, footballers' discourse − and the discourse of football in general − takes on greater significance. It is through language that behavioural standards and expectations are communicated, and the performance of gender policed. In a study of locker room talk in two "big time" college sports teams, Timothy Curry (1991) found that the way in which athletes' peers responded to their behaviour and talk restricted what could be said or done and established boundaries of gender-appropriate behaviour. He recounts an incident where two athletes whispered together about one of their girlfriends, engaging in what Curry calls talk about 'women as persons', rather than 'objects'. Two other athletes and an assistant coach responded by establishing that talk about women which does not objectify or ridicule them is inappropriate gender behaviour. The assistant coach declared, 'You'll have to leave our part of the room. This is where the real men are', clearly telling the first two athletes that they are not 'real men' because they are taking women and relationships seriously, and are thus feminised (p. 128). In the study, the braggadocio players espouse, which casts women as sexual

objects and *not* persons is endorsed, and thus the appropriate way of relating to them is clearly established through locker room talk.[17] Analyses of athletes' discourse show that the values of hegemonic masculinity are performed linguistically, demonstrating the critical importance of football discourse in regulating players' understandings of appropriately gendered behaviour and appropriate ways of relating to women and femininity.

One of the most publicised incidents of the sexual abuse of women by footballers − and the only one to be incontrovertibly proven − occurred entirely within language. However, as I will demonstrate, it is of great significance as it is congruent with the perceptions of women associated with other incidents which could not be so easily proven; it is also consistent with a 'rape culture'. As discussed in Chapter Four, during the 2004 rugby league State of Origin competition, New South Wales (NSW) team officials followed the time-honoured tradition of giving each member of their side $1000 for a "team bonding" − that is, binge drinking − session. Several players broke the 3am curfew, and at approximately 3:40 am, the following message was left on a woman's answering machine:

> Hannah, where the f--- are ya? There's four toey humans in the cab. It's twenty to four. Our cocks are fat and f------ ready to spurt sauce and you're in bed. F--- me, fire up you sad c---. (Sheehan 2004)

In disgust the woman reported the incident to Sydney's *Daily Telegraph* newspaper, who were told that the call was made from NSW Origin player Anthony Minichiello's mobile phone. When NSW Rugby League (NSWRL) officials became aware of the story, and several players, including Minichiello, denied involvement, they called the newspaper insisting that the story was wrong (Kent & Clifton 2004). Minichiello

[17] Messner and Sabo also point to the role of language in shaping athletes' perceptions of masculinity (Messner 1992, 2002, 2007; Messner & Sabo 1990, 1994). See also Goig (2008), who studied Spanish soccer players' induction into hegemonic masculinity through playing soccer, and Schacht (1996) who studied American rugby players.

initially claimed that the phone had been stolen, and NSWRL CEO Geoff Carr repeatedly denied that the incident occurred, up until he was confronted with the evidence of the tape and Minichiello's teammate Mark Gasnier's voice was recognised (Kent & Clifton 2004). It was later revealed that Gasnier, Minichiello and two other players had visited a brothel after leaving the abusive message. Gasnier did not know the woman; her number was in Minichiello's phone. Gasnier and Minichiello were both sacked for one State of Origin match over the incident, although Minichiello's only offence was reported to be taking his phone into camp when players had been directed not to.[18]

In an interview, Gasnier denied the abusive nature of the message, claiming that it was 'a drunken phone call at 3.40 in the morning that went wrong', and '[i]t was an *explicit* call *because of the words used*, but there was definitely no intention of group sex or anything like that' (Hawse 2004, my italics). The claim that the message is not explicitly demanding group sex is extremely difficult to sustain as Gasnier gives the fact that their 'cocks are fat' and ready for sex as the reason the woman should come out with them. And even were Gasnier's claim sustainable, it in no way detracts from the fact that the message was sexually abusive in itself, particularly as Gasnier was unknown to the victim. Further, Gasnier in no way admits that the message in fact constituted serious sexual harassment, or even addresses the fact that others have named it an act of sexual abuse. Gasnier's choice of signifiers for the footballers in the cab and the woman is also telling: they are 'toey humans', while she is a 'sad cunt'. In other words, in his discourse, they are people while she is just a vagina, a sexual object for their use.

[18] Neither Gasnier nor Minichiello suffered any lasting career consequences; once the scandal died down both continued to play, Gasnier with St George Illawarra Dragons and Minichiello with the Sydney Roosters.

Many journalists reported that the victim was 'offended' or 'insulted' by Gasnier's message (Duff & MacSmith 2004), or more commonly that it was 'obscene' (Hooper 2004), without reference to its abusive nature or the fact that it constitutes sexual harassment. The use of 'offended' and 'insulted' locates the crux of the issue as the victim's *response*, implying that the message was not inherently harmful, only insulting or offensive to the individual concerned, and therefore only contextually inappropriate. In a subtle way, it therefore also shifts blame for the *scandal* onto the victim, if not the act itself, another instance of deflecting blame away from footballers for their acts of abuse.

Although this incident involved "only words", and not physical acts of sexual violence, studies demonstrate that the use of language which sexually demeans and objectifies women is indicative of a 'rape prone' culture, and is in fact connected to more extreme forms of sexual abuse and violence. Sanday (1990), Curry (1991, 1998), Rosen, Kaminski et al. (2003) and Pappas, McKenry and Catlet (2004) all provide evidence for the link between men's sexually degrading and objectifying talk about women amongst themselves and actual abuse. Pappas, McKenry and Catlet, who interviewed former professional and college ice hockey players about violence on and off the rink, found that the way athletes are socialised in hockey, and their conception of masculinity, create a culture of violence and aggression. They further found that alcohol and players' objectification of women contribute to the players continuing their violent behaviour off the rink. One interviewee explicitly linked objectifying, degrading talk with abusive sexual behaviour and rape:

> That kind of [machismo] talk breeds, does breed that kind of certain behavior in the group *when men have the group thing going with a not-caring attitude towards women* – that kind of carries over when a guy's with a girl – he doesn't care what happens to the girl as long as he is getting what he wants – *or getting what the group wants* – like, sometimes, I've heard where two guys will have sex with one woman, group sex, or, if she's drunk or passed out or whatever – sometimes, the girl's into it – *and that's a rarity* – and then you hear about that stuff in the locker room – I mean, it happens, and sometimes they're

> willing and sometimes they're not – I'm not sure… if they're kind a coaxed, you know, 'cause there are [sic] more than one male in the room – stuff like that. (2004, p. 306, my italics)

In stating that the consensual "group sex" scenarios he has heard about are rare, the player implies that they are *more often than not* rape, which he attributes to players wanting 'what the group wants', and not what the woman wants. These discourses strongly suggest that when footballers bond through heterosex at least part of their aim is the abjection of women. The discourses also suggest that the way athletes talk about women reinforces the patriarchal ideology which underpins this behaviour.

'It's Going to Galvanise Us'

While the investigations into sexual assault cases proceed, the unity of the club − as produced by the team bond − is represented as paramount, and of far greater importance than the welfare of the alleged victims. Importantly, the statements of club officials demonstrate that the significance of team bonding extends far beyond the players going out drinking together and then '[hauling] themselves off the ground time and again to get back in the line' (Malone 2009) for their teammates on the field; the team bond incorporates staff and officials in a united whole, which offers protection to all those whom it encompasses. In 2004, although both Canterbury and St Kilda officials expressed their solidarity with the accused players, reaffirming the bonds within the team, St Kilda was applauded for its response while Canterbury was derided. I contend that although the Bulldogs were more overtly hostile towards "outsiders", the discourses of both clubs uncover team bonds that are *actively defined* against women, and rape complainants in particular.

Media commentators remarked on the Bulldogs' 'disdain', 'contempt for community standards', and 'collective IQ that wouldn't crack three figures' (Carlyon

& Davies 2004) when they arrived at police interviews wearing t-shirts, shorts and thongs (flip-flops), and derided them as 'oafish', with a 'total lack of understanding of the gravity of the [sexual assault] charges' against them (Akerman 2004b). The Bulldogs demonstrated the 'siege mentality' for which the club is notorious, refusing to speak to the media.[19] Chief Melbourne *Age* football writer Caroline Wilson wrote that, by contrast, 'there has been solidarity but no sense of threat from the Saints [St Kilda]' (2004b), comparing their behaviour with the Bulldogs', one of whom urinated at the side of the ground as then-CEO Steve Mortimer was speaking to the media, while two others made sexual references to female journalists. Wilson remarked that while the Saints 'do get the times in which they are living', the Bulldogs 'still don't get it', and I argue that this is the crux of the difference between the two clubs' reactions: St Kilda managed to give the *appearance* of openness and honesty, while Canterbury 'failed the PR test', as Patrick Carlyon and Julie-Anne Davies put it in a *Bulletin* magazine article (2004). The two clubs' mentalities were the same: the unity and well-being of the club is paramount, and the interests of all outsiders of little concern.[20] Likewise, the effects on any rape complaint are the same, for if the club is automatically believing and supportive of the players (and disbelieving of every complainant) then, as I will argue, it becomes a complaint against the whole club.

Perhaps St Kilda articulated their position in a more "civilised" manner; however, the sentiment behind their rhetoric was the same. The discourse of each club's representatives articulated collective victimisation and responsibility, using the incident to strengthen the bond against the outsiders who threaten the club's stability

[19] When the club was caught paying its players more than is allowed under NRL rules – breaking the salary cap − it behaved similarly. See Carlyon and Davies (2004), for example. Debbie Spillane (2007, p. 201) relates how when she was hired as media manager for the Bulldogs, she was instructed not to speak to the media about football matters.

[20] St Kilda organised counselling for the two accused players (Wilson 2004a), and coach Grant Thomas held a "bonding barbeque" for the team, which he described in the media as 'a very special three hours together' (Connolly 2004).

− in particular, the women who dared to accuse "their" players of rape. The statements also highlight the coaches' and other officials' prime positions within the team:

> 1. [Grant] Thomas' job has been to communicate with the players that the team as a whole must take responsibility for the incident. (Wilson, C 2004b)
>
> 2. [T]he family's been abused, harassed, humiliated all through it… a lot of innocent players have been hurt along the way. —Then-Canterbury Coach Steve Folkes (Brown, A 2004b)
>
> 3. I've got no doubt that it will galvanise us and make us even stronger and closer and better. —Then-St Kilda coach Grant Thomas (Lyon & Berry 2004)

The first two examples portray a pre-existing unity of the respective clubs, with Wilson allocating collective responsibility to all the players and Folkes declaring collective victimisation. Folkes' comment also marks the bond within the club as a "natural", familial one, which therefore "naturally" excludes outsiders − those who are not "family"; CEO George Peponis similarly evokes familial bonds within the club, declaring, 'I am the father who loves my children' (Walter & Magnay 2004). As Nina Philadelphoff-Puren points out (2004, p. 43), Peponis' description 'betrays a constitutive fantasy of autogenesis', as this family of men lacks a mother, and the "familial" bond thus excludes the feminine entirely. These statements feature officials as integral parts of the teams. In example 3, Thomas not only establishes the paramount importance of the bonds within the club, he asserts that his team will use the rape complaints as a means of strengthening those bonds − of 'galvanising' his team. Although 'to galvanise *into* or *to*' means 'to stir into violent activity etc. by shock or excitement' (Trumble & Stevenson 2002 vol. 1, p. 1064), and the term is commonly understood in this way, 'to galvanise' also means to strengthen and protect − or to 'make us even stronger and closer and better', as Thomas elaborates. Galvanising literally means coating an object with metal in order to protect against

rust, which the external elements of water and oxygen can produce if the object is left unprotected by the galvanised coating (Trumble & Stevenson 2002 vol. 1, p. 1064). Thus Thomas' statement can be interpreted as a declaration that the club will use the incident − a woman's rape claim − to strengthen the bond and protect the club from external forces which seek to damage and corrode his team: rape complaints. The bond is consciously forged to exclude outsiders − that is, women, and in particular, rape complainants. Nor is the use of 'galvanise' incidental or a mere throwaway line, for it was echoed more recently in the reporting of a 2008 incident in which three NRL Brisbane Broncos players allegedly raped a woman in a toilet.[21] Lamenting the 'timing' of the incident − while the Broncos were preparing for a sudden death qualifying final − journalist Paul Kent remarks (2008, my italics), 'If handled correctly, *outside disruptions* can galvanise a team, sharpen the focus'. This statement clearly places responsibility for the incident *outside the club*, exonerating the players from any blame; it also makes explicit the markings of inside and outside implicit in Thomas' comment. Any woman who makes a rape complaint is automatically positioned outside the team; outside the football "family". Football teams must galvanise themselves against dangerous women who threaten the all-important bond by making rape complaints. And the flip side of this is that when a woman makes a rape complaint against a footballer or footballers, she takes on the entire team united against her.

This construction of bonding as a defence against dangerous outsiders also has implications for the position of the football fan in the context of alleged sexual assault. Erving Goffman (1959, p. 69) argues that a 'team' or 'performance team' is 'any set of individuals who co-operate in staging a single routine', and as football requires the

[21] See Table of Cases and Chapter Three for further details.

participation of fans cheering on the sidelines and in front of the television as well as players on the field, fans thus participate in the 'routine' of football matches. A "true" fan is seen by themselves and others as part of "their" team: fans will declare that "*we* thrashed *you* on the weekend!", "*you* were shocking in front of goal", or "*we* just couldn't get a kick in the last quarter". Many are extremely emotionally involved in their team's fortunes − as I myself was, once (see Afterword). This is an attitude endorsed and encouraged by the clubs, as demonstrated by a leaflet sent out in May 2009 to members of AFL club Hawthorn who had not renewed their membership for the season. One side of the leaflet features action photos of three key players in the side's 2008 Premiership victory, with a nickname and caption such as: '2008: Premiership Captain/2009: Committed' for each player. The final picture features two well-known players with a third, faceless figure in between, clearly built like a male footballer, dressed in a Hawthorn guernsey (jumper) and holding a football. This picture features the former member's surname with the caption '2008: Premiership member/2009: Not committed'. The former member is constructed as a member of the *team* − an active participant in the Premiership victory. Inside, alongside a picture of the coach and a list of all the players' nicknames, the leaflet reads: 'Don't you want to be part of it?/Without you in the Hawks family, we're not complete./Stay united and become a member'. These discourses of commitment and unity, linked to membership of the team as a family, are common, and it places fans in a difficult position. Goffman argues that team performances rely on sustaining a 'particular definition of [a given] situation' (p. 74), and that 'once the team's stand has been taken, all members may be obliged to follow it' (p. 75). When their football team defends the innocence of its players accused of rape, a fan is therefore obliged to support the team's stance. Goffman further argues that '[i]t seems to be generally felt that public

disagreement among the members of the team not only incapacitates them for united action but also embarrasses the reality sponsored by the team' (p. 74). As the member who does not renew their membership is portrayed as breaking up the team and letting them down, a fan who takes the side of an alleged rape victim against their team(mates) who have been accused of the rape, or who is a victim themselves, they are committing a similar betrayal by causing disunity within the team, of which they are already constructed as a part. As noted in Chapter One, many of the women involved in football clubs decline to speak on record about the alleged rapes when approached, and those who do echo the men who blame everything on Predatory Women;[22] many fans interviewed by Mewett and Toffoletti (2008a) also evoked Groupies or Predatory Women. There is therefore a kind of structural coercion at work that constrains what a team member − including a fan − can say, and by implication *believe*, in order to remain part of the team.

Football and the Military

> Mateship is the catchcry and the badge of honour we wear as Australians… We players… like to think of ourselves as war heroes. (Murphy, B 2009)

Discourses of footballers' bonding not only circulate in the context of sexual assault allegations, but also regularly surface in general football reporting and commentary without any reference to sexual behaviour. The above quotation is taken from a reflection on "mateship" by senior Western Bulldogs player Bob Murphy (2009), in the context of celebrating the attainment of life membership of the Bulldogs by two of

[22] *Age* journalists Deborah Gough, Karen Lyon and Melissa Ryan (2004), who approached a number of women to comment on the St Kilda AFL alleged rape, state that the majority did not want to speak on record. When she approached the partners of players about the alleged rapes, in the course of researching her Doctoral thesis, Deborah Hindley (2006) found that none would speak to her.

his teammates on playing their 150th games of AFL football for the club. Murphy's statements also point to the way military and bonding discourses are intertwined in a seemingly benign and "natural" manner. However, the interplay of bonding discourses and practices relating to the military are also part of the foundations that underpin the bonding discourses in the context of sexual assault. Although military symbolism does not have the denigration of women as its express purpose, it nevertheless constructs the team bond in similar ways: as of paramount importance, and a defence against outsiders who "threaten" the team.

The tendency to associate football with war can be found even in the early days of AFL football in the nineteenth century, when the character of the footballer was assumed to be equivalent to that of the soldier. Responding to complaints of unduly rough play in the new sport, certain advocates of football declared:

> Why it is this very element of danger in our out-of-door sports that calls into action that noble British[23] pluck which led to victory at Agincourt, stormed Quebec, and blotted out the first Napoleon at Waterloo. (source not cited, in Sandercock & Turner 1981, p. 33)

Today, from the recurrent eulogising of footballers killed in the two World Wars,[24] to commemorative Anzac Day games between Essendon and Collingwood (AFL) and St George Illawarra and Sydney (NRL), football in Australia remains ideologically linked with the military. Anzac Day, April 25th, holds great significance for many Australians, as it commemorates the deaths of every Australian soldier killed in a military operation. It marks the first major military action seen by Australian and New Zealand soldiers in World War I (Australian War Memorial 2009). Each year, services are held around the country, and football games on the Anzac weekend are

[23] Australia was a part of the British Empire until Federation on January 1, 1901.

[24] These include the VFL's celebrated Ron Barassi Sr (Melbourne) and Jim Park (Carlton), and NSWRL player Bob Tidyman (Easts). In total, 115 VFL players and seven first grade rugby league players were killed in WWI. The Victorian Football League (VFL) was the elite Australian Rules football competition until 1992; New South Wales Rugby League was the northern states' equivalent until the 1980s. See Jim Main and David Allen's *Fallen – The Ultimate Heroes: Footballers Who Never Returned From War* (2002), 'The Call to Change Uniforms: Rugby League During WWI' (rl1908.com 2005) and 'Australia's Sportsmen at War' (2004).

preceded by the last post and one minute's silence, out of respect for those who gave their lives. Anzac Day is the only national event that the professional football leagues hold in such high esteem, demonstrating their affinity with the military.

The Kokoda track, a place of great national significance since the second World War, is also one of growing significance for footballers and other young Australians, and several clubs have taken end-of-season trips to the treacherous Kokoda track across Papua New Guinea as a bonding exercise. During World War II, many Australian soldiers were forced to walk Kokoda, and many died in the gruelling conditions. Like the Anzac day commemorations, walking the Kokoda track celebrates soldiers as national heroes who fought and died defending the nation. The media portray these trips as positive steps for clubs to take in forging a close-knit team, and they have been successful for many. For example, AFL club Hawthorn returned from a trip to Kokoda to begin the 2004 season with a determination and endeavour completely lacking in the previous two seasons. In April 2006, AFL club Melbourne's victory over Sydney was widely attributed to the team viewing the film *Kokoda* as a bonding activity (Matthews 2006). In comparison with bonding rituals whose express object is denigrating women these activities appear positive; however, when taken as part of a broader discourse of football that incorporates military symbolism, these acts take on other meanings, which support and reinforce the construction of team bonding as necessary to 'galvanise' the team and defend it against outsiders.

The idea of footballers as Australian soldiers is continually reinforced in the everyday metaphors of football discourse, which inform the bonding practices

associated with the military.[25] For example: coaches are said to "marshal their troops"; players "man the trenches"; up-and-coming players are known as "young guns"; a key player may be called a "spearhead"; a losing team may be said to be "shell-shocked"; teams may be said to have a "siege mentality" or "be under siege"; or the home ground of an unbeaten team may be referred to as a "fortress".[26] AFL players also kick a "long bomb" (the ball travels long and high) or 'take a shot' on goal. As noted above, "siege mentality" was also frequently applied to the Canterbury Bulldogs during the investigation into the rape cases against their players, referring to their attitudes towards all "outsiders". Although it was generally used as a criticism, the same phrase can be used with positive connotations in the context of on-field conflicts; its usage even in the Canterbury case also connects football clubs and sexual assault with military symbolism. The representation of football as a military battle is also articulated in the promotion of the 'AFL Army Award', introduced in 2007, for which members of the public vote for the player who 'rose to the challenge' and best demonstrated the core values shared by the military and football during the football season. The advertisement reads: 'Courage, Initiative and Teamwork. These are the Army's core values and what defines a great sports icon' (AFL 2008a).[27] The same characteristics deemed most essential to military success are applied to football today and thus the battlefield and the football field become symbolically synonymous.

While walking the Kokoda track as an individual may serve to remember those who defended it and experience something of what they suffered, taking a group of footballers there with the specific intention of appropriating that experience to forge close bonds between them gives it a new significance. Against a discursive

[25] Brett Hutchins (1997, p. 25) demonstrates that media representations of rugby league State or Origin matches are phrased in terms of a military battle.
[26] One AFL team also has the nickname the Bombers, and three league teams are known as the Knights, the Warriors and the Raiders respectively.
[27] Promotions for the 2007, 2008 and 2009 awards are virtually identical.

backdrop that represents football as a military battle and footballers as soldiers, as the players seek "mateship" with each other by recreating the journey made by (male) Australian soldiers, on a symbolic level they *become* those soldiers themselves. However, precisely on whose behalf they are imagined to be fighting is unclear: on the one hand, they come as representatives of their sporting club; on the other, they are playing out the roles of Australian soldiers fighting for their country under the most extreme circumstances. In the national imaginary those who fought and died at Kokoda are heroes, their cause the defence of the nation against enemy invaders who threatened the freedom of all Australians. In football discourse, players who make sacrifices for the team or play exceptional games are likewise lauded as heroes; the title of Jim Main and David Allen's book on footballers killed in war, *Fallen − The Ultimate Heroes* (2002), strongly implies that *all* footballers are in fact heroes.[28] It is the intersection between the heroism of playing football and the heroism of dying in a war that makes an 'ultimate hero'. The footballers who make the Kokoda journey to form bonds of "mateship" occupy the soldiers' physical positions, and thus also their symbolic positions in this imaginary.

This image of footballers defending themselves *and the nation* against outside enemies resonates disturbingly with the calls to 'galvanise' the clubs against outside attackers, such as rape complainants, thickening their significance. Of further importance here, as discussed in Chapter Two, rape allegations against footballers have been cast as acts of war: Roy Masters (2006, p. 78) constructed the Canterbury allegations as the 'Coffs Harbour bombshell that had a Pearl Harbor-like effect on the code', and NRL CEO David Gallop declared that a 'cannon [had] been shot into the

[28] Many of those who died had only played one or two games and are therefore unlikely to have established themselves through any on-field acts of "heroism"; yet they are included in this category of 'ultimate hero'. Debbie Hindley (2005, p. 25) also notes that '[t]hose in the [AFL] football community regard many, if not most, players as heroes'.

[NRL] ship' (Honeysett 2004). The prevalence of these metaphors has serious consequences for speech about rape committed by footballers, as anyone who speaks out against (a member of) the team is further symbolically placed *outside the nation*, as they are constructed as the enemy who threatens the solidarity of "our" national defenders and heroes by committing acts of war, against whom the teams must therefore defend and 'galvanise' themselves. Philadelphoff-Puren (2004) also identifies the drive to exclude women from the national imaginary in the highly publicised statement by Canterbury Bulldogs CEO Malcolm Noad: 'Let's believe nothing happened in Coffs Harbour' (Kennedy, L & Magnay 2004).[29] In making this call to the national imaginary, Noad is responding to the news that Canterbury players would not be charged with gang rape, and in enforcing his interpretation of the event, he summons us to

> the plane of belief and symbolisation that organises the 'us' in his statement: let us, together, as Australians, engage in an act of belief – with its connotations of faith and trust – that nothing took place. (Philadelphoff-Puren 2004, p. 37)

The belief which Noad would have 'us' hold is in not only the innocence of his players but also the elided claim that the woman who said otherwise is a liar. Philadelphoff-Puren argues that opposing points of view, particularly that of the woman who brought the allegations, must 'lie somewhere *outside* of the national "us" engaged in this unifying state of collective belief' (p. 37). This also resonates with Murphy's declaration above: that mateship is 'the badge of honour we wear as Australians'. Those who violate the code of mateship are therefore not Australians. With the footballers' privileged status affirmed through their position as defenders of

[29] In a later statement, Noad admitted that if he could, he would 'take back' this pronouncement: 'If there were two things that I would take back over the past 48 hours, they'd be the [sic] players were "vindicated" and "nothing happened". I should have said "vindicated of illegal activity" and "nothing illegal happened". There were things which happened in Coffs Harbour we are very ashamed of' (Masters 2004a). However, even rewording his statement in this way retains the claim that the complainant is a liar.

the nation, they form more-or-less permanently an integral part of this imaginary. Thus those who speak out against them will find themselves excluded and recast as non-citizens, 'in a state of *dereliction*: unsymbolised, unhoused and outside all relation' (Philadelphoff-Puren 2004, p. 37, author's italics). They have no choice but to mouth the words which protect accused footballers or remain outcast. St Kilda footballer Aaron Hamill's comments on *The Footy Show* (2004) episode that addressed the issue of sexual assault illustrate these positions. Hamill made a clear distinction between those praiseworthy female fans who 'know a lot about the game', and Predatory Women 'who do hang around, they stick around and you've got to be careful… they are out there' (Porter, L 2004). Hamill classified women as either those who share in the footballers' knowledge of the game, and thus participate as citizens in their social-symbolic space, or those who are dangerous predators − non-citizens who threaten the national security the players uphold. This highlights the power of the constraints on the position of the fan (see above), and all involved in football, as not only must they affirm the leagues' official world view in order to remain part of the *team*, they also risk (symbolically) being cast out of the *nation* if they speak out against footballers on the subject of rape.

The supreme value placed on the bond, and this construction of bonding as a defence against outsiders, is also likely to inhibit *players* from speaking out if teammates do commit rape or otherwise abuse another person.[30] To speak out against any teammate is to speak out against the whole team − in the national metaphor, this is tantamount to treason − potentially positioning the speaker (symbolically) outside

[30] Michael Messner (with Mark Stevens) argues that sporting teammates learn that there are serious consequences for speaking out, against sexual assault or any other behaviour: '[b]oys have years of experience within the group that has taught them that there are rewards for remaining complicit with the code of silence, and, indeed, there are punishments for betraying the group. A whistle-blower might be banished from the group, be beaten up, or he might remain in the group, but now with the status of the degraded, feminized "faggot" who betrayed the "men" in the group' (Messner 2007, p. 115).

the team; it also risks harming the team if an alleged incident is made public, and those who harm the team have no place in it. In 2002, North Melbourne star Wayne Carey took the consequences of harming one of his teammates: when an affair was discovered between Carey and Kelly Stevens, the wife of his best friend and teammate Anthony, the playing group refused to have him on the team and he was forced to sit out the rest of the season.[31] When taking the side of a rape complainant is positioned as an attack on the team, players may therefore feel they risk similar consequences if they stand up to their teammates about it. The military and 'galvanisation' discourses of football provide an ideological framework to justify these fears.

Narratives of Drinking: "The Alcohol Did It"

What the overwhelming majority of the media reports of instances of "bonding gone wrong" have in common − including the alleged sexual assaults and Mark Gasnier's abusive telephone call − is footballers' excessive consumption of alcohol. The issue of alcohol abuse and its entrenchment in elite footballers' bonding sessions is becoming an increasingly debated topic. Although it is frequently *stated* that being drunk is no excuse for unacceptable behaviour, I will demonstrate that, as a *narrative device*, alcohol is used to do just that: excuse players' criminal behaviour and exonerate them from blame. Alcohol is frequently portrayed as a context or situation in which problems can occur, sometimes one created by footballers, but more frequently by unmarked agents. It can also stand as the causative agent of any problems they encounter off the field, thus exonerating players from blame for

[31] The incident effectively ended Carey's career, as although he was recruited by Adelaide the following year, he never recovered his previous playing form after his time out from football. Carey published an autobiography in November 2009, detailing his "troubled" background and past mistakes, which is being marketed as a "redemptory" narrative (Carey 2009).

anything that occurs when they have been drinking. Alcohol is even used as a metaphor to deflect blame away from footballers or excuse their behaviour. Further, the popular belief that alcohol's 'disinhibiting' effects cause increased levels of aggression and sexual arousal also informs the narratives of footballer sexual assault that include alcohol, again diminishing, or removing, players' responsibility for their actions.

As more and more headlines report drunk footballers from both the NRL and AFL getting into fights, being ejected from bars, verbally abusing others, and committing other inappropriate and/or criminal acts,[32] commentators are considering the issue to be one of increasing urgency, with articles appearing such as 'Lost in the Grog Fog' (Cameron 2008) and 'Baptised at the Bar' (Pritchard 2009), and *Insight* devoting the episode 'Playing Up' (2008) to the issue of sport and alcohol. Whether the link is made explicitly or not, the abuse of alcohol is an integral part of team bonding in football clubs, as in the majority of reported incidents of drunken behaviour players have been out in a group with their teammates.[33] Some commentators have called for a total alcohol ban during the playing season, with others claiming that footballers simply need more "education" on drinking responsibly when out with other players (see Chapter Six). Although stating that alcohol is no excuse, the vast majority of commentators approach the problem of footballers' "misbehaviour" from the perspective of curbing their drinking, as if that somehow *causes* problem behaviours. Writer and ethicist Leslie Cannold (2009) is a

[32] At the prestigious 2009 Brownlow medal presentation night, Carlton AFL star Brendan Fevola verbally harassed and abused several patrons, and later allegedly sexually assaulted and harassed a female journalist in the women's toilets (Hudson 2009); the same night Manly player Brett Stewart allegedly sexually assaulted a teenage girl, his teammate Anthony Watmough allegedly verbally abused a woman and punched her father in the face (Honeysett, Read & Clayfield 2009). Massoud and Payten (2009) lists over forty incidents involving NRL players over the last ten years and states that there have been 'at least 80'. See also Smith (2006) and Malone (2008) for more incidents involving AFL players.
[33] The 2004 State of Origin "bonding" session in which Mark Gasnier made his abusive phone call was traditionally officially sanctioned as a drinking session.

notable exception to this trend, pointing out that alcohol is not the source of the problems with athletes' attitudes to women and sex, instead indicating the influence of elite sporting culture:

> [a]lcohol loosens inhibitions but unless you are the kind of bloke who is barely containing an urge to punch a woman, or force her to have sex, too much drink won't make you a danger to anyone. The real source of sexual violence in male sporting codes is the attitudes many elite athletes have about women and sex, and their sense of entitlement to both. These attitudes are shared and perpetuated by the men who advise, coach and manage players.

Nevertheless, the way in which alcohol is used in the media to excuse players' behaviour has not been considered. Studies show that alcohol does *not* cause violence, aggression, or rape; however, its repeated use in narratives of "team bonding gone wrong" works to exonerate players from responsibility for their actions and deny their intention to behave inappropriately. Therefore, if footballers (were to) commit sexual assault or any other criminal act while intoxicated, this narrative device ensures that in a trial by media they could be portrayed as lacking the *mens rea*, or intention to commit the crime, necessary for conviction.

Despite the popular understanding that alcohol causes disinhibition − that is, that it causes people to do things they would not ordinarily do, such as behave more aggressively or become more easily aroused − studies have demonstrated that how a person behaves while intoxicated is determined more by their *perception* of its disinhibiting effects rather than any physiological ones. In her study of convicted rapists, Diana Scully (1990, pp. 120-5) investigates the featuring of alcohol and/or drug use in the majority of the rapists' narratives. She cites anthropologists MacAndrew and Edgerton's (1969) finding that there are a large number of cultures in which people consume vast quantities of hard liquor without exhibiting disinhibition − that is, increased arousal, aggression and/or violence. MacAndrews and Edgerton conclude that:

> [o]ver the course of socialization, people learn about drunkenness and what their society 'knows' about drunkenness; and, accepting and acting upon the understandings thus imparted to them, they become the living confirmation of their society's teachings. (in Scully 1990, p. 122)

Scully also cites two studies which demonstrate that actual alcohol consumption has no effect on levels of aggression and arousal. In the first study (Lang et al. 1975), one group of male drinkers was told that they were drinking vodka and tonic, and the other that they were drinking only tonic water. Half of each group were given vodka tonics, and the other half straight tonic water. The men who believed that they had consumed alcohol, whatever the actual alcohol content of their drinks, behaved more aggressively than those who believed they had consumed tonic water. The second, similar study found that men who believed they had consumed alcohol demonstrated greater arousal when exposed to erotic films than those who believed they had not consumed alcohol, no matter what they actually drank (Wilson, GT & Lawson 1976). Scully concludes, like MacAndrew and Edgerton, that in cultures where alcohol is connected with disinhibition, 'individuals act in accord [sic] with the knowledge that they are exempted from the ordinary behavioural limits associated with sobriety' (p. 123). Thus rather than a physiological or moral disinhibitor, alcohol acts as a "behavioural licence" to act as one pleases in the knowledge that such behaviour is culturally sanctioned. Scully continues that this explains rapists' widespread use of alcohol consumption to excuse their sexually violent behaviour.[34] Several rapists in the study explicitly used alcohol as an excuse, one claiming that drinking 'brought out what was already there but in such intensity it was uncontrollable. Feelings of being dominant, powerful, using someone for my own gratification, all rose to the surface'

[34] Koss and Gaines (1993, p. 104), who found a strong link between alcohol use and sexual aggression, also conclude that the influence of alcohol has more to do with people's perceptions of its effects rather than actual physiological effects.

(p. 124). He thus implies that the alcohol caused dormant feelings to surface, which therefore caused the rape; without alcohol there would have been no rape.

The discourses surrounding the footballer sexual assault cases also use alcohol as an excuse − albeit through more subtle strategies of grammar − without interrogating its actual effects, contributing to the misconception that alcohol produces such physiological effects. From a narratological perspective, and despite its lack of foundation, the cultural belief that alcohol is a disinhibitor which causes increased aggression and increased levels of arousal informs the narratives of footballer sexual assault and alcohol, deflecting blame away from footballers and contributing to their narrative immunity.

While it is frequently *stated* that alcohol is "no excuse", its *narrative function* is to displace players' responsibility for their actions. For example, when apologising to the woman at whom he directed his abusive phone call, Gasnier reportedly said, 'my drunkenness was no excuse, and I hope that you can accept my apology' (Hawse 2004). In the same article, Gasnier is also quoted as saying, 'It's a drunken phone call at 3.40 in the morning that went wrong, and I'm prepared to wear the punishment'. However, although Gasnier *says* that alcohol is not an excuse, its constant presence in his narrative (and others') allows it to function as one, as Gasnier's narrative intersects with the cultural stories of the disinhibiting effects of alcohol. His stated acceptance of his punishment can therefore be read as a super-moral action, taking on responsibility for something that was not really his fault.

Alcohol and drinking are often represented as catalysts, or circumstances in which potential problems could (agentlessly) arise, thus obscuring footballers' agency in creating or causing them:

> 1. [W]hen they [players] go out and drink, you've got *a fair cocktail, where problems could arise*. —Former rugby league player David Riolo ('Foul Play' 2004, my emphasis)

> 2. Do you see any evidence of a *dangerous cocktail* of team behaviour, group behaviour, if you like, *mixed with alcohol* and a sense of power? —discussion program Insight presenter Jenny Brockie ('Foul Play' 2004, my emphasis)
>
> 3. [W]hen mixed with alcohol abuse and secrecy, these [team-bonding] rituals *can increase the risk* of women being harassed or assaulted. —summary of NRL study into player behaviour, 'Playing by the Rules' (Lumby 2004a, my italics).
>
> 4. If you look at them on an individual level, they play sports where they are aggressive, they are domineering, they are attention-seeking and competitive individuals, not just with other clubs but with each other… *Add alcohol to that and it is a pretty volatile situation*. —Former chief psychologist for the Australian Institute of Sport Jeff Bond (Gough 2004, my emphasis).

In example 1, although footballers are grammatically responsible for drinking, they are not responsible for what occurs afterwards. Problems arise of their own accord, with an agency independent of the players. Riolo's use of 'where' further marks the players' drinking as a situation, a set of circumstances in which there could be problems; however, these situations are not instigated by the players. In both example 1 and example 2, this potentially dangerous situation itself is also represented as a metonym of alcohol − a 'fair' or 'dangerous cocktail' − further representing alcohol as inevitably causing problems in and of itself. Examples 2, 3 and 4 erase the players' responsibility even for drinking, as it is unmarked agents who 'add' or 'mix' alcohol into the players' situation. Representing the addition of alcohol with an agentless passive implies that footballers' binge-drinking is somehow inevitable or natural, and not a conscious choice. In each example, adding alcohol transforms the players' circumstances, in example 3 from 'positive' team bonding rituals into a situation where women could be harassed or assaulted, and in example 4 making the situation 'volatile', or potentially dangerous. Although what might arise out of the volatile situation Bond evokes in example 4 is not explicitly marked, the sentence which precedes it is an indirect quote from the same person, stating that 'criminal sexual behaviour was probably more widespread among male contact team sports than in

wider society'. This suggests that criminal sexual behaviour (also agentless) may arise from the volatile situation created by the addition of alcohol to footballers' socialising.

Alcohol is also employed as an agent which can itself cause harm, frequently to the game of football. The headline of an article about Mark Gasnier's abusive phone call, 'How Booze Shattered the Blues' (Walter 2004a), clearly attributes agency to the alcohol, erases Gasnier's responsibility completely, and portrays Gasnier's State of Origin team the NSW Blues as its victim. Using the language of functional grammar (Williams, G 1994), 'booze' (alcohol) is the Actor, 'shattered' is the Process and 'the Blues' − the NSW State of Origin team − are the Goal; Gasnier is not even present. Thus not only is a football team portrayed as the victim of the incident and not the woman on whose answering machine Gasnier left the abusive message, but alcohol is attributed agency of its own and thus blame is deflected away from Gasnier.[35] The body of the article details the sackings and fines handed out to members of the team, obscuring the seriousness of Gasnier's actions and omitting the content of the abusive message altogether. Paul 'Fatty' Vautin, responding to *Four Corners*' 'Code of Silence' (2009) on the NRL *Footy Show* that followed it (2009), also portrayed alcohol as inherently harmful, using the metaphor of disease: Vautin claimed that 'exposure to alcohol and drugs' causes problems for players, effectively stating that merely being in their presence is sufficient for players to contract the contagion and be adversely affected. It further suggests that footballers are the ones potentially harmed, not women or other men.

Alcohol is also used to erase footballers' agency for sexual assault within narratives of team bonding by representing it as a substance capable of transforming

[35] Similarly, Pappas, McKenry and Catlett (2004, p. 305) found that ice hockey players attributed a causal agency to alcohol for players' aggression, for example, portraying it as a 'catalyst' or 'the thing that leads to fights'.

consensual sex into sexual assault. Footballers are not responsible for this transformation, and therefore their intent to commit sexual assault (*mens rea*) is denied:

> 5. [T]he biggest problem is when they get outside their own patch and they get drunk and, as I say, they forget that what they're dealing with is a woman who thinks that she is about to have consensual sex with one person and doesn't realise that the fun actually starts, in the eyes of these guys, when person number two, three and four walk into the room… it's this point where the consensual activity becomes an unconsensual [sic] activity. —Journalist Greg Hunter, who conducted a study of football 'groupies' in the 1980s ('Foul Play' 2004, my emphasis).

In example 5, while alcohol is not a direct grammatical cause of sexual assault, it appears in the narrative sequence and thus functions as a *narrative* cause: they're not at home, they're drunk, they forget. Alcohol leads footballers to (mistakenly) think that women they meet outside their home territory want to behave in the same way as certain women they know. In asserting that 'it's this point where the consensual activity *becomes* an unconsensual [sic] activity', Hunter suggests that sexual assault is an inevitable next step in the narrative sequence, as when the players 'forget', sex 'becomes' sexual assault. The use of 'forget' further emphasises the players' lack of responsibility, as rape is marked as an act of omission rather than a conscious one, or a disregard for the wishes of another person. Consider the following:

> 6. Context affected some young men's perception of sexual assault. In some cases they understood sexual assault was wrong but then found the distinction difficult to make when influenced by peer belonging, drugs, alcohol or risk-taking. —Brook Friedman, manager of the Relationship Violence: No Way! project in Adelaide (Khadem & Nancarrow 2004).
>
> 7. Previous examinations of alcohol consumption and sexual aggression have indicated that drinking may alter men's perceptions of social cues sent by women. —From a US study which found links between athletic participation, fraternity membership and sexual aggression (Brown, TJ, Sumner & Nocera 2002).
>
> 8. My experience is if you get drunk you're dealing with a wholly different person. —Broncos and former Australian coach Wayne Bennet (Masters 2006, p. 22).

Like example 3 above, example 6 identifies alcohol as a context or situation, masking the fact that consuming alcohol is a conscious act. Like example 5, examples 6 and 7

both claim that alcohol can affect men's abilities to make a distinction between consensual sex and sexual assault. Following this argument through, Friedman, and Brown, Sumner and Nocera, also appear to claim that alcohol prevents men from telling the difference between 'yes' and 'no', like the claims Hunter makes in example 5 above. In example 8, Wayne Bennet takes the transformative power of alcohol a step further, implying that drinking can transform someone into a 'wholly different person', capable of different, problematic behaviour; the curious wording of the statement further implies that this different person is in fact *separate* to the self. In each of these cases, alcohol replaces footballers as an agent responsible for causing harm.

The pervasive presence of alcohol in team bonding and sexual assault narratives is also reminiscent of criminal trials, for although it cannot be used as a legal *defence,* [36] judges can take a guilty person's state of intoxication into consideration during sentencing, to mitigate the offence. In this way, intoxication is seen as lessening the severity of the crime. Thus in a trial by media, even if a footballer *were* to be found guilty of sexual assault, he is constantly being offered mitigation for anything he does through the narrative device of alcohol. The constant displacement of players' agency onto alcohol also denies their intention to commit any crime, thus erasing *mens rea*.

When group sex is coded as a male bonding activity, the woman's desires are superfluous to the process, and if her desires conflict with the men's then there is a greater likelihood that they will not be taken into consideration. I have also identified problems in the men's discourses and treatment of women in general, and particularly the women with whom they have casual sex. However, the narrative use of alcohol

[36] NSW sexual assault legislation was altered in January 2008, so that 'any self-induced intoxication' of the defendant must not be taken into account when determining whether or not they knew that the complainant was not consenting (*Crimes Act 1900*, s. 61HA, 3(e)).

deflects any blame for rape away from the footballers and onto the alcohol, positing that *drinking* makes the difference between consensual sex and rape and not footballers' disregard for the desires and autonomy of the women they have sex with. The narrative of alcohol therefore suggests that curbing players' drinking is the key to solving the problem, rather than the more fundamental and complex question of their attitudes towards and general treatment of women.

Discourses of footballers' bonding and sex intersect with discourses of the military and alcohol to form a complex web that excuses players for sexual assault, providing them with narrative immunity against being held accountable for it. The team bond is raised above all else in significance, and the discourses of bonding demonstrate that it is actively defined against rape complainants and those who stand with them. Ultimately, the discourses and practices of footballers' bonding both foster a 'rape culture' in which rape is more likely than in other contexts, and ensure that a raped woman is denied redress as she must take on the entire team, united and 'galvanised' against her. In addition, in a trial by media, the players are provided with the equivalent of a legal defence; however, even if they were found to have committed rape, they are also deemed to be not responsible for their behaviour, and in thus lacking the necessary *mens rea* to ascertain guilt there can be no "conviction".

Chapter Six

The Official Story: Bad Apples, Heroes and (Naughty) Little Boys

> [I]t's very disappointing in many instances in life where a bad apple can spoil a bunch. —NRL CEO David Gallop ('Canterbury Bulldogs under Pressure' 2004)

> Look, with hindsight, I don't think we can let them out of their rooms any more. —NSWRL CEO Geoff Carr (Walter 2004b)

In addition to the many narratives of club representatives and commentators about the alleged rapes, there is also what I will call an Official Story − that is, the story of rape and footballers according to the leagues themselves. In their capacity as CEOs of the leagues, the NRL's David Gallop and the AFL's Andrew Demetriou responded to the alleged sexual assaults of 2004 through official documents and statements, which were widely reported in the media.[1] While the clubs and many commentators focused primarily on the behaviour of the women involved, evoking the characters of the Predatory Woman, Groupie, Party Girl, Gold Digger and Woman Scorned to deflect blame away from players, the leagues' official responses focused almost exclusively on the behaviour of footballers. Recurring *male* characters can thus be discerned as a counterpoint to the negative female stereotypes discussed in the first three chapters of this thesis.[2] However, although the CEOs approached the issue from a slightly

[1] These statements are frequently edited when they appear in the print media − usually isolated sentences or 'sound bites' are selected from press conference addresses − and what is printed is generally not a complete record of what was said. It should also be noted that both CEOs have advisors who assist them in preparing press releases and media conferences, and thus these statements are in part shaped by other voices away from the public eye. However, the statements printed in the media are *presented* as the official statements made by Gallop and Demetriou, and thus form the public record of this part of the Official Story.

[2] Some commentators do also include male characters in their narratives: Kim Toffoletti (2007) identifies the 'wayward individual' whose inappropriate behaviour is not representative of footballers', and 'confused players' who are uncertain how to behave around women who do not conform to 'conventions' of heterosexual femininity, as features of some articles. However, what distinguishes the

different angle from those who employed female characters to condemn women and excuse footballers, the Official Story is nevertheless populated by male characters *that have the same function*: to exculpate footballers from any blame. Narratives of footballers involved in alleged sexual assault feature the Bad Apple, a source of corruption who is responsible for any negative attitudes or behaviours present in the leagues, and is thus a scapegoat to protect football from blame;[3] Heroes, who are out to save the world from sexual assault; and Little Boys, who do not know what rape is, cannot be held responsible for it, and therefore need to be "educated". Evoking these male characters does shift focus away from the alleged victims' behaviour; however, male characters are nevertheless used to deny that footballers could commit sexual assault, or to excuse and thus condone their behaviour, once again providing footballers with narrative immunity against allegations of sexual assault.

The Official Story also employs other narrative and grammatical strategies to deny that footballers commit sexual assault, representing the crime as something that only occurs outside football, or as an act without an agent for which no footballer could therefore be responsible. In addition, paradoxically, the official documents and statements contain simultaneous admissions and denials that elite footballers have committed sexual assault. The leagues' official "solution", like most commentators', is the implementation of "education" programs; in the final section of this chapter, I will argue that "education" in fact functions as a *narrative device* within these discourses, to further deny footballers' responsibility for sexual assault. Thus, although the Official Story focuses on footballers rather than women, it contributes to footballers' narrative immunity nevertheless.

Official Story is the virtual *absence* of female characters, and its singular focus on the footballers. This chapter will consider the interaction between these male characters within the official discourse, and with the techniques of blame-deflection employed when footballers are represented, to form a cohesive, if somewhat contradictory, narrative.

[3] The Bad Apple is similar to Toffoletti's 'wayward individuals' (2007).

An important discursive shift is evident in the CEOs' discourse after the screening of the explosive and controversial May 2009 *Four Corners* episode, 'Code of Silence'. As discussed in Chapter Five, the program exposed a young woman's trauma as a result of a "gang bang" with/by Cronulla Sharks NRL footballers and further examples of footballers' sexual use and abuse of women (see Chapter Seven). Up until this point, Gallop, like Demetriou, had spoken in a legal idiom, focusing on questions of "guilt" and "innocence" which must be left to the courts; however, following 'Code of Silence' Gallop shifted to a moralistic discourse of "right" and "wrong", condemning the behaviour portrayed on the program and declaring that footballers who persist in it should 'get out of rugby league' (Honeysett 2009). Despite this shift, by only condemning acts of "abusive sex", he continues to deny that sexual assault could (have) occur(red). Further, even in condemning behaviour portrayed as non-criminal, Gallop continues to deny footballers' agency and responsibility for it, reinforcing the repeated denials of responsibility for sexual assault. Therefore, in trials by media, Gallop's statements, although apparently registering the harm of "gang bangs", nevertheless continue to deny *mens rea* − the intention to commit the act. Gallop thus continues to uphold footballers' narrative immunity.

The leagues' official accounts also contain many of what Stanley Cohen calls 'statements of denial' (2001, p. 4), as discussed in Chapter Two. Cohen argues that there are three possibilities corresponding to the assertions that an event did not occur: that they are 'true, justified and correct'; that they are false and those who make the statements set out deliberately to deceive; or that, while the statement is neither 'true' nor 'correct', neither is the speaker (fully) aware that it is not 'true' (pp. 4-5). As I will demonstrate, although Demetriou and Gallop both employ statements denying

that footballers have committed sexual assault, other statements strongly imply that footballers have done so, and could do so again in the future. This suggests both that the CEOs' statements of denial are not 'true, justified and correct' and that they are also aware of this. The Official Story is thus structured by overt and implicit denials that footballers do or could rape, and obscured, implied admissions that they do.

The Official Documents

The leagues' only written and publicly available publications on the issue to date are: the AFL's policy on sexual assault, *Respect and Responsibility: Creating a Safe and Inclusive Environment for Women at All Levels of Australian Football* (Demetriou 2005), and a summary of the findings of research commissioned by the NRL, *Playing by the Rules* (Lumby 2004a).[4] Each attempts to demonstrate that the leagues are being proactive with addressing the issues raised about footballers' attitudes and behaviours towards women, while simultaneously reassuring readers that the NRL and AFL play no causative role in them. However, the documents also function *as texts* that construct sexual assault, footballers and the league, as well as constructing their self-appointed roles in both "problem" and "solution". Both documents were initially reported widely in the media and published on the internet. The two documents are written in different genres, with different ostensible aims: the AFL's is a policy, in a quasi-legal discursive mode, whose stated aim is to explain the steps the AFL is taking in addressing the problem of sexual assault; and the NRL's is a summary of a report into player attitudes towards women, with recommendations on how the NRL can improve the situation. However, the two documents have the same general public

[4] The AFL devised a second policy, begun in 2006 and officially passed in June 2009, covering players' off-field conduct generally, including sexual assault but also covering drug use and other criminal behaviour (Smith 2007); however, its text is not (yet) publicly available, and it has not been posted on the 'Policies' page of the official AFL website (AFL 2009).

audience, and also reveal patterns of deflecting blame away from footballers similar to those I have identified in the discourses of club representatives and the media generally. Further, the documents betray a determined *obfuscation* of the events, rule changes, behaviours and attitudes they ostensibly seek to portray or police. Although unlike the majority of commentators, their focus is on the footballers and their behaviour, they nevertheless employ the characters of Heroes and the Bad Apple, which work together to exonerate players and the football leagues from blame. Although both documents were discussed in the media, the focus was on a select few proposed changes to rules and "education" programs; that the documents are also engaged with constructing representations of sexual assault and footballers was never remarked.

Respect and Responsibility

The AFL began developing its policy in June 2004, following the alleged sexual assaults by St Kilda players Steven Milne and Leigh Montagna. It established a working group comprising representatives from the areas of health, forensic medicine, law, football, police and sexual assault prevention, on whose recommendations the policy is reportedly based.[5] Very little of the policy document, released in November 2005, was actually quoted in the media, and although continuously and freely available online since its release, it is likely that the majority of the public did not read the entire text. Thus the media reporting is likely to have been instrumental in shaping public perception of it. However, as the document presents the AFL's only official and sustained portrayal of sexual assault as a crime and its relationship to AFL

[5] The document provided to the AFL, which is available on the internet but not on the AFL website, is worded significantly differently from the background section of the published policy (Morgan 2005).

footballers, retaining its place on the list of 'current policies' on the official AFL website (AFL 2009), it remains a significant text.

When the policy was released, it was met with mixed responses, some heralding it as the AFL taking a stand against sexual violence and harassment, with others complaining that it infringed players' civil rights. Measures considered particularly praiseworthy include the introduction of sanctions for players convicted of sexual assault (Wilson, C 2005a) and players (or officials on their behalf) who paid 'hush money' to alleged victims (Magnay 2005). On the other hand, the AFL Players' Association (AFLPA) rejected these proposed rule changes, seeking legal counsel. They claimed that suspension or delisting before a criminal trial was finalised could prejudice the trial's outcome,[6] and opposed the mandatory reporting of any criminal investigation to the AFL as an infringement on players' privacy, as well as the banning of making compensation payments to complainants (Wilson, C 2005b).[7] However, while the debate centred on the legal consequences *for players* of the proposed rule changes, none commented on *Respect and Responsibility*'s obfuscating and sometimes blatantly contradictory representations of sexual assault and AFL footballers, and sexual assault generally. Nor did they observe that the policy contains simultaneous denials and affirmations that footballers have committed sexual assault. My primary interest lies in this gap, and I will investigate the document's textual function to uncover the official construction of "problem" and "solution".

[6] Although clearly stating that sanctions could only be imposed if a player were to be committed for trial at a magistrate's court, or convicted of sexual assault, the proposed rule change was frequently misreported as allowing sanctions to be handed down over an *alleged* sexual assault. See for example Wilson (2005b) and 'Flaw in League's Sex Assault Code' (2005).

[7] These rule changes were finally implemented with the introduction of the 'Personal Conduct Policy' in June 2009. The definition of 'conduct unbecoming', for which the AFL can sanction players and staff, now also includes assault, '[t]he use or threat of violence', '[d]omestic violence and other forms of partner abuse', '[s]exual offences including rape and indecent assault' and '[c]onduct which causes danger to the safety and well being of another person' (Smith 2007). It is important to note that sexual offences are listed after crimes of non-sexual violence, perhaps suggesting that they are of lesser significance than other, more visible forms of violence.

The structure of the document works to distance the problem of sexual assault from football, instead foregrounding the AFL's proactive role in combating it. The AFL elects to begin the narrative with the changes it is making, rather than detailing the events which actually brought about its creation, thus presenting its actions as proactive rather than reactive. Although logically the background section to the document would be presented first, to establish the context of the policy and the reasons for its creation, it is instead relegated to the final section of paragraphed text. In this way, focus is shifted away from footballers as potential perpetrators of sexual assault, instead portraying them as part of the solution to a problem which does not necessarily involve them. Demetriou's executive summary, which opens the document, makes this point more explicitly, implying that sexual assault occurs (only) out in the community:

> *Traditionally*, responsibility for addressing sexual assault has fallen largely to the criminal justice and social services systems, where intervention was understandably focused after violence had occurred. More recently, women's groups and services have been successful in putting the prevention of sexual assault on the broader social policy agenda. This has led to increased recognition that creating safe and supportive environments for women is a *shared responsibility of individuals, organizations and governments*.
>
> As an organisation with a strong emphasis on community and social responsibility, the AFL wants to work with government and other groups to *contribute* to this broader social policy agenda in all States and Territories. (p. 2, my italics)

In portraying the AFL's role as a *contributor* to broader social policy, and positioning it as one of many who are acknowledging their shared responsibility, Demetriou simultaneously positions sexual assault as a problem which occurs *outside* the AFL, in the wider community, and the AFL therefore as a community leader. Portraying the attitude that the criminal justice system is responsible for addressing sexual assault as 'traditional', and aligning the AFL with those who elect to shoulder some of that responsibility, reinforces this point, as Demetriou depicts the AFL as progressive by contrast. Likewise, the subheading to the document's background section reads

'Sexual assault − major community health issue',[8] which contextualises it as a *community* problem, not one particularly in the AFL, if at all. This positions the AFL even more strongly as progressive when compared with the rest of the community. Reference to the alleged sexual assaults of 2004 does not appear until the bottom of the first page:

> The AFL's policy, outlined on the following pages is based on recommendations by a Working Group established by the AFL in June, 2004 *after* allegations of sexual assault were made against AFL footballers. (my italics)

Use of the temporal indicator 'after' further elides the relation of cause and effect between the allegations and the policy.

This representation is reinforced in the body of the document, which features statements of implicit denial that AFL football (or any other sport) might be a contributing factor to the problem of sexual assault − that is, that it could constitute a 'rape culture' in which rape is more likely than in other contexts. For example, the policy selectively reports studies on sexual assault, foregrounding those unrelated to athletic participation and eliding the many credible findings to the contrary (Boeringer 1996, 1999; Brown, TJ, Sumner & Nocera 2002; Crosset, Benedict & McDonald 1995; Frintner & Rubinson 1993; Koss & Gaines 1993; Sawyer, Thompson & Chicorelli 2002). The policy instead reports the working group's presumption that the attitudes of AFL players towards sexual assault are unlikely to be different from those in the general community, citing several studies which reveal 'disturbing' attitudes *in the community* (p. 13). Even when conceding that footballers may hold rape-supportive attitudes, the AFL will not entertain the suggestion that its organisation is in any way causative, instead implying that negative attitudes originating from the community have infiltrated football: 'With these views in the wider community, it would not be surprising if they were also shared by (some) footballers'. Cited next is

[8] I will return to the problematic construction of sexual assault as a 'health issue' below.

Scott Boeringer's study of college athletes, which revealed that male athletes – specifically footballers and basketballers – are significantly more likely than other male students to hold rape-supportive attitudes. However, the policy states: 'Indeed, American research does indicate that *young athletes* are more likely to believe rape myths and have rape supportive attitudes' (my italics). In emphasising that the findings relate to 'young' athletes, this statement implies that *older* athletes − such as professional footballers − do not necessarily hold these same attitudes and beliefs. Further, the fact that these attitudes are more common amongst athletes *than amongst their non-athlete peers* is obscured almost to the point of omission. The 'extremely male dominated' football environment is only considered to have the potential to confirm such attitudes, which players already hold, not to produce them.

Within the policy document, the AFL takes this even further, portraying itself, and its players by association, as the Heroes of the hour. The league is painted as a central figure within the Australian cultural landscape, a portrayal Demetriou reiterated in statements to the media (see below):

> Australian football has been an *integral and influential part of the Australian cultural landscape* for almost 150 years. The AFL, as the administering body of the AFL competition and in its role as '*Keeper of the Code*' and the major contributor to investment in community based football via the various State and Territory football bodies, has the potential to play a *powerful role* in shaping attitudes in conjunction with its AFL clubs and other stakeholders under its auspices, including leagues within the code and within the wider community. (p. 13, my italics)

In this narrative, the AFL is the 'Keeper of the Code', which could be a knight in a fairy tale or a comic book hero, playing a 'powerful role' both within its jurisdiction and in the wider community in ending sexual assault. However, this portrayal elides or completely ignores the compelling international research indicating that high-profile athletes are more likely to be perpetrators of sexual assault than other men; in

addition, as I have demonstrated in this thesis, the key discourses and practices of elite football of both codes in Australia are the hallmarks of a 'rape culture'.

The policy virtually erases all perpetrators of sexual assault, representing the crime as something for which no-one is responsible. With only two exceptions − neither in relation to footballers − sexual assault is depicted as an entity without a perpetrator; there is only a victim and the assault itself. The document also states that '[t]he *causes* of sexual violence are complex', and

> [i]n a *climate* in which sexual violence is, or is perceived to be, common and where effective legal and social sanctions against violence are lacking, there is the potential for all women to feel unsafe and fearful. (p. 12, my italics)[9]

Once again, in these statements there are no perpetrators, and sexual assault is instead constructed as something which has 'causes' and occurs in a particular 'climate'; it does not involve people, or bodies, or attitudes. This further distances footballers from rape, and denies that they could commit it, for if rape has no agent then no-one is responsible for it.

The document also denies the harm of rape with statements of 'implicatory denial': the subheading 'Sexual assault − major community health issue' identifies it as a *health* issue, placing sexual assault within a medical discourse with its connotations of quantifiable (and treatable) harms. Thus if women do not suffer from recognised medical or psychological conditions as a result of rape then, according to this document, they have not been harmed. Although admitting that rape *occurs* (in the community), it is a statement of implicatory denial as it denies the fact that rape itself *is injury*, whether tangible signs are present or not, and feeds the "no harm done" myth that only women who demonstrate quantifiable medical problems have been harmed (Burt 1998; Nelson 1994). There is a further significance to this

[9] There is a tendency in sociology studies to employ this type of blame-deflecting language, even to represent alleged rape committed by athletes. See for example Koss and Gaines (1993).

medicalisation of rape: it presents rape as an *illness*, for which no human agent is responsible. The policy also lists '[e]xposure to sexual assault' (p. 11) as a cause of health problems for women, as if it were a contagious disease, once again obscuring the fact that it is a crime. Footballers are thus shielded from any blame.

The policy is further characterised by a determined obscuring of referents, which is exemplified in the section that introduces changes to the rules.[10] One component targets '[b]ehaviour associated with an alleged sexual assault that places women at risk', is designed to be 'responsive not punitive' and 'addressed to remedying and managing possible future harm to women' (p. 10). Such complete obscuring of referents − of who might be punished for supposedly doing what, to whom, and in what circumstances − is representative of the league's determined refusal to openly acknowledge that their players might be responsible for any behaviour that might harm the game's image. No indication of what might constitute such behaviour is given, nor is the 'risk' it might pose to women. Given that this behaviour is 'associated with an alleged sexual assault', it might appear that the 'risk' is that of being raped. This removes players' responsibility for rape as it is portrayed as something which particular 'risky' behaviour might *lead* to, but not a deliberate act. It is as if the AFL is classifying the crime of rape as a reckless and therefore less serious act rather than an intentional one.[11] Nor is any indication given as to what player behaviour could place women at risk of being raped. It is possible that such behaviour might include "group sex", perhaps in the abusive style of the Cronulla

[10] Although it has not been explicitly specified whether or not this component is operational, as the AFLPA has expressed no objections to it, its enforceability can be assumed.

[11] In law, reckless acts are subject to substantially lesser penalties than intentional ones. For example, under NSW law, those convicted of 'intent to cause grievous bodily harm' could be imprisoned for up to 25 years (*Crimes Act 1900*, s. 33 (1)), while 'reckless grievous bodily harm' carries a maximum penalty of only 10 years' imprisonment (s. 35 (2)). Under Victorian legislation, 'causing serious injury intentionally' carries a maximum penalty of 20 years (*Crimes Act 1958*, s. 16), whereas 'causing serious injury recklessly' carries a 15-year maximum (s. 17).

Sharks in 2002 (as discussed in Chapters Five and Seven); however, the deliberate obscuring of what this behaviour might be represents a statement of implicit denial that players might commit any such acts, or that they might in fact be as commonplace as statements from women indicate (Drill 2009).[12]

Although the AFL employs grammatical and narrative patterns of deflecting blame away from footballers in *Respect and Responsibility*, attempting to portray itself as a moral and heroic institution able and willing to solve the community problem of sexual assault, it is also premised on a contradiction: if the AFL and its players are Heroes who can end sexual assault, then this suggests that there are no problems within it. This logic therefore implies that no change is necessary; yet the policy contains eight pages detailing changes to rules and procedures, and "education" programs to teach players and staff about consent and sexual assault (see below). This contradiction implies an awareness of some of the problems within the AFL regarding sexual assault, footballers' attitudes and other behaviours towards women, which becomes more evident in the statements of the CEOs analysed below.

The policy introduces sanctions for 'making inappropriate comments in the media' (p. 9) or publicly vilifying the complainant, which is an important positive step as it should eliminate some of the victimisation and public humiliation visited on the complainants in the early cases. It would prevent club representatives from making statements of literal denial without risking sanctions from the AFL, and it therefore seems to be a step towards undermining footballers' narrative immunity. However, as I have demonstrated in previous chapters, the construction of narrative immunity runs much deeper than surface vilification, to the structure of language used and the organisation of the narrative. And as I will show, the leagues' CEOs continue

[12] Reports from rugby league and union have been even more explicit − see for example Masters (2004a), Weidler (2004) and Pandaram (2009b).

to employ blame-deflecting grammar and narrative without contravening their own rules.

The NRL's *Playing by the Rules* Project

In early March 2004, the NRL appointed Associate Professor Catharine Lumby, of the Department of Media and Communications at Sydney University, as 'an unpaid adviser to the National Rugby League on gender issues' (Lumby 2004b), and she was commissioned to conduct a study on player attitudes towards women later that year: the *Playing by the Rules* project. A summary of the final report was published by the NRL. Lumby was widely described as a feminist in the media,[13] and she explained that her task was to assist the NRL in answering the question: 'is there a culture inside rugby league that condones or encourages the assault or harassment of women?' (Lumby 2004b).[14] Lumby remarked shortly after the appointment, 'It's probably good that a woman can say this stuff [about footballers' attitudes to women] because you are less likely to be accused of defending the indefensible' (Beaumont 2004). Lumby's statement suggests that if a *woman* says that the players' behaviour and attitudes are acceptable, then her word carries more authority than a man's as it would be assumed that a woman would uphold other women's interests. She can be understood as lacking the bias towards the league and its players that a man − particularly an NRL insider − might possess. Despite this purported lack of bias, the summary of *Playing by the Rules* contains the same techniques of blame deflection as statements by football "insiders", contributing to footballers' narrative immunity.

While some viewed Lumby's appointment and the commissioning of the study as a positive step, many others were sceptical, suggesting that the NRL hired a

[13] For example, Beaumont (2004) and McCabe (2004).
[14] It is significant that even Lumby's public statement prior to undertaking the research elides *sexual* assault and *sexual* harassment.

"feminist" academic because it was 'frantic *to be seen* to be doing something to civilise its players' (Bolt 2004, my italics), or as a 'stunt' (Corbett 2004)[15] − that is, a public performance of addressing the issue on the part of the NRL. However, when the summary of the report was released in November 2004, its results and recommendations were generally well-received, amongst league players and officials as well as 'women's support groups' (Peterson 2004a). Proposed "education" programs to help 'emerging players deal with the attention that playing in the NRL attracts' (Peterson 2004a) were received most enthusiastically, with recommendations that women should be appointed to management roles − be 'put at the helm' (Masters 2004b) − attracting a more ambivalent response. There was no outcry about the infringement of players' rights, as the report (or at least its summary) did not recommend implementing strong punitive measures as did *Respect and Responsibility*.

The *Playing by the Rules* project's reported aim, as cited in the summary, was to 'measure, define and map attitudes and behaviours towards women across the League' (Lumby 2004a) and Lumby assembled a research team, listed at the beginning of the document as: 'Senior consultant: Wendy McCarthy AO/Key Advisors: Karen Willis - Director, NSW Rape Crisis; Dr Michael Flood'. McCarthy runs a mentoring agency for business executives, and Flood has conducted research into male homosocial bonding (see Chapters Two and Five). Lumby's team conducted interviews with players, CEOs, Chairs, senior management, coaches, trainers, administrators, welfare officers, and women working in rugby league, including journalists and club staff, and administered a questionnaire. The team also analysed international research in the field. The final 110-page report, and the seven-page

[15] See also Akerman (2004a) for criticism of the appointment of an 'academic' to the role.

summary that was released by the NRL in December 2004,[16] are two distinct documents, with different audiences and purposes. The report was written for the NRL (it is not available to the public),[17] and its stated purpose is to inform them of the attitudes and behaviours towards women across the league, and provide recommendations; the NRL's summary, on the other hand, was expressly written for a *public* audience, and its purpose is somewhat ambiguous. Ostensibly, it may still be to inform the public about attitudes within the NRL; however, the fact that the summary does not expressly answer Lumby's research question of whether there is a culture that supports rape suggests another purpose, of more benefit to the NRL.

While this summary forms part of the NRL's Official Story of rugby league and sexual assault, it is significant to note that it is transmitted through the voice of an outsider: a woman widely reported to be a feminist.[18] It was released by the NRL, and as such it is unclear how much of this voice is the research team's and how much the NRL's; it nevertheless includes no direct quotes from players and gives no outline of the questions posed in interviews or surveys, thus replacing the players' words and voices with another voice. It is possible that, if the summary was made by the NRL, they devised its structure and wording;[19] however, as the names of Lumby and her team members are listed at the beginning of the summary, and it refers to 'our findings', the voice and language of the document are therefore *presented* as those of the impartial, 'feminist' academic research team. As Lumby has such a high public profile, and was generally reported in the media as the author of the report, she therefore appears as the character-narrator of the summary: the Feminist Researcher.

[16] I will refer only to the official summary here as I am concerned with the public narratives that the NRL produced rather than the actual findings.
[17] A personal communication from Catharine Lumby indicates that it is the intellectual property of the NRL (email, 5 July 2006).
[18] My interest here is in the *narrative function* of Lumby-as-feminist.
[19] Marked differences between the wording of one finding reported in the summary and in a brief article Lumby published in the *UNSW Law Journal* (2005b) suggest that this is probably the case.

Given that rugby clubs and the NRL are perceived in the media as hostile towards "outsiders" and bent on protecting their own,[20] presenting the findings in an outsider's voice − particularly one portrayed as unbiased, or even likely to be biased *against* the NRL − gives the appearance of transparency and a willingness to act that the early responses of the Canterbury Bulldogs and the league did not, for which they were widely criticised (see Chapter Five).

Like *Respect and Responsibility*, the opening section to *Playing by the Rules* portrays the NRL as a community leader, narrating only the league's actions in commissioning the research and eliding altogether the alleged sexual assaults that precipitated it. Although the publicising of the Canterbury and Melbourne Storm rape cases prompted the NRL to appoint Lumby as gender adviser and commission the research, the 'background' narrative which opens the summary begins:

> In March 2004, the National Rugby League commissioned a research team based at the University of Sydney to conduct comprehensive research into current player attitudes and behaviours toward women and into the broader attitudes and behaviours towards women exhibited across league culture. (p. 1)

This portrays the NRL spontaneously initiating the study − its "first cause" − thus representing the League as proactive rather than reactive, distancing the NRL's initiative from actual (alleged) sexual assault and mirroring the AFL's policy document. The background section's concluding paragraph reads:

> The NRL's stated rationale for commissioning this research was to ensure that the organisation does everything in its power to ensure that women are treated with respect and fairness across the League.

This suggests that if the NRL does what the report recommends, then it will have done everything in its power and any problems are the responsibility of individuals. It also suggests that the NRL has high aspirations.

[20] Numerous references were made to the Bulldogs' 'siege mentality', as well as many unfavourable comparisons with the apparent 'openness' and 'transparency' of the AFL's response. See Chapter Five.

Like *Respect and Responsibility*, when sexual assault is represented explicitly or implicitly in the summary, it is agentless, particularly when it is potentially associated with rugby players, thus immunising them from any blame. Consider the following statements from *Playing by the Rules*:

> 1. There is evidence that *abuse of alcohol by men* can correlate with increased harassment and assault of women. (my italics)
>
> 2. Codes of mateship and loyalty are part of positive team-bonding rituals. However, when mixed with alcohol abuse and secrecy, these rituals can increase the risk of women being harassed or assaulted.
>
> 3. Because of their celebrity status players are presented with a far higher level of opportunity to have sexual contact with women in a wide range of circumstances. This is true for male celebrities across the sport and entertainment industries. There are risks associated with these opportunities. Education needs to focus on the importance of negotiating sex in an ethical manner and to ensure mutual consent and respect.

In example 1, the abuse of alcohol is foregrounded and male agency obscured within the passive construction; use of 'can correlate' further obscures any causality between the men's actions and the 'increased harassment and assault of women'. This further appears as a completely agentless passive so that no-one is portrayed as responsible, and even if footballers abuse alcohol and 'assault' women, they are not blameworthy. Importantly, *sexual* assault is also absent from this finding. No footballers appear in example 2, as agents or otherwise, and thus the rituals that incorporate codes of mateship and loyalty, alcohol abuse and secrecy are portrayed as agents themselves. However, they are not agents of *actual* sexual assault, but of *increased risk*, double distancing any suggestion that footballers could be blamed for rape. In example 3, footballers are the passive recipients of 'opportunities', and there is ambiguity in the use of 'risks' as although it may refer to the risks of mutual consent not being ensured, it may also refer to the 'risk' of players being (falsely) accused of sexual assault, as discussed in Chapter Two. Either way, footballers are not represented as agents and thus portrayed as not responsible for their behaviour.

Again like *Respect and Responsibility*, *Playing by the Rules* contains many contradictions, similarly obscuring the connections between statements, and in particular containing simultaneous implicit claims that players both rape and do not rape. The first key finding listed − a single sentence prominently displayed, without additional explanation − reads, 'Players were unequivocal that sexual assault of women is always wrong'. This implies that, if players unequivocally believe that sexual assault is wrong, then they will not sexually assault women. However, other bullet points point to problems within the league, strongly suggesting that players *do* rape, and have raped. Example 1 above − 'There is evidence that abuse of alcohol by men can correlate with increased harassment and assault of women'[21] − is followed immediately by: 'Heavy alcohol consumption remains entrenched in some quarters of the League'. If alcohol abuse is rife within the NRL, and alcohol abuse is associated with rape, then the suggestion is present that rugby players may at some point have raped while engaging in heavy drinking, although this suggestion is erased by the separation of the two points. Also elided is the possible *sexual* dimension of 'harassment' and 'assault', further obscuring the connection between footballers and sexual assault. The final sentence of example 3 above also suggests that footballers do rape, for if education programs are required in order to inform players that mutual consent and respect are necessary in sex, then this strongly implies that (some) players do not already know this, and therefore do not ensure that consent is obtained. This, of course, would constitute rape.

The summary also contains a statement of literal denial of the potential negative influence of football on players' behaviour: in direct contradiction to the bulk of available research into attitudes and behaviours of professional male athletes

[21] See Chapter Five for analysis of alcohol as a narrative device.

towards women, and without reference to any specific study, report or finding, the summary claims that there is no evidence that male athletes are more prone to rape than any other men. It reads,

> [t]he best research into the attitudes and behaviours of male professional athletes towards women suggests that, despite the stereotypes around all-male body-contact sports, such men are not more predisposed towards aggressive or assaultive behaviours towards women than other groups of men. (p. 3)

This is despite the well-publicised and credible findings to the contrary of, among others, Scott Boeringer (1999), Todd Crosset, Jeff Benedict and Mark McDonald (1995), and Mary Koss and John Gaines (1993). As noted above in the discussion of *Respect and Responsibility*, Boeringer found that significantly higher numbers of college athletes agreed with rape-supportive statements than their non-athletic peers; Crosset, Benedict et al. found that male athletes were reported for sexual assault significantly more frequently than other male students; and Koss and Gaines found that athletic participation was significantly correlated with self-reported hostility towards women. All three were also published in reputable journals: *Violence Against Women*, the *Journal of Sport and Social Issues*, and the *Journal of Interpersonal Violence*. The Feminist Researcher's claim that the 'best research' suggests the exact opposite implies that none of these studies, nor those like them, is credible, despite strong support for their validity within the academic community and the lack of any published studies to support the counter-claim.[22] It is also curious given that Flood, listed on the front page as a 'key advisor' for the project, stated on 'Foul Play' (2004) that 'there are some cultural factors in rugby league, in AFL and in other male-contact team sports in general that mean that sexual assault is more likely', basing this assertion on his own, as well as international, research.

[22] Koss and Gaines (1993, p. 97) cite one 1991 study that suggested that the rate of self-reported sexual assault among male athletes was no higher than the American average; however, Koss and Gaines identify problems in the research design, such as a lack of comparison with non-athletes at the university, which call the validity of the finding into question.

The Feminist Researcher recommends inserting more women into positions of authority in the NRL; however, this is juxtaposed with an assertion that the presence of cheerleaders does not affect players' perceptions of women, presenting an inherent contradiction. The following statements appear one after the other in the listed findings:

> While the presence of cheerleaders has been strongly criticised by some public commentators, the research team has found nothing in its research which suggests that the presence of cheerleaders is encouraging negative attitudes or behaviours towards women by the players.
>
> In terms of developing a culture of respect, it is important that players are exposed to women in a diversity of roles, especially in roles of power and authority. Learning to work beside women allows young men to develop respect for their capacities.

The second claim states that simply being 'exposed' to women in positions of authority will cause them to respect women's capabilities. However, implicit in the first claim is the assertion that being exposed to cheerleaders − women who wear minimal clothing and whose role is to perform for and encourage adulation of the players − has no similar effect of promoting disrespect, or encouraging the players to treat women as sexual objects. Further, the roles the Feminist Researcher recommends that women take are 'senior executive and leadership positions involving greater budget control, more responsibility for staff and direct reporting to the CEO'; nowhere in the summary is there mention of any positions of authority women could fill that would allow them to work alongside players, such as a coaching role.[23] Mariah Burton Nelson (1994, pp. 147-8) reports that when the men's college basketball

[23] The reluctance of men in both codes to accept women even speaking about football, let alone coaching, has been well-documented. While some of the most renowned football writers are women (for example, Caroline Wilson, Jacquelin Magnay and Jessica Halloran), female commentators remain exceedingly rare (only one woman, Kelli Underwood, has called an AFL game on commercial television, in 2009). The belief also persists that only those who have played the game at the elite level could understand it sufficiently to coach, despite some clubs appointing men who never played professionally. See for example Magnay (1996, 2009a) and rugby league coach, radio commentator and journalist Debbie Spillane's *Where Do You Think You're Goin' Lady?* (2007).

team at Kentucky University employed a female assistant coach, it fostered better attitudes towards women amongst players:

> Having a female in the locker room, in the huddles, gives a more dignified huddle, a more dignified locker room. Your language is much better. Bernadette is someone we all respect a great deal. —Head coach Rick Pitino

However, the Feminist Researcher eschews concrete recommendations of this kind which would actually fulfil the recommendation that players work alongside women who are in positions of authority.

Given its many contradictions, particularly those that simultaneously admit and deny that NRL footballers could and (may) have raped, it seems that, like *Respect and Responsibility*, the *Playing by the Rules* summary has more to do with the NRL being seen to do something about the problems and promoting a positive *image* rather than bringing about actual positive change. As the second bullet point claims, '[r]ugby players do not want to be *perceived* as part of a group who harm or harass women' (my italics); however, nowhere in the document is their concern that women not be harmed or harassed expressed. The repetitive obscuring of agency and promotion of the NRL as a progressive institution with regard to sexual assault contributes to footballers' narrative immunity.

From the Mouths of CEOs…

Although they avoided evoking the Predatory Woman, Groupie and Party Girl, when AFL CEO Andrew Demetriou and NRL CEO David Gallop first spoke publicly about the alleged rapes of 2004, they employed similar grammatical patterns of deflecting blame away from footballers to those in the wider media. While avoiding overt declarations of "innocence", in 2004 Demetriou and Gallop nevertheless maintained a

legal framework which centred on footballers' "guilt" and "innocence".[24] They evoked the characters of the Bad Apple and Little Boys to explain away any problems identified within the leagues, and Heroes to underline their insistence that football is not a contributing factor to the problem of sexual assault. While the individuality and singularity of the Bad Apple was continually emphasised, Heroes and Little Boys usually featured *en masse* as typical footballer characters. The contradiction inherent in portraying the majority of footballers as *both* ignorant Little Boys and Heroes continues to pass unremarked.

When Demetriou and Gallop first spoke publicly about the alleged rapes of 2004, both employed a legal discursive framework that positioned the issue of footballers and sexual assault as one solely related to judicial findings of guilt and innocence. The issue thus became one of *discourse* − of competing acts of language − and footballers and the leagues were portrayed as the only ones to experience consequences from these acts of language.

> 1. Demetriou described the St Kilda allegations as 'very serious and very disappointing'. (Wilson, C 2004a)
>
> 2. I don't think anyone's above the law, let alone our players. —Andrew Demetriou (Blake 2004)
>
> 3. These are obviously serious allegations and if they lead to criminal charges and those charges lead to guilty verdicts then it goes without saying that both the players and the clubs will be liable to heavy penalties from the NRL itself. —David Gallop (Frilingos 2004b)
>
> 4. It's obviously a very serious charge and we need to leave it to the police and the courts at this stage… Where the facts are undisputed it's possible for us to take action now, but on this occasion the player is protesting his innocence and therefore we must leave it to the police and courts to make a decision. —David Gallop (Pandaram 2007)

In focusing on the seriousness of the 'allegations' or 'charges', Gallop and Demetriou both imply that there could be consequences from them, for players and leagues,

[24] This is reminiscent of the trends Barbara Barnett (2008) identifies in Duke University's response to an alleged sexual assault involving members of its lacrosse team. Barnett identifies a 'reason frame', centring on legal outcomes, and a need for 'rationality' in considering the case (pp. 187-92).

rather than that harm might have been done (to a woman); they further posit that these allegations or charges, which occur in language, would be the causes of those consequences. Gallop's statement in example 3 does this most explicitly, positioning the serious allegations as the "first cause" which may potentially lead to a guilty verdict, not any of the players' actions; thus even though Gallop states that if they are found guilty they will be punished by the NRL, their responsibility for those actions is removed. It is significant that allegations, charges and guilty verdicts − the three events in Gallop's hypothetical narrative which could lead to further sanctions from the NRL − occur exclusively in language. Gallop thus removes the events in question from actions having physical, psychological and emotional consequences into an abstract, legal realm where the words of others have consequences for footballers who are not responsible for anything that occurs. The obscuring of referents and behaviours here displayed echoes the techniques employed in the leagues' official documents. Example 4, in response to Anthony Laffranchi's sexual assault charge in 2007, maintains the same discursive framework as the CEOs' statements from 2004, demonstrating the continuity of this pattern after 2004.

In 2004, when commentators began to suggest that there might be a culture within professional football which supports rape, neither Demetriou nor Gallop openly disputed the notion, Gallop commissioning Lumby's study into players' attitudes, while Demetriou called for women who had been sexually assaulted to come forward and devised a policy on sexual assault. Each gave the appearance of transparency and a willingness to "fix" any problems within the culture *if they existed*. However, each repeatedly employed narrative strategies that constituted a literal denial that the AFL and NRL could have any role in creating or perpetuating

problems, evoking the character of the Bad Apple who alone is responsible for any negative attitudes or behaviours.[25]

> Like in any part of the community and in the workplace, from time to time there has been *one or two or three that transgress* and it does tarnish the image of the game.
> —Demetriou (Quayle & Lyon 2004, my emphasis)

> I don't think it's a cultural problem in football, I think it's part of a problem in society and football is just a small part of what is happening in society.
> —Demetriou (Morrell 2004)

> I guess our players *as any individual*, from time to time do need reminders, but at the end of day [sic] our players are still *individuals* who have to understand what their obligations and responsibilities are. — Demetriou (Johnson & Connolly 2004, my emphasis)

> [I]t's very disappointing in many instances in life where *a bad apple* can spoil a bunch.
> —Gallop ('Canterbury Bulldogs under Pressure' 2004, my emphasis)

Although only Gallop explicitly evokes the bad apple, these comments all insist that the problems are societal, and that players who 'transgress' do so as individuals, thus separating this behaviour from any causative or perpetuating influence the AFL or NRL culture might have. As Kim Toffoletti (2007, p. 434) argues of the media texts she analysed that blamed 'wayward individuals' for player 'misbehaviour': '[i]n privileging a discourse of individualism, these articles mask the institutional and systemic dimensions of gender power relations both within and outside of the football sphere'.[26] Gallop's mixed metaphor also emphasises the individuality and rarity of the Bad Apple with the use of the singular article 'a', further distancing the NRL from any causative influence.

Both Gallop and Demetriou's comments echo Jeff Benedict's assertions in *Public Heroes, Private Felons* (1997) and *Athletes and Acquaintance Rape* (1998) that one of the main reasons why so many professional and college athletes commit

[25] Brisbane Broncos CEO Bruno Cullen also remarked on *The Footy Show* (NRL) in May 2009 that 'there's going to be a bad apple in every case'; an interviewee in Mewett and Toffoletti's study (2008a) also referred to 'bad eggs' within AFL football. See also Sammut (2009), which attributes all the problems of rugby league to 'bad eggs and reprobates', giving this as the reason why "education" programs cannot succeed and footballers' attitudes cannot be changed.

[26] Michael Messner argues that, through sport, athletes are socialised in their attitudes towards women and sexual relationships (1992), and acceptance of and participation in violence, including sexual violence (2002, 2007).

crimes of violence against women is because they are *already* criminal when they enter the elite sporting world (1997), or have had an unfortunate childhood (1998) − already Bad Apples. Benedict further claims that criminal behaviour is caused by social class, asserting: 'It is unrealistic to expect that poorly prepared young men from urban areas will suddenly abandon their ways after receiving an athletic scholarship and arriving at an elite college campus' (1997, p. xvi). He thus claims that athletes' 'ways', criminal or otherwise, are fixed when they begin to play sport, despite the fact that studies demonstrate that the behaviour of many students on entering college or begin playing elite sport changes dramatically according to the culture they enter,[27] and many athlete gang rapes are committed by teenagers.[28] Throughout *Public Heroes*, Benedict labels those athletes who commit sexual and other violence against women 'incorrigibles' (p. xvii), or 'bad seeds' (p. 228), with a 'predisposition' towards violence (p. 26), continually reinforcing the "innate" criminality of some athletes and disavowing the role that the culture of elite sport itself can play. Demetriou and Gallop used narrative strategies to similarly portray any footballer who might be found guilty of rape, or display negative attitudes towards women, as a Bad Apple who could damage the game. As Kate Clark points out in 'The Linguistics of Blame' (1992, p. 224), projecting sexual and other violence against women onto 'monsters' and 'fiends' implies that these men are extra-societal, and thus excuses the society that produces them from any blame. Similarly, projecting any negative attitudes or behaviours onto individual Bad Apples protects football culture from being seen as a causative or exacerbating factor.

[27] See for example Goig (2008) and Sanday (1990). See also Scully (1990) and Robins, Lusher and Kremer (2005), who demonstrate that the higher the education level of convicted rapists and footballers respectively, the better their attitudes towards women.
[28] See for example the Glen Ridge, New Jersey case, in which a group of high school athletes raped an intellectually disabled girl (Benedict 1997, 3-4).

As in the official documents, Gallop and Demetriou both took this a step further, each claiming that not only are any problems caused by Bad Apples, but that sexual assault is only really a problem in the wider community, which the AFL and NRL Heroes can "lead the way" in solving. This tendency has continued after the screening of 'Code of Silence', and also intersects with the discourses of footballers as heroes on the field discussed in Chapter Five. Consider the following examples:

> 1. At the end of the day they are great players and they are great guys.
> —Gallop (Grant 2004b)
>
> 2. But our players in general… are *outstanding people, outstanding leaders* of the community and continue to set the example as role models. —Demetriou
> (Quayle & Lyon 2004, my emphasis)
>
> 3. It's not surprising that people feel upset… But the overwhelming majority of our players are *outstanding ambassadors*... and it is frustrating that some people are losing sight of the genuine contributions they make to their communities. —Gallop (Walshaw 2009, my emphasis)
>
> 4. We're aware that we're dealing with issues that exist in the rest of society, so we want to be at the forefront of those issues. —Gallop (Grant 2004b)

Examples 1-3 describe the character of "typical" footballers: 'great guys', 'outstanding people', 'community leaders', 'role models' and 'ambassadors' − Heroes, clearly contrasted with any Bad Apples who might hold negative attitudes towards women. It is significant that both Gallop and Demetriou employ 'outstanding' as this implies that NRL and AFL footballers stand out even amongst the general run of community leaders and role models, attributing a moral status greater than average to the leagues and casting its players as Heroes;[29] Gallop articulates this further in example 5, positioning the NRL 'at the forefront' of solving societal problems. He also implies that the 'issues' in fact may not exist within football at all, but only occur 'in the rest of society'. In the context of a debate about sexual assault, this positions NRL and AFL players, and the leagues themselves, as Heroes leading the way in

[29] Following 'Code of Silence' (2009), Roosters CEO Steve Noyce echoed Gallop and Demetriou's sentiments from 2004 in even more exaggerated fashion, claiming that '99 percent of our players are fantastic human beings' (Walshaw 2009).

ending sexual assault, a problem unconnected to football. This sentiment was somewhat farcically echoed by Collingwood president Eddie McGuire, who, in discussing the Canterbury Bulldogs and St Kilda cases of 2004, proposed on *The Footy Show* that as many people no longer sought moral guidance from the church, they might instead look to the AFL (2004). While football − particularly AFL − is often spoken of as a religion,[30] it is ultimately a profit business, as likely a moral bastion as Shell or Coca-Cola. Nevertheless, although Demetriou and Gallop employ more subtle phrasing than McGuire, the same sentiment underpins both discourses: football leads the way in solving community problems. I do not suggest that footballers *cannot* be good role models, and some clearly are; however, to claim moral superiority for the 'overwhelming majority' of players is to deny that football could support the 'rape culture' that its discourses describe. It also obscures the events that led to the debate in the first place.

Demetriou's speech launching *Respect and Responsibility* in November 2005 appears to contradict the general portrayal of accused footballers as "innocent" of rape, undermining his and others' statements of denial. Demetriou firmly establishes the significance of the policy and its impact on the game, portraying the AFL as taking a strong moral stance against the mistreatment of women. However, he also seems to imply that AFL footballers have raped, and could rape in the future, although the implication is obscured:

> The changes to our rules are significant. They send a message to all those involved in the game that the AFL will not tolerate inappropriate behaviour, *sexual harassment or assault* against women… Nor will we tolerate a culture that seeks to sweep these issues under the carpet.

[30] See for example *The Australian Game of Football Since 1858* (Slattery 2008, pp. 233-9) and *Up Where Cazaly?* (Sandercock & Turner 1981, p. 225). This tendency is more prevalent in AFL football than in rugby league, although pseudo-religious terminology is sometimes employed in rugby league discourse. For example, describing fans as the 'faithful' (Masters 1990, p. 241). The lack of direct reference to this phenomenon may also be due to the relative paucity of literature on rugby league to which Lex Marinos and David Headon refer (1996, p. viii).

> These incidents (in March 2004) made us look into the heart of our game and into the culture of football and this wasn't an easy thing to do.
>
> It would have been easier to treat *these incidents* as one-offs, *as individual events that had nothing to do with the rest of the football community*.
>
> It would have been easy to make small changes and just wait until the media interest in this issue had passed.
>
> We were faced with a fundamental challenge and *it took a number of very brave, determined and strong women to tell their story* and stand up to the public scrutiny and judgment in order for these issues first to be aired. (Barrett 2005, my emphasis)

The main aim of the policy, according to Demetriou's statement, is to 'send a message to all those involved in the game' about the AFL's stance against the mistreatment of women. However, Demetriou obscures sexual assault almost to the point of erasure: 'sexual harassment and assault against women' divides 'sexual' from 'assault', obscuring whether the final referent is in fact '*sexual* assault', or 'assault'. Demetriou goes on to explain what incited the AFL to 'look into the heart of [their] game' and make (rule) changes: 'these incidents (in March 2004)'. With the presence of sexual assault under erasure in his discourse, Demetriou therefore also obscures the fact that those incidents are (alleged) sexual assaults, which he nevertheless goes on to suggest *are* connected to the rest of the football community and not isolated events. Despite his previous assertions that the "facts" of the alleged sexual assaults are matters for the courts to determine, Demetriou then strongly implies that the complainants of 2004 *were in fact telling the truth*, as the 'very brave, determined and strong women' he asserts prompted these 'issues first to be aired' are those who made rape complaints against footballers. As they could not be considered 'brave' for making a false complaint, Demetriou strongly implies that they were telling the truth, and that footballers raped them. However, the elision of 'sexual assault' from the speech obscures this admission so that it is only present under erasure, and is thus denied at the same time it is admitted. This therefore suggests that the leagues' statements of

denial are not 'true, justified and correct' (Cohen 2001, p. 4), and that the CEOs are aware of this, which further implies, as Vanessa Swan argues on 'Fair Game?' (2004), that the leagues may be involved in 'sweeping under the carpet'.

Common trends exist between the CEOs' discourses of 2004 and 2009; however, following 'Code of Silence' (2009) there was a significant shift in focus, with the CEOs applying a moral framework to evaluate players' behaviour. The program provoked a public outcry against NRL footballers' sexual behaviour: a survey of *Daily Telegraph* readers, following the screening of the program, found that 32% of the 7530 NRL fans of both sexes polled said that they had been 'turned off attending NRL matches with their families' (Walshaw 2009). The 'overwhelming majority' of callers to *Four Corners* talkback following the program also expressed 'disgust at the revelations that were aired' (Johnston 2009), and all of the comments posted on fan rugby league site *rleague.com* (2009) unequivocally condemned the players' actions. Although three women testify on the program to experiences that constitute rape, and one of these describes other incidents that she has heard about in which it is at best unclear whether the women were consenting, *Four Corners* instead emphasises "group sex" as a degrading and (potentially) traumatising experience for 'vulnerable young women', *whether they consent to it or not*. *Four Corners* thus implies that, in these situations, the issue of consent is virtually irrelevant, and the problem is one of "abusive sex" rather than rape. The shift in Gallop's discourse after the program mirrors the shift in that of *Four Corners*: he moved from stating that sexual assault (allegations) are a serious matter that should be left to the courts, to declaring that any form of group sex is degrading and harms women, and the NRL will not tolerate it. Nevertheless, despite this shift, the CEOs' discourse repeats the

same patterns of deflecting blame and responsibility away from footballers identified in the official documents and previous chapters.

In his responses to 'Code of Silence', David Gallop moved away from the legal framework he utilised previously, instead employing a discourse of morality for the first time to depict footballers' behaviour and frame the league's future actions. In describing group sex, Gallop declared, 'It's degrading, it's appalling and as I've said we need to educate our players that *it is wrong*' (Honeysett 2009, my emphasis); he also effectively threatened the careers of any players who persist with it: 'It's a time to either accept the changes we are putting in place or get out of rugby league' (Honeysett 2009). Rather than, as commentator Richard Hinds (2009) notes, 'waiting in the wings to punish those charged by police' − or as occurred prior to Brett Stewart's suspension, waiting for a criminal conviction to be handed down[31] − Gallop is expecting players to abide by a moral code more stringent than the requirements of law. This reinforces the portrayal of football leagues as moral bastions that expect more of their players than is expected of others.

It would therefore seem that Gallop has now ceased his persistent statements of implicit denial; however, although condemnatory of players' behaviour, Gallop somewhat paradoxically persists in denying their agency in that behaviour in statements subsequent to 'Code of Silence':

> [Group sex is] degrading, it's appalling and as I've said we need to educate our players that it is wrong... To the extent that *young women are finding themselves in a degrading situation*, of course we're appalled about that and we do what we can to educate our players that that is wrong. (Pandaram 2009a)

[31] When his club the Manly Sea Eagles failed to sanction Stewart, Gallop intervened and stood him down for the first four matches of the 2009 season. Gallop invoked a rule that requires 'sober, professional and courteous behaviour' from players while consuming alcohol, which was not invoked in any of the more than 80 incidents involving NRL players and relating to abuse of alcohol over the past ten years, several of which required police intervention. Gallop said that he stood Stewart down because 'he had a big responsibility to the code' as the face of its 2009 season launch campaign, which he had failed to uphold (Massoud and Payten 2009).

In neither statement does Gallop represent a "gang bang" as an act with an agent, employing an 'agentless passive' (Ehrlich 2001) in the second. According to Gallop, the "gang bang" is not an *act* but a *situation*, in which the footballers are not portrayed as present and the women 'find themselves' completely alone. This erases responsibility for creating these degrading situations from footballers. As the women are the only people present, this also implies that they are at least partially responsible. Although Gallop declares that players must be 'taught' that these degrading situations are 'wrong', he omits any suggestion that their *behaviour* must change; it is only their abstract knowledge of right and wrong that must be remedied. This represents a separation between knowledge and action − a separation between mind and body − which further works to absolve footballers from blame for their actions, as discussed in Chapter Four. Further, although Gallop now admits that rugby league players participate in *group sex*, which he condemns, the possibility that they have raped, or could rape, is still denied, and thus rape still does not signify within his discourse.

Education:
'Making Sure the Boys Know What's Right and What's Wrong'

Both codes' Official Stories, like those of the overwhelming majority of commentators who perceive problems within football, propose formal "education" programs as a, if not the, solution. The bulk of the Summary Recommendations in *Playing by the Rules* (sixteen out of twenty-five points), as well as a full page of *Respect and Responsibility*, relate to the implementation of education programs; as noted above, Gallop also declared that the NRL needs 'to *educate* [their] players that [group sex] is wrong' (my emphasis). Even leaving considerations of its effectiveness aside, this response is inherently problematic for its *narrative* implications, as it constructs any sexual violence, abuse, or negative attitudes as the result of ignorance

rather than malice or contempt, portraying footballers as innocent Little Boys. This construction further builds on a more widespread discursive infantilisation,[32] thickening its significance. The demand for "education" also suggests that, as discussed in Chapter Four, footballers' attitudes towards women are purely cognitive and can therefore be altered by appealing to their rationality, and not dispositions which are 'absorbed' through experiences and the practical training of the body (Bourdieu 2001). The seemingly universal belief in "education" as "the answer" also appears startlingly misguided in light of the fact that anti-rape programs have been in place in both leagues for many years,[33] and Robins, Lusher and Kremer's (2005) finding that AFL footballers' after-hours social networks and thus behaviour outside the club environment were unlikely to be affected by formal, in-club programs. It is also somewhat contradictory for the leagues to deny that footballers could have committed sexual assault, and that any problems exist within the leagues, and then propose such a solution; this ties in with the idea that the leagues need to be *seen* to be doing something.

While formal anti-sexual assault programs may be of some use,[34] and much effort has gone into devising the leagues' programs, my concern is also with how a purported need for "education" functions as a *narrative* device, intersecting with other discourses about footballers to make excuses for sexual assault. The term '*education* program' portrays those who would undertake the workshop in ways that 'anti-sexual

[32] Benedict (1998, pp. 12-15) argues that elite athletes are excused from taking responsibility for themselves, with athletic departments organising their classes and books in college and ensuring that they can continue to play despite poor grades. Their socially unacceptable behaviour and even violations of campus and local laws are also overlooked, and they are thus in many ways also *treated* like children.

[33] Debbie Hindley (2005, p. 30) argues that education programmes are unlikely to be effective as players do not necessarily take them seriously.

[34] Messner and Mark Stevens, who have themselves conducted such workshops, suggest that the programs may have an impact on some individuals, meaning that 'a few girls and women… will be safer than they might otherwise have been' (Messner 2007, p. 119).

assault program' does not.[35] As education is generally considered to be something given to children – the education of adults is usually called 'higher education' or 'adult learning' − it positions footballers as children: innocent Little Boys. Although one or two junior footballers might be 17, the overwhelming majority is legally adult and many continue playing well into their thirties. Matthew Johns was 30 when involved in the Cronulla Sharks "gang bang" of 2002, and the incident in Hawaii in 1999 (discussed in Chapter One) involved at least one official 'in his 30s', from the AFL's Hawthorn Football Club. To claim that "education" is required is to claim that footballers do not already know what sexual assault is, nor how to tell whether a woman is consenting or not, and thus if they have raped in the past, then it was through ignorance and they cannot really be held responsible. This positioning of footballers as Little Boys also intersects with other infantilising discourses to naturalise the idea, so that all footballers' criminal behaviour can therefore be recast as innocent "play". The broader discourse of male childhood, as Peggy Sanday observes (1990), follows 'well-known social scripts' (p. 87), which represent the transition from child to adult via the popular cultural myth that human nature has evolved from a state of wild, untamed nature to a state of civilised culture. Thus any "wild" behaviour in childhood is passed off as part of the "natural" progression into adulthood − although this freedom is reserved for boys.[36] Hence, all footballers are cast as Little Boys able to access the immunity of childhood and have their behaviour – even when criminal – passed off as "natural" wildness.

[35] Messner and Stevens refer to their workshops as 'clinical violence prevention interventions' (Messner 2007, p. 108), 'rape prevention programs' (p. 117), or 'intervention programs' (p. 119).
[36] See Helena Kennedy's *Eve Was Framed* (1992, pp. 77-8) for discussion of the double standards applied to girls and boys in the British juvenile justice system, where girls are punished for behaviour that is considered 'unfeminine', such as violence and drunkenness, and boys are excused because of the popular misconception that such things are "normal", and 'boys will be boys'.

The narrative functioning of "education" programs in the Official Story is informed and reinforced by commentators' and club representatives' constructions of footballers as Little Boys, in narratives relating footballers and sexual assault. As discussed in Chapter Five, particularly in the case of the Canterbury Bulldogs alleged rape, familial bonds were frequently evoked and the players cast in the role of children.[37] After police announced that charges would not be laid against his players, Canterbury coach Steve Folkes declared, 'The family has been abused, harassed, humiliated all through it' (Brown, A 2004b). Bulldogs CEO George Peponis made the players' position in the 'family' more explicit, declaring, 'the players are part of the family, but I am the father who loves my children but if they misbehave they are punished for it [sic]' (Walter & Magnay 2004). The potential 'misbehaviour' to which Peponis refers is, of course, gang rape, but in this discursive context any punishment is given out of love for the players, to help and teach them, rather than any concern for the woman they might have harmed.

Portraying footballers as children in need of instruction is not restricted to club and league representatives; it features prominently in the discourses of others commenting on the alleged rapes. Journalist Karl deKroo (2004) also evoked familial discourses, remarking: 'National Rugby League boss David Gallop has been wearing the tired face of a father who has lost patience with a delinquent son'. Many respondents in Peter Mewett and Kim Toffoletti's study of female football fans (2008a) also referred to footballers as 'boys' in preference to 'men'.[38] All these examples portray footballers as children who must be taught the difference between right and wrong, and therefore any 'misbehaviour' can be explained away as ignorance, thus diminishing their responsibility for their behaviour.

[37] Messner (1992, p. 89, author's italics) quotes a former US athlete declaring, 'a team *is* a family. It *has* to be', in which the players are 'brothers', demonstrating the widespread acceptance of this notion.
[38] See also Piers Akerman (2004b).

Footballers are portrayed even more clearly as Little Boys through the use of the terms 'schoolboys' and 'kids' in the context of alleged sexual assault, as well as other criminal behaviour, a practice which has continued into the 2009 debate. 'Kids' is also used in a more explicitly sympathetic manner than 'boys', strengthening the sense of innocence and lack of culpability attached to the footballers' actions.[39] Referring to Gallop's responses to alleged sexual assault and misconduct, journalist Richard Hinds remarked (2009), 'Often Gallop has been left standing like a befuddled headmaster wagging his finger at misbehaving schoolboys'. Even when footballers' behaviour is officially recognised as criminal, they can still be referred to as 'kids', as an example involving NRL Brisbane Broncos halfback Peter Wallace in 2008 shows. Wallace was arrested and charged with failing to leave licensed premises and disorderly conduct at licensed premises while on holiday with teammates following the end of the 2008 season (Webster & Fox 2008). Former NRL Wests Tigers player of the century Tom Raudonikis spoke out publicly against the Broncos' and the media's responses, claiming that they were 'over-reacting to the *kids* having a good time' (Masters 2008, my emphasis). Raudonikis also remarked, 'there's a song lyric which keeps going around in my head, "Leave the kids alone"', which, ironically, is taken from Pink Floyd's 'We Don't Need No Education'. Although Wallace was twenty-three, which makes him legally an adult and responsible for his behaviour, Raudonikis portrays him as a Little Boy who simply 'played up', attempting to pass off violent, criminal behaviour as innocent, childish playing.

As stated in the introduction to this thesis, the accused's intention to commit a crime is essential in determining guilt. According to the Victorian *Crimes Act* (*1958*, s. 37AA (b)) and, since January 2008, the NSW *Crimes Act* (*1900*, s. 61HA 3(c)), an

[39] On *The Footy Show* (2009), following 'Code of Silence' (2009), Phil Gould also repeatedly referred to Matthew and Trish Johns as 'these poor kids'.

accused's belief that a complainant was consenting must be 'reasonable'; however, when the media is saturated with the presupposition that footballers do *not* know what constitutes consent and sexual assault, their belief that a(ny) woman is consenting can appear to be reasonable. Further, this apparent reasonableness is affirmed by stories of women 'throwing themselves' at players (Chapter Two), and the insistence that footballers' bodies, and their social and sexual lives are vastly different from other men's (Chapters Two, Four and Five). Thus, "education" as a narrative device works both to provide players with excuses for sexual assault and to disprove intent. These excuses work with the statements which deny that footballers could rape to form the inherently contradictory overall claim that "footballers do not rape, and *even if they did*, they would not have intended to do it, or be responsible for it".

Despite the persistent professions of belief in "education" programs as the "solution" to the problem of Little Boys and rape, and Catharine Lumby's repeated assurances that they simply require time to take effect (Dunlevy 2009; Jeffery 2009; Lumby 2005a), as many commentators point out, the situation shows no signs of changing (Dunlevy 2009; Rowe 2005; Sammut 2009), and players' narratives continue to demonstrate the same structures I have identified in discourses since 2004.[40] As discussed in Chapter One, the Newcastle Knights' anti-rape workshop shown on 'Code of Silence' (2009) features a video scenario in which, after a woman has consensual sex with one man, another man replaces him without her knowledge or consent. However, although such programs have been in place in all NRL (and AFL)

[40] A program entitled 'Players and the law: assault and sexual offences' was presented to NRL players in 2003 (deKroo 2004), the year of the first Canterbury Bulldogs Coffs Harbour alleged rape, and one year before the second incident which initially sparked debate. In 2005, then-Newcastle Knight Dane Tilse broke into a student's university dormitory room two weeks after participating in the first *Playing by the Rules* "education" program at the 2005 rookie camp (Wilson, R 2005). Overseas sporting clubs have had similar problems, for example: Nelson (1994, pp. 156-7) cites a club where players twice committed alleged sexual assaults immediately following anti-rape programs, although Nelson attributes these incidents to ironic, unfortunate timing.

clubs since 2004, the general response from the players was that the woman 'put out first' − that is, flirted with the men − implying that she was therefore "asking" to be raped by the second man. Although former player Mark O'Neil, who conducts the workshop, pointed out that the players are applying double standards, current player Simon Williams demonstrated on camera that the message still has not got through. In responding to a question about group sex, − in effect "explaining" why sexual assault allegations are made against footballers − Williams claimed that it is 'not during the act, it's the way you treat them after it' that causes problems, implying that most, if not all, complainants are Women Scorned who objected to the way they were treated after consensual sex.[41] Another representative rugby player who spoke anonymously to *The Sydney Morning Herald* in May 2009 made this point even more explicitly, claiming that

> [m]ost of the time the girl goes back willingly and consents to everything, but sometimes regrets it when she wakes up in the morning and says, 'I didn't want that to happen,' and that's when the problems start... You're not supposed to say it publicly, but *everyone knows* that if you're polite afterwards and pay her cab fare home you usually don't have any problems. (Pandaram 2009b, my emphasis)

According to this player, it remains "common knowledge" − something that 'everyone' knows − that being 'polite' prevents women turning from willing group sex participants into vengeful Women Scorned, thus suggesting that these beliefs could remain widespread even after five years of "education" programs to change them. Michael Messner (2002, pp. 157-8) expresses doubt that formal anti-rape programs can be effective, as the problems run much deeper:

> I suspect that these programs will have little effect, especially when they are one-shot interventions that are not organically linked to longer-term institutional attempts to address men's violence at its psychological, peer group, and organizational roots… ultimately, if intervention programs focus their attentions only at the level of men's group-based interactions, while leaving the larger institutional and cultural contexts

[41] Knights officials claimed that Williams' comments were 'taken out of context', and that he was 'treated unfairly' by *Four Corner* (Dillon 2009); however, the implicit claim in his statements that rape complainants are Women Scorned remains, and given that another 'representative' player echoed these sentiments suggests Williams may not have been treated as unfairly as the officials claim.

> untouched, they are unlikely to alter fundamentally the annual reproduction of sport as a pedagogical site for boys' and men's learning of the triad of violence [against women, against other men and against themselves].

"Education" packages are delivered to players once, or perhaps twice a year, yet players participate daily in a football culture that promotes the demeaning and objectification of women. Added to the numerous findings that rape-supportive hegemonic masculinity is (re-)produced through the everyday discourse of elite sport (see above), and Robins, Lusher and Kremer's (2005) finding that after-hours social networks and thus behaviour outside the clubs are unlikely to be affected by formal, in-club programs, the case for "education" as a primary solution appears to collapse. As Messner implies, formal programs are also unlikely to have any effect on footballers' 'dispositions' as these are not learned cognitively but rather absorbed through practical experiences and common discourse (Bourdieu 1990, 2001). Portraying players as Little Boys only provides excuses for their behaviour.

The Official Story constructed by the AFL and NRL, although more eloquently phrased and giving the appearance of seriously addressing the issue of sexual assault, echoes the patterns of deflecting blame and responsibility I have identified across the media, and introduces the character of the Bad Apple to explain the problems within the leagues. It also takes the further step of explicitly deflecting blame away from the leagues in their official capacity, as well as from the games of Australian football and rugby league, portraying players simultaneously as ignorant Little Boys who cannot be held responsible for committing sexual assault, and Heroes who can save the world from it. Their "official" 'statements of denial' (Cohen 2001, p. 4) encompass implicit, interpretive and implicatory denial; however, the inherent contradictions in the CEOs' statements and official publications mean that, under

scrutiny, the narratives begin to unravel and admissions that footballers (may) have raped are revealed.

Chapter Seven

Fighting Words: Alternative Strategies for Narrating Sexual Assault

In the preceding chapters, I have argued that the football codes' self-representations and the majority of media representations of rape cases involving Australian footballers deflect blame away from the players and onto the women involved, providing a narrative immunity for footballers against allegations of sexual assault; and that their constructions create a *différend* which prevents rape testimony from being considered admissible in a trial by media. I have also argued that the portrayal of footballer sexual assault cases is part of a more general construction of players' bodies and behaviour: they are represented as bodies without minds, who are therefore not responsible for anything they do. Through the construction and circulation of narratives in the media, before any charges are laid, footballers are thus provided with a "defence" similar to that provided by lawyers in criminal rape trials, which is likely to be successful in convincing the majority that the allegations are false.[1] However, while these constructions are pervasive, and semantically thick, they are neither static nor unchangeable. Helena Kennedy (1992, p. 32, my italics) argues that the stories or 'myths' that portray women as liars and manipulators, for example, are 'tent pegs which secure the status quo', and that '[m]ythology is a triumph of belief over reality, depending for its survival not on evidence *but on constant reiteration*'. It therefore

[1] Natalie Taylor (2007) reports that in New South Wales courts, 58% of defendants who pleaded not guilty to sexual assault were acquitted in 2005-6, 57% in 2004-2005 and 61% in 2003-2004. *Sexual Assault in Australia: A Statistical Overview* reports that, in the higher courts in 2002-2003, defendants in sexual assault cases were almost three times more likely to be acquitted than all other defendants – more than 50% of those that go to trial resulted in acquittal (Trewin 2004 pp. 77-8). Acquittal rates in the United Kingdom were 60% in 1999 and 57% in 2000 (Temkin 2002, p. 28). Jennifer Temkin (2002, p. 30) also cites a study of 1996-1997 criminal appeals which found that sexual assault convictions were more likely to be appealed, and more likely to be quashed and/or have a re-trial ordered than any other offence category apart from (other) offences of violence.

follows that constant reiteration of the validity of women's rape claims will go some way towards destabilising the status quo that protects rape perpetrators and inhibits rape complaints from being testable, a position which has thus far been denied them.

Individual complainants' narratives constitute an alternative to these dominant myths;[2] however, as I have demonstrated, the football discourses work to discredit and discount these women's words on the basis that they were rape allegations against footballers, no matter what words were actually used. This is not to say that complainants' words are unimportant; however, as the complainants' testifying phrases have been deprived of authority, then other means must be found to present them as credible and restore the legitimacy of the testifying phrase (Lyotard 1988). I will consider the role that journalists and television producers can play in presenting the complainants' narratives as admissible − as valid alternatives to the Predatory Woman, Gold Digger, Party Girl and Groupie stories circulated by football representatives and many in the media. I will consider the framing and narrative strategies that can be employed to validate rather than invalidate and render credible rather than discredit. Some journalists − notably, but not limited to, Jessica Halloran, Jacquelin Magnay, Phil Cleary, Padraic Murphy (as discussed in Chapter One), Caroline Wilson and Cindy Wockner − present alternative narratives, and these alternative versions seek to undermine the dominant narratives and validate the complainants' stories. For example, when introducing the complainant's version of events they employ language that does not implicitly question her veracity, and they characterise the complainant as an "average" woman, avoiding the common stereotypes of lying rape complainants. The makers of certain television programs −

[2] As Kim Toffoletti (2007, p. 434) points out, some commentators have critiqued gendered stereotypes promoted in football, and the structural inequalities that see women marginalised within the leagues; however, as my focus is specifically on breaking the *différend* and presenting complainants' words as credible, in this chapter I will examine alternative *narrative strategies* and how they can render a complainant's testimony believable.

SBS *Insight* episode 'Foul Play' (2004) and ABC *Four Corners* episodes 'Fair Game?' (2004) and 'Code of Silence' (2009) − also endeavour to construct these alternative narratives − in particular, providing space for complainant testimony. I will examine the alternative narrative portrayals offered by journalists, which run counter to the dominant versions; I also consider the framing of complainant testimony and the ways in which this framing is helpful or harmful to the complainant, and the ways this framing can change or potentially reinforce dominant views of footballers and rape. That these alternatives have remained marginal in the debates says much about the power of the discourses that support the dominant perspective: the 'cultural scaffolding' on which they stand (Gavey 2005). However, the strategies employed to present alternative renderings of the complainants and the footballers suggest the possibility of disruption, and the direction media narratives can take in order for the *différend* to be broken.

While the *différend* is strong, there exist nevertheless possibilities for disrupting it and making it possible for alternative versions of events to carry authority. Lyotard (1988) argues that whether or not a testifying phrase can be considered valid depends on the phrases surrounding it, stating that '[v]alidation is a genre of discourse', and that '[n]o phrase is able to be validated from inside its own regimen' (p. 29). According to Lyotard, 'genres of discourse' govern the links between phrases, and the same phrase can be incorporated into a multitude of such genres, to different ends. Therefore, as 'the success (or validation) proper to one genre is not proper to others' (p. 136), breaking the *différend* requires genres of discourse such that the modes of linking phrases together will inscribe the complaint of rape as

admissible testimony, and not that of a liar.[3] Particularly when they are presented in the media, rape narratives are not produced only by the complainant, but are written, and structured, by multiple subjects who are positioned differently from her, in relation to the events and within society. These subjects include: interviewers, who pose questions and thus structure the testimony; television producers and directors who frame the testimony within a larger story; journalists, who both pose questions and rework the already-structured testimony into a journalistic narrative; 'experts'; and other witnesses − to these or other, related events. Media rape narratives can include explanations of events, generalisations of behaviours and responses, statistical support and expert testimony, and narratives are generally unified by a single, overarching narrator. As I have demonstrated, the existence of the *différend* means that complainants' words have been divested of authority and their testimony to rape by footballers cannot therefore signify. However, the links within this tissue of interwoven narratives makes it possible for the testimony to be validated, and the *différend* to begin to be broken. The other subjects who co-author this public testifying narrative − the journalists, interviewers, producers and directors − have access to narrative authority that complainants do not, or what Pierre Bourdieu calls 'symbolic capital' (1990, pp. 112-21). Bridget Fowler (1997, p. 31) succinctly explains symbolic capital as 'reputation or honour − including intellectual honesty', of which complainants have been systematically divested in the media. This means that what these co-authors portray as "truth" is more likely to be believed than a complainant's testimony alone. However, while these validating genres present

[3] This recalls a study of genres of media texts by Theo van Leeuwen (1987, p. 206), who found that there was no single set of rules according to which the texts were *structured* − that is, no specific rules for how phrases should be linked together. He found rather that a range of generic strategies is available in constructing such texts, and different choices correspond to different social purposes of journalism in specific contexts (pp. 208-9), and journalists can make use of these alternatives in order to break the *différend*.

possibilities, the handling of complainant testimony remains fraught, and, as I will demonstrate occurred on *Four Corners* episode 'Code of Silence' (2009), complainant testimony can still be deprived of authority altogether even when the content of (some of) the claims is rendered believable.

If, as I have argued, footballers' narrative immunity is produced and re-produced through layerings of metaphor, symbolism, narrative and grammar, then it follows that these same structures can also be used to undermine it. Legal theorist Kim Lane Scheppele (1989) argues that much legal practice revolves around the telling of 'stories', and whose stories are believed and whose disbelieved relate closely to their status as 'insiders' or 'outsiders' vis-á-vis dominant cultural groups (man/woman; white/black; legal/non-legal etc):

> there is an implicit contrast between those whose self-believed stories are officially approved, accepted, transformed into *fact*, and those whose self-believed stories are officially distrusted, rejected, found to be untrue, or perhaps not heard. (p. 2079, author's italics)

Thus it is not always a matter of one story being "true" and another "false", but of one perspective on an event being excluded from having truth-value because it does not correspond to the general experiences or perceptions of the dominant cultural group. Following Mari Matsuda, Scheppele refers to the process of 'outsider jurisprudence' − that is, 'telling the stories that are omitted from mainstream legal discourse' (p. 2084). Scheppele uses an example of an acquaintance-rape case in which the female complainant, Pat, testified that the defendant, Eddie Rusk, 'lightly choked' her (p. 2086), while a judge at the trial stated that it 'could have been a heavy caress' (p. 2086 n. 38). As Scheppele notes, the two descriptions could apply to the same action but from different perspectives, the choice of 'choked' being consistent with Pat's claim of rape, whereas 'caress' supports Rusk's claim of consensual sex. Rusk was convicted, and the story of the "outsider" thus eventually upheld. Scheppele attributes

this to the way the legal narrative was *contextualised*: in upholding the conviction, one judge placed the events in the context of police warning women not to fight back against their attackers (p. 2095), which makes the fact that Pat did not overtly resist appear more consistent with rape, in a way that beginning the story with Pat and Rusk meeting at a singles' bar does not. In Lyotard's terms (1988, p. 9), this contextualisation is a question of *idiom*. As discussed in Chapter Three, he argues that

> [a] case of [*différend*] between two parties takes place when the 'regulation' of the conflict that opposes them is done in the idiom [*idiome*] of one of the parties while the wrong suffered by the other is not signified in that idiom.

As I have demonstrated, the bulk of the media debates take place in a football idiom, in which women are sexual predators and objects to be sexually degraded, and in which footballers cannot commit rape. Unmediated complainant testimony therefore appears within this idiom, and cannot testify to a wrong. However, presenting complainant testimony within an *alternative* idiom is a means to commence breaking the *différend* − for example, presenting it within a feminist idiom in which a woman who has had sex with a footballer or footballers still retains the right to choose when, where and with whom she subsequently has sex, and in which it is *possible* for footballers to commit rape. Such an idiom can be clearly established by the framing of the testimony in a television program or newspaper article.

I will examine the ways in which journalists go about 'telling the stories that are omitted from the mainstream' media discourse (Scheppele 1989, p. 2084) − that is, rape testimony against footballers − in a feminist idiom, and the strategies that validate (or invalidate) them. Richard Delgado (1989) argues that, to be effective, the stories of those outside the dominant cultural group, which he calls 'counterstories', must 'be or must appear to be noncoercive [sic]. They invite the reader to suspend judgment, listen for their point or message, and then decide what measure of truth

they contain' (p. 1). However, no matter how non-coercively they are framed, rape complaints − particularly against footballers − are *always* viewed as attacks, evidenced by football representatives' immediate, vehement denials that anything took place (Chapters One and Two), and the metaphors of war and violence employed to represent the complaints (Chapters Five and Six). Laura Alcoff and Linda Gray (1993, p. 269, my italics) argue that

> survivor discourse… is positioned (or at least has the potential to be positioned) with respect to the dominant discourse not in an oppositional but still harmonious complementarity but rather *in violent confrontation, since its expression requires not a simple negation but a transformation of the dominant formulation*. The point of contention is not over the determination of truth but over the determination of the statable.

Thus a rape complaint, particularly against footballers, is a symbolic act of *violence*, and the media debates over these cases comprise a contest over what is statable. Within the football idiom, the phrase 'footballer rapist' is not statable.

As discussed in Chapter Four, Sharon Marcus (1992, p. 392, author's italics) argues that there exists a '*gendered grammar of violence*', whereby white men are seen as subjects of legitimate violence against all men and all women, black men are subjects of illegitimate violence against white men and women, but subjects of legitimate violence against black women and other black men. The immutability of this grammar of violence is implicit, as Marcus makes no suggestion that it might be disrupted, and the use of *grammar* − that is, fixed structures − confirms this.[4] However, as noted previously, male footballers appear to be immune from the racialised constructions frequently attributed to Indigenous, Muslim or other "Other" men; thus in the gendered grammar of violence all footballers are subjects of legitimate sexual violence against all women, regardless of race. This contradicts

[4] Marcus refers to 'paragrammars of gender' as those which run counter to 'the dominant grammar of rape', but are not acknowledged by it, 'just as the dominant grammar of language does not acknowledge paralanguages to be anything more than opaque and ungrammatical "dialects"' (p. 393), further suggesting that the construction of legitimate and illegitimate violence is unchangeable.

Marcus' implicit claim that the categories are immutable; it also presents a paradox as the rest of her argument implies a Derridean notion of the possibility − even probability − of alteration and disruption. As discussed in Chapter Three, Jacques Derrida asserts (1988, p. 62), '[i]terability alters, contaminating parasitically what it identifies and enables to repeat "itself"'; that is, an utterance (spoken or written), in being repeatable, will be changed; no unit of text or speech, when removed from its original context/speaker, remains the same. In accordance with this principle, Marcus proposes the existence of a 'rape script', which directs the interactions between rapist and victim. In this script, one person may 'audition' for the 'role' of rapist, and 'strives to maneuver another person into the role of victim' (p. 391). However, if the victim does not play her[5] assigned role in the script − passive, unresisting − she may be able to disrupt the script and avert the rape.[6] I propose that a Derridean framework applies equally, or even more pertinently, to the gendered grammar of violence, and the symbolic violence of a rape complaint against footballers can be portrayed as legitimate by the ways in which it is framed in the media.

Reporting the Story: Journalists Negotiate Gendered Stereotypes

The majority of Australian footballer sexual assault narratives appear as (part of) hard news reports, a genre which is bound by specific rules governing content, structure and style.[7] In *Reporting in Australia*, a guide to gathering and reporting news, Sally White (1996, p. 173) states that although complete objectivity is recognised as an

[5] Marcus' victims are always female, and the rapists always male.
[6] Terry Threadgold (1997, p. 87) argues that this type of disruption is not as simple as Marcus implies, as the scripts she proposes involve a body whose habitus is predisposed to certain behaviours in certain situations. Following Bourdieu, Threadgold argues that these behaviours are 'therefore difficult, if not impossible, to change with a single one-on-one and dangerous intervention in a single local site'. However, this is not to say that such scripts can *never* be disrupted, and recognising them as constructs is one way to begin such a disruption.
[7] See Sally White, *Reporting in Australia* (1996, pp. 27, 153-227) for full details.

impossibility, journalists should prefer denotative words, which 'stand as a symbol', to connotative words, which 'imply secondary meaning' and judgement. However, although White concedes that completely objective writing is not possible, in making these statements she nevertheless seems to assume that language can be used simply as a '"naming" device' (Threadgold 1988, p. 48), without recognising that meaning is also produced through grammatical and narrative structures. Further, *patterns* of meaning-making are embedded in the complex structures of language; as Terry Threadgold argues (1988, p. 49), most users of language take these patterns as '"transparent"' without 'recognising that they are already "representations"/metaphors for a way of seeing the world and constructing and reproducing the social order'. Judgement, therefore, will always be covertly present even in hard news reports. Threadgold argues that rather than conceiving of language as '"forms with meanings attached"', it could instead be thought of as meanings which can be actualised or contextualised through forms (p. 48); however, neither can these forms necessarily transmit the intended meaning of the *author* to the *reader*. When negative stereotypes of rape complainants abound in the popular imagination, particular descriptors and events are likely to evoke these stereotypes in the minds of many readers (see Chapter One).

White (1996, p. 27) also cautions that the direct interjection of the writer's opinion is not permitted as the purpose of a news report is supposedly to transmit 'verifiable facts and identifiable sources. It should not contain the reporter's comment, either explicit or implied'.[8] Thus even when reporters wish to avoid evoking stereotypes of lying rape complainants, they are not permitted to explicitly refute

[8] Theo van Leeuwen (1987, p. 206) argues that genres of news report are less constrained than they may appear, as the articles he analysed all differed substantially in schematic structure. However, while journalists might be free in how they *structure* articles, and be able to present a 'moral' to the reader − for example, as the reported advice of 'experts' (pp. 205-6) − they are nevertheless bound by the restrictions on personal commentary and explanation of events.

them, and many readers may construct a "truth"-fabula that features Predatory Women and Women Scorned, even if the writer explicitly wishes to present an alternative. In this sense, journalists are 'not permitted to mean differently' from patriarchal norms, as Threadgold puts it (1988, p. 52), because of the restrictions of the hard news genre. The very conceptualisation of the genre as 'factual' is also problematic as it discourages the audience from questioning the meanings they make from such texts.[9]

One of the first narratives of the Canterbury case to appear was Jessica Halloran and Jacquelin Magnay's 'Bulldogs Party Ended in Woman's Screams by Pool' (2004), which avoids the techniques of blame and responsibility applied in many later accounts, and circumvents the Predatory Woman, Gold Digger, Woman Scorned, Groupie and Party Girl stories.[10] The story they tell is of a relatively peaceful evening which 'degenerated', firmly attaching blame for the degeneration to the Bulldogs players. Their narrative opens thus:

> She was 21 and pretty, having fun on the packed dance floor of the Plantation Hotel in Coffs Harbour.
>
> The Bulldogs and Canberra Raiders were in town, the Raiders great Mal Meninga was busy signing autographs in the sports bar and the music was pumping.
>
> But the alcohol-fuelled evening degenerated quickly in the early hours of Sunday.

[9] Van Leeuwen (1987, p. 200) refers to the importance of the 'tacit contract between the media and the public that news will render the events as they happened and the facts as they are'.

[10] For other narratives which portray the complaints – and the complainants − as credible, see also Anthony Peterson's 'She Was Sobbing, Soaking Wet and Distressed' (2004) for the 2004 Bulldogs complainant, and 'Woman Speaks Out' (2004) for the 2003 Bulldogs complainant. 'Another Woman Tells of AFL Rape' (2004) reports testimony from a woman allegedly raped in 2001. Padraic Murphy's 'I Was Drugged' (2004) presents a detailed engagement with the testimony of a Californian woman allegedly raped by at least two Hawthorn AFL players and an official in Hawaii in 1999, which portrays her story as credible; see also Chapter One for analysis of Michael McKenna's 'I Didn't Say Yes to Anybody' (2004), which uses the same complainant testimony to produce a journalistic narrative which portrays her as a liar, and responsible for what occurred. This analysis will also be published as 'Silencing or Validating Traumatic Testimony: Footballers' Narrative Immunity Against Allegations of Sexual Assault' (Waterhouse-Watson forthcoming(b)).

By introducing the complainant's presence on the dance floor before the presence of the footballers, Halloran and Magnay avoid the suggestion that she was there because of the players, and therefore a Groupie out to have sex with any and all footballers; it also suggests that there were no problems until the footballers entered the scene, and the woman's behaviour was normal and reasonable.

Working within the reporting genre, Halloran and Magnay employ witness testimony to counter negative stereotypes, clearly assigning blame for the evening's degeneration to the players and portraying them as sexual predators. They incorporate a Plantation Hotel bartender's account of the players' behaviour:

> [the bartender] saw some of the Bulldogs players groping women near the dance floor, making suggestions about 'threesomes'. Five players were ejected at 2am after getting into a fight with the women's boyfriends.
>
> 'The guys were grabbing girls' bums, shouting drinks, getting [the girls] smashed,' the barman said. 'They were the ones causing trouble… some of the girls had boyfriends'.

By quoting the bartender's assertion that the players 'were the ones causing the trouble', and describing their actions as 'groping' – signalling unwanted sexual touching and therefore forming a concrete connection between the players and a form of sexual assault − Halloran and Magnay are able to portray the footballers as troublemakers and sexual predators. The judgemental connotations of 'groping' are associated with the bartender's viewpoint and thus permissible within the hard news report. They also use the bartender's account to portray the players' arrogance: 'One footballer said: "Don't you know who I am?"', further undermining their credibility. Journalists can use the words of witnesses to give meanings to the events portrayed which they would otherwise be prevented from explaining, as they cannot comment on the events without stepping outside the reporting genre.

In the representation of the alleged sexual assault and the events leading up to it, agency is shared between the complainant and the players:

> The woman is believed to have met the players at an official post-match function at the Ex-Servicemen's Club.
>
> She left the Plantation with one player in the early hours and they went back to the Bulldogs' accommodation at the Novotel Pacific Bay resort.
>
> But she has told police that after they had been at the resort, six to eight of the Bulldogs players took her to the lower pool area.
>
> Here, she alleges, six of the players sexually assaulted her.

Agency is ascribed to the woman in meeting the players and leaving the Plantation; the woman and the footballer share agency for returning to the accommodation; and the players are the agents in taking the woman to the pool area and sexually assaulting her. The sexual assault is, of course, framed as an allegation; however, the content of the allegation assigns agency to the players, places the focus on whether or not the players committed sexual assault, not whether or not the complainant is lying. Halloran and Magnay select the more "neutral" 'accommodation', rather than 'hotel' with its suggestions of sordidness, lessening the sexual overtones of the action and thus the sexualisation of the woman and consequent implications of consent.

As more details of the case were released in the days after this article was printed, it was revealed that the complainant had told police she had consensual sex with several players two nights before the alleged rape, and one the day of the rape. Many subsequent narratives used this information to portray her as a Groupie. It is unknown whether Halloran and Magnay had access to the information at the time of writing; it is probable that they did not. However, whether or not the omission was deliberate, it is likely to have had negative consequences. While their portrayal on its own successfully avoids the Groupie tag, the omission of this detail is likely to prompt readers to view their account as biased, and therefore any narrative sympathetic to the complainant as suspect. As Jan Jordan's (2004) study of New Zealand police investigations of rape suggests, when a (supposedly significant) detail

relating to a rape allegation is found to have been concealed, police are likely to view the entire complaint as incredible, and file it as a false complaint (p. 119). Thus, if a victim has behaved in a manner which she knows will undermine her credibility, as it plays into commonly held rape myths,[11] she has a choice between revealing it and damaging her chances of being believed, or concealing it and risking it later being revealed, which would damage her case even further. In the Australian footballer cases, having consensual casual sex with a number of footballers, or even just one, draws suspicion. Jordan argues,

> victims of rape are caught in a double bind situation, whereby they know they will not be regarded as credible if they are perceived as 'immoral', yet will be viewed as even less credible if they are detected trying to conceal their 'immorality'. (p. 136)

The same double bind applies to journalists who wish to portray a rape complainant as credible: the reporting genre does not permit the direct injection of opinionative commentary, and thus the only methods open to reporters are narrative structure, the events selected from the fabula pool, and language and grammar choices. Journalists like Halloran and Magnay are caught in this double bind: either omitting details that will connect with negative stereotypes and harm the complainant's credibility, or including them while not being permitted to rebut the stereotypes that can come to populate many readers' "truth"-fabulae.

Framing the Victim: (Re-)Presenting Complainants' Testimonies

If the complainant is willing to speak publicly, her testimony is an important way for news reporters to present her version of events while remaining within the reporting genre. As discussed in Chapter Three, many rape victims have extreme difficulty in

[11] See Martha Burt (1980, 1998), and Patricia A. Tetreault (2006) for discussion of the type and prevalence of rape myths, including: '[i]f a woman gets drunk at a party and has intercourse with a man she's just met there, she should be considered "fair game" to other males at the party who want to have sex with her too, whether she wants to or not' (Burt 1980). See also Boeringer (1999) and Frese, Moya and Megias (2004) for discussions specific to athletes.

speaking out, and when they do speak in the media it is fraught with danger: their testimony can be co-opted into rape-supportive or victim-blaming discourses − 'taken up and used but in a manner that diminishes its subversive impact' (Alcoff & Gray 1993, p. 261). That is, the positive potentiality of victim discourse may be transformed by the generic and discursive contexts in which it is placed. Alcoff and Gray give an example in which the framing of a rape testimony not only thwarts the victim's aims in telling her story, but presents her as complicit in the rape. An episode of the television talk show 'The Home Show' interviewed a young female rape victim, Tracy (pp. 12-13). Whilst Tracy's testimony emphasised the normality of the situation (an acquaintance rape), the female co-host focused on the violence of the rape itself, asking whether Tracy did anything to "provoke" the rapist and forcing her to defend herself and her behaviour. Although Tracy tried to draw attention to the fact that women are always, unjustifiably, blamed, the male co-host then took over and turned the discussion to the ways in which women should modify their behaviour in order to prevent rape and the opinions of experts on rape prevention. Alcoff and Gray write, 'The entire show was characterized by an objectification of survivors, a reaction to survivor accounts [that] mixed pity and skepticism, and a deflection away from men's responsibility for rape' (p. 13). This is likely to impact negatively on the victim personally, as although she was permitted to speak about her ordeal, discourses introduced by the interviewers undermined her ability to tell her story in her own way, and hindered the creation of an audience of listeners unable to understand her words as she intended them (Brison 2002, p. 51). However, it is also likely to have more far-reaching effects as her testimony was co-opted into a discussion of female responsibility for sexual assault, negating the positive impact speaking about the normalcy of acquaintance rape might have and silencing its disruptive potential.

As noted above, Derrida (1988, pp. 2-3) suggests that no unit of text or speech, when removed from its original context or speaker, remains the same. Derrida continues, 'Every mark, written, spoken etc, can be cut off from its original "vouloir-dire" [meaning]'.[12] It is therefore virtually impossible for a victim's testimony to remain exactly as she spoke it when reiterated in the media. However, those who *frame* the testimony can present it as either credible or incredible, and avoid objectifying or blaming the complainant. The complainants who gave interviews to *Insight* and *Four Corners* gave them in a room with a single interviewer and (presumably) a camera operator(s). Although these complainants were aware that their testimonies would be transferred into the context of the *Insight* or *Four Corners* forums, they had no control over the precise way in which they would be used, or the framing within which they would appear. The interviews were edited and interspersed with others' words. The woman to whom Burgoyne, O'Loughlin and Heuskes paid $200,000, whose taped police statement was played on *Four Corners* 'Fair Game?' (2004), made the utterance in the context of a police interview, not a media interview, and was thus already constrained in what she could say; such a generic shift then necessarily entails alterations in meaning from what the complainant intended. Transfer from a police statement to a newspaper report entails a much greater change, as the report must narrate the story principally in the journalist's words. Although it is inevitable that the victim's original intentions will be distorted, those framing it and constructing the context in which it appears have the power to make it, and the complainant, appear credible, and counteract the layers of semantic thickness afforded to rape-supportive myths and those that undermine complainants' credibility.

[12] See Chapter Three for an explanation of my alternative translation of the original French.

After the second Canterbury Bulldogs alleged rape at Coffs Harbour in 2004, the victim from the previous year came forward and told her story to *Daily Telegraph* reporter Cindy Wockner. Although still a hard news story like Halloran and Magnay's work, as Wockner's report is based on the alleged victim's testimony, she is able to present the victim's version of events as credible without the need for personal commentary. The article is entitled 'Secret Victim Breaks Silence − "It's Time People Knew the Truth"' (2004), which immediately portrays the woman as a 'victim' and associates her story with notions of 'truth'. The complainant is introduced as a '43-year-old mother' (p. 1), which immediately positions her as an object of illegitimate violence, as the mother marker de-emphasises her sexuality and positions her as a subject of (stereo)typical feminine virtue. Wockner directly connects the testimony with the case of 2004, drawing attention to the similarities between the cases to create semantic thickness:

> Now, almost a year after her ordeal, the team [Canterbury] has become embroiled in *yet another* scandal, *in the same place* − last month's alleged rape of a 20-year-old woman at Coffs Harbour's Pacific Bay Resort. (p. 1, my italics)

Wockner's use of 'another', and 'the same' emphasises that the second case is a repetition of the first. Before details of the woman's version of events are introduced, Wockner writes, 'Police sources said her story was credible', which invites the reader also to view them as credible; in concluding the narrative, Wockner reiterates that '[a] police source yesterday confirmed that the woman had been a witness of credibility and that there had been no adverse finding in relation to her record' (p. 4), reminding the reader that the preceding narrative is believable. She also repeatedly refers to the incident as an 'alleged attack', and an 'ordeal', drawing attention to its (alleged) violence and traumatising effects.

Wockner employs relatively few direct quotations from the alleged victim, paraphrasing her words and introducing them with 'she says'; however, some statements appear with neither quotation marks nor 'she says', so that they appear as Wockner's words. This lends the authority of Wockner's 'symbolic capital' to the statements. Significantly, some of these statements portray the complainant's behaviour immediately after the alleged rape, which adds truth-value to the claim of rape itself:

> *She says* she then realised with horror that the man having sex with her was not her partner from earlier in the evening but [another] man.
>
> *She immediately kicked out and screamed* at him to leave her alone.
>
> Still shouting at them, *she gathered her clothes and ran from the room*. As she was leaving the resort, she encountered two team officials and immediately told them what had happened. (p. 4, my italics)

While her horrified realisation that she was being raped is marked as what she said, kicking out, screaming, shouting and running from the room lack this marker and thus appear to be part of an impartial narrative; that these responses are inconsistent with a claim of consensual sex adds truth-value to the woman's claim.

Although Wockner's paraphrasing inhibits the alleged victim's story from being told 'in her own words' or 'in her own way', as far as that is possible, as Sally White explains (1996, p. 172), '[s]trong statements from newsmakers are the spice of news. Unfortunately, vivid but short statements crackling with information and imagery are rare' in interview situations. Brevity is an essential feature of hard news reports, therefore paraphrase is more common than direct quotation. As the alleged victim's stated purpose in providing the interview was that 'it's time people knew the truth', and Wockner's article portrays her story as credible, it is likely that this aim has been met and her testimony on the whole not co-opted to serve others' ends.

Wockner uses the woman's Victims' Compensation claim, and the trauma that hearing of the 2004 case brought back, to support her claim of rape; however, in doing so she must also negotiate the Gold Digger stereotype. Although compensation is generally financial, Wockner elides this in the main part of the article, stating only that the woman was 'seeking compensation for her ordeal'. At the conclusion of the main part of the article, before introducing a 'Question and Answer' on how Victims' Compensation operates, Wockner describes the woman's other actions to refute possible claims that she was a Gold Digger: 'The woman neither sought nor received money for her story. She said she simply wanted the truth to be told' (p. 4). Wockner implies that, had the woman simply been a Gold Digger, she would also have sought money from the *Daily Telegraph* for her story. There is also a risk that the Party Girl and/or Groupie figures may be evoked in a reader's "truth"-fabula, as Wockner includes details that the victim was drinking the night of the alleged rape, and had consensual sex with one player, which could undermine the complainant's testimony. Without employing other witness testimony, Wockner's article has no means of refuting these stories. Nevertheless, on the whole 'Secret Victim Breaks Silence' presents the complainant's testimony as admissible evidence.

Testifying on Television

Three recent television exposés have been run on Australian footballer rape cases, one on the SBS discussion forum *Insight*[13] and two on the ABC's *Four Corners*. Both programs have considerably more scope for undermining negative stereotypes than is possible in a news report as space is allotted for analysis and participants to express

[13] Another *Insight* episode, 'Sexual Consent', was first screened 4 August 2009 and involves a complainant allegedly raped by footballers; however, as the program principally relates to issues of consent separate from football it will not be discussed in detail.

opinion. Each program features pre-recorded interviews with complainants; each also features the opinions of various experts, a practice over which feminist theorists are divided. I will argue that, although the use of experts is fraught, when a *différend* is in play which prevents rape testimony against footballers from having truth-value, expert testimony is almost essential. Alcoff and Gray (1993, p. 277) argue that the use of experts leads to a complainant being presented as a mere object of analysis:

> the survivors are reduced to victims, represented as pathetic objects who can only recount their experiences as if these are transparent, and who offer pitiable instantiations of the universal truths the experts reveal.

They contend that part of this objectification relates to the fact that complainants are permitted to present the story of what happened to them, and only experts are permitted to theorise about rape and why it occurred/occurs.[14] Alcoff and Gray appear to imply that experts are complicit in, or responsible for, the co-option of a complainant's testimony for purposes contrary to her own.

Other theorists point out that the use of expert testimony to demonstrate Rape Trauma Syndrome (RTS) in rape trials, or Battered Woman Syndrome, to enable abused women to plead self-defence for killing their abusive partners, repeats the pattern of pathologising women's behaviour, requiring them to demonstrate mental illness in order for their claim of rape to be validated, or for their violent actions to be considered justified.[15] Thus the use of RTS as corroboration of a complainant's account of rape is fraught, for, as Jan Jordan demonstrates in *Word of a Woman* (2004, pp. 100-1), mentally impaired complainants are generally viewed with

[14] Joanna Bourke (2007, p. 398) also argues that '[t]he problem is not that talk of rape has been silenced, but that it has been taken over by non-victims and has become ubiquitous'.

[15] The use of Battered Woman Syndrome (BWS) as a defence has been met with particular criticism because it attributes their use of violence to a "misunderstanding" of the situation and lack of recognition of alternatives to violence. Many theorists argue that relying on BWS ignores the real obstacles that many women face in leaving abusive partners, such as economic, social, religious, familial and legal factors, as well as the well-documented increased risk of further violence if women attempt to leave an abusive relationship (Wallace 2004, p. 1759). The use of BWS as a defence has also had little demonstrable effect, as battered women who kill generally receive longer sentences than non-battered women (Schneider 2000, pp. 280-1).

suspicion. Fiona E. Raitt and M. Suzanne Zeedyk (1997, pp. 577-8) also express concern it will mean that

> RTS symptomatology becomes just another normative expectation of women. If syndrome evidence is to be led in a rape prosecution, a woman's reactions will have to meet the criteria set out in the DSM [Diagnostic and Statistical Manual of the American Psychiatric Association].[16]

Thus, they argue, women who do not display symptoms corresponding to "standard" RTS are even more likely to be disbelieved. However, I contend that it is not the use of expert testimony per se that has these effects, but the way in which it is framed – for example, in production − and the specific content of that expert testimony. An expert need not, for example, make judgements about a specific complainant, and simply because an expert is called upon to theorise about rape does not necessarily preclude the complainant herself from also theorising, as I will demonstrate below. I also argue that, when stereotypes and other myths about rape victims come into play, the use of experts is important as they can authoritatively refute them and confirm the validity of the complainant's testimony.

Other theorists argue that, as responses to rape are generally not well-understood, and some of the more typical responses 'counter-intuitive' (Temkin 2002, p. 195), expert testimony is essential to affirm that complainants' responses are not atypical, and therefore not suggestive of a false complaint. Although the majority of people who have not experienced rape or other trauma believe that they understand its effects and how a "real" victim would react to such a situation − the 'CSI effect', as Joanna Bourke terms it (2007, p. 398) − in practice this is often not the case, and their assumptions fail to take into account the variety of individual responses and coping

[16] These are valid concerns, to which I will return below; however, using RTS diagnosis to prove non-consent both draws attention to the deeply traumatising effects of rape, and has the advantage of contextualising complainants' responses to the alleged rape. This thwarts the potential for defence attorneys to claim that some of the more counter-intuitive responses to rape are evidence that the complaint is false.

mechanisms observed (Frazier & Borgida 1988). For this reason, legal theorists including Alan P. Block (1990), Helena Kennedy (1992, p. 93), Jennifer Temkin (2002) and Patricia Tetreault (2006) suggest that expert testimony should be used to explain common responses, such as delay in reporting and RTS. Writing on sexual violence and the law, Sue Lees (1997, p. 85) observes that 'a common tactic used by the defence to support the idea that the woman is making a false allegation is to suggest that her reactions are not typical of a rape victim', and a victim's testimony when presented in the media can thus be similarly open to claims that her story is false. This is particularly pertinent when, as I have demonstrated, criminal legal defence tactics are prominent in the media representation of footballer rape cases, and tactics employed to counteract them in the legal system may also be effective here. The same principles apply in the media, and expert testimony which confirms that a complainant's reaction is in fact typical of "real" victims helps to validate her complaint. The risks of co-option and objectification about which Alcoff and Gray warn are valid − particularly in certain generic structures − as are the pathologisation of tangibly traumatised complainants, but the use of experts on *Insight* and *Four Corners* demonstrates that while these dangers can be difficult to avoid they are not inevitable, and can support the victim's aims in being believed and raising public awareness.

Insight, an unscripted and largely unedited discussion forum gathers people with different perspectives on a particular issue to debate it on television. The program takes place in a small television studio, with participants seated in a tiered arc facing a "stage", behind which pre-recorded footage, or a live audio-visual image of a participant, is frequently displayed. The host, Jennie Brockie, occupies the stage area, directing much of the discussion by posing questions to particular participants,

and to the group generally. Brockie thus acts as the overarching "narrator" of the program. The 'Foul Play' episode, screened the day the AFL St Kilda alleged rapes were made public in 2004, opens with a pre-recorded interview with another woman who says she was raped by AFL players. The discussion following prominently features Vanessa Swan, chair of the National Association of Services Against Sexual Violence, journalist and former VFA coach Phil Cleary, former first grade rugby player Peter Fitzsimons, researchers Michael Flood and Brook Friedman, "Life skills coach" to AFL players Damien Foster, whose article on the subject was discussed in Chapters Two and Four, and fans of the clubs involved.

The recorded interview with the complainant both permits and invites her to theorise on her experience, and on the position of footballers in general, and she is thus not portrayed as a mere object of pity but an active agent. The interviewer, Fanou Filali asks, 'Why do you think it is important to talk about it now?' She replies, 'These football players have been put on these massive pedestals, they've got these huge egos and they basically think they have the right and entitlement to live this sick wayward lifestyle.' Filali's next question, 'Do you think that their status is actually protecting them?' invites the complainant to continue her theorising of why the players behaved as they did toward her. It is important to note that it is the complainant who introduces this topic; the significant role that Filali and the program producers play is in supporting the complainant in expressing her own concerns.

The interview avoids shifting focus away from the (alleged) perpetrators and onto the victim, a practice which Alcoff and Gray (1993) warn is both commonplace and damaging, as it potentially deflects blame away from the perpetrators. Alcoff and Gray argue that victim speech can be constructed as 'a transmission of [the victim's] "inner" feelings and emotions, which are discussed separately from their relationship

to the perpetrator's actions and society's rules of discourse' (p. 16), thus shifting focus away from the perpetrator(s) and society, and ways of transforming these norms. It is therefore open to interviewers and program producers to maintain the connection between the victim's mental state and the event(s) which caused it, thus supporting her. Filali asks, 'How has the assault affected your life?' thus simultaneously demonstrating her belief in the complainant's story by terming it an 'assault', and explicitly connecting her traumatised state with that assault. The complainant then leads discussion back to the perpetrators and societal factors surrounding the event, which Filali and the program producers endorse. Editing is clearly visible in the interview, and, of course, some of the complainant's concerns may still have been omitted. However, it is nevertheless clear that there has been endeavour to keep the complainant from being merely an object of pity or the transmitter of raw experience to be evaluated solely by others.[17]

The primary experts addressed on the program employ techniques which lend the complainant's words authority, establishing the normalcy of her story, and using her testimony as a form of evidence. As the first person to be addressed in the program's forum after the taped testimony, Swan is therefore presented as an expert on sexual assault. Only Swan is invited to comment on the particular complainant interviewed, and Swan-as-expert states that 'certainly we, the national association, is [sic] aware of numbers of situations that are similar to this, that involve various sporting clubs, various men's sporting clubs'. This is an important step, for just as the

[17] Unfortunately, this is exactly what occurred on the August 2009 episode of *Insight*, 'Sexual Consent'. The program features pre-recorded testimony from Sarah, allegedly raped by a group of footballers, who also takes part in the following discussion. Brockie repeatedly asks Sarah to talk about her experience, then invites others to comment on her action or inaction, and theorise about issues of rape and consent generally. Sarah is only permitted to speak about her own situation, and the program thus represents her as an "example" of a victim, whose behaviour is to be evaluated by others (Alcoff and Gray 1993). That the makers of the same program can produce such different outcomes highlights the fact that producers, interviewers and television hosts must constantly be aware of the way they treat complainants and their testimony in order to avoid objectifying, marginalising and diminishing them.

reproduction and interaction of Predatory Woman and Gold Digger stories creates a semantic thickness in woman-blaming stories, establishing that being raped by a footballer or footballers is a story told by many women serves to bolster its semantic thickness with discourses of truth and authority. While having several women tell of similar experiences may have better served this purpose, as Alcoff and Gray imply (p. 15), given the difficulty for victims in speaking out − particularly in the extremely public forum of television − and the time constraints of the program, this may not have been possible. Swan refuses to treat the complainant as an object of discussion: when asked why she thinks the particular complainant did not report to police, Swan replies, 'Well, not specifically about her', emphasising the low rates of reporting generally, and citing some of the reasons women frequently give for not reporting. She also allows the complainant to be something of an expert herself, citing the complainant's words to back up her argument rather than simply affirming her as an example. Swan says, 'The sorts of reasons that victims give [for not reporting] is, as the woman in the video gave', and 'as the woman said in the tape, that there is a real concern about our criminal justice systems'. The complainant's actions are validated by simultaneously affirming them as a "normal" response to sexual assault, and also using them as a support for Swan's arguments about rape victims in general. That Swan draws attention to the authority of the victim's words, through 'as the woman *said* on the tape', also returns authority to her testifying phrases.

Cleary follows Swan as the second expert called upon to comment on the situation. As both a man and an AFL football insider, the selection of Cleary circumvents the potential accusation that the program and its participants were attacking men or football, in itself supporting the argument that there are problems

within football. Cleary attempts to expand the focus from just footballers and onto wider society, declaring that

> violence against women is embedded in the culture. And it's not working class blokes alone who are the problems, it's middle class blokes, it's middle class judges who are complicit in the way they develop law. It's the way media describes acts of violence. The way it describes rape as sex furore. It's all the definitional stuff that goes on. No, I'm not surprised.

Cleary also draws attention to the role of language and the media in perpetuating rape − the 'definitional stuff' − situating the woman's testimony within a broader picture of violence against women. If sexual violence is common, this makes a woman's claim of rape appear more likely.

The presence of experts in relevant fields in this forum, such as Cleary and Swan, means that they can pick up on comments which might undermine the validity of the complaints or blame the victims. Although conceding that there are problems within football, Fitzsimons claims surprise at the allegations and adamantly denies that anything similar has occurred in rugby union. Cleary counters, 'Why would you be staggered, Peter, when *we've* heard so many stories and *we* know that rape is underreported' (my emphasis), attributing his comment to common knowledge that 'we' all share. Cleary admits that he had not heard of any gang rapes either, and Swan, seated between the two men, is able to intervene with, 'The question of not hearing about it does not go in any way to testify for it not happening', later reaffirming that in her 'experience and knowledge', it does happen. Hunter, who conducted a study of football "groupies" in the 1980s, and Flood, who has conducted research into male bonding, both talk about consensual sex 'sliding into' or 'becoming' rape or an 'unconsensual activity'. Cleary forces Flood to clarify that he was not 'apologising' for or excusing the footballers' behaviour, but explaining it. Fitzsimons adds that 'there is a lot of sports people who move through a cocoon of adulation where just about nobody ever says anything', and Swan counters with

> I think it is a whole culture whereby even if someone's indulged we expect people to take responsibility, we expect them to take responsibility on how they drive a car even though they're indulged, how they deal with all aspects of their life. Why don't we have the same expectation that when it comes to relationships with women that we expect them to take a level of responsibility. This is not exceptional.

She thus reinforces Cleary's point that footballers' abusive behaviour towards women cannot be excused, and refuses to allow Fitzsimon's comment to stand as such an excuse.

The presence of these (and other) experts also make certain things unacceptable, or even unsayable, as other participants are aware that they would be countered. Fitzsimons makes his awareness of these constraints clear when he says, 'But it was very much − you know, if you were, to use the expression "got lucky" – *I'm sure I'll be torn apart*, but that was the expression we used − it was not for sharing' (my emphasis). Hunter argues that problems begin when footballers travel, and they 'forget' that women they meet are not the "groupies" they are accustomed to having sex with. He adds,

> and you've got to make this absolute distinction between women who are of a − you can make whatever moral judgment you like about them and their behaviour, and the men as well − but it's this point where the consensual activity becomes an unconsensual [sic] activity.

Hunter discontinues his original sentence, in which it seems he was attempting to make an 'absolute distinction' between Groupie women and other women. It appears that Hunter belatedly realises the implications of making this 'distinction' − that he would be portraying the Groupies as sluts, and essentially unrapeable − and that this would not be acceptable in the *Insight* forum. As an unscripted program it would be impossible for every comment that implies victim-blame or evokes a negative female stereotype to be refuted; however, the selection of panellists ensures that the majority of comments damaging to women do not go unchallenged. It should be noted that

Insight invited senior administrators from rugby league, rugby union and the AFL to participate, but all declined to attend, a point Brockie makes clear on the program.

Like *Insight*, *Four Corners* presents itself as a serious journalistic endeavour; screening fortnightly, it presents an in-depth exploration of a different topical issue each episode. The program is heavily edited and features voice-over − the unifying "narrator" − music, and excerpts from interviews with many different people, as well as television advertisements and footage, or re-enactments, of pertinent events. Its heavy editing means that the production staff have significant − even absolute − control of the narrative threads the programs follow. The 'Fair Game?' episode (2004), narrated by Ticky Fullerton,[18] calls into question the failure of any of the sexual assault cases against Australian footballers to be prosecuted, arguing that a culture of 'cover-up' exists in both the AFL and NRL. The program presents rape testimony from two complainants and includes the story of two others. The complainants' narratives and supporting narratives from family members are foregrounded while the comments of experts and others involved are granted less importance. This gives the semantic thickness of several complainants relating similar stories; the two testimonies involve the same AFL footballer, Adam Heuskes, adding even more weight to the complainants' claims. The experts generally refer to the broader social issues rather than the specific incidents or specific complainants, and thus avoid the objectifying study of the complainants Alcoff and Gray warn about. It should be noted that Alcoff and Gray are writing about sensationalist talk shows, and the programs on footballer sexual assaults are billed as serious journalistic endeavours.

[18] Although *Four Corners* is scripted, and its narrators therefore not necessarily responsible for the language choice, as the narrator is represented as the investigative journalist, I will therefore attribute language choice to Fullerton in 'Fair Game?' and Sarah Ferguson in 'Code of Silence'.

The producers of *Four Corners* have far greater control over their program's content than the producers of *Insight*, and they are therefore able to run consistent arguments throughout the program. The 'Fair Game?' program opened with slightly sinister music, re-enactment footage of men and women dancing; voice-over narration introduced the first incident to be considered, as a night out in London for AFL Brisbane Lions players celebrating their finals victory in 1999, and the complainant as 'an Australian woman and the girlfriend of [one footballer's] best mate back in Brisbane', whom he was meeting for a drink. Two excerpts of testimony from Sarah, the complainant, and her boyfriend continue the narrative, and confirm the portrayal of the meeting as a meeting between 'friends', which emphasises that Sarah's intentions were not sexual. Describing one of the players as her boyfriend's best friend also explains the trust she placed in him, as it is later revealed that Sarah became drunk and went back to the best friend's hotel room.[19] The narration then positions Sarah's narrative as 'part of a much bigger story that raises serious questions about football rape, hush money, and how these cases never get to see a jury', presenting the program's position that (legitimate) rape cases do not reach court because of widespread covering up.

Sarah's version of events was conveyed partly through her own testimony, partly through her boyfriend's and partly through journalist-narrator Ticky Fullerton. Although this could potentially have undermined the authority of Sarah's words, in her role as narrator, Fullerton chose language that suggests truthfulness on Sarah's part, and therefore restored the authority of her testimony. Fullerton introduced Sarah's account of the alleged rape as what she 'remembers' rather than what she

[19] He was not involved in the alleged rape but appeared to be asleep on the floor throughout.

‘says’, adding that ‘[i]t would be any girl’s nightmare’, which both validated Sarah’s account and presented it as believable.

One of the program’s overarching claims was that the football clubs and leagues are involved in covering up sexual assault cases and hindering their successful prosecution. *Four Corners* uses heavily edited excerpts of interviews with those involved with the cases and league representatives to support this argument. Vanessa Swan articulates the claim that football codes are involved in ‘out-and-out sweeping under the carpet’; excerpts from interviews with AFL CEO Andrew Demetriou and lawyer Michael Bosscher, who represented the four Brisbane players who allegedly raped Sarah, are used as “evidence” to support this. Fullerton repeatedly asks Bosscher whether aspects of Sarah’s rape testimony ‘sound consensual’, and Bosscher evades the questions, refusing to comment. For example, Fullerton asks:

> The girl says she can remember a liquid being poured onto her back. She says she can remember clearly at one point begging Adam Heuskes not to anally rape her. Does that sound consensual?

Bosscher replies: ‘Again, you’re putting things to me that I can’t really comment on’. Whether or not Sarah’s account is “true”, the acts described clearly do not portray consensual sex, and thus Bosscher’s evasion of a question whose answer must be ‘no’ portrays him as participating in a cover-up. Demetriou is also portrayed as dishonest. The lawyer for a second complainant, Jane, states that he placed newspaper advertisements requesting witnesses to come forward with information about the case. When Fullerton asks Demetriou why the AFL did not respond to the advertisement, or make enquiries of the lawyer, Demetriou replies, ‘I think your assumption is that we didn’t call’. The program then cuts back to the lawyer, who says, ‘I received no response to that’. This direct contradiction portrays Demetriou as a liar, contributing to *Four Corners*’ argument that both leagues are involved in ‘cover-ups’ and

‘sweeping under the carpet’. This further implied that the leagues’ words in relation to the cases are equally untrustworthy.

‘Fair Game?’ uses visual re-enactment of the alleged assaults to underline the validity of the women’s claims: for example, as the second alleged victim Jane is saying, ‘And then they... they walked me, like, down deep into the parkland’, the accompanying visual image is of shadowy figures walking into a park. The atmosphere and music are menacing and inconsistent with a consensual scenario, and this visual support for Jane’s version of events added credibility, presenting the claims as admissible rather than discrediting them before they can be formally tested.

The foregrounding of the complainants’ stories may have opened the way for objectification and focus on their behaviour rather than the footballers; however, the analytical content of the program focuses on the players’ actions and the clubs’ responses to the allegations, not the complainants. ‘Fair Game?’ does not entirely avoid diminishing the complainants, as they are not permitted to theorise on camera but only to narrate “their stories”. Only one of the two complainants − Sarah − is actually interviewed by Fullerton, as the other, Jane, had signed a confidentiality agreement and the testimony presented is from her taped police interview. Sarah’s boyfriend, whose best friend was present during the alleged rape, is also interviewed, along with two of the second complainant’s cousins, and although the presence of several people recounting the same story may lend it truth value, the fact that only the boyfriend and one of the cousins is permitted to comment on camera about the individual rapes as part of a larger pattern lessens the authority of the alleged victims’ words. Nevertheless, overall the *Four Corners* program succeeds in presenting an alternative view of the footballer rape cases, one which upholds the complainants’ credibility.

Breaking the 'Code of Silence'?

As discussed in Chapters Five and Six, the public response to 'Code of Silence' (2009) was unprecedentedly strong in its condemnation of rugby players' behaviour, and was still the subject of discussion months after the program went to air. The sacking of Matthew Johns over his role in the Cronulla Sharks "gang bang" involving New Zealand woman Clare is also the most severe penalty any footballer, past or present, has ever received over sexual (mis)conduct. This would therefore seem to indicate that it is now possible for complainants' words to have truth-value, and that the *différend* has been broken; however, as I will demonstrate, the focus of 'Code of Silence' is on the potential trauma of *abusive* or *unethical* sex, which means that it does not attempt to restore authority to the phrase testifying to sexual assault by footballers. Further, the framing of complainant testimony seriously undermines their authority as witnesses, particularly in the case of Clare, who is portrayed as 'a pathetic object' (Alcoff & Gray 1993, p. 277) and lacking in credibility. Many of those who have spoken out against NRL players following the program condemn their *admitted* behaviour, as did NRL CEO Gallop (see Chapter Six), which implies that complainant testimony itself is not considered any more valid than it was prior to 'Code of Silence', and the program has had less impact in this respect than first appearances might suggest.

The program introduction presents its main threads of argument: NRL footballers are aggressive risk takers; footballers face criminal charges relating to their sexual behaviour; and women have been traumatised and abused by "sex" with footballers. The introduction culminates in the statement: 'Tonight on *Four Corners* women break Rugby League's "Code of Silence"'. However, this 'code of silence' does not in fact relate to sexual assault, but implicitly or explicitly consensual sex

which is ‘degrading’ and therefore traumatising to women. While the program does not exonerate footballers from blame per se, it does deny that they have been, or could be, perpetrators of sexual assault. The program persistently renames alleged sexual assaults as ‘group sex’, or names them in other ways that obscured the nature of the alleged acts. In the program’s introduction, the fact that Manly player Brett Stewart currently faces criminal charges is mentioned; however, although Stewart was charged with ‘having sexual intercourse without consent’ and ‘assault with an act of indecency’ (Walter, Pritchard & Jackson 2009), Sarah Ferguson renames them ‘charges of sexual indecency’. There is no such crime under NSW law, and the term could more easily be applied to Stewart exposing himself in public, or even using offensive language, rather than sexual assault. Ferguson also renamed the 2004 Canterbury Bulldogs alleged sexual assault as the ‘scandal… that uncovered the depraved practise of group sex with vulnerable young women’, completely erasing any (potential) criminality on the footballers’ part. “Caroline”, another complainant who testified on the program, described how she was sexually assaulted by Newcastle Knights player Dane Tilse while she slept in her university dormitory. However, the words ‘sexual assault’ or ‘rape’ were not used in connection with this case; the closest Ferguson comes to either of these terms is ‘reports of an assault on a student’ as she introduces the case. Both the gender of the alleged victim and the sexual nature of the assault are erased, and the statement could equally apply to a footballer punching a male student in the face. Although *Four Corners* does not explicitly deny Caroline’s claim of rape, neither does it present it as a real possibility.

The treatment of Clare’s testimony on *Four Corners* is even more problematic, as it consistently undermines her credibility and the reliability of her words. The Canterbury Bulldogs alleged sexual assault is used to first introduce

Clare's case, but as the Bulldogs case is portrayed as abusive group sex, this implies that Clare's case is similar. Further, Ferguson later states explicitly that

> *Four Corners* doesn't say that what took place in room 21 of the Racecourse hotel is sexual assault. But a woman involved in degrading group sex can still be traumatised whether she consents or not.

On the one hand, this statement, like the rest of the program, attempts to move beyond notions of legally provable consent to expose the fact that consent in these situations is not always relevant, and I have argued in Chapter Five that in group situations footballers' notion of "sex" is abusive whether the woman consents to the act(s) or not. On the other hand, as Jacquelin Magnay points out on *The Footy Show* (2009), the fact that Clare told police she did *not* consent makes it very relevant in this case; however, Ferguson made her out to be a liar by effectively declaring that Clare was not sexually assaulted and her complaint to police was false. Clare's words were therefore made out to be unreliable, and *Four Corners* silenced the phrase that testified to sexual assault by footballers, removing its authority and replacing it with their own phrases.

Unlike the experts on 'Foul Play' and 'Fair Game?', who speak about sexual assault generally, and victims' typical reactions, rendering the complainants themselves credible by portraying their testimonies as typical and consistent with known cases of sexual assault, 'Code of Silence' only draws on expert testimony or witnesses to confirm *specific details* of the complainants' accounts. While this confirms that certain aspects of the accounts could be corroborated, it does nothing to uphold the complainants' credibility as witnesses. Ferguson asks Neville Jenkins, the investigating detective in Clare's case, to confirm that group sex occurred between Cronulla Sharks players and staff; Ferguson also cites psychiatrists' reports which detail Clare's suicide attempts, and a finding of the New Zealand Accident and

Compensation Commission that Clare is suffering from post traumatic stress disorder (PTSD). As Alcoff and Gray argue can occur with rape testimony, Clare's testimony is presented as 'closer to the discourse of the mad': she is portrayed as mentally unstable, and her claim of rape therefore invalidated. As *Four Corners* removes the issue of consent from whether the incident was abusive and therefore 'wrong', all that has to be "proven" for their argument to be made is that group sex occurred, and that Clare was traumatised. As others have already confirmed these things, anything else Clare says was rendered less important, as the case does not hinge on whether or not other details could be proven. Her testifying phrases are therefore invalidated.

Although 'Code of Silence' avoids some of the problematic strategies producers can employ in framing complainant testimony, others of the producers' editorial and narrative decisions are damaging to the complainants. Several incidents involving different complainants are narrated, creating semantic thickness, and on-screen experts are not called upon to comment on the complainants' situations. Detective Jenkins' comments directly about Clare provide his opinion of her as a person − 'a nice girl', 'naïve' and 'just a growing-up teenager' − and he thus acts more as a "character witness" for Clare rather than making her an object of analysis. The program also focuses much of its attention on the footballers' actions and attitudes, devoting a substantial portion to footage of Newcastle Knights players on the field and in sexual assault "education" programs. However, another substantial portion focuses on Charmayne Palavi, who regularly sleeps with footballers and sets up players and women through her Facebook page. Ferguson is implicitly critical of Palavi, introducing her with, 'If some young footballers mistakenly think all women want to have sex with them, Charmyne [sic] Palavi, is one who doesn't necessarily discourage the idea'. This implies that Palavi is partly responsible for players holding

this mistaken view. Ferguson also expresses shock when Palavi shows photographs sent to her by players on her mobile phone: 'You're kidding. Sorry. The messages are pornographic'. This implies blame on Palavi, and others like her, even though an NRL player allegedly raped her. Clare and Caroline are not permitted to theorise on camera, only to 'tell their stories', and are thus rendered objects of pity. Further, although both Clare and Caroline went to the police, evidencing their belief that they were raped, their testimony is co-opted to serve *Four Corners*' aim of drawing attention to footballers' abusive sexual practices. Palavi's positioning is more complex, as although she too is not permitted to theorise, nor is she emotional about the alleged rape and therefore neither is she an object of pity. Ferguson narrates: 'She [Palavi] says she was able to put it out of her mind, and it certainly didn't stop her pursuing other football players', which might be considered a positive acclamation of Palavi's ability to move on from a rape; however, Ferguson's tone is slightly disapproving, and the shock she continually expresses at Palavi's sexual exploits instead suggests that the veracity of her claim of rape may be questionable.[20] This is reminiscent of Raitt and Zeedyk's (1997, p. 577) warning that increased usage of Rape Trauma Syndrome to prove that rape occurred means that 'RTS symptomatology becomes just another normative expectation of women'; thus a rape complainant, like Palavi, who is not overtly traumatised may automatically be viewed with suspicion. At the very least, the program portrays her unsympathetically.

Although 'Code of Silence' was successful in drawing public attention to footballers' "abusive" sexual behaviour, and having the trauma of their victims publicly recognised, it was at the cost of further marginalising sexual assault and

[20] This recalls Roy Masters' (2006) presumption in *Bad Boys* about the 2004 Coffs Harbour complainant allegedly meeting busloads of footballers the following year. Masters takes this as "evidence" that she had 'enjoyed the experience' with the Bulldogs in 2004 and was therefore not raped (p. 82). See discussion in Chapter Two.

denying complainants credibility as witnesses. The 'code of silence' was replaced with speech, but, as Wendy Brown warns (2005, p. 86), 'the speech that replaces silence [can] preclude other speech' − in this case, precluding speech about rape by footballers. By focusing only on "abusive sex" and not sexual assault, rape claims are therefore silenced and the authority of the testifying phrase denied. Therefore, the *différend* of footballers and sexual assault is upheld.

Jessica Halloran and Jacquelin Magnay, Cindy Wockner, and the makers of 'Fair Game?' and 'Foul Play' succeed in creating narratives that subvert the narrative immunity against sexual assault allegations that footballers enjoy, and go some way towards breaking down the *différend*. They restore much of the authority of the testifying phrase, lending their 'symbolic capital' to support the complainants' narratives. They portray the complainants' accounts as believable and generally avoid objectifying them, maintaining focus on the footballers' behaviour and that of their clubs and leagues. As I have demonstrated, however, setting up 'counterstories' that undermine footballers' narrative immunity is fraught with difficulty, particularly in such constrictive genres as news reports; as I have demonstrated with 'Code of Silence' there is also a tension between provoking the greatest reaction[21] − which is therefore most likely to provoke change − and addressing the problem of footballers' immunity against sexual assault allegations. Thus even with the best intentions, damaging, victim-blaming stereotypes can be evoked, and claims of rape can be marginalised and silenced. Nevertheless, these narratives also demonstrate the possibility of change, pointing to the ways in which women's claims of sexual assault against footballers might become accepted speech, and revealing the possibility that the *différend* might be broken.

[21] Sarah Ferguson stated on 'The George Munster Forum' (2009) that this was the program's aim. Ferguson said that provoking strong reactions and generating discussion were signs of a successful program.

Conclusion

Beyond the *Différend*

Despite more than twenty reported cases involving at least fifty-seven Australian football players and staff − notwithstanding the 'dozens' of other complainants who were reportedly 'paid off' to ensure their silence prior to 2003 (Halloran & Magnay 2003; Sheahan 2004) − and despite the public outrage provoked by 'Code of Silence' against footballers' treatment of women, still no case has yet reached the stage of trial committal, let alone conviction. Statistically, the likelihood of more than one of these cases being a false report is exceedingly slight, as studies from Australia and the UK have shown that only 2-3% of rape complaints are false, the same rate as for most other crimes (UK Home Office research project 2000-2003, in Bourke 2007; Heenan & Murray 2006). Nevertheless, belief that the reports are false is widespread, and Jeff Benedict's (1997, 1998) unreflective claim that cases fail because jurors simply disbelieve women who have ever had sex with athletes if they make a rape complaint is insufficient to explain the failure of so many cases to reach successful prosecution. Beliefs or 'dispositions' do not merely exist, but are *acquired* through training of the body (Bourdieu 1990, 2001), and, as I have argued, through language. Further, the cases have a public life prior to (or instead of) being tried in court. As I have demonstrated in the Australian cases, which have never been put before a jury, their public life plays out each time in the media as a *de facto* legal adjudication in which the defendants are acquitted. A web of interwoven discourses, narrative patterns and grammatical structures makes up this adjudication, with narratives "arguing" in favour of the footballers, or providing "evidence" that impugns the complainants and renders their testimony "inadmissible". However, as demonstrated in Chapter Seven,

alternative strategies for narrating sexual assault are already employed by some journalists and television producers, which avoid negatively stereotyping the complainants and present their testimony as admissible. Strategies that testify to the admissibility of the complainant's evidence include: presenting parts of the complainant's version of events as the journalist's words, lending the testimony some of the journalist's authority and 'symbolic capital'; using markers that imply truthfulness, such as 'remembers', to introduce a complainant's version of events; constructing characters that avoid negative female stereotypes; and using "expert" testimony to affirm that the complainant's narrative is believable. If such strategies were to become the norm rather than marginalised alternatives, then the stereotypes themselves might begin to be broken down, and future trials by media might not inevitably result in acquittal.

Nevertheless, the larger question of football discourse remains, with its endorsement of masculine violence, and its portrayal of uncontrollable footballer sexuality coupled with a complete lack of responsibility for causing harm to anyone. Discursively, at least, football bears all the hallmarks of a rape culture; however, Terry Threadgold (2005, p. 264) argues that *rewriting* the narratives through which we understand and construct the world can in fact alter the dominant kinds of social realities and subjects, or habitus, that these narratives produce. As I have demonstrated, general football discourse underpins and informs the sexual assault discourses, and widespread change in how footballer sexual assault cases are narrated and understood will therefore be hampered unless the way that football itself is conceptualised is radically altered. Alternatives to the embedded grammatical and narrative structures of general football discourse are yet to be seen. However, sports reporting that explicitly *humanised* footballers' injured bodies, or match reports that

eschewed metaphors of war and violence completely (Chapters Four and Five) in favour of, for example, metaphors of dance, would constitute the 'radical interventions' into patriarchal culture that Threadgold argues are possible when dominant narratives are rewritten (2005, p. 264). However, newspapers are ultimately businesses, and cater to the expressed and expected desires of readers who themselves frequently evoke negative female stereotypes; therefore, such an overhaul is unlikely. *Daily Telegraph* editor Gary Linnell stated on ABC Radio National in September 2009 that the paper had pledged to cease reporting footballers' off-field misconduct on its back page (the main sports news page) in response to readers' insistence that they had 'had enough' of such stories ('The George Munster Forum').[1] Readers thus, to some extent, shape football discourse. However, as Foucault demonstrates in *The History of Sexuality Volume I* (1978), discourse is neither static nor immutable, and, as what could be said about sex has changed markedly throughout history, what can be said about football in ten years' time might be completely different from football discourse today. Indeed, significant changes to the way football is reported have already occurred over the last fifteen years, which suggests that further change is possible.[2] Female sports journalists are generally treated with respect, and are no longer harassed when entering change rooms to interview players, or prevented from speaking to them ('The George Munster Forum' 2009; Magnay 1996, 2009a); the AFL saw its first female 'boundary rider',[3] Christy Malthouse, debut in 2007, and its first female commentator on a major television network, Kelli Underwood, debuted in

[1] Linnell did qualify this by adding that if a case is serious enough it will be reported on the front page, but the sports section would focus on the game.
[2] Toffoletti's findings (2005; 2007, p. 435) suggest that female journalists are more likely than male to challenge gendered hierarchies within the AFL, and Toffoletti further raises the possibility that an increase in female voices might play a role in shifting the social attitudes of its readership. Although further research is necessary to ascertain whether or not this is the case, Toffoletti's findings imply that the nature of sports reporting and commentary themselves might be changing.
[3] A boundary rider patrols the boundary line during televised games, reporting on injuries and other significant events on the sidelines during breaks in play.

2009, which demonstrates that the gendered norms of football are not completely closed to challenge.

My research points to some other avenues for positive change: for the ways in which the (re-)production of footballers' attitudes and behaviours towards women might begin to be altered, and the rape culture debunked. As I demonstrated in Chapter Seven, with the positioning of Phil Cleary and Vanessa Swan on 'Foul Play' (2004), the presence of those who are both respected and known to hold feminist views about rape actually constrains and shapes what is sayable within a given context. The more widespread such views become, and the more outspoken those who hold them can be, the more marginalised *victim-blaming* talk might become. The popularly-held beliefs that all rape complainants are Gold Diggers, Women Scorned, Predatory Women, Groupies and/or Party Girls might therefore be challenged. If pro-feminists were respected and known in all areas involved in the (re-)production of football ideology, including the media and football clubs − as players and coaches, or at least interacting directly with them in some way − then this type of effect might also be seen within clubs.[4] As footballers are currently taught through locker room talk that they must view women as objects and not as persons in order to 'be men', and thus many learn to treat women as such (Curry 1991, 1998; Goig 2008; Messner 1992, 2002, 2007; Messner & Sabo 1994; Schacht 1996), the presence of outspoken pro-feminists might begin to reverse what is sayable and what considered taboo, and therefore alter what is perceived as appropriate masculine behaviour.[5]

Rather than simply allowing cases to be tried in the media, David Gallop's response to 'Code of Silence' (2009) opens up new possibilities for the way future

[4] In this sense, I consider that it is less important that *women* be present than those who openly challenge the hegemonic masculine norms that football upholds, whether they be men or women.
[5] Messner (2007, p. 118) recommends focusing anti-rape programs in football clubs on encouraging men who oppose rape and other abuse of women, and whose voices are usually marginalised, to speak out.

alleged sexual assaults involving multiple players might be handled, which may be of more benefit to the complainants. As discussed in Chapter Six, Gallop declared that consensual group sex is 'degrading, it's appalling and as I've said we need to educate our players that it is wrong' (Pandaram 2009a). He threatened the career of any player who persists in it, declaring, 'It's a time to either accept the changes we are putting in place or get out of rugby league' (Honeysett 2009). Gallop's stance has no bearing on the legal outcomes of any case, present or future, or even necessarily on future trials by media; however, if, like Clare, a complainant were involved in a "gang bang", Gallop could impose fines, suspend or deregister players, regardless of the outcome of any criminal investigation. Such a move would not be unprecedented: the NRL, as well as individual clubs, have already done so when players have 'brought the game into disrepute' even when criminal charges have not been laid, or before the case has been heard in court. In August 2009, when NRL star Greg Inglis was charged with intentionally causing injury to, and unlawful assault of, his girlfriend, his club the Melbourne Storm suspended him indefinitely (Walter & Jackson 2009).[6] Ironically, Inglis replaced Brett Stewart as the face of the NRL's 2009 advertising campaign when Stewart was charged with sexual assault and stood down for four matches for being drunk at his club's season launch function in February. Matthew Johns was stood down from his rugby league coaching and television duties over his role in the 2002 Cronulla Sharks "gang bang", revealed on 'Code of Silence'. Newcastle Knights player Dane Tilse was also deregistered for a year after breaking into a student's dormitory room and allegedly sexually assaulting her while she slept, even though the alleged victim declined to press charges.

[6] The Storm stood Inglis down 'indefinitely' when he was charged with assaulting his girlfriend, and the decision was not immediately reversed even when the (alleged) victim made a statement to police claiming that Inglis had been acting to prevent her from self-harm (Butcher 2009). It should, however, be noted that Inglis ultimately only missed two matches, the Storm citing 'fairness' and 'the best interests of Greg Inglis' wellbeing' as reasons for reversing the ban (Magnay 2009b).

Somewhat ironically, the best chance that victims have of seeing players penalised may be the football leagues themselves, as they have no burden of 'proof beyond reasonable doubt' to uphold. As public opinion is of material consequence to the leagues, and fans disgusted by what they see in the media may walk away from the game if they perceive that it condones rape,[7] the leagues can act in the way that best protects their image. The AFL has no such precedents, so it is unclear whether they would consider similar action. However, public opinion is equally important to the AFL, as fans growing disillusioned with the league may also mean a reduction in gate receipts, memberships, television audiences and sponsors.

As there has been so little academic treatment of the issue of footballers and sexual assault, there are many possible avenues for further research. This thesis has analysed the public record of the discourses of football, and further research into the discourses that footballers use amongst themselves would be fruitful in determining how they discursively construct sexual encounters, the sexual assault cases, team bonding, footballers' bodies and alcohol. This might also suggest other ways to address the problems. While gaining access to elite-level AFL and NRL players for this type of research might not be feasible, it may be possible to gain access to university or high school footballers. The majority of overseas research into athletes and sexual violence has studied college footballers, shedding light on the discourses and practices of privileged athletes. Research in the Australian context may be similarly illuminating, and allow for comparisons to be made with international findings.

The ideological structure of Australian football also warrants further investigation and theorising, including the position of the fan, the internal

[7] As noted in Chapters Six and Seven, many fans were put off attending NRL matches following the screening of 'Code of Silence' (Walshaw 2009).

relationships between leagues, clubs, players, fans, and the position of football within the national imaginary. Theorising the fan could further the work of Mewett and Toffoletti on how and why women become fans of AFL football (2008b), and how female fans negotiate their position in relation to alleged sexual assault involving footballers (2008a). Further investigation is warranted on the complexities of that position, and the imperatives behind the adherence of both male and female fans to stereotypes of complainants and footballers that exonerate the men. Investigating the responses of those who were 'turned off' football following 'Code of Silence', or any other case, may also prove fruitful in exploring the role of the fan (see Afterword).

In this thesis, I have also been unable to explore fully the discourses of footballers' non-sexual violence off the field. Analysis of media representations of footballers accused of (non-sexual) assault would identify differences and similarities between the representations of violence and of sexual violence, and help to elucidate the connections between these different types of violence. The clubs' and leagues' responses, which have recently been punitive when charges have been laid, suggest that non-sexual violence is treated differently from sexual violence. Analysis of court proceedings from footballers on trial for assault, (and sexual assault if any case were to reach trial) would add an extra dimension to the issue of representation of footballers' (alleged) criminal behaviour.

As the complainants' voices have been the most marginalised and silenced in the media debates, it seems fitting to conclude with the words of Caroline, who told *Four Corners* that Newcastle Knights NRL player Dane Tilse broke into her university dormitory room and sexually assaulted her while she slept ('Code of Silence' 2009). Caroline's statement is an eloquent reminder of why interrogating the

narrative material of the sexual assault debates, and their foundations in football discourse, is so important:

> I have the vague hope that maybe something will change. That every season there isn't going to be another girl hiding with the curtains shut and the blinds down, hoping like hell that her name and her face isn't going to get out in the media. That it's not going to happen over and over and that the football players involved and named aren't just going to go straight back on the paddock the next weekend, the next Saturday or the next Friday night.

Afterword: The End of an Affair

I was, not so long ago, a footy fan. No, I was an AFL fanatic: a 'Proud, Passionate and Paid Up' member of the Hawthorn Football Club, as numerous bumper stickers on my old car attest. At the games, week in, week out, rain, hail or shine, with my dad, my sister and my brother, my mood for days − like my brother's − wholly dependent on the outcome of those two short hours on the weekend. When it came to umpiring, although I wasn't as bad as some (Collingwood) supporters, and could on occasion concede that a free kick paid against the Hawks was warranted, more often than not I was yelling about the 'soft' decisions that went against "us" and the "obvious" rule-breaking thuggery of the opposition that the umpires ignored. It's probably a mentality that most fans share, at least to some extent − as you stand up for your best friends or family against anyone else, and believe in them, I believed in and defended my "teammates" against accusations of weakness, softness, unfair play and any number of on-field indiscretions.

I recall now with shame the way I dismissed the 2004 St Kilda sexual assault allegations as false when I heard that the women had initially had consensual sex with one player. This thesis was in part motivated by that shame, and the desire to fully understand what I was involved with. I also sought to explain how a series of seemingly simple narratives could so easily convince a professed feminist such as myself to dismiss women's words out of hand.

Although I remained a Hawthorn member and still enjoyed the game into the 2008 season, my enthusiasm for football waned as my research progressed − a possible consequence of which I was aware before I commenced my PhD studies in 2006. It became increasingly difficult to read and write about the structures within

football of both codes − both discursive and practical − which protect footballers against being held accountable for sexual assault, but I managed to maintain my position as a fan by telling myself that the problems "really" lay with St Kilda, or rugby league, and not with "my" team. As discussed in Chapter Five, fans are part of their team and as such they are implicated in its players' actions off the field as well as on. Just as a fan can say to a rival supporter "*we* thrashed *you* on Saturday", supporters of the Bulldogs reported being taunted as rapists themselves during the 2004 police investigation (Brown, A 2004a), as if they too had been involved in the incident. Female fans in Peter Mewett and Kim Toffoletti's study (2008a) had to develop strategies for reconciling the alleged rapes in order to continue participating in the games as supporters: they blamed Rogue Men, Predatory Women, and uncontrollable male sexuality, as a means of justifying footballers' behaviour. To do otherwise would call into question the integrity of their own teams and the game itself, as well as implicating the fans themselves in the alleged rapes.

My "love affair" with football ended suddenly and irrevocably − in the greatest of all football ironies − during 2008, the year when my once-beloved Hawks took out the premiership cup for the first time in seventeen years. The catalyst: my discovery of the details of the 1999 case in which at least two Hawthorn players and a club official allegedly raped a woman in Hawaii, which I discussed in Chapter One. I had been (dimly) aware that such a case existed, but, given the findings of my research, I did not have the option of laying blame on Rogue Men or Predatory Women. In maintaining the subject position of fan I was unable to admit the possibility that "my" team could have done anything wrong. But, like Mewett and Toffoletti's interviewees, I (subconsciously) constructed other explanations for the existence of the case, telling myself that as it had received scant publicity it must not

have been very serious, or was completely unsubstantiated. But one day, wearing my Hawthorn membership scarf as I worked, I finally read the articles that gave details of the alleged victim's police statement and the responses of Hawthorn officials. I was utterly betrayed. What the players allegedly did to the woman was horrific. And there were the same patterns of denial and blame I identified in the other cases, the same thinly veiled accusations of lying even though it is uncertain what possible benefits a Californian woman might have to gain by inventing a story of rape by Australian footballers, in Hawaii, and declining to press charges. The incident did not even become public in Australia until five years after it occurred. And unlike the other cases I investigated, as a member of the team responsible, I was implicated.

I took off my membership scarf. I have not watched another football game. I did not renew my membership in 2009 and will not again. And I cried, a lot, because something that I loved had been shattered, by my so-called "mates".

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APPENDIX 1: **Table of Reported Cases 1998 - 2009**

YEAR	LEAGUE	PLAYERS/CLUB	OUTCOME	FURTHER DETAILS
1998	AFL	Two Hawthorn Hawks and a club official	Alleged victim did not press charges	Occurred in Hawaii. The incident was not reported in the Australian media until 2004.
1999	NRL	Four Penrith Panthers	No charges	
1999	AFL	Carlton player Heath Culpitt	No charges	In February 2005, the Ombudsman found that police 'bungled' the investigation into this case. The alleged victim, "Kate", has since spoken to the media about the ultimately successful attempts of the club and police to cover up the incident.
2000	AFL	An AFL player and local league associates	Alleged victim did not press charges	Testimony from the alleged victim appeared on *Insight* episode 'Foul Play'.
2000	AFL	Three West Coast Eagles	No charges	
2000	AFL	Four Brisbane Lions	No charges	Occurred in London; testimony from the alleged victim was featured on the 2004 *Four Corners* episode 'Fair Game?' Adam Heuskes said to be involved.
2000	AFL	Former Brisbane and Port Adelaide? player Adam Heuskes, Port Adelaide player Peter Burgoyne, and Sydney Swan Michael O'Loughlin	Charges laid against Heuskes and Burgoyne that were later dropped	The three players contributed to an A$200,000 payment to the alleged victim in exchange for a confidentiality agreement. The alleged victim's testimony appeared on *Four Corners* episode 'Fair Game?'
2001	AFL	One player; no club specified	No charges	Occurred in Ballarat.

2002	NRL	A dozen Cronulla Sharks players and staff	No charges	Occurred in Christ Church, New Zealand. The case was the subject of controversial 2009 *Four Corners* episode 'Code of Silence', after which former player and then-television presenter Matthew Johns lost his job over his involvement in the incident.
2003	NRL	One Canterbury Bulldog	No charges	The player is alleged to have raped a woman by replacing her chosen partner, who had left the room saying he was going to get a drink
2004	NRL	Six Canterbury Bulldogs	No charges	At a Coffs Harbour resort. The incident first ignited the debate over footballers and sexual assault.
2004	AFL	St Kilda Saints Steven Milne and Leigh Montagna	No charges	Milne and Montagna separately had consensual sex with two women, but allegedly swapped partners against the women's will.
2004	NRL	Two Melbourne Storm players	No charges	
2005	NRL	Newcastle Knight Dane Tilse	Alleged victim did not press charges	Tilse admitted to breaking into the woman's university dormitory room but claimed that he only 'tickled her back'. He was delisted from the NRL for one year but commenced playing with the Canberra Raiders in 2006.
2005	AFL	Two Western Bulldogs	Alleged victim did not press charges	
2006	AFL	Former player and assistant coach Darryn Cresswell	No charges	
2007	NRL	Gold Coast Titan Anthony Laffranchi	Charges laid but later dropped	The woman woke up with her underwear inside out, and went to police fearing that she had been drugged and raped. Charges were laid six months later. The case was prolonged for over 18 months but the presiding judge dismissed it because the complainant was 'significantly affected by alcohol' and unable to clearly remember the incident. As, under NSW law at the time, there was no provision for a complainant who was too intoxicated to give consent, she ruled a jury

				would have been unable to determine that sexual assault occurred.
2007	NRL	Michael Crockett	Charges laid but later dropped	The case was prolonged for over a year but was dismissed because of 'conflicting evidence' prior to reaching trial committal.
2008	NRL	Brisbane Broncos Karmichael Hunt, Darius Boyd and Sam Thaiday	No charges	The players allegedly raped the woman in a hotel toilet.
2009	NRL	Manly Sea Eagle Brett Stewart	Charges laid − case pending	Stewart was the NRL's "poster boy" for the 2009 season, starring in the league's season launch advertising campaign. He allegedly sexually assaulted a seventeen-year-old girl at his apartment complex. The case is still pending and is yet to reach trial committal.
Unspecified	AFL	Nine players from Adelaide and Port Adelaide	No charges	*The Bulletin* magazine alluded to the case but gave no further details.
Unspecified	unknown	One player	No charges	The alleged victim was a backpacker. *The Bulletin* magazine alluded to the case but gave no further details.
Unspecified	AFL	unknown	No charges	AFL CEO Andrew Demetriou called for women who had been raped by AFL players to come forward to the league. He received 'over a dozen' letters, and stated that two warranted further investigation. One woman, who was unsatisfied with the AFL's response, told her story to Sydney's *Daily Telegraph*.
Unspecified	AFL	'Dozens of players at a dozen clubs'	No charges	Mike Sheahan alluded to these cases in the *Herald Sun* in 2004 but gave no further details. In 2009, Former Carlton president John Elliot also declared that his club had paid 'hush money' to five or six women during the 1980s and 90s.
Unspecified	NRL	An unspecified number of clubs	No charges	Jessica Halloran and Jacquelin Magnay reported in 2003 that several cases in the past had been 'hushed up' and money had been paid to some complainants.

APPENDIX 2: **List of AFL and NRL clubs**

The Australian Football League

Adelaide Crows

Brisbane Lions

Carlton Blues

Collingwood Magpies

Essendon Bombers

Fremantle Dockers

Geelong Cats

Hawthorn Hawks

Melbourne Demons

North Melbourne Kangaroos

Port Adelaide Power

Richmond Tigers

St Kilda Saints

Sydney Swans

West Coast Eagles

Western Bulldogs

The National Rugby League

Brisbane Broncos

Canberra Raiders

Canterbury Bulldogs

Cronulla Sharks

Gold Coast Titans

Manly Sea Eagles

Melbourne Storm

New Zealand Warriors

Newcastle Knights

North Queensland Cowboys

Parramatta Eels

Penrith Panthers

South Sydney Rabbitohs

St George Illawarra Dragons

Sydney Roosters

Wests Tigers

APPENDIX 3: **Glossary**

Newspapers:

Daily Telegraph: Sydney tabloid newspaper.

Herald Sun: Melbourne tabloid newspaper.

The Age: Melbourne broadsheet newspaper.

The Australian: National broadsheet newspaper.

The Sydney Morning Herald: Sydney broadsheet newspaper.

Television networks:

ABC: National broadcasting network.

Channel 7, 9, 10: Commercial television stations.

Channel 31: Low budget, independent network, which screens local programs.

SBS: Independent network.

APPENDIX 4: **Tables of Television Programs**

Series Title	
A Current Affair	Current affairs program screened on Channel 9 each weekday.
Before the Game	AFL football comedy program screening weekly on Channel 10, between the Saturday afternoon and Saturday night matches during the football season. Hosted by Andrew Maher, the program's regular panellists include Sam(antha) Lane, Dave "Hughesy" Hughes, Mick Molloy and "Lehmo".
Four Corners	Fortnightly ABC investigative journalism program which conducts in-depth investigation into a single issue. Each episode is repeated several days later.
Insight	Unscripted discussion forum, screened weekly on SBS, which gathers people with different perspectives to discuss a topical issue. Each episode is repeated three days after its first screening.
Footy Classified	AFL football discussion program screening weekly on Channel 9. Hosted by panellists Caroline Wilson, Craig Hutchison, Garry Lyon and Grant Thomas, the program addresses pressing and/or controversial issues in football.
The Footy Show	Weekly comedy-variety program, screened live-to-air on Channel 9. There is both an NRL version and an AFL version, featuring past players from the relevant code. The AFL version is hosted by former players Gary Lyon and Sam Newman, and former cricketer James Brayshaw, while the NRL version is currently hosted by former players Paul 'Fatty' Vautin, Peter Sterling and Andrew Voss.

Date Screened	Program/Episode Title	Relevant Case	Details
25 March 2004	*The Footy Show*	Canterbury and St Kilda 2004	Focuses primarily on Predatory Women. Also features female AFL club board members, who contributed little to the discussion.
28 March 2004	'Foul Play': *Insight* episode	St Kilda and Canterbury 2004	Includes testimony from a woman allegedly raped by an unnamed AFL player and his local league associates. Discussants include former player and coach Phil Cleary, chair of the National Association of Services Against Sexual Violence Vanessa Swan, and journalists Jacquelin Magnay and Jessica Halloran. Officials from the AFL and NRL declined to participate.
3 May 2004	'Fair Game': *Four Corners* episode	Adam Heuskes, Peter Burgoyne and Michael O'Loughlin 2000; Brisbane Lions, London, 1999	Features testimony from "Jane", allegedly raped by Heuskes, Burgoyne and O'Loughlin − the testimony presented is Jane's taped police interview revoiced − and testimony from "Sarah", allegedly raped by four Brisbane Lions in London, including Adam Heuskes.
29 September 2006	*Footy Chicks*: SBS documentary on footballers' casual sex "culture".		Follows three women who seek sex with AFL and NRL footballers, and also features interviews with players, past players and experts in the areas of sexual assault and football culture.
9 April 2008	*The Footy Show*	Sam Newman	Sam Newman performs a "stunt" in which he staples a photograph of respected football journalist Caroline Wilson's face to a mannequin dressed in a skimpy bikini and gropes its crotch, pretending to try out different outfits for it.

16 April 2008	*The Footy Show*	Sam Newman	In response to the disgust expressed by female journalists and AFL board members at the mannequin-groping stunt, panellists mock the women's criticisms, Newman infamously declaring, 'Women have done nothing for football'.
10 June 2008	'Playing Up': *Insight* episode		Discusses the issue of alcohol and sport.
11 May 2009	'Code of Silence': *Four Corners* episode	Matthew Johns/Cronulla 2002	Features testimony from "Clare", the victim in the Matthew Johns incident, "Caroline", allegedly sexually assaulted by then-Newcastle Knights player Dane Tilse; and Charmayne Palavi who enjoys casual sex with footballers, sets up players and women through her Facebook page and was allegedly raped by a high-profile player; as well as interviews with NRL CEO David Gallop and the detective who investigated Clare's case.
13 May 2009	*A Current Affair*	Matthew Johns/Cronulla 2002	Host Tracey Grimshaw interviews Matthew Johns and his wife Trish Johns, following the screening of 'Code of Silence' and his subsequent sacking from *The Footy Show*.
14 May 2009	*The Footy Show*	Cronulla/Matthew Johns 2002	Discusses the implications of, and fallout from, 'Code of Silence'. James Brayshaw, and former player and friend of Johns Phil Gould, co-hosts this episode with Fatty Vautin. Gould is highly emotional. Also features journalist Jacquelin Magnay and CEOs of two clubs.