VIOLENCE IN RUGBY

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1 - INTRODUCTION

Personal Reminiscences

As the scrum formed and I went down on one knee, I bound my arm around my second-row partner's back, claimed a fist-full of shirt and forced my head between our hooker's and prop's outer thighs, jamming my shoulders under their buttocks. Just before the scrum went down, I grabbed hold of my prop's shorts with my other hand, pulling him in. The squeeze on my head was so tight I thought my head would burst. There was sand from the pitch scraping one side of my face and, with the Vaseline long gone, the skin on my shoulder was rubbed raw. The scrum went down, front row leading the crunch at contact. My feet went back, studs wedged into the soggy grass searching for grip. I was now in a good pushing position, with back straight and knees flexed and every muscle tensed ready to explode on the call. For a few moments the pressure was there, you could feel the tension as all eight players in our scrum were poised, ready to bust a gut to win the ball. When the ball came in, we drove forward and upward as one,
winning the ball and driving the opposition scrum steadily backwards until it collapsed in total disarray. Staying bound together, we stomped all over the opposition players on the ground, reinforcing our physical superiority and domination of the opposition forwards with our boots and studs.

The event described above could be any one of millions of scrums that have taken place in rugby games over the years all over the world. However, the scrum I was thinking of took place in the annual Loughborough vs St. Luke's Exeter student game almost 40 years ago. It was 1971. I was a member of that Loughborough team, playing in our most important game of the year. The teams were fierce rivals, but, on the day, we totally out-classed St. Lukes (24-3), scoring six tries, of which I barged over for the last. It was the team's most effective performance of the year and we were later to be considered one of the best, if not the best, team to represent Loughborough. We were all highly competitive, all striving to go further, all dreaming of reaching the top and pulling on a white, red, blue, or green international jersey.

As it turned out, that team had seven future rugby union international players (and an English trialist), three of whom became British and Irish Lions. My trio of team mates at prop, hooker and second row were none other than Fran Cotton, John Gray, and Maurice Trapp. Another member of that 1970-71 team, future England and Lions captain and scrum-half Steve Smith, described Fran's immediate impact in one of our early games that season:

. . . we had to entertain the Metropolitan Police and that was regarded as the college's punch-up game. It was a case of the “big nasty coppers” heading north to sort out the poor little students. It was a fixture nobody really relished, but what a surprise they were in for that year. The students had flocked onto the hill to watch the contest. When I bent down to pop the ball into the first scrum it suddenly erupted and Fran, who had apparently been [eye] gouged, stood up and wiped out their entire front row with three punches. The students went mad wading into the police as they beat a hasty retreat. Nobody had ever seen anything like it at Loughborough before. We were, after all, the ones to be bullied by bigger and older sides, but we realised for the first time that nobody was going to bully us that season. (Smith, 1984, p. 26-27)

Fran, who had already played for Lancashire before coming to Loughborough, also became a permanent member of the England XV, captaining the team on three occasions. He made three Lions tours as a player. Fran was so incredibly talented as a prop that he played four tests in South Africa as a tight-head for the unbeaten 1974 Lions and then played three tests on the next tour in New Zealand as a loose-head. More recently, he returned to South Africa as manager of the successful 1997 Lions. John Gray, after a spell with Coventry and England Under 25's and sevens teams, switched to rugby league with Wigan and played for England and Great Britain. He later moved to Australia and became something of a folk hero, playing for North Sydney and Manly-Warringah, and is credited with introducing the “round the corner” place kick to Australian rugby league. Maurice Trapp played for Harlequins and Middlesex before emigrating to New Zealand, where he played provincial rugby and later became the coach of an outstanding Auckland team in the early '90's.

What was it that made these three of my scrum mates so successful? Not only did all three have the perfect physique for the positions they played, but they were also immensely skilful and talented rugby players, with excellent athletic ability. Physically, they maintained high levels of physical fitness. Fran trained harder than anyone I have seen, John had a natural ability in almost any ball game, playing top class cricket for Warwickshire, while Maurice, also a top-class rower, impressed on the Loughborough physical education courses, performing skills not usually associated with second row forwards. At a crucial time in their development as senior rugby players, they also received the best coaching available at the time. Our coach at Loughborough was the legendary Jim Greenwood, himself a former captain of the Scottish international team and prominent British and Irish Lions player. Thanks to his books Total
Rugby and Think Rugby (Greenwood, 1978; 1986), he has become renowned throughout the world for his personal coaching ideas, perceptive analysis and insights into all aspects of rugby playing and coaching. All these factors contributed to their achievements, but I believe that they had one other thing in common which cemented their success as elite rugby players.

Psychologically, they had the determination, mental toughness and hard ruthlessness needed to physically dominate opponents when required. They were aggressive on the field and enjoyed the physicality of the game, reveling in the physical and mental challenges it presented. A player does not get selected for three Lions tours as a prop who can play on either side of the scrum without being able to look after himself when things turn ugly. In Australia and New Zealand, “Poms” like John and Maurice would have been severely tested by fair means and foul when they first arrived, and probably for a considerable time thereafter. Clearly, they were able to deal with the aggression and violence that came their way and stand up for themselves, otherwise they would never have made the grade. Any sign of taking a backward step and they would have been ruthlessly targeted by the local team's enforcers or “hit men”.

In that Loughborough team, we knew that, most of the time, teams that win games are those that physically dominate opposing teams. Although, against more mature teams like Gloucester and Leicester, dominating their huge forwards proved to be quite a challenge for a student pack, so as players we had to be fitter, faster, more skilful, more cohesive as a team and play smarter rugby than our opponents. We generally strove for physical domination fairly, within the laws of the game, but we never held back from exploiting any physical weakness we found in opponents. That is why, when the St. Luke's scrum collapsed in that 1971 game, we stomped over their players as they lay on the ground. This was not a courageous or particularly honourable thing to do, but at the time it was accepted as part of the player norms or code and teams were rarely penalised for doing it. If the situation had been reversed, we would have expected to get the same treatment. It was a way that forwards had of trying to reinforce their physical superiority. Needless to say, it was not a pleasant experience for those on the receiving end. However, that is the way it works in ball games involving physical contact, or what I call team contact sports, where the law of the jungle operates to some degree.

My own rugby career continued after Loughborough, although not quite to the same level of distinction as my former team mates. I played with Ballymena in Ireland for ten years and, for one of those years, was captain of the 1st XV. Ballymena has always had a reputation for an uncompromising forward pack, known for its physicality. During that time, I played with a number of Irish international players from the Ballymena club, but two of them stood out above the rest in terms of their toughness and hard determination. One was Willie John McBride who, with five Lions tours as player, captain and manager, is a Lions legend. The second was hooker Stevie Smith, whom I had coached while he was at secondary school, and who also played for Ireland and toured with the 1989 Lions to Australia. There is no doubt that these were two of the most uncompromising characters that ever ran onto a rugby pitch.

Personal experience as a player, teacher and coach in England, Ireland, The Netherlands, Japan, Australia and Canada, and observations of my team-mates and opponents have given me a unique perspective of how aggression and violence works in rugby. After my early days as a secondary school physical education teacher, I moved into higher education. As a university educator specialising in sport psychology, the aggressive and sometimes violent behaviour that is integral to the game of rugby and other team contact sports has been the subject of much of my research work. I believe that success in these games requires the kinds of qualities found in my high-achieving team-mates. Of these, the most important are psychological characteristics, like mental toughness, ruthlessness and aggression. It does not matter how skilful, strong and fit you are, or how much athletic ability you have; a fundamental or inherent characteristic of these sports in general, and rugby in particular, is that players have to be aggressive to be successful. Only those with the necessary psychological characteristics can
make it to the top of the highly competitive performance pyramids that are found in rugby.

The Nature of Violence in Rugby: Terms of Reference

What intrigues me most is the special nature of aggression and violence in rugby and how it is experienced by players. When players go onto the pitch to face another team, there is a tacit agreement that they will play the game in accordance with the current laws of the game. It is taken for granted that both teams have consented to engage in a game full of aggressive physical contact, involving acts which in everyday life would have them charged and very likely prosecuted for assault. Rugby is an unusual context which allows physical aggression and certain violent acts between players to take place without retribution. As one former rugby player said: “It's a game played by violent gentlemen, a shockingly violent game played with a high degree of civility.” (Friend, 2009).

I have argued (Kerr 2005, p. 46-53) that the physicality associated with rugby and other team contact sports is a source of enjoyment and pleasure to many players. Being able to give and take the hard knocks which occur during play can be a source of tremendous personal satisfaction once the game is over. However, it should be stated that not every player has the same physical and mental attributes and some players relish the physicality of rugby more than others. Many, if not most, teams are made up of an assortment of types of players with regard to the physical side of the game. Some, often highly skilled backs, are sometimes less aggressive and violent than their team-mates but are crucial to the success of the team. These players are safeguarded by other team members, including the hard, tough, violent enforcers who won't hesitate to hand out violent retaliation if and when, in their minds, it appears necessary.

Before going further, it is necessary to clear up a few definitions and be specific about exactly what I mean when I use the term “violence”, the most extreme form of aggressive behaviour. In rugby, there are two types of violence. One is the violence involved in the collisions and tackles which are found in every game. For example, it is considered a positive attribute if a player has the ability to tackle opponents ferociously and, provided tackles are within the rugby laws, they are fair, legal, acceptable and permissible. This comprises what I have called sanctioned violence. The second type of violence has negative connotations and takes the form of unfair, illegal, unacceptable and impermissible physical acts often designed to hurt or injure an opponent (Atyeo, 1979). These acts are forms of what I have termed unsanctioned violence (Kerr, 2005).

Game officials are present and do their best to make sure that sanctioned violent play does conform to the laws of the game and that unsanctioned violent acts are penalised. However, there are grey areas and unwritten player rules or norms with regard to aggression and violence and those acts which are unacceptable to opposition players may trigger serious, unsanctioned violent retaliation on the pitch. As illustrated in the incident described by Steve Smith, the line of acceptability was crossed when a member of the Met Police front row committed an act of unsanctioned violence by eye-gouging Fran Cotton. Fran understandably took exception to this and settled the score with his own brand of unsanctioned violent retaliation. It is unsanctioned violence that is the main topic of this book.

About this Book

What appears in this ebook is based on what information was available to me from a variety of sources, including quotations from players and coaches, media reports and opinion pieces from other authors. Reference will be made to evidence from video recordings of violent incidents in particular games that are available from televised programmes, on DVD, or via the internet. I have made every endeavour to make my search for information as wide as possible, but the collection of information that I have obtained means that, for example, some teams (including national teams) feature in the descriptions of violence more often than others. It is not my intention to be biased against particular teams, or individual players, but to be accurate and neutral in my writing and descriptions of violent acts and
incidents.

Some of the names of playing positions vary between North and Southern hemispheres and between English speakers and the other languages of rugby playing countries. To achieve a degree of consistency, I have used the positional names commonly used in the UK and Ireland, although even here there are sometimes multiple labels (e.g., fly-half, out-half, stand-off half, all used to refer to no. 10).

I have published other, conventional books with several of the leading academic book publishing companies, including Wiley, Open University Press, Routledge, and Psychology Press. In starting with this book, I gradually came around to the idea that it should be published online as an ebook and be readily available to everyone for downloading. Once that decision was made, I wanted to make the book as interactive as possible and that is why you will find hyperlinks throughout the book which should give you instant access to video footage of violent rugby incidents, through websites such as YouTube. Of course, there is a danger in doing this, because, in some cases the video, often for copyright reasons, is no longer available. I have done my utmost to ensure that, at the time of release of this book, the videos are all available through the hyperlinks I have included. If this turns out not to be the case, then I apologise in advance. Where I have provided a link to a website video, I recommend that, when viewing these videos, you turn the sound off, or at least adjust it very low. Spectator noise, commentators' voices, and the loud rock music dubbed on to some videos can be a distraction when it is important to watch events carefully.

In the pages that follow, I describe rugby's most renowned violent deeds, profile infamous players, chronicle notorious incidents and try to provide the build up and background to high profile games where full-on physical violence broke loose. Violence has been a part of the rugby game from its beginning in the mid-1860's, and I review the problems that were apparent in those days. I also examine violence in school and youth rugby. In addition, I show how rugby violence is changing in the modern game and discuss its relationship with the law. It is not my intention to sensationalise rugby violence in the way that the media often does, but to examine and discuss it in a rational way and try to understand the motivation behind it.

2 - VIOLENCE: AN EARLY FEATURE OF THE GAME

In my personal reminiscences of a rugby game during my student days, I described the violent stamping incident which may seem quite tame in comparison with what went on in rugby football more than a century before:

*Much has been said and argued about stamping on players on the ground this year – as in Ireland's matches with Italy and Wales and as in the match between the Hurricanes and the Cats. Compared to the hacking of old, stamping is a pastime of innocents. One side of the argument says that it is against the laws of the game and is bad for the game's image, the other that it is a part of the game and getting rid of it is to turn the game soft. Much of the same argument was used of hacking in the late 19th century. (“Hacking - when”, 2006).*

From what the historians tell us, violence has been an aspect of the game of rugby from its inception. In the mid-nineteenth century, as rugby eventually developed from the various forms of football played at the time, hacking was a violent technique that was a part of the game. Even today the word “hack” is still used in rugby, as when a player hacks a loose ball on the ground forward, meaning that the player kicks the ball forward. In those days, it was not so much the ball that was hacked or kicked, but opposing players. Although their use was eventually banned, some players even wore iron-tipped shoes with tough leather soles, known as navvies, to make their hacking more effective. Hacking was not illegal at the time. Law X from the Football Association's laws in 1863 stated: "If any player shall run with the ball towards his adversaries' goal, any player on the opposite side shall be at liberty to charge,
hold, trip or hack him, or so to wrest the ball from him, but no player shall be held and hacked at the same time.” (“Hacking - when”, 2006). In fact, there were two forms of hacking, hacking and hacking over. Hacking over was a form of tripping and somewhat less brutal than hacking and, even though these violent techniques were eventually banned, they remained on the list of illegal activities described in the Laws of the Game until 1937. As the following quote indicates, the technique produced a range of serious injuries among those players who were on the receiving end:

... the loose scrummage with its indiscriminate hacking, though always an interesting moment for those actually on the ball. But the latter had to be driven fairly through the opposing ranks; it was not the thing to wriggle out at the side. Only a few, however, could be on the ball, and what could the rest do but hack one another? ... There were a great many accidents, as might be expected with such numbers playing, such prolonged scrummages and indiscriminate hacking. They were taken as a matter of course – arms, legs, collar-bones, knees, ankles were constantly broken, dislocated or fractured ... (An Old Rugbeian, Rugby football in the 60's p. 577: cited in Dunning & Sheard, 1979, p. 115-116)

Hacking was allowed both “on” and “off the ball” and among the boys at the English “public” (private) schools where hacking was part of the games that were played, “backing off” or “blubbing” when hacked were definitely frowned upon, as these acts showed weakness and a lack of character. Originally, the boys, not the masters or teachers, were responsible for organising games and deciding on the laws. Although there was a good deal of similarity in the laws of the varying forms of football games played, there were also some differences, as the rules tended to be specific to certain schools. Over time, agreement was reached about common laws and those developed at Rugby School in the Midlands of England formed the base. Hence, the football game became known as “rugby football”. Among the adult clubs, Blackheath in London had specialised in hacking and became known as “the hacking men”, while Richmond and some other clubs wanted unnecessary hacking banned. However, the issue was settled after the first committee meeting of the newly formed (English) Rugby Football Union was held in 1871. A new set of laws of the game was drafted in which hacking, hacking over and tripping were abolished. Seven of the committee members were old boys of Rugby School and three of them, solicitors by occupation, produced the new laws which were intended to be universal and govern the future playing of the game of rugby football (Dunning & Sheard, 1979).

The 1870's were also important years for the development of rugby in other parts of the world. In 1870, the town of Nelson on the east coast of the North Island of New Zealand was the setting for the first game of rugby played in that country (Phillips, 1996). In New Zealand, rugby had to compete with other forms of football which were popular at the time, but:

When contemporaries watched a game played under rugby rules for the first time they inevitably noted how much rougher and more physical it was than the other games. Early rugby was characterized by long rough-and-tumble scrummaging in which physical strength rather than ball sense counted for much, and where the spice of danger was always present. (Phillips, 1996, p. 74).

The banning of violent hacking was enforced in New Zealand in 1877, but in South Africa, for example in Natal, where rugby was also introduced during the 1870's, disagreement with the law changes in England meant that hacking and other violent activities continued into the mid-1880's and beyond:

The game in the 1880s was very rough. A player in 1905 described the game then as being “of a more heroic class than the game now played. Kicking in the scrum, hacking at the least possible pretext and screwing an opponent's neck were common or garden incidents in the quietest game of rugby.” (Nicholson & Wiblin, 1990, p. 11)

Rugby was taken up in different places and contexts for slightly different reasons. In England, it was
the idea of muscular Christianity common among headmasters and teachers in public schools. They saw it as a way of toughening up the boys to prepare them for service in the army and other colonial occupations where they could contribute to the maintenance of the British Empire. While, elsewhere in the rugby world, rugby also developed quickly in schools, its roughness and physicality were also attractive to men involved in hard manual work. In New Zealand, the game grew rapidly from the towns to the rural areas, appealing to men in frontier New Zealand where the qualities of physical toughness, strength and courage were part of the traditional masculinity (Phillips, 1996, p. 75). Similar reasons have been suggested for the adoption of rugby in English and Welsh mining towns (Dunning & Sheard, 1979). As in New Zealand, in Natal rugby also appealed to pioneer farmers for its roughness and physicality. However, in addition to the nature of the game, it was a means of unifying the few white settlers who were there, located far from the city, trying to deal with economic hardship and few resources and their fear of the black population (Morrell, 1996). This is not to say that rugby was not played by sedentary and non-manual workers in the cities of these countries, it was. These players appeared to participate in rugby in their free time to prove their virility and express their physicality in the same way as their rural compatriots.

In summary, given the aggression and physicality required to play the game it is perhaps not surprising that, in the mid-1800's, play could be dangerous or sometimes violent and players were injured as a result. In the context of this book on violence in rugby, it is worth noting that, right from the beginning, rugby was characterised by violence in the form of hacking. It began as a sanctioned, legitimate part of play within the loose and various laws of that era and only later became an unsanctioned act of violence banned by the rugby authorities. As we shall see, this is a trend that has continued down through the years right up to the present time, when some observers would say that the governing bodies of the sport are trying to “sanitise” the game.

3 - RENOWNED ACTS OF VIOLENCE

Acts of unsanctioned violence range from punching and stamping to the more serious biting, eye-gouging, testicle grabbing (bag-snatching) and spear tackling. These acts are against both official rules and the player unwritten rules and norms. I attempted to organise these acts from the least to the most brutal. However, it proved to be extremely difficult. For example, how do you compare an act of foul play like a bite with, say, a highly dangerous spear tackle. Instead, the next sections are arranged alphabetically and will take a closer a look at each of these acts by examining real examples from rugby games.

Biting

For players, biting is one of the most detestable acts in rugby, even more so now with the possibility of contracting HIV/AIDS. In one incident, in an October 2009 South African Currie Cup match between Western province and the Golden Lions, Francois Louw was bitten twice on the arm. Louw stated in an interview: “Ja, that's never happened to me before! I was trying to steal the ball at the ruck and came across a very sharp pain in my arm it felt like a bee sting!” Lions hooker Hans van Dyk was cited, but later cleared of alleged biting by a disciplinary hearing (Peters, 2010; "SARU investigate", 2009).

More recently, in Australia in a February 2010 Super 14 game between the New South Wales Waratahs and the Queensland Reds in Brisbane, Reds lock Adam Byrnes and Waratahs lock Will Caldwell were both cited for foul play. In the same incident, Caldwell allegedly eye-gouged Byrnes and Byrnes was accused of biting Caldwell's finger. Waratahs won the game, but, halfway through the first half, Caldwell drew referee Craig Joubert's attention to his damaged finger. Both players had to face a judicial inquiry, but escaped punishment (Pentony, 2010; “Three cited”, 2010).

Unusually, in the two examples mentioned above, no player was identified as a culprit and punished. It is much more usual for those found guilty of biting to receive lengthy suspensions. For example, in
New Zealand, Waikato lock Toby Lynn was cited for biting North Harbour's Greg Rawlinson's finger in a game in late August 2007. Lynn allegedly bit Rawlinson's finger while at the bottom of a ruck. Rawlinson attempted to push Lynn off and his finger entered Lynn's mouth and was bitten for four or five seconds. Lynn was suspended for six weeks after the committee decided that the bite had been intentional (“Lock gets six week ban”, 2007).

One of the worst incidents of biting, in terms of resulting damage, occurred in the January 1988 Tetley's Bitter Cup tie match between Bath and London Scottish in Bath. Bath won the game 24-23. Simon Fenn, the London Scottish flanker, playing in his debut game, had part of his earlobe bitten off when a scrum collapsed in a heap. After the incident, Fenn was bandaged up and continued to play, but eventually had to leave the field. His ear required twenty-eight stitches. The incident resulted in referee Ashley Rowden giving a general warning to Bath skipper Andy Nicol and awarding a penalty to London Scottish. After the game, the referee said:

*I felt like being sick. . . . It was like a scene from Mike Tyson's fight with Evander Holyfield. I have never known anything like it. Fenn came up to me and said he had been bitten. The blood was pumping from his ear; a bite was taken out of his lobe. There is absolutely no room for that in rugby. If I had seen the culprit I would have sent him straight off. But I was on the blind-side of the scrum and not even the touch judge could help me.* ("Thugby's shame", 1998)

The incident had further repercussions. Bath closed ranks on the incident and refused to identify the culprit, or take action against him. In response, the three members of the Bath front row, props Kevin Yates and Victor Ubogu (both England) and Argentinian international hooker Federico Mendez, were cited for foul play by London Scottish. London Scottish claimed that they had a good idea which player had bitten Fenn, but for legal reasons they could not identify him. (Hewitt, 1998). However, towards the end of January, all the arguing and legal posturing between the clubs came to an end with a Rugby Football Union disciplinary hearing, held in London. Despite inconclusive video evidence, Kevin Yates, the 25-year-old England prop, was found guilty and banned for six months. Yates' rugby career continued after the suspension, but in 1999, one year after the Fenn incident, he was cited for stamping on Wasps flanker Paul Volley's head. Volley needed seven stitches in his forehead. Yates was again suspended for four weeks, this time for being reckless. Yates, who even in 2007 was still insisting that he was innocent of biting Fenn's ear, had to forfeit almost £100,000 in legal fees and lost earnings because of the six-month playing ban (“How the prop”, 2007).

During a maul early in the second half of an Amlin Challenge Cup match in October 2012 between Bordeaux-Bègles and London Irish, Fijian international loose forward Sisaro Koyamaibole, playing for the French team, bit London Irish flanker Declan Danaher on the biceps. Danaher was left with with a wound of eighteen teeth marks and some bleeding. Koyamaibole received a twelve-week ban from the ERC, but was also had his contract terminated by his club for not appearing at the disciplinary meeting.

To my knowledge, the longest suspension for biting to date is four years (208 weeks), handed down to Jacksonville winger Haynes Anthony by an SARU disciplinary hearing in October 2009. Pukke scrum-half Andries Mahoney had his ear bitten by Anthony during an SAA National Club Championship match, played at the LC De Villiers stadium in Pretoria. Pukke won the game 44-34. Following the incident, Mahoney received fourteen stitches to his ear (Western Province Club Rugby website, 2010) and, in what has probably been the highest profile biting incident over recent years, South African prop Johan le Roux bit a chunk out of All Black skipper Sean Fitzpatrick's ear during a 1994 test match in New Zealand.

**Dangerous Tackles**

Biting is self-explanatory, but some explanation of what constitutes a dangerous tackle is required. Dangerous tackles are late tackles, straight-arm or stiff-arm tackles, high tackles, shoulder charges, or
combinations thereof and, probably the most dangerous of all, spear, tip, or lift tackles. Late tackles occur fairly frequently and involve a player following through with a tackle after an opposing player has passed or kicked the ball. It is often a matter of timing and, from a tackling player's point of view, it is very difficult to pull out once you are running at full speed and committed to making a tackle. However, late tackles can also be deliberate attempts to “get at” or intimidate an opposing player. Late tackles are penalised by referees, as are early tackles where players are tackled or “taken out” before they receive a pass.

In a straight-arm, stiff-arm, or clothesline tackle, the defending player catches the attacking player on the head or under his chin on the neck with his arm straight. These often occur when an attacking player running with the ball side-steps, wrong-footing a tackler who, in an instinctive instantaneous reaction, sticks out an arm. In these situations, a straight- or stiff-arm tackle can be almost accidental or unintentional but, like late tackles, they can also be deliberate acts of unsanctioned aggression and foul play. Recently, referees have clamped down on high tackles in general and any contact above the shoulders during tackles (including straight- or stiff-arm tackles) is now penalised rigorously and subject to possible later suspension. Referees are also clamping down on shoulder charge hits (no use of the arms in the tackle) of the type which are permissible in rugby league and American football. [Andy Powell huge hit on Duane Vermeulen]

Shortly after the start of the September 2010 Top 14 game in France between Toulon and Brive, Brive full-back Alexis Palisson was clotheslined by Toulon's Australian centre Mafieko Kefu. After the referee consulted with his assistant, Kefu was shown the red card and sent off. Toulon lost the game 27-9 (“Mafieko Kefu straight red”, 2010). Kefu was later banned for thirty days. Also in September 2010, but on the other side of the world in New Zealand, Northland scrum-half Luke Hamilton was on the receiving end of a stiff-arm tackle from Counties Manukau loose forward Fritz Lee. Lee was sent off by referee Chris Pollock. Lee, who had no previous record of foul play, was suspended for three weeks (“Lee cops three weeks”, 2010). [Rugby Player Gets a Clothesline from Hel] [Andy Powell clothesline high shot on Richie McCaw]

In the semi-final of the 2003 World Cup in Australia, France played in wet and windy conditions. It was a game in which flanker Serge Betsen of France played a huge role, both positive and negative. He scored an impressive individual try early in the game for France to take the lead over England. In the second half, with 52 minutes played, the game was finely balanced at 12-7 to England. England won the ball from a ruck on the right near the French 10 metre line and fly-half Johnny Wilkinson decided to kick the ball high across field for his left wing Ben Cohen to chase. Just after he kicked, he was late-tackled hard by Betsen. Referee Paddy O'Brien from New Zealand showed Betson the yellow card and he was sin-binned for 10 minutes. It proved to be the turning point of the game and an extremely costly late tackle, as England went on to win 27-7. Wilkinson scored all 24 points. England progressed to the final and subsequently defeated Australia to win the 2003 World Cup. Later, Betson was also suspended for six weeks for kicking England scrum-half Matt Dawson on the head during the same game. [Incident – Betsen late tackle on Wilkinson 2003]

Occasionally, late tackles can also be high tackles. In February 2010, Castres' Georgian hooker, Aksenti Giorgadze, was concussed and fractured his tibia and ankle when he fell following a late high tackle by Racing Metro's Fijian lock, Simon Raiwalui. Although two other players received yellow cards, Raiwalui escaped punishment on the field but was cited and later suspended for thirty days ("Simon Raiwalui", 2010).

Spear, lift or tip tackles can occur at any playing level. There is an example from Canberra, Australia of a seven year-old boy being spear tackled in a social game of rugby at school and receiving a serious neck injury (Carrick, 2005, p. 4). In the English National League Two, Blaydon winger Cameron Johnston was late-spear tackled in a game against Redruth in 2007. Johnston, a Scotland Under-21 cap,
suffered a fractured vertebra, but fortunately his spinal cord was not affected. Nathaniel Pedley of Redruth was sent off for the tackle and was later banned for twenty-six weeks. (Purewal, 2007; Welleck, 2007). Johnston reflected on the incident:

*I wasn’t expecting it because it was way after the whistle. If I’d kept running we just would have clashed and landed. It probably would have hurt, but I was already almost stopped. That’s when he picked me up and then it was just, bang! It felt like a rock in the middle of my back. . . . The compression from my neck split the vertebrae across the middle and down the centre, the top part of the spine slipped forward and only stopped short of my spinal chord. The muscles went into spasm at just the right time and that saved me. The doctor’s own words in the medical report were, “it is an act of God that Cameron is not permanently confined to a wheelchair”* (Purewal, 2008).

Johnston has not played since the incident and is now coaching. No one apologised for the incident or came to visit him in hospital. Pedley's parents apparently asked Johnston not to take legal action. To my knowledge, Johnston has taken no legal action, unlike the well-known victim of a spear tackle that occurred in Australian rugby league. It involved Jarrod McCracken, who played for Wests Tigers in Sydney and was the New Zealand team captain. In May 2000, he suffered neck and spinal injuries following a spear tackle by Melbourne Storm players Stephen Kearney and Marcus Bai. The injuries were serious enough to end McCracken's rugby career and led to him suing Melbourne Storm and the two players. Some six years later, in 2006, the New South Wales Supreme Court awarded McCracken Aus$97,000 in damages (Magnay & Lamont, 2005; “Spear tackle costs Storm", 2006).

Other examples of spear tackles at high-performance levels occurred in 2006. These included Brumbies scrum-half George Gregan's tackle on Highlanders right wing Richard Kahui in round 14 of the Super 14 competition. In the tackle, Kahui was lifted up and dropped, landing dangerously on his head. Gregan was given a yellow card by the referee and subsequently received a very light one-week suspension because of his previous exemplary and unblemished disciplinary record. However, this lenient decision caused some contention at the time, because the judicial committee were all Australians and, therefore, may have been biased ("No Gregan for Christchurch", 2006). In the Currie Cup in South Africa, Falcons prop forward Phillip Lemmer was banned for three weeks, effectively the rest of the season, when he spear-tackled Western Province centre Corne Uys ("Falcons' Lemmer banned", 2006). A third example was Australian wing Loti Tuqiri's spear tackle on New Zealand flanker Richie McCaw, in the second half of a Bledisloe Cup test in August 2006. McCaw was unhurt and Tuqiri escaped punishment on the field, but received a five-match suspension as a result of being cited ("Tuqiri in strife", 2006).

Perhaps the most notorious spear tackle in recent times was not really a spear tackle at all, but it caused enormous controversy a year earlier, in June 2005. It occurred during the first minute of the first test match between the British and Irish Lions and New Zealand in Christchurch. The players involved were Brian O'Driscoll, Lions captain, Tana Umaga, All Black captain, and Kevin Mealamu, All Black hooker. O'Driscoll was lifted by Umaga and Mealamu and dropped to the ground, dislocating his shoulder. He was stretchered off and out of action for six months. Careful viewing shows that the incident occurred at a ruck, after O'Driscoll had tackled New Zealand full-back Leon McDonald and quickly got back on his feet. It appears that Umaga and Mealamu were "clearing out" at the ruck rather than tackling; each caught hold of a leg, picked O'Driscoll up and dropped him down head first. O'Driscoll later described it as "more of a slam dunk than a spear tackle". [O'Driscoll 1] O'Driscoll did not have the ball at the time and so it could be construed as an off-the-ball act of foul play. However, there was no flag from assistant referee Andrew Cole, even though he was about a metre from the play when it happened and perfectly placed to make a decision, should it have been necessary. After the game, the citing commissioner, Willem Venter, a South African, decided that the two New Zealand
Eye-gouging

Numerous incidents of eye-gouging in high profile games in the late 2000's have brought attention to one of the most dangerous acts of unsanctioned violence in the game. Indeed, early in 2010, Gravesend No. 8 Clarence Harding, playing in a cup game against Maidstone in the London 2 South East League, was blinded in his right eye as a result of deliberate eye-gouging (“Police investigate”, 2010). Perhaps because it is so physically intrusive, eye-gouging is regarded by most players as beyond the pale – more so than most other forms of dirty play at close quarters ("Play the ball", 2003).

There are three different types of deliberate contact with the eye area which tend to be generically referred to as “eye-gouging” in the media. The first is when a relatively flat hand is drawn or raked vertically down, or horizontally across the eyes. Tony Woodcock, New Zealand prop, described it as "getting a facial". Munster flanker Alan Quinlan was found guilty of “contact with Leinster's Leo Cullen's eye area” and banned for twelve weeks. This was at the low end of the scale for the seriousness of the offence, but it cost him a place on the Lions tour to South Africa in 2009. [Alan Quinlan eye gouge] In the second type of eye contact, real eye-gouging, fingers are poked into the eye sockets. Sergio Parisse, the Italian team captain, eye-gouged All Black lock Isaac Ross, when playing for Italy against New Zealand 2009. Video footage suggests that Parisse's finger did enter Ross' eye socket and, after the game, IRB judicial officer Paul Tully banned him for eight weeks. [Sergio Parisse Eye Gouge] Tully ruled that the offence was reckless rather than intentional, with brief contact, no injury to Ross, and Parisse's fingers making initial contact with Ross' cheek and then slipping into his eye.

In the same weekend, in South Africa, in the second test of the 2009 British and Irish Lions tour, Springbok flanker Schalk Burger was yellow-carded after only 13 seconds for eye-gouging Lions wing Luke Fitzgerald. Many people thought he should have received a red card from the referee and been sent off for the offence. [Schalk Burger gouging] After the game, Canadian judicial officer Alan Hudson banned him for eight weeks for “making contact with the face in the eye area which he believed was clearly reckless”. The third type of eye contact involves hands and knuckles being pushed hard or squeezed against the eyeballs. Australian prop Richard Harry experienced this in the 1999 World Cup Final against France. Harry stated: “In my case it wasn't so much of a gouge. He pushed the eyeballs back in my head, rather than scratched at them” ("Play the ball", 2003). Australian captain John Eales said that up to four Australian players were gouged in the match.

Ulster won a Heineken Cup game against Stade Français in Belfast in December 2009. It was a clear enough victory for Ulster, but the match was hugely controversial, because one player, Ulster flanker Stephen Ferris, was eye-gouged by two different opponents, first by Stade scrum-half Julien Dupuy and then by prop David Attoub. Both Stade players, who are French internationals, were cited after the game and suspended. Video film footage showed that Dupuy actually had two goes at Ferris' eyes. In a ruck, Ferris was over the ball with his arms, head and face protruding on the Stade side. Ferris briefly, but illegally, grabbed hold of scrum-half Dupuy, who responded by raking his flat open hand downwards across Ferris' eyes and face. He then shaped as if to punch Ferris, but instead, using Ferris' head-gear, pulled his head down to the left with his left hand and then executed what could have been a real gouge, directly at Ferris' eyes with his right hand. The video images are not absolutely clear, but they do show that Dupuy's fingers were bent, not flat, and in contact with Ferris' eye area. [Julien Dupuy eye gouging Stephen Ferris] This sparked a punch-up between the two teams as the ruck broke up, with Ferris protesting that he had been eye-gouged. Referee Dave Pearson did not see the incident, but he sin-binned two players, one from each team, for their involvement in the punch-up. Shortly after the Dupuy incident, at another ruck, with Ferris lying on his back on the ground with his face exposed and his arms trapped, Attoub, also lying on the ground, used his left hand with fore-finger extended to
eye-gouge Ferris. Photographic evidence taken of the incident clearly showed Attoub's finger in Ferris' eye and how Ferris emerged after the game without serious injury can only be guessed at (Foy, 2010).

In the post-game judicial hearing, Ferris stated:

The contact was very strong and extremely painful – the finger in my right eye was forced down in a poking and gouging motion; it was someone trying to drive a finger as hard as he could into my eye socket and I could not prevent it. (“Attoub handed 70-week ban”, 2010)

Dupuy was initially banned for twenty-four weeks, later reduced to twenty-three weeks. Attoub's act of foul play was deemed more serious and judicial officer Jeff Blackett decided that Attoub should be banned from rugby for seventy weeks. On appeal to the European Rugby Cup administrators, the decision was upheld. However, on his appeal to France's highest sporting body, the Comité National Olympique et Sportif Français, his suspension was subsequently reduced to fifty-two weeks.

John Daniell's (2009) book, The Confessions of a Rugby Mercenary, provides an intriguing insight into the darker side of professional rugby in France, and especially eye-gouging, or "la fourchette" as it is called there. Daniell, who is a New Zealander, spent almost ten years in France playing lock for French clubs Racing Métro, Perpignan and Montpellier. Newspaper journalist Brendan Gallagher interviewed him about eye-gouging, among other things. Daniell claimed that he only gouged twice during his career and described his feelings as “a somewhat reluctant gouger”, an interesting comment in view of the comments of his victims. His first victim was Biarritz front row Jean-Michel Gonzalez, with 35 caps for France, well known in French rugby as a hard man. Daniell explained:

It was a very odd moment indeed. I suppose doing something for the first time often is and I was very nervous. First I had to make that huge mental leap to become a gouger myself and then I had to actually go through with it, I mean technically how do you do it? Obviously I didn’t want to cause any real damage and I was also wondering about that horrible feeling of shoving a digit into another man's skull cavity. It's not natural is it? So I was a bit tentative that first time with Gonzalez and didn't push hard enough to start with. Nothing much happened. I took a deep breath and had another crack and in it went and Gonzalez was gratifyingly upset. Afterwards though we had a beer together and talked it through. "C'est le jeu, c'est le jeu," he said rather magnanimously. “In truth it was nothing he hadn't seen a 100 times before.” (Gallagher, 2009, p. 2)

Daniell also pointed out that he had only been gouged twice while playing fifteen years of rugby in New Zealand, but, after his first month in France, he had lost count. Also, during his ten-year career in France, he could not recall any player being disciplined for eye-gouging; the only times players were punished were in games in the Heineken European Rugby Cup where British and Irish officials were in charge. Indeed, in 1999, prop Richard Nones received the longest ban to date (two years) for eye-gouging Sven Cronk in a European game between Colomiers and Pontypridd. It seems that eye-gouging has almost become accepted as just part of the rugby culture in France (Daniell, 2009 p. 47-53). As Gonzalez said above: “C'est le jeu” - “That's the game”. This has been confirmed by some Australian players, who consider the French the worst for eye-gouging, followed by the South Africans, while New Zealanders rarely resort to it (“Play the ball”, 2003).

If it is regarded as such an unpalatable act, with the obvious dangerous consequences of possibly blinding a player, why do players engage in the practice? Daniell pinpointed intimidation as the motivation behind eye-gouging:

Let me assure you it is a particularly unpleasant feeling having a dirty finger scraping along the back wall of your eye socket. And very scary. A sense of panic takes over and you stop everything else you are doing, which of course is the whole point. It is meant as a deterrent, a very brutal warning shot across your bows. . . . Objectively it is the ultimate professional foul because even
In this age of cameras everywhere and citing, it is very difficult to spot and prove the case against somebody. (Gallagher, 2009, p. 1)

Troy Croker, former Wallaby player, concurred with Daniell, but seemed to think that there was another possible reason; frustration. He stated:

*Buried the fingers as deep as they can go in the eye socket. It's either designed to put you off your game or it's done out of pure frustration – who knows? On both the occasions I was attacked, the opposition were on the back foot, they weren't in the game, so maybe it was out of frustration. Either way it's incredibly dangerous.* (“Play the ball”, 2003)

The Burger-Fitzgerald 2009 eye-gouge incident occurred just thirteen seconds after the start of the game. Therefore, it would appear that Burger's intent was to intimidate. Fitzgerald did not play in the first test and did not appear to do anything untoward in the ruck where it occurred. It seems unlikely that Burger could have had a previous grievance against Fitzgerald. What seems likely is that Burger set out to try and intimidate Lions players and would likely have done it to any player if he got the opportunity. In this case, it just happened to be Fitzgerald who was the victim. In the Dupuy/Attoub-Ferris eye-gouge incidents, the motivation may well have been frustration. Stade Français were playing in Belfast, a difficult venue for any away team. Ulster held the visitors under constant pressure and Stade were not playing particularly well. At the time of the first incident, they were losing the game 26-3 with about seven minutes until full-time. The second incident followed shortly after.

**Head-butting**

When Scottish team Boroughmuir won the British Telecom Scotland Premiership title in 2003 by beating Heriots 27-12, one of their star players was prop Tom McGee, who completely outplayed his opposite number in the scrum and scored a try under the posts. However, earlier in that same winning season, McGee had spent six months in jail for a drunken assault on a stranger in Edinburgh. In that game against Boroughmuir, McGee showed that he was a skilful player, but he was also a player who could resort to unsanctioned violence. In a previous cup game against Stirling county, he head-butted Stirling prop Gavin Blackburn. Blackburn retaliated by punching McGee. McGee received a red card and was sent off and Blackburn was sin-binned for retaliating. McGee was later banned for seven weeks for his head-but (Aitcheson, 2003).

In another head-but incident, Harlequins lock George Robson head-butted Wasps scrum-half Joe Simpson only forty-six seconds into their English Premiership game in 2009. The timing of Robson's foul play was so early in the game that it could only have been an attempt at intimidation. Robson was sent off and later suspended for six weeks, missing four crucial Premiership and two Heineken European Cup matches.

In 2010, three high-profile head-but incidents figured prominently in discussions on rugby websites and fan blogs. These were: Springbok second row Bakkies Botha's head-but on All Black Jimmy Cowan (July); New Zealand hooker Kevin Mealamu's head-but on Lewis Moody England (November); and Stade Français hooker Dimitri Szarzewski's head-but on Jean-Philippe Genevois of Toulon (October). Each proved controversial for different reasons.

In the first incident, Springbok second row Bakkies Botha was suspended for nine weeks for head-butting in the Tri-Nations game with New Zealand (“Botha to miss Tri-Nations”, 2010). In the first minute of the game, the ball emerged from a ruck just inside the Springbok half. New Zealand half-back Jimmy Cowan attempted a box kick, which was charged down by Botha, who then chased through after it. As he did so, Cowan held him back by the shirt and shorts long enough to overtake Botha. Cowan recovered the situation by quickly grabbing the ball and passing to New Zealand full-back Mils Muliaina. As Cowan got the ball away, he was tackled by Botha and knocked flat on his
stomach on the ground. In the tackle, Botha fell on top of Cowan and as his forward movement continued he used his forehead to head-butt Cowan on the back of his head. [Bakkies Botha head butt on Jimmy Cowan] This incident was controversial for a number of reasons. It was an obvious act of unsanctioned violence, in the open in clear view of the cameras, by a player with a reputation for foul play. Neither referee Alan Lewis nor his assistant Stuart Dickinson saw the incident and Botha avoided being sent off. Botha's subsequent nine-week suspension was perhaps relatively short for the seriousness of the offence and his guilty plea and seeming contrition may have played a role in the decision. After the game, South African coach Peter de Villiers defended Botha, arguing that Cowan had provoked Botha by pulling him back when he did not have the ball and that, if a penalty had been given, nothing else would have happened (“De Villiers defends”, 2010). De Villiers was roundly criticised for his stance, which appeared to defend foul play, but he had a point. Being pulled back when chasing a ball or a player with the ball is something that all rugby players hate, and it is very likely that Botha's head-butt was retribution for Cowan pulling him back.

In the second incident, Keven Mealamu was cited after the November 2010 test match against England at Twickenham for striking England captain Lewis Moody with his head. He was later suspended for four weeks. Slow-motion television replays appeared to show the hooker diving into a ruck, grasping Moody's jersey and head-butting him on the back of his head as he did so. [Keven Mealamu head butt] However, in real time, Mealamu was committed to driving into the ruck and it would have been impossible to pull out or stop once he was totally committed. Given Mealamu's record, the head contact may have been accidental. Mealamu reacted to the ban by saying: “I'm gutted to be honest, really disappointed. . . . I don't feel the outcome shows what sort of person I am. I've played more than 100 Super games and 82 Tests and never had any foul play against me.” New Zealand head coach Graham Henry also made known his view of the incident: "He's been cited for striking the head. It surprises me. He's probably the cleanest player in the world, isn't he? It was purely accidental as far as I know.” Mealamu appealed and the ban was reduced to two weeks following the appeal committee's decision that the incident was not intentional (“All Black Keven Mealamu”, 2010). Mealamu commented on the ban, his partially successful appeal and the ban's effect on his future play:

_“I definitely think that there is nothing worse than being suspended. . . . When the ban was cut to two weeks I was stoked – it was nothing to do with the head. It was reckless and I could have hurt him, but that can happen to any player in the clean-out position as so many players are down there. . . . It may be in the back of my mind, but I have to do my job, which is to remove people from the ruck if they are getting in the way or slowing the ball down. You have to be physical to be able to move people but I may have to be a little more careful.” (“New Zealand's Keven”, 2010) _

What annoyed New Zealanders was the fact that Mealamu was cited, but Romain Poite, the French referee, failed to take any action against England hooker Dylan Hartley for leading with his forearm as he drove down hard on All Black flanker Richie McCaw about twenty minutes later. All Black Brad Thorn objected strongly and retaliated with a shoulder charge on Hartley and then a tussle began between the two forward packs. [Dylan Hartley's forearm drop on Richie McCaw] Order was quickly restored. Hartley was not penalised or cited after the game, leaving New Zealanders with a feeling of injustice.

In the third incident, there was a previous history of aggravation between the two players when French international Dimitri Szarzewski of Stade Français head-butted opposing Toulon hooker Jean-Philippe Genevois in a Ligue Nationale de Rugby match in 2010. In an earlier altercation in 2008, Genevois, playing for Bourgoin, head-butted Szarzewski and broke a bone in his face under his eye socket. Genevois claimed that the head-butt was an act of retaliation in response to an earlier eye-gouge by Szarzewski, but he was still banned for seventy days. In 2010, Szarzewski's head-butt occurred after a
scrum slightly to the left of the posts, just inside the Stade 10-metre line. Toulon won their own ball and edged the scrum forward. It rotated and referee Pascal Gaüzère awarded Toulon a penalty. As the players moved into position, Szarzewski and Genevois faced up to each other and bumped shoulders, and then came the head-butt from Szarzewski which caught Genevois on the side of the head. As head-butts go, it was not particularly vicious, but Genevois theatrically fell to the ground as if he had been pole-axed, trying to milk what he could from the referee, who had not actually seen the incident.

[*Interview* Szarzewski – coup de tête/head-butt] An editorial on planetrugby.com urged readers to:

> Watch that clip again and watch for the whole soccer Italia package, the late recoil from the glancing contact, hands on face, rocking and rolling on the ground. And watch as he rises, for the complete absence of any mark, cut, bruise or any other form of palpable injury whatsoever. (“Loose Pass”, 2010)

It was this soccer-style “dive” which caused the controversy. Genevois' fall was reminiscent of Italian Materazzi's dramatic performance in the 2006 World Soccer Cup Final when head-butted on the chest by Frenchman Zidane. Like Materazzi, Genevois' reaction was totally out of proportion to the crime. Commentators, journalists and other observers were horrified at the worst case of soccer-style feigning injury since rugby union turned professional. Probably as a result, Szarzewski was only suspended for ten days for an offence that usually results in a thirty-day to two-year ban in France (“Headbutt to cost”, 2010).

**Punching and Elbowing**

Punching and elbowing are probably the most common recourse for an aggrieved player, but can also be used to intimidate opponents. Depending on the circumstances, this can range from a “king hit” from a player's blind side to a short, sharp, measured uppercut at scrum time; from a calculated single swinging elbow at the lineout to a barrage of angry swinging arms or fists.

For example, New Zealand No. 8 Wayne Shelford unleashed a king hit on Huw Richards in a 1987 World Cup game between New Zealand and Wales. Richards fell to the ground and was almost unconscious. After some reviving medical attention, Richards was able to stand up, only to discover that he had been sent off. What happened? New Zealand second row Gary Whetton caught the ball from a kick-off, a maul formed and the ball was transferred to a team-mate, but Richards continued to hold on to Whetton from behind. Whetton gave Richards a couple of digs with his elbow, and as the maul broke up, Richards fired a few punches off at Whetton. Shelford, observing this, immediately came to his team-mate’s assistance and hit Richards from his blind side. [Wayne 'Buck' Shelford punches Huw Richards] It became an infamous incident; Richards became the first player sent off in a rugby World Cup and Shelford escaped punishment.

Australian hooker Brendan Cannon punched his opposite number, New Zealander Keven Mealamu during a wet, cold match in Wellington in 2004. At a ruck, there was some initial contact where Cannon “pawed” or slapped at Mealamu. Mealamu then appeared to push Cannon on the side of the head with his closed fist and Cannon let go a hard right cross into the centre of Mealamu's face. Mealamu replied with interest. A fracas developed, with All Blacks Justin Marshall and Carlos Spencer getting a few cheap shots in during the general free-for-all. Cannon and Mealamu were yellow-carded and both had facial wounds as they left the field. The All Blacks were penalised for retaliation and Cannon received a two-week suspension. Marshall and Spencer were lucky to go unpunished. There appeared to be no hard feelings between the two antagonists as, in a 2010 interview (Knowler, 2010), Mealamu said: “I remember going back and getting stitched up and he (Cannon) was asking how the family was and I said, “Oh yeah, good. I was on one table and he was getting stitched up on the other table.”

Australian No. 8 Michael Brial attacked All Black centre Frank Bunce five minutes into the first test between the two countries in 1996. The ball came back out of ruck, Bunce gathered it up and came
around the left side, where he was grabbed by Brial. Brial then continued to hold Bunce's shirt and let fly with a barrage of right-handed punches. To everyone's surprise, Scots referee Jim Fleming did not send Brial off and merely reversed his penalty decision from Australia to New Zealand. [Michael Brial unleashes on Frank Bunce in 1996] The attack seemed unprovoked, but it may have been delayed retaliation. There was some talk afterwards that Brial may still have have held a grudge from four years earlier when Bunce injured him at a maul.

British and Irish Lions out-half Ronan O'Gara took a pasting from the New South Wales Waratahs full-back Duncan McRae in 2001. O'Gara was lying sideways on the ground after a ruck, with McRae, on his knees over him, putting in several punches to O'Gara's face. A bloody O'Gara had to leave the field and McRae was sent off and later banned for seven weeks. [Brutal rugby punch-up – Lions Tour 2001 – O'Gara vs NSW] It seemed to be a case of McRae trying to intimidate or injure O'Gara, a player not renowned for getting involved in fighting. As O'Gara was an out-half and crucial play maker, putting him out of the game could have benefited the Waratahs. However, if that was the reason, it was not successful because the Lions won.

Welsh second row Derwyn Jones, playing for Wales in the 1995 World Cup match against South Africa, may well have regretted using his forearm and elbow against South African second row Kobus Wiese. Four minutes into the game, at an attacking Welsh lineout near the Springbok line, Jones won the ball and a maul formed around him. The ball was taken on by the other Welsh forwards and Jones found himself ahead of Wiese, who was between Jones and the ball. In trying to prevent Wiese getting to the ball, Jones first pulled him back by the shirt collar then struck him with his forearm and elbow as the maul started to break up. Wiese turned, took a couple of steps towards Jones, and sucker-punched him from behind. Jones was knocked out cold and had to be helped off the field. [Derwyn Jones gets knocked out by Kobus Wiese] Wiese later received a thirty-day ban and a fine of 50,000 Rand.

Martin Johnson, former captain of England and the British and Irish Lions, knows all about players using elbows. In one particular incident, in a game between Saracens and Leicester in the English Premiership in 2003, he elbowed and punched Saracens hooker Robbie Russell. [Johnson packs a punch] Johnson (2003) described the punching incident from his point of view:

> Early in the second half the ball came loose. Josh Kronfeld dived on it, but the ref blew for a penalty. I picked the ball up, not knowing who had been pinged. I looked over, realised it was us and kept hold of the ball. I shouldn't have done that, though it's one of the things that all players do. As I stood there Robbie Russell, Saracens Scottish-Aussie hooker, charged into me from behind, sticking his shoulder into my back and trying to grab the ball. I turned around and he was right in my face, all aggression and grappling arms. In the heat of the moment I lashed out. . . Rugby is a game of physical confrontation and you cannot afford to back down, even if you want to. (Johnson, 2003, p. 368)

Both players were sent off, with Russell bleeding badly, but it led to a media witch hunt against Johnson and a Rugby Football Union disciplinary hearing. The Laws at the time said that once a referee had dealt with an incident on the pitch it was finished with. Johnson argued that the RFU ignored its own rules and made an arbitrary decision in banning him for three weeks, but to no avail.

Martin Johnson has also been on the wrong end of an elbow, specifically, flanker Corne Krige's elbow during the game at Twickenham in 2002 between England and South Africa. [Corne elbows] It was not the only act of unsanctioned violence in that game which “has been described as the most brutal and violent match in modern times, with the Springboks basically punching, kicking and stamping on England players from start to finish” (Johnson, 2003, p. 378).

There are various likely motives for punching and elbowing in rugby. Often it is angry retaliation, as occurred in an October 2012 incident when Gloucester flanker Andy Hazell vigorously attacked Mont
de Marsan player Sebastien Ormaechea. There had been several previous incidents between the two players during the game, including alleged eye gouging on Hazell. However, after fifteen minutes of the second half, Ormaechea took Hazell out of the ball and landed on top of him. Hazell retaliated and was seen to punch him several times and knee him in the head. This sparked a melee among players from both sides. Hazell was sent off and was later banned for fourteen weeks for striking. After the game, Hazell indicated that he had reacted because it was the third time someone had tried to severely injure him. [Andy Hazell punches and kneels Mont de Marson player on the floor] Punching and elbowing may also occur when a player feels that a referee has failed to act and he takes the law into his own hands as a result of frustration. Let us examine two more incidents, involving England prop Julian White. White is not a man to take a backward step and he showed us this when he played opposite another England prop, Andrew Sheridan, in the game between Leicester and Sale in the English Premiership in 2009. During the game, a scrum broke up, with Sheridan and White tussling. White lifted up Sheridan's leg, Sheridan threw a punch at White and missed. White retaliated with a straight right and did not miss. Sheridan found himself on the ground on his backside. [Julian White punches Andrew Sheridan] The incident was clearly seen by referee Wayne Barnes and White was red-carded and sent off. It was an obvious case of retaliation, but it cost White a two-week ban from playing.

In a previous European Heineken Cup game between Leicester and Leinster in 2008, Leinster second row Malcolm O'Kelly was being a nuisance on the wrong side of a maul and clearly off-side. He was not penalised by referee Barnes. White appeared to lose his temper and gave O'Kelly a couple of punches on the edge of the maul. Then, as the maul broke up, White followed him and connected with a huge right handed haymaker to the jaw; O'Kelly stayed on his feet. [Julian White punches Malcolm O'Kelly] However, the incident was spotted by referee Christophe Berdos and his assistant and White was lucky to be given a yellow card. Later, White was cited and given a mid-range five-week suspension because of mitigating and aggravating factors.

In some incidents, punches are thrown without much cause at all. This was true of the most dramatic punching incident of 2011, when Leicester centre Manu Tuilagi gave two short lefts and a big right-hand punch to Northampton wing Chris Ashton's head. The punches occurred after a high tackle from Tuilagi on Ashton without the ball. Ashton objected and pushed Tuilagi while he was sitting on the ground. Tuilagi reacted angrily, stood up and let go with the punches. Both players received yellow cards on the advice of the assistant referee (Ashton unjustifiably) and Tuilagi was later suspended for five weeks. [Tuilagi punches Ashton]

Stamping and Kicking

Euphemistically known as giving a player a good “shoeing”, or a good “slippering”, there have been many examples of this form of unsanctioned violence over the years and, in spite of stricter policing by referees, it continues to happen occasionally in the contemporary game.

In a 1997 game between New Zealand and South Africa, it was an All Black forward who found himself on the ground getting his face stamped on. Welsh referee Derek Bevan was on the spot with a clear view of the incident and sent Springbok flanker Andre Venter off the pitch. Venter later also received a three-week suspension. This incident could almost be classified as the classic stamping situation. In an attacking South African passing movement, the ball reached Springbok second row Mark Andrews, who was then tackled by New Zealand hooker Sean Fitzpatrick. Fitzpatrick ended up on the wrong side of the ruck and, when the Springbok forwards arrived, Fitzpatrick was vigorously “rucked out” by a couple of players, including Venter, who stomped on his face. (“Venter banned”, 1997). [Incident – Fitzy Face Stamped]

Richie McCaw, World Cup-winning New Zealand captain in 2011, is another All Black player who has
come in for rough treatment from an opponent’s boot on numerous occasions. In an Auckland Blues versus Crusaders Super 12 match in 2005, he was over the ball at the bottom of a ruck, killing the ball and preventing it coming out on the Blues side. All Black team-mate Ali Williams, playing for the Blues, took exception to this and stamped repeatedly on his head. Williams was seen by the touch judge and sent off by referee Paddy O’Brien. He was suspended for six weeks.[Incident – Ali Williams stamps on Macaw’s head – 2005]

Whether deliberately killing the ball or not, players can still end up on the wrong side of a ruck with their heads exposed and more or less unable to protect themselves. This is what happened to Julien Bonnaire playing flanker for Clermont Auvergne against Munster in a European Heineken Cup game in 2008. Bonnaire was at the back of a ruck on the Munster side with his head and arm exposed. Munster and Ireland hooker Jerry Flannery used his left foot to stamp down hard on Bonnaire's head. Fortunately, Bonnaire was wearing head gear, but he still needed to receive medical attention for a cut near his eye. Flannery was cited and received an eight-week suspension which was reduced to four weeks on appeal. [Jerry Flannery stamp on Julien Bonnaire]

Bonnaire was certainly luckier than Llaneli forward Gavin Quinnell, who lost the sight in his left eye as a result of a stamping incident in a Welsh premiership game with Cross Keys in 2010. Quinnell is the son of ex-Wales and British and Irish Lions player Derek and brother of ex-Welsh internationals Scott and Craig. Police arrested an unnamed Cross Keys player on suspicion of assault following the game, but no charges were brought against him (“Llanelli’s Gavin Quinell”, 2011).

While referees have become tougher on forwards for stamping, they have often allowed scrum-halves to use their boots at ruck situations to free-up the ball. Of course, there is nothing wrong with that except that often they stamp on legs, ankles, or hands when doing so. There was some inconsistency and injustice here until December 2010, when Harlequins and England scrum-half Danny Care was cited and given a very short one-week suspension for stamping on Saracens prop Petrus Du Plessis in a English Premiership match (“Care handed one-week stamping ban”, 2010).

Violent use of the boot is not restricted to stamping and, as former French international hooker Oliver Azam showed, a player does not even have to be standing to use the boot in an act of unsanctioned violence. He was playing for Gloucester against Saracens in an English Premiership game in September 2009. Azam, lying on the ground at the back of a ruck on the Gloucester side, kicked back vigorously with his heel and foot into the face of Saracen's future England captain Steve Borthwick, who was also on the ground with his head and face exposed. [Eye concern for Borthwick] Borthwick had to leave the pitch. At first, it was suspected that Borthwick's eye socket had been fractured, but the medical verdict following scans was extreme swelling and five stitches were required to patch him up. In a subsequent disciplinary hearing, Azam, who had a previous poor disciplinary record (he had just returned from a nine-week ban for eye-gouging), was given a twelve-week ban for the kicking offence, which included an extra six weeks for his previous poor disciplinary record and a two-week reduction for pleading guilty (“Azam's 12 week suspension upheld”, 2009).

Irish hooker Jerry Flannery was involved in another kicking or tripping incident with a French player during Ireland's February 2010 game with France. He performed a scything kick which cut down French winger Alexis Palisson in open play. The “collision” at the very least was a trip. With this action, Flannery took tripping to a level beyond what most observers understand by the term. [Agression Flannery sur Palisson France Irlande 2010] Referee Wayne Barnes consulted with his touchline assistant and on his advice that “a collision with no arms had occurred”, reversed a penalty decision in Ireland's favour. In retrospect, video evidence suggests the assistant was in error and Flannery was very lucky not to be sent off. He was later cited and banned for six weeks.

Staying with Irish internationals, there is one final act of foul play involving kicking that has to
mentioned. It is the good old-fashioned kick in the testicles. In the 2001 Celtic League final between Leinster and Munster, Leinster and Irish international flanker Eric Miller was sent off by referee Whitehouse for kicking Munster number eight Anthony Foley in the testicles. Foley was on the ground at a ruck at the time with Miller on his feet. Miller was later suspended for five weeks (Ward, 2001).

[Incident – Celtic League Final 2001, red card – kick in the balls]

**Testicle-grabbing**

The 1992 Australian touring side were in town playing Neath as one of the warm-up games before the international test against Wales. The tourists had a torrid time with an uncompromising Neath team. A description from the *Rugby Relics* website sets the unsanctioned violence in the 1992 game in the historical context of games between Neath and the Wallabies:

> For decades, Neath had been renowned for their underhand mischievous play, being known throughout Wales as the hillbillies of the local club scene. Even countless decades after the first Wallaby tour, Neath were upsetting Australian teams. In 1992 Wallaby coach Bob Dyer described the town as “The bag-snatching capital of Wales”, after his players were grabbed by the testicles, spat on, had their eyes gouged and were stomped on during a mid-week game. If Dyer had perused the match report of the First Australia-Neath game of 1908, he would have expected nothing less. ("The Tourists 1908 Wallabies", 2006)

When an opposition player grabs a player by the testicles it has a very dramatic effect. The victim suddenly loses concentration on the task at hand and, if in possession of the ball, tends to release it very quickly. This, of course, is the main intention of the culprit. However, what also happens is that the victim often responds instinctively and angrily and starts punching the perpetrator. The referee usually does not see the testicle grab, but does see the retaliation and punishes the aggrieved player for punching. This is what happened to second row Nathan Hines, who became the first ever Scottish international to be sent off in a 2002 Scotland versus the United States game. Reid (2004) explained:

> Reports of the incident that led to his going have alleged that one US player was indulging in that eye-watering and literally under-handed practice euphemistically known as bag-snatching. It is one of rugby's mantras that holding on to the ball will bring quick and painful retribution, so holding on to two of the things took the Yankee prankster into even more dangerous territory. On balance, he may have got off lightly with a swift decking from a Hines haymaker. (Reid, 2004)

Northland flanker Joel McKenty and Southland back row Hale T-Pole clashed in the 2006 Air New Zealand Cup match between the two sides. At the hearing with the New Zealand Rugby Union judicial committee, McKenty acknowledged that he had struck T-Pole, but only after he was bag-snatched by the Southland player. McKenty stated “that the blow was struck in the spur of the moment to make T-Pole release him and that there was no intention on his part to cause T-Pole injury” (“Punch gets McKenty two weeks”, 2006). Video evidence partially confirmed his explanation. Even if McKenty said he had no intention of injuring T-Pole, he struck him from behind and T-Pole ended up with two cracked teeth and bruising and lacerations to his upper lip and the right side of his face. The committee banned McKenty for two weeks, arguing that even though he may have been provoked, striking another player was unacceptable.

Similarly, in the 1990 England vs Argentina game, a bag-snatching incident provoked a series of acts of unsanctioned violent foul play, involving 18-year-old Argentinian prop Frederico Mendez, England prop Jeff Probyn and England lock Paul Ackford. When a scrum wheeled around and collapsed, Mendez went to ground on the England side towards the edge of what had turned into a ruck. Probyn, head down driving into the ruck, stepped over and astride Mendez, who was lying on his back. As he did so, Mendez reached up and grabbed Probyn by the testicles and held on for several seconds. Probyn reacted by stamping down hard on Mendez's head. A minor fracas developed and moved away from
Mendez. Mendez got to his feet and, still on the England side, checked to see if the referee was looking (he was not), then moved rapidly towards Ackford, who had not been involved, and blind-sided him, knocking him out cold. As far as a king hit or sucker punch goes, it was very effective, especially for an 18-year-old. It may have been mistaken identity, or it could have been that Mendez just wanted revenge and hit the first available target. Although Ackford eventually regained consciousness, he was still very groggy and had to be supported by two of the England medical team as he came off the field on decidedly rubbery legs. He took no further part in the game. The referee did not see Mendez's punch, but the touch judge did and, after a consultation, he was sent off. From Mendez's point of view, it was foolish, or at best reckless and risky, to try to bag-snatch while lying in a ruck on his back and under the feet of the England forwards. Possibly his inexperience played a role here.

**Why Unsanctioned Violence Happens**

Shaun Edwards, assistant coach with the 2009 British and Irish Lions, talked about the Schalk Burger-Luke Fitzgerald 2009 eye-gouge incident at the very beginning of the second test against the Springboks. He said:

> Injuries are part and parcel of rugby. That's understood and broadly accepted. The Lions changing room after Saturday's game at Loftus Versfeld looked more like a casualty ward. Gethin Jenkins was suffering from a fractured cheekbone, Adam Jones had a dislocated shoulder that would not pop back into place, Brian O'Driscoll was concussed, Ronan O'Gara had a deep wound near his eye and Jamie Roberts and Tommy Bowe were nursing their wrists and shoulders. But that, by and large, is accepted as a consequence of playing a physical sport. . . . What is not acceptable is when a player tosses aside the discipline and control without which rugby could become unpalatable. I have a young son who already plays rugby. If gouging was in anyway tolerated, I'm pretty sure that I would direct him to some other sport (Edwards, 2009).

In this paragraph, Edwards very neatly puts his finger on the difference between what is acceptable or unacceptable, sanctioned or unsanctioned, in terms of violence in rugby. He considers all the injuries listed, although regrettable from the coach's viewpoint, acceptable if they are the result of sanctioned violence within the laws and player norms of rugby. It is a physical game, especially on tour at this level in South Africa, and players can be injured as a consequence of vigorous violent contact. What was not acceptable was Burger's eye-gouge, because it crossed Edward's perceived line between sanctioned and unsanctioned violence.

Most of the examples of unsanctioned violence described above can be classified as acts of intimidation, retaliation, or gamesmanship. Violent intimidation is aimed at dominating individual opponents and teams. It works if it makes a player less confident or enthusiastic about engaging in the physical confrontation that is a feature of every rugby game. After being king-hit or sucker-punched from behind, or stamped at a ruck, players may become hesitant about or opt out of putting their bodies on the line in crunch situations. In addition, in some cases, there is always a possibility that the acts are a deliberate attempt to injure a targeted player and thus gain an advantage. If the injured player stays on the pitch and continues to play, or is required to leave the pitch to receive medical attention and/or is substituted, his team has probably been weakened, giving the offending player and team a greater likelihood of mastery and winning. With this type of gamesmanship, the aim is to distract players from carrying out their role in the game. It is extremely difficult to hold on to the ball when an opponent is squeezing hard and twisting your testicles, or to concentrate on your task during play when a finger is trying to dislodge your eyeball.

Intimidating opposition players can be carried out at the individual level, but it can also be planned and organised as a forward-unit or team strategy. The *X Factor*, Graham Henry's (1999) book, includes an extraordinary letter he received while he was coach of Wales that illustrates this. The letter was from an
anonymous individual about a conversation overheard on a train, reputedly among members of the England team management, prior to the England-Wales game in April 1999.

The main ploy that they have in mind is intimidation. They have singled out Quinnell and Evans for treatment, but Gibbs, Jenkins and others were all mentioned as vulnerable. Quinnell - I have been told that there are two of them, sorry - they expect to get sent off. They referred to Dublin as an example of his temperament. They think this will be the easiest thing in the world to do. If not Quinnell, then one of them will be “sorted”. They also mentioned Charvis and Sinkinson for attention. They will use Cockerill, Johnson, “Blackie” [Backy – Neil Back England flanker] and the captain Dallaglio to effect this. . . . The body of the conversation was that if the Welsh can be intimidated and this Quinnell, or someone else is sent off then the game would be won. (Henry, 1999, p. 168-169)

According to Henry, he had already given those players guilty of indiscipline against Ireland earlier in the year a final warning. They knew that if they repeated it, it would be their last game for Wales. England played superbly, but the alleged planned intimidation did not work. No Welsh player was sent off and, three minutes from full time, full-back Neil Jenkins converted centre Scott Gibbs' try to win the game for Wales, 32-31.

Angry retaliation can also be the motivation behind almost all the acts of unsanctioned violence on the rugby field. For example, punching and elbowing and, occasionally, head-butting can be the retaliatory response to shirt-pulling, which prevents a player from making a tackle or going for the ball by pulling him back by his shirt. This extremely annoying act is not particularly malicious, but it occurs quite often and most players react accordingly. For example, Springbok Botha's head-butt on All-Black Jimmy Cowan appeared to be retaliation in response to Cowan's shirt-pulling.

The interpretation of players' motivation from mere observation, though prevalent among commentators and journalists, is speculation. Only the player concerned knows what he was thinking at the time and what his motives were. For example, when a player starts raining punches on an opponent, it may appear that he must have “lost it” and felt the need to retaliate, while he may actually be totally calm and be taking advantage of an opponent's misdemeanour to get in some cold-blooded physical intimidation of his own.

4 - INFAMOUS PLAYERS

Every country has its share of hard, tough, uncompromising players who have been involved in incidents of violence during games. Some of the rugby stories from earlier times, which have become part of rugby folklore, involve players who were well-known for their physicality and willingness to use violent methods. Highlighted here are a number of those infamous ex-players, as well as current players and the violent acts that they carried out. The list of players included here is not exhaustive and might well have included others who have been mentioned elsewhere in this book.

Past Players

Gareth Chilcott – England and British and Irish Lions

English prop Gareth Chilcott played fourteen games for his country between 1984-89 and was a British and Irish Lion in Australia in 1989. He was sent off five times and, on one occasion, was suspended for a year for stamping on Bristol No. 8 Bob Hesford in a game against his club team Bath. Allegedly, Chilcott was voted the sixth dirtiest player in the world by Rugby Magazine (Rookwood, 2003). In 1987, England went to Cardiff to play Wales in a Five Nations game. They had not won there for twenty-four years. There was a certain amount of unsanctioned violence in the game, including an all-out brawl with Chilcott, England hooker Graham Dawe and lock Wade Dooley in the thick of it. During the brawl, Dooley punched Welsh No. 8 Phil Davies and broke his cheekbone. This was in the days
before red and yellow cards and Chilcott, Dooley and Dawe were merely warned by referee Ray Megson. However, all three were dropped by England for their next game, along with England captain scrum-half Richard Hill. In spite of the England forwards' violence, Wales won the game. In 2003, Chilcott admitted that:

There were times when I lived by the sword and died by it. I missed out on at least 18 England caps through ill discipline. My first cap against Australia I was in trouble and they didn't select me for 18 months. I went in a little bit late on Nick Farr-Jones but he could have got an Oscar for diving. Against the Welsh in '87 I was one of the four that got banned. (Rookwood, 2003).

Even after being banned for a year for stamping, Chilcott was sent off two more times when he returned to the game.

Steve Finnane – Australia

Steve Finnane, who gained six caps for Australia in the mid 1970's, was a prop who gained a reputation for fearsome king-hit punches. He was well-known among rugby players in Sydney for his powerful punching, but it was during England's tour to Australia in 1975 that he first came to prominence on the international level. At the time, the Australian forwards were being toughened up under coach Dave Brockhoff's “step forward” policy. For years Australian forwards were intimidated by other international teams. Brockhoff condoned unsanctioned violence on the field as he strove to make his forwards able to stand up and be competitive with opposing forwards. To a large extent, this policy was successful. The Wallabies won the first test in a contest in which three England forwards had to leave the field through injuries, reputedly at the hands of Finnane (Holdforth, 2006). They also won the second test in a match that involved some ferocious fighting and became known as the “Battle of Ballymore”. However, while he might well have become involved in that fighting, Finnane had to miss the game with an ankle injury.

Wales received similar over-robust treatment when they made a tour to Australia three years later, in 1978. Finnane was up against Graham Price, a British and Irish Lion and a member of the very experienced and daunting Pontypool front row with Bobby Windsor and Charlie Faulkner. The first scrum in any game is always a big physical contest and, at the end of the first scrum in this game, Price stood up holding his bloodied face. Finnane had broken Price's jaw with a tremendous king hit. In a retrospective look at Australian rugby in the 1970's, Finnane stated:

. . . the whole weight of the scrum wheeled round on me and it puts an enormous amount of pressure on a loose-head prop and that is an intimidating experience. If you let 'em do that all day you're going to be in all sorts of strife. We won the head – it was our head. The scrum came up and I stepped into Graham Price and whacked him. I didn't mean to break his jaw and I'm sorry I broke his jaw, but I'm certainly not sorry that I threw the punch (Holdforth, 2006).

In spite of his serious and painful injury, the former Welsh prop was fairly phlegmatic about the incident:

It was very early in the game, before we’d really got warmed up, and I got caught by the shot. I don’t think that he [Finnane] set out to do the damage he did, he was just trying to intimidate me. But he caught me coming out of a scrum with my jaw at its most vulnerable - open and gasping for air - and the photos obviously went around the world. But I can understand it, you have to stick up for yourself as a forward, especially in the front row - if you let the opposition mess you around then they'll get away with murder. In my day we were always told to just make sure you don't get caught, but it's more difficult these days with all the cameras and linesmen. As a youngster at Pontypool I found it was the law of the jungle and you often had to take matters into your own hands, you have to learn the hard way and stand up for yourself. (Davies, 2005).
The sentiments expressed by Finnane and Price are typical of the attitude of rugby players, and especially forwards, both then and now. Finnane showed remorse for breaking Price's jaw, but had no regrets for throwing the punch that did it. Price had no hard feelings about having his jaw broken and did not think Finnane had meant to do so. Of interest is that fact that Price thought Finnane was trying to intimidate him, while Finnane argued that his punch was a response to intimidatory tactics at the first scrum. There were times when players resorted to acts of violent foul play as intimidation or as pre-emptive retaliation just to make sure that opponents were kept "honest". Finnane was able to get away with his king-hits in the 1970's, but it is unlikely that he would do so in modern rugby where players are constantly under scrutiny from assistant referees and television cameras.

Some years later, Finnane, who was a barrister, found himself in court acting on behalf of Former Western Suburbs rugby league hardman Bob Cooper. In a game against the Illawarra Steelers club in 1982, Cooper took part in a serious "blue" (punch-up) which left three Illawarra players injured and lying on the ground. One was heavily concussed, another had a broken jaw, and a third a broken nose and cheekbone. The referee sent off Cooper and Illawarra player Cook. Cooper later received a career-ending 15-month suspension. The two jaw-breakers lost their appeal and Cooper had to pay about $10,000 to the New South Wales Rugby League for their legal expenses ("No such thing", 2006).

Gerard Cholley – France

Gerard Cholley played prop thirty-one times for France in the late 1970's. Tall for a prop, he was 1.93m and weighed 120kg. He was reputedly a former potato farmer, paratrooper and heavyweight boxer and rated top of Sunday Times' newspaper rugby journalist Stephen Jones' list of the ten most frightening French players (Jones, 2006). In the 1977 France v Scotland Five Nations match, Cholley knocked out four Scottish players and, on a French tour to South Africa in 1975, similarly dispatched three Western Province players. He eye-gouged New Zealand prop Gary Knight in the first test match with France in 1977. Knight was making his debut and ended up with a torn eyelid. Cholley, who played for the Castres club in France, has been quoted as saying that: “There is no fear in rugby any more” (Jones, 2006).

Richard Loe – New Zealand

Richard Loe, who obtained forty-nine caps as an All Black prop, was a formidable opponent. Martin Johnson, former British and Irish Lions captain and England manager, described him as “probably the toughest character I have come across; a pretty uncompromising character” (Johnson, 2003, p. 384). For Loe, 1992 was not a good year, as he was clearly shown committing two acts of unsanctioned violence in different games in television footage. In the days before slow motion video replays became commonplace, Loe became one of the first players to undergo "trial by video". The first incident occurred in the second Bledisloe Cup test between Australia and New Zealand in 1992, after the Australians had just managed to win the first test in Sydney. In the second test, which the Wallabies also won, Australian winger Paul Carozza dived over the try-line in the corner to score a try. Just after he did so, Loe dropped down late on Carozza, using his forearm to make hard contact with the winger's face, breaking his nose (Cameron, 1992). There was no on-field punishment for Loe. However, there were numerous video replays examining and highlighting his foul play. Despite the video evidence, the New Zealand rugby authorities decided that no action was necessary. Laurie Mains, New Zealand coach during much of Loe's career, came to Loe's defence. He stated:

*The Carozza affair was unfortunate. In studying it, I concluded that Richard acted the way he did because he was genuinely trying to prevent a try being scored. When Carozza went down the ball had not been forced, and Richard, appreciating this, sought to contain the ball on Carozza's chest. Whether intentionally or not, his forearm, definitely not his elbow came into contact with Carozza's nose. There were teeth marks visible in the muscle below the elbow on Richard's arm. I*
guess we'll never know whether the damage to the nose was accidental or intentional, but I have no doubts that Richard's actions were based on his belief that he could trap the ball on Carozza's chest and save a try being scored. (Howitt & McConnell, 1996, p. 85).

Possibly Mains was correct. The only way of really knowing if the forearm smash was deliberate or not would be if Loe admitted that it was intentional.

The second incident, in New Zealand during the 1992 National Provincial Championship final in a game between Waikato and Otago, occurred in a ruck and involved Loe, playing for Waikato, and Otago full-back Greg Cooper. They were All Black team-mates, but that did not stop Loe from eye-gouging Cooper in the ruck. Once again, Loe, who escaped punishment on the field, had his violent act scrutinized on television. Complaints were made to the New Zealand Rugby Union and Loe was subsequently banned for nine months, which was reduced on appeal to six months (Haggie, 1999). As a result of the ban, he missed out on the 1993 British and Irish Lions test series in New Zealand.

**Peter Clohessy – Ireland and British and Irish Lions**

Peter Clohessy began and finished his fifty-four cap international career with games against France, in 1993 and 2002. This meant that he successfully made the change from amateur to professional rugby. His strength, enthusiasm and skill were such that he was able to play either tight or loose head prop. He was a successful campaigner with Munster in the European Cup and with Queensland in the Super 12 competition. Like All Black prop Richard Loe, Clohessy was one of the first players to be subjected to trial by video. For Clohessy, it was a 1993 club game between his club Young Munster and St. Mary's College, which produced a bizarre series of events that ended with his ten-week suspension by the Irish Rugby Football Union. The suspension was unprecedented because, although the Loe-Carozza incident a year earlier had been subject to repeated video analysis, the NZRU decided that no action was necessary and there was no ban for Loe. A description of what happened is provided on Clohessy's own website:

. . . on the 10th Oct 1993 an article was written by David Walsh in the Sunday Independent which lambasted Peter Clohessy and his club Young Munsters (sic) for an incident that occurred in an Allied Irish League match against St. Mary's the previous Saturday, however as this article was printed a video of the match was delivered anonymously to the IRFU. Despite several requests to the IRFU they have always insisted on protecting the identity of the person who brought the complaint – very strange indeed – and stranger still that a newspaper article was going to print directly before the video was delivered! There was no serious injury to the St. Mary's player so what was the motivation of the media? In an unprecedented event in rugby Peter was tried by video and received a 10 week ban from the IRFU. In Jan 94 the IRFU ratified the rules regarding the submission of video evidence, so that what happened to Peter would not happen to another player ("About Peter Clohessy", 2005).

However, it was after a game in 1996 against France that Clohessy's violent stamp on Oliver Roumat's head caused uproar. Roumat was not seriously injured, beyond a couple of stitches to his head, but he claimed that Clohessy had also poked him in the eyes (Van Esbeck, 1996). Clohessy was cited by both the French Rugby Federation and the Irish Rugby Football Union. After examining videotape footage of the incident, he was given a lengthy twenty-six-week ban by Scottish match commissioner Alan Hosie (Van Esbeck, 1996). In addition, he was fined his £3,000 match fee by the IRFU and his playing contract was terminated. Media coverage of the event was intense and this incident was to prove to be a forerunner of the kind of scrutiny that modern players are subjected to, with multiple cameras filming games, slow motion replays, and the increased role given to assistant referees.

**Johan Le Roux - South Africa**
On the 1994 South African tour of New Zealand, the All Blacks won the first test match in Dunedin, the second test in Wellington and the third test ended in a draw in Auckland. Transvaal prop Johan Le Roux, playing for the South African team, became infamous for biting New Zealand hooker and captain Sean Fitzpatrick's ear during a ruck. Although Fitzpatrick did not require any medical attention, replays showed the All Black hooker wince in pain as Le Roux's teeth drew blood. Le Roux's act caused a tremendous outcry in New Zealand. He was called before a New Zealand disciplinary commission and, after his appeal was rejected, given a nineteen-month ban and sent home in disgrace. At the time, it was one of the worst acts ever seen on a rugby field. The Springbok did not help himself by saying, on his return to South Africa, “For an 19-month suspension, I feel I probably should have torn it off. Then at least I could say, look I have returned to South Africa with the guy's ear.” (Jackson, 2009). Later, Fitzpatrick stated that Le Roux actually bit him on the arm earlier in that Wellington test and had also stamped on him during the first test in Dunedin (O'Meagher, 1994), while Le Roux said:

... all I did was defend myself because I was being strangled. I was in a loose scrum and Fitzpatrick had both arms around me. Biting is not the right thing to do on a rugby field, or anywhere else, but in this case I had no alternative. Because of that I've been unjustly called a bloodthirsty barbarian. (Jackson, 1998).

That ban effectively covered two playing seasons and ended his international career. He never played for South Africa again and missed his chance to participate in South Africa's famous 1995 World Cup win a year later. In his first game back after the ban, he was sent off for a head-butt. Le Roux, who claimed that Fitzpatrick was a master of the art of intimidation, has written about the incident in his book entitled Biting Back:

In a rugby sense it may have been regarded as a major disaster to be the first Springbok to be sent home from a tour. But I did not even cause serious damage to Fitzpatrick’s ear. If I really wanted to hurt him I could have punched his lights out. ... I could easily have punched him. One good strike and his jaw could have been broken in four places. And he would have been out of action for nine months. In hindsight, a punch might have been perceived to be more noble. For that I would probably have been banned for only about three months. (Le Roux, 1995)

England lock Martin Johnson can testify to the power of Le Roux's punches. During an England tour match against Transvaal at Ellis Park in June 1994, he was the recipient of one of his punches and ended up seriously concussed. Johnson did not play for the rest of the tour (Jackson, 1998).

Contemporary Players

Danny Grewcock – England and British and Irish Lions

Very recently retired, former England and British and Irish Lions lock Danny Grewcock has had a long and impressive playing record. However, Grewcock, also reputedly a martial arts expert, has an equally long record of being sin-binned, sent off, and cited and suspended for various forms of foul play which have included punching, kicking, stamping, and biting ("Grewcock's royal flush", 2007). Specifically:

1998: England's defeat by New Zealand in Dunedin. Grewcock was sent off during a game for allegedly kicking an opponent when a scrum collapsed. He was banned for five weeks.
2002: Saracens' win against Bath, English Premiership. He was suspended for five weeks for stamping on Saracens and England scrum-half Kyran Bracken. It was his second Premiership game as Bath captain. The ban was subsequently overturned on appeal.
2003: Parker Pen Shield final, Wasps vs Bath. Grewcock was sent off for punching England team-mate, Lawrence Dallaglio. He was given a two-week suspension, which cost him a place on England’s summer tour to New Zealand and Australia.
2004: New Zealand's win against England in Auckland. Grewcock was cited after the game for
stamping on New Zealand No. 10 Dan Carter and banned for six weeks.

**2005 (February):** England's defeat by Wales at the Millennium Stadium. He was sin-binned for use of the boot when he stepped over a ruck and caught Welsh scrum-half Dwayne Peel with a boot to the face.

**2005 (June):** Lions' first Test defeat by New Zealand in Christchurch. Grewcock was cited, pleaded guilty and was banned for two months for biting All Black hooker Keven Mealamu.

**2007:** Bath's win against Sale. English Premiership. Grewcock was given a one-week suspension for stamping on Sale flanker Nathan Bonner-Evans.

**2007 (May):** Bath's European Challenge Cup final 28-10 defeat by Clermont Auvergne. He was cited for punching lock Thibault Privat and banned for six weeks, which ruled him out of England's three August Tests and the first two World Cup matches ("Grewcock loses", 2007).

**2009:** Bath's defeat by Saracens, English Premiership. Grewcock was cited for striking Saracens scrum-half Neil de Kock with his upper right arm after unsuccessfully trying to charge down his kick. He was suspended for two weeks.

**2010:** Bath's defeat against Ulster in the Heineken European Cup. He was sent off for stamping on Ulster flanker Stephen Ferris’ forearm and later banned for seven weeks (Bills, 2010). [Bath v Ulster – Danny Grewcock red card for stamp on Stephen Ferris]

Grewcock was a serial offender with a litany of misdemeanours, which at times have proved costly both to his teams and himself. As a direct result of his transgressions and suspensions, he missed out on several England home international matches, an England tour to New Zealand and Australia, the Rugby World Cup in 2007, and was sent home from the British and Irish Lions' tour to New Zealand in 2005 after the first test.

**Jamie Cudmore – Canada**

In an interview with the *Toronto Star* newspaper, Jamie Cudmore revealed that rugby had saved him from a life of crime. He was involved in collecting drug money for dealers in the drug and biker scene in Squamish, British Columbia. He had served a year in a juvenile detention centre after being found guilty of assault ("Street thug", 2007). It was only after he served his sentence that he began playing rugby locally, before moving to West Vancouver and playing with the Capilanos club. He was selected for the Canadian team for the 2003 Rugby World Cup. Like many top Canadian players, lock Cudmore plies his trade in Europe, currently playing for ASM Clermont Auvergne in France. Clermont appeared in the Top 14 final four years in a row before beating USA Perpignan to win the Cup in 2010. They also won the European Amlin Challenge Cup in 2007, beating Bath in the final. Cudmore has twenty-seven international caps for Canada and played in the 2003, 2007 and 2011 Rugby World Cups. Allegedly, he has received twenty-one yellow cards and three red cards since joining Clermont in 2003. He has been described as “A brawling, dangerous player, he perfectly captures the rugged nature of the best Canadian forwards and has been mixing it with some nefarious characters in the Top 14 for some time” ("Mixing it", 2010). He has not only been mixing it in the Top 14, but has also received several recent red cards and suspensions in the European Rugby Cup:

**2007:** Wasps' victory against Clermont (ERC). He was sin-binned by referee Alain Rolland for repeatedly punching Wasps prop Tim Payne in the face (Kitson, 2007). He was later banned for a month. [Wasps vs Clermont brawl]

**2008:** Munster's win against Clermont (ERC). Cudmore punched Munster lock Paul O'Connell, who fought back in a full-on battle between the two players. Referee Chris White sin-binned O'Connell for his part in the fight and sent Cudmore off. He was later suspended for five weeks ("Jamie Cudmore suspended", 2009). [Munster Clermont Auvergne O'Connell Cudmore fight]

**2009:** Perpignan's win against Clermont (Top 14). Cudmore late-tackled a Perpignan player after he had kicked the ball. A scuffle developed between Perpignan lock Robins Watchou and
Cudmore. Watchou received a yellow card from referee Christof Berdos, while Cudmore received a red for punching. He was later banned for twenty days (“Jamie Cudmore suspended following punch”, 2009). [Jamie Cudmore punch - red card]

2010: Clermont’s win against Saracens (ERC). Cudmore was sin-binned for a punch during the game, but he was also cited and later found guilty of kicking and/or stamping on Saracens flanker Jacques Burger, who received stitches in a mouth wound after the incident. He was banned for ten weeks; actually nine weeks, plus an extra week for his previous poor disciplinary record (“Jamie Cudmore yellow carded”, 2010). [Jamie Cudmore flatty/punch against Saracens]

2010: Clermont’s win against Perpignan (Top 14). Just a few days after Cudmore returned form his previous ten-week suspension, he was cited for punching Perpignan flanker Grégory Le Corvec in a Top 14 game. Le Corvec, dazed after the punch, had to leave the field and have five stitches inserted in his mouth. Cudmore was banned for forty days (“Jamie Cudmore gets 40 day ban”, 2011). [Jamie Cudmore punch on Grégory Le Corvec]

2011: Clermont’s win over Toulon (Top 14). In a bad-tempered game with several serious brawls, Cudmore was sin-binned, along with Malzieu (Clermont) and Genevois (Toulon) (“Clermont hold the fort”, 2011). Clermont captain Rougerie, second row Privat and Toulon second row Suta were also all cited and received suspensions of twenty, thirty and thirty days, respectively, for their involvement in the brawls (“Rougerie cops 20 days for brawl”, 2011). Cudmore is from Canada, a country where professional ice hockey is the country's most popular sport. In North American (NHL) hockey, some players have the role of enforcers and fighting is condoned. Cudmore's raw physicality means that playing the role of enforcer, or le justicier as they are called in France (Daniell, 2007), appears to come easily to him. As Daniell pointed out, being an enforcer is almost part of the job description:

As a second row in France you are not expected just to win the ball, you have to police the game as well and sort out the villains. You are not really doing your job and earning your wages otherwise. (Gallagher, 2009)

With Cudmore's disciplinary record and reputation for fighting, he acts as a deterrent to opponents who might want to use foul play against his Clermont team-mates. He shows no restraint when provoked and does not hesitate to use his fists if he feels he, or a team-mate, has been wronged. He is also capable of using unsanctioned violence as intimidation and/or retaliation. For example, his recent suspension for punching flanker Grégory Le Corvec of Perpignan appears to be part of ongoing animosity between the two players since the Top 14 final of the 2009-2010 season. Le Corvec was himself given a forty-day ban for making contact with Cudmore's eye area in an earlier match ("Le Corvec handed", 2010) and the two players have taken regular cheap shots at each other ever since. However, despite that fact that he is a good player, one of the best in the Clermont forward pack, Cudmore's unsanctioned violent behaviour may have become a problem for Clermont with, for example, two back-to-back suspensions making him unavailable for selection for 110 days. Up until March, he had played only in nine Top 14 games in the 2010-2011 season. In Clermont's 2011 19-12 win over Toulon, some serious punch-ups occurred, forcing referee Patrick Péchambert to use the yellow card three times. Cudmore was one of the three players sin-binned, in his case for taking out Toulon scrum-half Matt Henjak ("Clermont hold the fort", 2011).

Bakkies Botha – South Africa

Bakkies Botha has a decidedly chequered disciplinary record, which includes lengthy suspensions for a whole range of unsanctioned violence, including head-butting, eye-gouging, stamping and offences at ruck situations. He had four suspensions in one fifteen-month period. His suspensions include:

2002: France's victory against South Africa in Marseille. Botha was sin-binned for stamping in
his Test debut against France.

2003: Australia’s win against South Africa in Brisbane. Botha was charged with biting and eye-gouging Australian hooker Brendan Cannon. Botha was suspended for eight weeks for attacking Cannon's face ("Kefu escapes", 2003; Keohane, 2004).

2009: New South Wales Waratahs' Super 14 defeat by the Blue Bulls in Sydney. Botha received a five-week ban, reduced to three weeks for striking Waratahs flanker Phil Waugh. [Bakkies Botha elbowing Phil Waugh]

2009: South Africa’s series-clinching win over the British and Irish Lions in the second test. After being cited for a ruck clear-out that dislocated Lions prop Adam Jones’ shoulder, which required surgery and a six-month recovery period, Botha was controversially banned for two weeks for a dangerous charge. [Bakkies Botha injures Adam Jones]

2010 (May): Cape Town Stormers’ Super 14 win against the Blue Bulls. Captaining the Bulls, Botha was penalised in the opening minute of the game by referee Jonathan Kaplan for entering a ruck from the side. However, he was cited after the game for his clearout of Stormers’ winger Gio Aplon at that ruck and banned for four weeks for dangerously and recklessly entering a ruck. [Bakkies Botha suspended for clearout on Gio Aplon]

2010 (July): New Zealand’s Tri-Nations 32-12 win over South Africa. Botha was banned for nine weeks for head-butting (striking with the head) All Black scrum-half Jimmy Cowan. [Bakkies Botha head-butt on Jimmy Cowan]

Botha has recently moved to France to play for Toulon. Some observers are convinced that he will have a tough time there as a result of his reputation as a hardman and enforcer. There is a strong likelihood that opponents will try to intimidate him, hoping to provoke a violent reaction from Botha and subsequent yellow or red cards from referees. Unlike Cudmore, Botha does not usually take on opposition hardmen in fist fights, but his ability to maintain a high degree of self-control in the face of intimidation will be crucial. Also, his rucking technique, which often involves him propelling his considerable bulk headfirst into rucks with minimal attempt to try and bind, can be on the borderline between sanctioned and unsanctioned violence or foul play. If he continues with his over-robust clearing out at rucks and mauls in France, he may well trigger violent retaliation from opposing players. However, having said that, he is a very physical player and may feel that he has to stand up to intimidatory tactics and ruck in his preferred manner to maintain his reputation. He has already been tested in his first season; now in his second, he is playing well and has so far avoided punishment.

Off-field Violence

I have restricted the discussion so far to unsanctioned violence on the field between players, but it would be remiss of me not to mention some players who became notorious because of their violence in other contexts. There is a relatively small number of players who have engaged in violent confrontations with other players off the rugby field. Similarly, a very few have been involved in violent incidents with spectators. A greater number have been involved in violent situations with members of the public in social environments, such as bars and pubs. In 2009, there were at least twenty from around the world.

Richard Cockerill - England and Norm Hewitt - New Zealand

Two hookers, England's Richard Cockerill (twenty-seven caps) and New Zealand's Norm Hewitt (nine caps) exchanged blows in a 1998 off-field incident in Dunedin's High Street. There had been some animosity between the two prior to the incident. A year earlier, they had played against each other at Old Trafford in Manchester and, during the traditional New Zealand Haka just before the game started, Cockerill crossed the half-way line and confronted Hewitt, who was leading the Haka directly, face to face. [Richard Cockerill stands up to Norm Hewitt & Haka in 1997] A year later, when England were again playing New Zealand in Dunedin, Cockerill was in the team squad, but on the bench for that
game. The All Blacks won both games in England and easily defeated England in Dunedin. That night, or rather early the next morning, after the game, Cockerill ran up against Hewitt in a bar where they were involved in a verbal interchange, one disparaging English rugby, the other the Haka (Cockerill, 1999). Cockerill described what happened next:

There were a few All Blacks in the bar and we were getting on all right, so we jumped into a cab, a minibus together to go some place else. Anyway, I'm the last one in, and as soon as I stick my head through the door, Norm just cracks me on the side of the face. There is a scuffle and I smack him as he's getting out and we have a punch-up in the middle of the high street in Dunedin (Kimmage, 2009).

This incident did not get much, if any, media coverage and remained low profile, but the next two incidents were picked up by the sports news media and became high-profile, controversial incidents.

**Trevor Brennan - Ireland**

As far as violence between players and spectators is concerned, Trevor Brennan's incident with Patrick Bamford, an Ulster supporter, is a good example. Brennan won thirteen international caps for Ireland between 1999 and 2001. In 2007, while playing for Toulouse and warming up prior to a Heineken Cup European match between Toulouse and Ulster, he took exception to provocation from a group of Ulster fans chanting “Brennan, your mother is a whore” (Hewett, 2007). He approached the group and was showered with beer. Other Ulster fans intervened to cool things down and Brennan began warming up again. However, one Ulster fan, Patrick Bamford, continued trying to provoke Brennan, who responded by entering the spectators' stand and throwing several punches at Bamford, leaving him with a bruised and bloodied face. Brennan was later given a life-time ban and fined €25,000, plus €5,000 as compensation for Bamford. The ban was later reduced to five years on appeal ("Brennan has", 2007; Hewett, 2007).

**Keith Murdoch – New Zealand**

Keith Murdoch, a huge and mobile prop who had a relatively short but controversial international career playing for the All Blacks, certainly hit the headlines. He made the touring party that went to South Africa in 1970 and to Great Britain and Ireland in 1972. He played twenty-seven times for New Zealand, including test matches against Australia, South Africa, and Wales. A high point in his career was scoring the only try in New Zealand's close win against Wales in Cardiff. Unfortunately, the low point of his career was to follow very quickly. A few hours later that same night, he was involved in a violent fracas in which he punched Peter Grant, a security guard at the Angel Hotel in Cardiff. Sensationally, for his part in the incident, Murdoch became the only All Black to be sent home from an overseas tour. It appears that New Zealand tour manager Ernie Todd was pressurized into making the decision to send him home by the four home unions. Muirdoch's team-mates were of the opinion that he was harshly treated ("Keith Murdoch", 2011). However, Murdoch never made it home to New Zealand. On the way back, he left the plane in Singapore and made his way to Australia. He has spent the rest of his life living in the remote Australian outback.

**Andy Powell - Wales**

Players can sometimes find themselves in trouble when drinking in pubs and bars. This was certainly true for Welsh and Sale player Andy Powell in April 2011. An altercation with a group of men in the Walkabout Pub in West London's Shepherds Bush resulted in the former Wasps player Powell and Wasps team-mate prop Tim Payne being suspended by their club. Powell was seen lying face down on the floor, having a head injury tended to by police. The next day, in a newspaper interview, Powell claimed he had been the victim of a vicious attack by a group of football fans ("Powell took a beating", 2011). His comments confirmed what the witness had said a day earlier:
I was knocked to the ground by a gang who then started to kick and punch me. It was pretty scary. I curled up into a ball and put my hands over my face and temples but couldn’t cover the back of my head. I was then hit by a bar stool and lost consciousness after that but I suffered a pretty bad cut. There was blood everywhere. I think I lost around two pints of blood in the pub and was taken away in a wheelchair and then taken by ambulance to a hospital where they stitched me up. I needed at least 10 stitches but I am okay now. I am feeling sore all over, but it was just one of those things. A load of QPR [Queens Park Rangers football] fans came into the pub after their match and I think they heard my Welsh accent and started giving me a bit of stick. We started singing a few songs and exchanging a bit of banter but then it all kicked off. I was asked by the police afterwards if I wanted to press any charges but I said I just wanted to forget about it and move on. ("I was attacked”, 2011)

The Metropolitan Police's violent crime unit investigated the incident, but no one was arrested. Wasps' board also investigated the incident. They considered statements taken from witnesses and a review of CCTV footage. Payne's club suspension was lifted after their initial findings (Hewitt, 2011), but Wasps later announced that Powell was to leave the club by mutual consent (“Wasps and Powell”, 2011).

However, Planet Rugby's editorial found Powell's story unsatisfactory:

... so no other party involved has proffered their version of the facts, but there's a lot of odd turns of events in there. Firstly, Tim Payne, with Powell at the time, appears to have not played any kind of intervening role in what Powell claims is a near-unprovoked attack. So passive was Payne's reaction that he has since been exonerated by Wasps' initial investigation. Is that really what clubmates do these days? Simply stand by and watch while another takes a beating? We doubt it. So you'd have to assume, at the very least, that the banter which kicked off the incident was a little more than the usual jokes about sheep and cups of tea, and that Payne was neither impressed by Powell's behaviour nor taking part in any of it. Second, the phrase "at least ten stitches" is an odd one, or has the NHS [National Health Service] stopped giving you information on injuries these days? And finally, "just one of those things?" Seriously? A GANG punches you to the floor, opens up your head with a bar stool and presumably flees, and this is "just one of those things". (Loose Pass, 2011)

A sad end to an unfortunate incident, perhaps. It was certainly a novel occurrence in the history of rugby players and off-field violence. Fights with players, assaults on spectators and fights with bouncers and other bar patrons have occurred and might possibly be expected from time to time, but an international rugby player being beaten up by soccer hooligans is unique.

**Player Discipline**

Those who know players who have a reputation for unsanctioned rugby violence often talk about the specific individual as being “the nicest guy off the field”. These players seem to somehow take on another personality once they cross the sideline and go onto the field. Players of this type are not restricted to rugby, but are common to most team contact sports and their change in behaviour has sometimes been termed “white line fever”. There are some rugby observers who would argue that former England and British and Irish Lions captain Martin Johnson, a nice guy away from rugby, could easily be included in the list of renowned players above. He would not agree:

*Somehow, unfairly I believe, I have developed a reputation for illegal physical violence on the field of play. . . . I have been involved in one or two high-profile incidents. But being involved in incidents is not the same as being a dirty, dangerous player. In a world where most players occasionally cross the line, it is about being caught and even, about being singled out.* (Johnson, 2003, p. 364)
During his playing career, Johnson sometimes found himself in trouble in the English premiership, but he kept his slate fairly clean on the international stage. At international level, as well as other levels, keeping a full complement of players on the pitch has become very important in terms of which team wins and loses games. The offences of players such as Grewcock, Cudmore and Botha have often been costly to their teams. Playing one player short, even just for a ten-minute sin-bin offence, often gives the opposing team the opportunity to take advantage of their extra man by scoring, taking the lead in evenly-contested games and/or consolidating victory. Graham Henry, former Welsh and World Cup winning All Black coach, has been very direct about his attitude to players who are on the receiving end of a yellow or red card for foul play:

> Nothing annoys a coach – particularly this coach – more than when a player witlessly concedes a free kick or penalty, or, worse still, gets sent to the sin bin for undisciplined play. To me, it's unforgivable. One moment of indiscretion by a thoughtless player can cost his side victory. . . . I remind players of any team I'm responsible for of the need for discipline, no matter how severely they might be provoked. For the 1999 Super 12, the referees determined that punching of any kind would incur a yellow card, which meant 10 minutes in the sin bin. That means that you'd have to be an absolute clod to throw a punch in any circumstance, because of the dire consequences. Yet every week there was someone being given 10 minutes on the sideline for punching. Games were being won and lost while thoughtless players were off the field. (Henry, 1999, p. 215-216)

Henry and his coaching colleagues, Steve Hansen and Wayne Smith, have reinforced the need for players to maintain control and not respond to provocation. There have been one or two exceptions, but it has been evident from recent games over the last few years that the All Black players, while playing with tremendous physicality, have shown good self-control and discipline when it comes to unsanctioned violent play.

In these days of professional rugby, players are seen to represent their team and their self-control is expected to extend to off-field behaviour, including dealing with fans and the general public in social situations. It seems that “protecting the corporate brand” is what drives policy and harsh punishments for infringements often ensue. This is especially true when unfortunate incidents of off-field violence take place. Brennan's five-year suspension for his assault on a spectator was long enough to effectively end his rugby playing career. Once it became clear what had happened in the Powell-Walkabout Pub incident, Powell's contract was terminated by mutual consent and he was quickly let go by Wasps. As a result, Wasps were seen to do the right thing and, at the same time, protected themselves from any similar future embarrassment caused by this player.

Rugby players have traditionally enjoyed drinking a few pints after a game, but, as many people know, alcohol can affect judgement and decision-making; consequently, there is a danger of misjudging situations where conflict could arise and violence result. Violence is not necessarily instigated by players. For example, they may become targets of aggression and violence in pubs and clubs from other clients, or may get drawn into confrontations in situations where they come to the defence of teammates or friends. Powell was not the only top player to find himself in trouble in the last couple of years. Wales scrum-half Mike Phillips, England full-back Delon Armitage, England scrum-half Danny Care, Scottish winger Max Evans, and New Zealand winger Zac Guildford are all players who were recently in trouble with the police for being drunk and disorderly, or as a result of incidents in nightclubs. All five players were suspended from their national rugby squads. Whether the number of these types of incidents is increasing, or whether they were hushed up, not reported, or considered irrelevant in earlier days is open to conjecture. In these days of mobile phones and online computer communications, if modern professional rugby players, with their highly visible profiles, do get involved in off-field violent incidents, they have little chance of escaping full media attention.
History tells us that, when international teams take on tours to other countries, there is a strong possibility of violence erupting at some point during the tour. There is always rugged competition between the touring team and the local sides and fierce confrontation in the test matches. The home teams have a strong desire to show the visitors what they are made of and, literally, test the mettle of the visitors. Touring teams are keen to establish themselves and show the locals that they will not be intimidated. Some of these violent international games have become well-entrenched in rugby folklore and the players involved are talked about with reverence. At the level just below international competition, European and Super rugby competitions involve state, provincial, or club teams playing against rival teams in other countries and these games can be considered to be mini-versions of the tours undertaken by national teams. As such, the competition between home and away teams may generate similar physical challenges and emotions to those described above, with the result that violence can also occasionally explode during these games.

In the following sections, a number of notorious games and the violent incidents which occurred are recounted. These are matches where there was a high incidence of violence or where mass brawls and punch-ups occurred. Where relevant and possible, the build-up and background to the games, as well as events on the field of play and the punishments handed out to the players involved, are described.

**International Test Matches and Tour Games**

**1956 South African Tour to New Zealand**

There can be few bigger rivals in rugby than New Zealand and South Africa and, over the years, there have been some ferocious test matches played between the two countries. Although it took place over fifty years ago, the 1956 South African tour to New Zealand was one of the toughest and became notorious for its brutal play and for the level of violence between players. All four tests were very close and, after New Zealand won the first test in Dunedin, South Africa were victorious in the second in Wellington.

A New Zealand journalist described the injuries to one South African forward:

> After a severe blow to the head in the second test, the Springbok forward Bekker had wandered around the changing-room in a concussed daze before being hospitalized. The New Zealand Herald later reported that when he was discharged from hospital: He had no recollection of the game after half-time. He could recall no incident in which he took a severe knock. Some of his teeth were loose, he was cut inside the mouth, and sore down one side of his head and body. (New Zealand Herald, 1956, cited in Andrewes, 1998, p. 128)

In spite of his injuries after the second test, Jaap Bekker and fellow prop Chris Koch were putting their New Zealand opposite numbers, Mark Irwin and Frank McAtamney, under intense pressure in the scrums. The domination of the New Zealand scrum by the South Africans was such that the selectors were forced to make changes. In the third test, they brought back Kevin Skinner from retirement. This quote from Andrewes (1998) explains the reasons why Skinner was selected:

> Much of the infamy of these two tests lies in the reselection of the veteran All Black prop-forward Kevin Skinner. The motivations behind his selection for the team caused speculation at the time and debate later: The official line was that he had proven himself fit and was the best player to fill the position in the country. A more plausible, though rather cynical, explanation lay in Skinner's reputation in another sporting field: boxing. Skinner was a former heavyweight boxing champion, and had a reputation as being the hardest among hard men. After the New Zealand front row forwards had been battered and bruised by the Springboks in the first two tests, the reinstatement of Skinner in the team was interpreted by some as a move to install a player who could “sort out” their troublesome front-row. To all intents and purposes this is what happened,
and much of the violent confrontation certainly occurred between the two forward packs.

Legend has it that Skinner sorted out Chris Koch and then changed sides in the All Blacks front row and sorted out Bekker. New Zealand went on to win the third test in Christchurch 17-10, and the fourth in Auckland 11-5.

1974 South Africa v British and Irish Lions Third Test

It is a well-worn story by now, but at the time it was a highly controversial retaliatory response to attempts at physical intimidation by one team in order to survive on the rugby field. The 1974 British and Irish Lions tour of South Africa was a highly successful tour for the Lions, who became the first team to finish their games in South Africa undefeated. In this case, the Lions came up with a plan that, if there was any intimidation from an opposing player, then no Lions player would be left on his own to deal with it. On the call of “99”, each individual Lions player would attack the nearest Springbok, with the idea that, if everyone was involved, the referee could not send all the players from the field. The plan was credited to captain Willie John McBride, who had plenty of experience of South African rugby from two previous Lions tours. This notion of “get your retaliation in first” led to the worst violence of the tour in the third test, which became known of as “The Battle of Boet Erasmus”. Trouble broke out in the forwards and fists flew in the melees that followed. Lions full-back JPR Williams ran in from about twenty metres away to strike Springbok lock Moaner van Heerden, one of the main South African culprits. Van Heerden was concussed and had to leave the pitch. In spite of the punch-ups, the referee did not send any players from the pitch. [Willie John McBride's Lions' call of '99' was the talk of the rugby world] [British Lions call 99 vs South Africa] The plan worked and the teams could get on with playing rugby, and spectacular rugby from the Lions it was. [South Africa v British & Irish Lions 1974] As Lions second row Gordon Brown put it:

We had to take the law into our own hands. We had to show the opposition that they couldn't punch us and kick us and hack us at any time they wanted. And they were allowed to do it. We had to have this unity on the call on the nod or if one of us got into trouble everyone would get stuck in and it sorted the trouble out.

1975 Australia v England Second Test

In the game between Australia and England in 1975, there were running brawls throughout the match, even though England prop Mike Burton was sent off by referee Bob Burnett after only three minutes. Prior to Dave Brockhoff, former Australian flanker, taking over as coach of the Australian team in 1974, the team had a poor win-loss record and had been regularly intimidated by opposing teams. Brockhoff set out to change that by adopting a hardline stance on discipline and improving the power of the Wallaby forwards, which he thought was the key to winning games. Brockhoff developed the “Step Forward” policy for his forwards, insisting that they never take a backward step and fight fire with fire. He wanted them to get in first and counter intimidatory tactics from opposing teams before they started (Holdforth, 2006).

Australia had won the first test in Sydney and the Wallaby forwards had more than held their own. The second test was to be played in Brisbane:

There was an air of anticipation in the Queensland’s home ground of Ballymore that afternoon and from the kick off an almost surreal event took place. The Ballymore crowd and a massive TV audience witnessed, what appeared to be a blatant act of lunacy. English Prop Barry Nelmes lying on the ground protecting the ball, appeared to be lined up from metres away and kicked in the head by the Australian prop Stuart MacDougall. As a result “all hell broke loose” and the two forward packs tore into each other. At the next line out English forward Mike Burton who
was incensed by what had occurred, dragged MacDougall by the scruff of the neck and head-butted him. Burton was cautioned by the referee, but minutes later he lined up Wallaby winger Doug Osborne who had kicked ahead and unmercifully flattened the Australian with a stiff arm. The referee had little alternative than to send Burton from the field. The Englishmen, a man short, amazingly led 15-9 at half time. It was rumoured that the incident ridden first half, which was not a good look for Rugby, prompted an Australian Rugby Union official to approach Brockhoff at the break and warn him to “call off his dogs”. The rumour however was never substantiated. Australia played well in the second half and the English with a man down struggled and were eventually defeated 30-15. Amazingly the MacDougall kicking appeared worse than it was, MacDougall claimed he was kicking at the ball, and Nelmes himself was not hurt and seemed unmoved by the incident. (“Phantom of the Rugby Opera Part 3”)

After the game, television news programmes replayed the worst incidents in the game repeatedly. The Australian team and Brockhoff came in for strong criticism for their unsanctioned violence. However, from their point of view, the tactics worked and Australia had recorded a double victory over England.

1980 England vs Wales

Scrum-half Steve Smith, England and British and Irish Lions captain, played in the 1980 England vs Wales game. Smith (1984, p. 129) pointed out that: “The players on both sides had been the innocent victims of the build-up to the game.” Prior to the match, the press hyped up a feeling of hatred between the two teams which did not really exist. There was also a political background to the game as, at the time, Welsh mines were being closed, Welsh miners were losing their jobs and the English were supposedly to blame. All this had a profound effect on the game:

But at Twickenham that day there was an atmosphere, as we ran on to the pitch that was electrifying. It was very different from the normal high-spirited crowd and there was a feeling of hatred coming from what seemed to be a seething mass of people. There was no real cheering as you would normally expect, and the whole experience chilled the blood. (Smith, 1984, p. 127)

It turned out to be a brutal game, in which referee Dave Burnett sent off Welsh flanker Paul Ringer for a dangerous high late tackle on England fly-half John Horton. Burnett had just given a general warning and so, when Ringer offended, he had little choice but to send him off. In addition, England back row Roger Uttley had his face ripped open by a Welsh boot and had to be replaced. Later, the effects of the Welsh physicality and unsanctioned violence on the England team became evident:

The England dressing room afterwards was like a battleground. There was a queue of about eight England players waiting to have stitches in an assortment of cuts; I was last in line because I only needed three in a cut beneath my left eye. (Smith, 1984, p. 129)

After the Welsh game I felt as though I had flu. Every bone in my body ached. Physically, it was the hardest game I have ever played in. Every time you ended up in the grass you were stamped on and by the end of the game I wasn't quite sure who was doing the stamping. The close-quarter stuff was quite horrific . . . It's sad when violence spills over to that degree . . . (Smith, 1984, p.129-130)

Doubtless the Welsh also had their share of injuries, because this English pack knew how to take care of themselves. England won the game 9-8 after full-back Dusty Hare kicked over a disputed penalty in the final minutes. Wales had scored two tries. Ringer was banned for eight weeks and could well have been picked for the Lions tour to South Africa in 1980, but for this sending off. Many in Wales thought that Ringer was innocent and did not deserve to be sent off.

1989 Australia vs British and Irish Lions

1989 was the first full British and Irish Lions tour to Australia. The Lions, led by Finlay Calder, lost the
first test match 12-30, conceding four tries. They needed to win the second test in Brisbane to keep the three-game test series alive. The Lions had been well beaten by the confident Wallabies and came in second in the physical aspects of the game. As a result, in the second test, the Lions adopted the strong-arm tactics that had been successful for the 1975 Australian team against England and the Lions in South Africa in 1974. Just about a minute after kick-off, an incident between Lions scrum-half Rob Jones and Australian scrum-half Nick Farr-Jones sparked a huge “blue” as the Australians call it (Heywood, 2011). [1989 Lions and Australians battle it out] Jones explained what happened:

I don’t think I have ever been so wound up before a match, and that was before Finlay Calder’s special line in pre-match oratory which was likely to have you bursting with adrenalin for the first few minutes. I was aching to get to grips physically with Farr-Jones. . . . An opportunity came at the first scrum. There was nothing premeditated in the sense that I had decided exactly what to do beforehand, but I had gone out with the intention of doing something to unsettle him. It was a spur-of-the-moment decision to stand on his foot at the first scrum and push down. He came back at me, and within seconds there was a pretty lively punch-up going on. The punch-up set the tone for the match. Nick was very upset by the incident and kept chatting to the referee. The Australians in general were upset about our physical approach and it has to be said that things got quite brutal at times. . . . It probably was the turning point of the match and the series. Nick Farr-Jones was distracted from his normal game and was not nearly as effective as he had been the week before. (Heywood, 2011)

In spite of Lions captain Calder’s stance that “We were always going to get stuck in but I don’t believe it was premeditated” (Heywood, 2011). Farr-Jones had a different view:

To say that it wasn’t premeditated is absolute nonsense. Robert and I may have instigated it but the Lions forwards piled in straight off. They knew what they were up to and we couldn’t match them. We were sort of shoulder barged out of the contest. (Heywood, 2011)

Physical confrontations occurred throughout the game and, in one, Lions prop Dai Young was later accused of stamping on the head of Australian lock Stephen Cutler in one of the most controversial moments of the entire series. The Wallabies fought hard and were ahead on the scoreboard for much of the match. It was only when the Lions scored two late tries from Gavin Hastings and Jeremy Guscott that the victory was sealed in the final ten minutes. The physicality, dominance and unsanctioned violence of the Lions pack had paved the way for the win. As Lions flanker Mike Teague stated:

I would describe it as the most violent game of rugby that has ever been played. . . We can’t be seen to condone what went on, but needs must. There were some hard players on that tour; hard men and they all came together and sorted the job out. (Heywood, 2011)

The 3rd test back in Sydney was a very close-run affair, with the Lions winning 19-18 and securing the series 2-1.

1995 Rugby World Cup South Africa vs Canada

A violent mass brawl took place during a feisty final-pool game in the 1995 World Cup which South Africa won 20-0. It started after an innocuous scuffle between Canadian wing Winston Stanley and Springbok wing Pieter Hendriks. Stanley appeared to react as Hendriks shepherded him over the touchline towards the advertising hoarding. Possibly Stanley thought that Hendriks was trying to slam him hard into the advertising boards. The punch-up developed as Canadian full-back Scott Stewart came running in to strike Hendriks with his shoulder on the back of the head. South African hooker James Dalton joined the fray and the whole thing took off. Video footage shows the other players joining in the mass brawl and fists flying everywhere. [1995 RWC Battle of Boet Erasmus - South Africa vs Canada] As well as punching, Hendriks could be seen getting in a couple of sly kicks, one to
the head of a Canadian who had been brought down to the ground. When the fight eventually petered out, South African second row Hannes Strydom had a bad gash on his left eye and needed medical treatment. Dalton and Canadians Gareth Rees and Rod Snow were sent off by referee McHugh and suspended for thirty days. Stewart and Hendriks were cited and Hendriks was banned for ninety days. The Canadians did not progress in the 1995 tournament beyond the pool stage, but Dalton and Hendriks were both banned and therefore could not take part in the South African victory over New Zealand in the 1995 Rugby World Cup final. Chester Williams took Hendriks' place and became a crowd favourite for the remainder of the tournament and beyond (McRae, 1998).

1999 Rugby World Cup Tonga vs England

The 1999 Rugby World Cup saw England playing Tonga in the pool stages. The game was remarkable because Australian referee Wayne Erikson handed out a red and three yellow cards in a very short period just before half-time. It all began with about ten minutes to go before half-time, with Tonga losing 24-10. The Tongans kicked high and English full-back Matt Perry jumped to take the ball. As he did so, he was hit in the air by Tongan reserve Isi Tapueluelu. Perry landed dangerously on his neck and shoulder, but was unhurt. The England players, with prop Phil Vickery to the fore, objected and a mass punch-up between the players took place. During the fracas, England flanker Richard Hill was struck on the side of the head by Ngatu Taufou'u's forearm. Taufou'u, the Tongan prop, was sent off and Tapueluelu and Vickery were sent to the sin-bin for their roles in the dangerous tackle and the punch-up which followed. Shortly after the brawl, Tongan flanker David Edwards was also given a yellow card for throwing a punch. By this time, the Tongan's discipline had been lost and the team was disrupted, making it easy for England to run in nine tries in the second half (thirteen tries in total) ("Tongan tragedy", 1999).

2002 England vs South Africa

If the “step forward” approach of the Australians in 1975 and the “99 call” from the 1974 British and Irish Lions were controversial, in 2002 the South Africans took on-field violence to a new level. Just prior to the 2002 game between England and South Africa at Twickenham, Scotland had beaten the Springboks 21-6. The England game also resulted in a loss for South Africa, with a record score of 53-3, but the game also gained a great deal of notoriety for other reasons. Martin Johnson and Clive Woodward, England captain and coach at the time, summed up the game:

*The infamous game against South Africa at Twickenham in 2002 has been widely described as the most brutal and violent match in modern times, with the Springboks basically punching, kicking and stamping on England players from start to finish. (Johnson, 2003, p. 378)*

*The key moment in the match came in the twenty-third minute when James Labuschagne [Springbok second row] was sent off for following through late with a swinging arm in a tackle on Jonny Wilkinson. The Springboks lost a lot of discipline and self-control after that. . . . Labuschagne did his number on Wilkinson and was in my view a hundred per cent rightly red-carded. But what it did in terms of the match was badly to unbalance their forward capability, after which they seemed to collectively and individually lose it. They couldn't compete so they went abusive, tried to intimidate and so on. (Woodward, 2004, p. 336)*

However, these fairly concise descriptions do not tell the whole story. In addition to Labuschagne's shoulder charge on Wilkinson, [James Labuschagne breaks Wilkinson] there were at least twelve other unsanctioned violent acts by South Africa in the match:

- 3rd minute: Robinson punched by Krige after late tackle
- 10th minute: Dalton punches Dawson
- 12th minute: Fleck punches Cohen
20th minute: Robinson hit off the ball by James
21st minute: Dawson complains to ref of Bok cheap shots
23rd minute: Labuschagne sent off for late shoulder charge on Wilkinson
35th minute: Krige is penalised for late hit on Hill
40th minute: James punches Dawson
41st minute: Wilkinson out of game after James shoulder charge
50th minute: Greeff knees Back from the side
55th minute: Krige head-butts Dawson
58th minute: Krige knocks out Pretorius in charging for Dawson, who ducks a stiff arm
61st minute: Greeff concedes penalty try with dangerous tackle on Christophers
69th minute: Krige elbows Johnson in retaliation after being throttled in an elbow lock [Corne elbows]
74th minute: Venter head-butts Hill in face.

This list was included in a letter sent from the Rugby Football Union to the South African team management after the game. Later, South African coach Rudolf Straeuli apologised to Rian Oberholzer, Chief Executive Officer of the South African Rugby Union, The RFU and the International Rugby Board, while Springbok captain Corne Krige also apologised to his South African rugby bosses, the South African rugby public and the English (Keohane, 2004, p. 135-136).

Mark Keohane was the Springbok's communications manager from 2000-2003. In this role, he often viewed videotapes of games with coach Straeuli and was therefore in a perfect position to review the sometimes violent play of the South Africans. Among the topics in his exposé of South African rugby, Springbok Rugby Uncovered (Keohane, 2004), is a chapter on what he termed the “dirty play of the Springboks” during this period. What becomes apparent from reading his account is that there appears to have been what can only be described as a climate of unsanctioned on-field violence associated with the team.

2005 England vs Samoa

The Pacific Island teams are well known for their hard physical approach to rugby and this was certainly true of the game between England and Samoa at Twickenham in 2005. Samoa’s vigorous defence unfortunately included some high tackles. With Samoan prop Justin Vaa already yellow-carded for collapsing a scrum, Samoan fly-half Tanner Vili was also sin-binned for his dangerous tackle on England winger Mark Cueto. In the tackle, he appeared to use his forearm to hit Cueto across the throat. About ten minutes later, Cueto, was tackled in the air and up-ended head-first onto the ground by Samoan wing Alesana Tuilagi. When Cueto took exception to this, he was punched by Tuilagi. England flanker Lewis Moody saw this, ran in and struck Tuilagi with several punches, igniting an all-in punch-up. Both Tuilagi and Moody received red cards from South African referee Mark Lawrence. England won, but after the game, Moody received a nine-week suspension and Tuilagi was banned for six weeks, with Moody making history by becoming the first England player sent off at Twickenham. It appeared that being team-mates at the Leicester Tigers club did not prevent them being violent towards each other when playing for their respective countries ("Moody handed", 2005; "Moody sees red", 2005). Vili was also cited and received a two-week ban.

2008 Australia v France

Just before half-time at the game in Brisbane when the score was 26-0, the French were deep in the Australian half. At a ruck that the French seemed to be winning, Australian hooker Stephen Moore tried to prevent the ball coming out when he was off his feet. Referee Paul Honiss blew his whistle, penalising Moore. As they stood up, Moore and the two French flankers, Matthieu Lievremont and Fulgence Ouedraogo, had hold of each other and a minor scuffle occurred. Wallaby lock James Horwell
came to Moore's rescue and sparked off a bit of "biffo" with punches flying everywhere. [Australia v France Fight – July 2008] French No. 8 Imanol Harinordoquy got some strong punches in against Horwell before French prop Renaud Boyoud struck him hard. During the fight, Horwell received a nasty eye injury and required medical treatment and hospital scans on his eye socket. Horwell was blamed for starting the punch up and France were awarded a penalty. The Australians won, but at post-game inquiries into the violence, both Harinordoquy and Boyoud pleaded guilty to striking and were banned for three weeks (“Harinordoquy and Boyoud suspended”, 2008).

**1971 Canterbury vs British and Irish Lions**

The 1971 British and Irish Lions tour to New Zealand actually started in Australia, where the team lost to Queensland and narrowly defeated New South Wales. In New Zealand, however, by the time they came to play Canterbury in the ninth game of the tour, they were undefeated. The Canterbury game turned out to be the most violent game of the tour. Canterbury players physically attacked the Lions props Sandy Carmichael and Ray McLoughlin and both were injured and played no further part in the tour. Carmichael was king-hit with a punch that broke his cheek bone in five places, allegedly from his opposing prop Alister Hopkinson. Carmichael managed to stay on the pitch until the end of the match. After the game, a photo of Carmichael with two black eyes appeared in the British press. McLoughlin broke his hand when punching Canterbury flanker Alex Wylie. In addition, Lions No. 8 Mick Hipwell was also ruled out of the rest of the tour and Fergus Slattery was left concussed and missing two teeth. The Lions subsequently won the first test 9-3. Some observers at the time felt it was a deliberate attempt to rough the Lions up before the first test against the All Blacks in Dunedin a week later. That feeling persists and one British-based journalist recently described it as “one of the bloodiest, most premeditated assaults in rugby history” (Gallagher, 2007). Other observers, sympathetic to New Zealand, thought that the violence was retaliation for the disruptive tactics of the Lions front row, used against previous provincial teams.

**1976 Western Transvaal vs New Zealand**

Laurie Mains, the former New Zealand full-back, gained sixteen international caps and was coach of the All Blacks from 1992-1995. He was a member of the All Blacks team on the tour of South Africa in 1976, but did not play in any of the test matches. He has said that, during the tour, some New Zealand players were deliberately targeted by the opposition. In particular, All Black hooker Kevin Everleigh was singled out in the Western Transvaal match at Potchefstroom. However, retribution from New Zealand second row Frank Oliver put an end to the unsanctioned violence. Mains stated:

> Their hooker (Warren Jevon) had been recalled for this game and in the opening minutes he slipped Everleigh, who subsequently lost an alarming amount of blood. Frank Oliver, who was a tower of strength throughout the tour, gained retribution after swapping sides in a scrum with Gary Seear. I remember our captain Andy Leslie saying, 'No No!' but Frank [Oliver] sorted him out. His head shot out of the scrum and he was left lying on the ground. He was away with the fairies as I ran past him. They carried him off and that was the end of the dirty play. (Howitt, & McConnell, 1996, p. 33)

This was another example of an attempt at intimidation which failed as a result of retaliation by one of the opposing team's enforcers.

**1994 Neath vs South Africa**

This match is remembered for the many incidents of violence throughout the game. Fighting broke out frequently and at times there were separate fights at different ends of the pitch. By the end, all thirty players were involved in fighting. [The battle of the gnoll – Neath v South Africa] After twenty-one minutes in the first half, Rhondri Jones gave Neath the lead 5-3 with a typical scrum-half break. In the
end Neath lost narrowly to the Springboks 13-16, but it was a very close run thing. [Neath try against South Africa] Less than a year later, South Africa would win the 1995 Rugby World Cup. This was a very good example of an international touring side being caught up in a dog-fight with a regional side in the rain and mud of Wales.

**European and Super Rugby Matches**

**1998 NSW Waratahs vs SA Coastal Sharks**

The Coastal sharks had played well on their tour of New Zealand and Australia in the 1998 Super 12 competition. When they came to Sydney to play the NSW Waratahs, they were seeking a third win from four games on the road. However, the game did not go their way and turned ugly after the Waratahs ran in some early tries. McRae (1998) described what happened:

> But the locals were soon jumping up repeatedly as the Waratahs licked in with one try after another. Out on the boiling field the “crook” sharks turned “mongrel”. Richard Harry, the NSW Wallaby prop said afterwards, “You name it, it happened today it was like the Crimes Act – biting, gouging, stomping . . .” (McRae, 1998, p. 315)

During the game, Sharks Springbok lock Mark Andrews was first sin-binned for a violent shoulder charge and then sent off for stamping by New Zealand referee Paddy O'Brien. After the game, Sharks Springbok hooker Chris Rossouw was suspended for three weeks after pleading guilty to three incidents of dangerous rucking and foul play. However, probably the worst incident occurred after a scrum slewed around and Waratahs prop Richard Harry was bitten on the arm. Referee O'Brien's attention was drawn to the bite during the game by Harry and Waratahs captain, Michael Brial. No action was taken by O'Brien on the pitch, but after being cited by the Waratahs' management, Sharks Springbok flanker Wickus Van Heerden pleaded guilty to biting. Initially, he was suspended for eighteen months, reduced to twelve months on appeal. It was a disappointing game for the Sharks, but, faced by a heavy defeat, the three Springbok Sharks, who were central in the acts of unsanctioned violence against the Waratah players, lost their self-control and discipline. Van Heerden had a previously unblemished record and he, especially, paid dearly for this lapse (Hewitt, 1998).

**2010 Queensland Reds vs Otago Highlanders**

Unlike the Waratahs v Sharks game in 1998, this 2010 Brisbane game was not a game replete with violence. Rather, one provocative and possibly very dangerous act by a player caused a huge melee. This act occurred after twenty-four minutes with the score at 24-3 for the Reds. From a Highlanders line-out throw, the ball went loose on Highlanders side and the Highlanders hooker, Rutledge, went down on the ball. The Reds forwards rucked over him and Reds second row Humphries ended up lying on top of a couple of other players with his head poking out towards the back of the ruck on the Highlanders side. Highlanders scrum-half Jimmy Cowan, possibly thinking that Humphries was preventing the ball coming out, reached forward and made contact with Humphries' head and, possibly, face. Cowan definitely pulled Humphries around by his head gear, but the television commentators seemed to think that there might also have been contact with Humphries' face and eyes. It was hard to tell exactly what occurred from the video footage. In any event, Humphries was very upset. He stood up and, objecting to what Cowan had done, swung a punch at Cowan. Cowan retaliated and many of the other players joined in. It was mostly push and shove and holding players back, but Highlanders No. 8 Stephen Setephano got a couple of solid punches in against Humphries. After consulting with his assistants, referee Steve Walsh gave a penalty against Reds and a yellow card to Humphries. As Humphries was about to leave the pitch he was heard to ask the referee “Did you see the eye gouge?” [Reds V Highlanders fight Super 14 Round 13] The punch-up may have helped to motivate the Highlanders, who came back to within two points of the Reds. A Highlanders' penalty at the end of the game just fell short, leaving the final score at the whistle 38-36 to the Reds. There was some
tremendous rugby and superb tries, but, unfortunately, the game was marred to a degree by the violent incident ("Reds win 11-try thriller", 2010).

1997 European Cup Brive (France) vs Pontypridd (Wales)

This was one of the most violent games in the relatively short history of the European Rugby Championship. Brive had won the championship the previous year, beating Leicester in the final and were keen to defend their title. In the 1997 competition, they were drawn against Pontypridd at home.

Author Donald McRae (1998) described what took place on the pitch:

> On 14 September 1997, a day after Pau and Llanelli had sunk into trench warfare, the champions of Wales, Pontypridd, came to Brive. In an appallingly filthy-match, the violence reached its nadir early on. After punches and kicks had peppered the opening quarter, a mass brawl, involving twenty-seven of the thirty players, exploded in the twenty-fifth minute when Pontypridd's strident New Zealand number 8, Dale McIntosh, crashed into the Brive scrum-half, Philip Carbonneau, long after the ball had been released. Carbonneau, in the sardonic words of a couple of French journalists, was "no angel", and he was caught later on camera head-butting Stuart Roy in the face – but McIntosh's attack infuriated the Brive flanker, Lionel Mailler. He dished out some damage of his own. The mayhem spread across the field as the two teams set about their task of deciding which should be the more brutal. (McRae 1998, p. 203)

After the mass brawl, Scottish referee Eddie Murray sent off McIntosh and Mallier. Brive managed to win the game 32-31 with a pushover try in the last minute. However, the violence was not over and continued later that night. McRae (1998) also described what took place after the game away from the pitch:

> The main twenty-minute bout of bare-knuckle violence, however, was saved for darkness. That Sunday night, in Bar Le Toulzac, just around the corner from the club shop, a number of Brive back-line stars were drinking when a contingent from Pontypridd arrived just after 10.30 p.m. It did not take long for bottles, chairs and tables to join the flying fists. Like Carbonneau, Lamaison's nose was broken, while Venditti's face was cut and his right hand was badly bitten. All three players had to be taken to hospital while, the next morning, a trio of Ponty players – McIntosh, the hooker Phil John and their new South African centre, Andre Barnard – were arrested just before the Welsh flew home. They appeared in court on the Monday afternoon on a charge of "violence and degradation". Although they returned to Wales later that night they were threatened with a possible two-year prison term and a heavy fine for the "wilful damage" to Le Toulzac once police investigations had been concluded. (McRae 1998, p. 203)

There was a huge kerfuffle after these events and considerable animosity between the two clubs. Initially, Brive said that they would not travel to Wales to play the return leg, but the European Rugby authorities insisted that the game be played and later fined both clubs heavily. Two weeks later, Brive did turn up to play the return match in Pontypridd and, in spite of a great deal of speculation as to how violent the game would be, it was played without any further violent incidents. It was the closest of games, with Pontypridd just winning 27-25. Indeed, a third deciding game was necessary, which Brive won. Brive eventually went on to lose the European Cup Final to Bath by a single point.

In their review of the game, the Welsh TV commentators Eddie Butler and Jonathan Davies had strong words to say about the level of violence in French rugby. To précis their comments, they claimed that, when French teams play at home, they will do whatever is necessary to win. Although the violent mass brawl in the game was sparked by a late tackle by Mackintosh on Carbonneau, they were convinced that Brive's resort to violence was deliberate. At the time it occurred, the score was 6-6 and the Brive team were struggling to find their best form. They also said that the violence was clinical and targeted at several opposition players and seemed to work because, after the mass brawl, the Brive forwards
really stepped up a gear and the team scored two tries. [Battle of Brive Jonathan Davies & Eddie Butler] It appears that there may be some truth in their assertions. John Daniell, the New Zealander who played for several French clubs, made a comment which appears to support the TV commentators:

_Toulon, only slightly more subtle, used to deliberately send the kick-off directly into touch at the start of their home games, so they could start with a scrum on the halfway line, followed by an inevitable flurry of fists that allowed them to remind the opposition of the importance of following the script – that is, we are playing at home so we are going to win, and if you want to get in the way of that you will see hell unleashed, and this is just a taste. (Daniell, 2009 p. 46)_

A recent illustration was provided by a game between Clermont Auvergne and Toulon. Clermont fought to a 19-12 victory at their home ground, Stade Marcel-Michelin. There were a number of serious brawls in the match and four Clermont players were punished. Three players, Clermont wing Julien Malzieu and lock Jamie Cudmore, along with Toulon hooker Jean-Philippe Genevois, were all sent to the sin-bin for foul play during the game by referee Patrick Péchambert. After the game, three other players were cited, including Clermont centre Aurélien Rougerie, lock Thibaut Privat and Toulon lock Jocelino Suta. Later, at a meeting of the disciplinary commission, Suta was suspended for thirty days, Rougerie for twenty days and Privat for thirty days. In addition, the clubs were each fined €5,000 ("Trio cited", 2011).

All-in brawls may be fairly common between clubs in French rugby, but of course they are not limited to France. Games played between club sides in most countries, where strong local rivalries exist between the teams, can be subject to violent incidents. In Australia in 2005, a match between Randwick and Eastwood became violent very close to the end of a game that Randwick eventually won. Eastwood's Chris Kerisino did not like a swinging arm shot by Randwick Tim Le Nevez and knocked him out with a king-hit that he did not see coming. Other players joined in, with Randwick flanker Kevin Turner punching Kerisino several times while he was held. Kerisino and Turner were yellow-carded. [Don't mess with the bus] In Wales, Neath were playing at home against Pontypridd in 2010 with the score at 10-10 when a fight broke out over a tussle, with arms swinging, between Pontypridd's Ed Siggery and Neath's Gareth Gravell. In the ensuing bust-up, Neath hooker Ashley James took his chance to throw several punches at a Ponty player. All three received yellow cards. [Neath vs Pontypridd fight October 2010] In Romania, the 2009 match between Dinamo Bucureşti and Farul Constanţa exploded when the Bucureşti scrum-half swung a serious uppercut to the face of the Farul Constanţa tight-head prop while he was still bound in the scrum. This deliberate, intimidatory, unsanctioned violent act led to perhaps the biggest and longest punch-up ever in rugby history. [The Biggest Rugby Fight Ever – Romanian Rugby Players Have a Huge Fight]

**Junior, Youth and Schools Rugby**

Acts of unsanctioned violence are not limited to senior levels and also occur in junior, schools and youth rugby. At the 2008 Junior World Cup, just after half-time in the final between the Junior England and All Black teams, England were driving forward with the ball in a maul when New Zealand managed to slow it down and start wrestling for the ball. At that moment, Callum Clark, the 19-year-old England flanker, was seen by the assistant referee “using a swinging arm” several times against New Zealand hooker Ash Dixon. He was warned and penalised by the referee. Thus, when Clark offended again, referee Peter Fitzgibbon had no choice but to send him off. England had a strong driving maul moving forward close to the New Zealand line. Clark lined up New Zealand No. 8 Epi Taione and head-butted him twice on the side of his face. The referee appeared to give Clark the benefit of the doubt on the first contact, warning him “to watch your head”. However, Clark did not heed the warning and the video evidence clearly shows the double head-but. [Callum Clark red card] Also at the 2008 Junior World Cup, mass fighting occurred just after the end of a pool game between Wales and France. After a dramatic fight-back, Wales had won 23-19, with winger Leigh Halfpenny scoring a
try six minutes into extra time. France had been comfortably in the lead 19-9, but a penalty try, given by Australian referee James Leckie against the French for collapsing a maul close to their try line, and the Welsh try in overtime gave the Welsh the victory. Just after the final whistle, a punch-up developed among players, reserves and others on the sidelines. While much of it was players holding each other back, punches were thrown and people were wrestled to the ground before things settled down and the Welsh team was shepherded quickly back in to the changing rooms. [Wales v France – U20 JWC] The subsequent punishments by the IRB were severe, with suspensions handed out to three French players (Djibril Camara and Jeremy Braille, nine weeks; Rabah Slimani, thirteen weeks) and one Welsh player (Jevon Groves, three weeks). In addition to player suspensions, both teams also received suspended fines of £50,000 each, payable if there was any misconduct charge at any level in the following two years and both teams were to have three points deducted at the 2009 and 2010 tournaments ("Final whistle fight", 2008; "IRB make an example", 2008).

Incidents of unsanctioned violence have also occurred in recent school games around the world. In New Zealand, in June 2007, referee Bevin Jenkinson called a halt to an Under-15 schools match in Hamilton between Fraser High and St. Paul's, with ten minutes still left to play. According to a Waikato Times newspaper report, the reason for the early finish was that death threats were made during the game, with one Fraser player allegedly saying "We've got knives in our bags and we're going to... kill you." Subsequently, a parent complained to the Waikato Rugby Union about the violent behaviour of some of the Fraser High players, who attacked and tried to king-hit St. Paul's players not in possession of the ball. Two Fraser High players were suspended from all sport for the remainder of the year, for using abusive language and "undue physical behaviour", by principal Martin Elliott ("Murder threat ends school game", 2007; "Student gets sport ban", 2007). In June 2009, Kelston Boys High and Auckland Grammar School 1st XV players and up to 100 spectators were involved in a huge brawl which lasted about five minutes. It started after a last-minute try won the semi-final game for Auckland Grammar. Close-up video footage shows players punching each other after the try was scored and the trouble escalating as spectators and what appeared to be reserves became involved. [Rugby brawl - Original Uncut Vision in HD Shot for Sky Sport]

The fighting took the headlines in New Zealand TV and media reports at the time. It was a controversial incident that became somewhat more controversial. Four Auckland Grammar boys were suspended from all rugby for six weeks and five Kelston boys for periods of ten to sixteen months by the Auckland Rugby Union. The inequality of the punishments meted out to the players of the “elite” Grammar compared to Kelston players, with Pacific Island backgrounds, caused further controversy (Dye, 2009), with the least guilty Kelston boy given a suspension six to seven times longer than the worst offender from Auckland Grammar. The matter was resolved when the Kelston suspensions were reduced following an appeal heard by the ARU appeal committee. Two Kelston boys' suspensions were reduced from ten months to four weeks and the remainder to seven to fourteen weeks (Meng-Yee, 2009). [School rugby brawl results in suspensions] In other circumstances, this schools' incident might have been settled quickly and amicably. Unfortunately, events escalated to such an extent that legal representatives were involved and it took several weeks before things could be resolved.

In 2009 in Canberra, Australia, the Under-18’s Division 1 Rugby Union Grand Final between St. Edmund's and Marist Colleges was stopped about halfway through the second half after an all-in brawl. Two St. Edmund's and one Marist player were sent off after the brawl and the game ended. Some players from St. Edmund's were subsequently suspended by the school and the Australian Capital Territory Junior Rugby Judiciary investigated the incident (Fitzgerald, 2009). A month earlier, in a game between Brisbane Boys College and St. Joseph's College, the referee sent six players off for fighting and the game was also stopped (Dennehy, 2009). In South Africa in 2005, a Western Cape Under-19's game between Hoërskool De Kuilen and Collegians rugby club of Mitchells Plain was
stopped by the referee after Hoërskool parents complained that the game had become too violent. Two players had been sent off and a third player admitted to hospital. Collegians claimed that the game had been played fair and square. After considering match reports, The Western Province High Schools Rugby Association encouraged the schools to come to an agreement over the affair (Maposa, 2005). In South Africa in 2008, a game at Under-16’s level between Bishops and Paarl Gymnasium was abandoned after ongoing fighting and an on-field brawl between the players. One player was reportedly bitten on the ear. The principals of the schools later met to resolve the issue (Williams, 2008). The most tragic incident involving unsanctioned violence, however, happened in Mississauga Canada in a 2007 schools game between Lorne Park and Erindale. The captain of Lorne Park, 15-year-old Manny Castillo, received severe head injuries during an altercation with an opposing player away from play in the final seconds of the game. Castillo was upended and thrown to the ground. He later died in hospital. An Erindale player was charged with aggravated assault by police ("Student charged", 2007; Bonoguore, 2007). Charges were later changed to manslaughter, and in 2009, the then 18-year-old Erindale student was convicted.

Anti-violence Initiatives

Across several of the major rugby nations, this pattern of violence occurring in junior and schools rugby in recent years has aroused concern. For example, in 2006, just two years before the post-match fighting with the French team at the 2008 Junior World Cup, the Welsh Rugby Union were so concerned about the levels of violence in Welsh youth rugby that they launched a special zero-tolerance campaign. As Times journalist Mark Souster reported:

Led by Gareth Jenkins, the Wales coach, officials have been moved to take a stand against the backdrop of frightening statistics that were revealed at a press conference in Cardiff. The figures show that assaults, fights, sendings-off and abuse of officials are at record levels, with the incidents involving not only players but coaches, parents and spectators. (Souster, 2006, p. 56).

In 2005 alone, the Welsh Under-19 disciplinary committee dealt with a staggering number of offences: 139 junior (aged 12-15) and youth players (15-19) were sent off and 18 youth or junior matches were abandoned by referees for violence. In addition to player violence, there were 100 cases of officials, parents or spectators abusing referees and 79 incidents of coaches abusing referees. Five of these cases were investigated by the police. Two of the worst incidents of player violence included a boy who ran twenty metres to kick an opposition player lying on the ground in the head, resulting in the injured player having to spend a week in hospital, and a youth game in which seven players were sent off and the game abandoned (Souster, 2006). A similar campaign was launched in South Africa after violent incidents in school rugby games. The “Riaan Loots No Violence In Sport" campaign (named after Riaan Loots, a senior rugby player who lost his life in a fatal incident on a Rawsonville rugby field in 2006), was launched in 2007 by the Western Cape Department of Cultural Affairs and Sport. In Wales and South Africa, in addition to player violence, the involvement of coaches, parents and spectators in violent incidents in junior and youth rugby has been of concern to the rugby authorities.

6 - VIOLENCE AND THE CHANGING GAME

Rugby in general has changed considerably over the last twenty years. Rule changes, for example, to the laws on lifting in the lineout and front row engagement in scrums have affected the game at all levels. However, the biggest changes have probably occurred at the top levels of the sport when rugby went professional after the 1995 Rugby World Cup. The fact that top players are now able to devote all their time to the game has made a difference to the amount and type of training, fitness levels and player work-rates in games. In addition, top teams now have not one, but a group of specialist coaches and conditioning trainers, a medical staff of doctors and physiotherapists, and other sport science experts covering everything from nutrition to psychology. Among their other tasks, coaches need to be
astute in the use of the tactical substitutions and skilful in their selection of injury replacements, which are now permitted in the modern game. Analysis of team and individual player performance in the last game and the planning of future opposition tactics and plays (e.g., opposition lineout variations) are now a crucial part of player preparation. Players are obliged to participate in lengthy game analysis sessions, with footage prepared by the team video technician. It seems that no stone is left unturned to keep players fit and healthy and improve individual and team performance. The latest example involved the Welsh national team travelling to Poland, prior to the 2011 Rugby World Cup, to engage in training and cryotherapy, which uses extremely cold temperatures (-40°C) to reduce muscle damage and inflammation, thus allowing players to train harder and more often without injury and to recover more quickly after training.

There have also been major changes in players' approach to unsanctioned violence, the way unsanctioned violence is handled by game officials, and the disciplinary procedures laid down by rugby administrators for dealing with it when it occurs.

**Changes in the Approach to Violence**

There was an old adage in team contact games such as rugby that “what happens on the pitch stays on the pitch”. If an opposition player crossed the line with regard to foul play and it was not spotted by the referee, the players themselves sorted it out (or not) during that game, or possibly the next. When this occurred, there were generally no “after the fact” repercussions or punishments off the field. In the old days, it was player vs player, intimidation vs retaliation, possibly a stern warning from the referee and a very rare sending off. Now it is commonplace for offending players to be either sent to the sin bin for ten minutes or dispatched from the game permanently, as referees, aided now by their assistants (formerly touch judges), indicate the seriousness of the offence by showing a yellow or red card. Even if the game officials miss an act of unsanctioned violence, a player can be cited after the game and his actions subjected to video review and retroactive punishment. Offending players have to go through “due process” in the quasi-legal system that has been set up by rugby administrators. These days it is more about the player vs the video camera, or the player vs the punitive rugby “judiciary”.

Graham Henry, former Welsh and World Cup-winning New Zealand coach, summed up the change neatly:

> There was a certain rough justice about it all and offenders were often dealt with summarily on the field - they didn't have to attend judicial committee meetings to learn their fate!

> Unfortunately, there were always a few rogues about who wanted to get their retaliation in first and others who didn't consider their weekend of rugby complete without smacking one of the opposition. Those days, thank goodness, are now in the past. The lawmakers have done a great job of cleaning up the game, which is so important for rugby's image. (Henry, 1999, p. 215-216)

Comparing two incidents of stamping from two different eras neatly illustrates how the game has changed with respect to how unsanctioned violent acts are handled. Stamping at rucks is somewhat less of a problem these days, as players are now obligated to move or roll away if they end up on the wrong side of ruck after a tackle, and referees have been rigorous in the application of the changed law. However, in the past, defending players tried to slow down or prevent the ball coming back from a ruck if, after a tackle, they could “accidentally” fall, or end up on the ground on the wrong side of the ball. Technically, they were off-side and some players became very adept at doing this and getting away with it. If the referee did not blow them up for being there, the opposing forward pack generally handed out summary justice by giving the offending player a good “shoeing”. Occasionally, the summary justice became straightforward intimidation and any player on the wrong side would get kicked or stamped on, whether or not they were preventing the ball coming back. This is what happened in a 1978 game between Bridgend (Wales) and New Zealand.
Bridgend's counter-attacking full-back, Welsh international and British and Irish Lion JPR Williams, was severely stamped on by All Black prop John Ashworth. Ashworth was by no means the first prop to find an opposition player at his feet in a ruck and try to intimidate or injure him by stamping, but this particular incident was particularly controversial because, not only did Ashworth use his boot on Williams, but he also stamped vigorously on his head and face, not once, but twice. Williams was nowhere near the ball at the time and was not preventing it from coming back to the scrum-half. The referee did not see the incident. In those days, there were no players “on the bench” and no substitutions for injury. Players were always reluctant to leave the pitch and, if they did need a stitch or two, they endeavoured to get back on the field and continue playing as soon as possible. In this case, the stamp had opened a star-shaped wound on Williams' face and he left the field with his face covered in blood. On the side of the pitch, he had thirty stitches inserted. Once this task was completed, he returned to the field and finished the game. [JPR Face] Williams stated:

*Luckily, I had previously broken my cheekbone and bones always grow back stronger. If I hadn't, then my cheekbone would have gone. My father stitched me up and I went back on to finish the game, which certainly wouldn't be allowed these days.* (Baines, 2009).

Ashworth was not sent off by the referee, he was not sent home from the New Zealand tour, and no apology was given after the game. The incident received only relatively minor press and media coverage.

In contrast, in a similar incident in the December 2010 Gloucester vs La Rochelle European Rugby Cup (ERC) Amlin Cup match, Gloucester second row forward Dave Attwood stamped on the head and face of La Rochelle prop Petrisor Toderasc. Attwood received the ball and drove forward before being tackled by Toderasc and a team-mate. As he was tackled, he unloaded the ball to Gloucester prop Nick Wood, who continued on. Meanwhile, Toderasc was on his back on the ground behind Attwood, but pulling on Attwood's shorts. Attwood stamped down hard on Toderasc's face and shoulder, causing a deep gash just two cm from his eye, which required surgery and seven internal and external stitches. There was some concern about possible nerve damage, but fortunately none had occurred. The remains of a broken tooth, also damaged by the stamp, had to be extracted. The referee and his assistants did not see the incident. [Dave Attwood stamp on La Rochelle's Petrisor Toderasc] However, Attwood became subject to the disciplinary procedures (modelled on the legal system) that have been set up for dealing with cases of unsanctioned violence nowadays. After the game, Tom McCormack (Ireland), citing Commissioner for this match, cited Attwood for stamping on an opponent contrary to law 10.4(b) of the Laws of Rugby Union. Depending on the seriousness of the offence, International Rugby Board (IRB) recommendations for sanctions for stamping are: 2 weeks (low); 5 weeks (mid-range); 9–52 weeks (high). Attwood's citing resulted in a disciplinary hearing being set up and held in Dublin the following month. Robert H. P. Williams (Wales) was appointed judicial officer to hear the case. Also present at the hearing were the ERC disciplinary officer, a legal representative of the disciplinary officer, an observer from ERC, Dave Attwood, his legal counsel, and the assistant coach from Gloucester Rugby. Attwood had already been suspended for two weeks by his club and, at the ERC disciplinary hearing, he admitted to the citing incident. The judicial officer considered a statement from Toderasc, photos of the injuries and a medical report from the French doctor, referee reports, statements from the Gloucester coach and his assistant, and video footage of the alleged incident. At the hearing Attwood stated:

*I was in possession of the ball when I offloaded it. I was being held around my midriff (by one player) and also being held by (the injured player). I was in a stationary position. It was a quick phase transition and in the forefront of my mind was that I had to get to the next phase of play. I was being held back. I therefore brought my leg back so that I could be freed from the hold. After being freed from the hold, he (the tackler) has no motivation to let me go and referees do not*
always referee such matters. There was no intention to come into contact with the face. I did not know where I was going to hit him. I had not appreciated that the other player was in that position i.e. prone behind me. I had not realised that I had made contact. (“The decision”, 2011)

In spite of Attwood's statement, and taking the other evidence into consideration, the judicial officer decided that there was no provocation, because the grasping of the Attwood's shorts was only for a few moments and he had already off-loaded the ball. He found that Attwood had intended the act of stamping on Toderasc and imposed an eighteen-week suspension and the administrative costs of convening the hearing (“The decision”, 2011).

In the 1978 stamping incident, Ashworth escaped punishment; in 2010 Attwood could not. He was suspended by his club, further suspended and ordered to pay administrative costs by the ERC judiciary officer. The incident was replayed a number of times in slow-motion during the television broadcast of the game and later received widespread press coverage. In Attwood's favour (or, cynically, perhaps with an eye on a possible post-match citing), after being substituted later in the game, he approached La Rochelle's medical team and enquired after Toderasc. He apologised to them and asked them to pass his apology on to Toderasc.

Modern television coverage at most high-level games has made it highly unlikely that a player can engage in unsanctioned violence and escape detection. In 1978, television coverage was not as all-inclusive as it is today. These days, the multiple cameras and camera angles of the action and the availability of almost instant slow motion replays means that not only television viewers, but also those attending the game have repeated close-up views of any incident on the large stadia screens. Of course, video footage is also available for the consideration of citing officials at games and judicial officers at disciplinary hearings. As Martin Corry, former captain of England and the British and Irish Lions, pointed out:

> Look, there's always been an element of gamesmanship in the game. Think about the dark ages of the 1980's and what guys got away with then in terms of the black arts! You simply wouldn't get close to things like that now, what with cameras covering every blade of turf and studio analysts screaming for the citing commissioner for every misdeed. The skulduggery opportunities don't really exist now and the game is far cleaner in terms of thuggery than it has ever been. (“A coffee with Corry, 2008”)

The comprehensive television coverage, as well as the more active role of assistant referees, makes it almost impossible to get away with an act of foul play. For example, in the second test of the 2009 British and Irish Lions tour to South Africa, Schalk Burger was yellow-carded very early in the game for eye-gouging Lions wing Luke Fitzgerald. Burger's eye-gouge occurred so close to the sideline that it was clearly visible to the assistant referee and on television broadcasts. In fact, in the video footage you can see a cameraman right on the touchline recording the whole event. [Schalk Burger eye-gouging]

**Changes in Player Behaviour**

As indicated in their quotes, both Graham Henry and Martin Corry feel that the game is much cleaner now, but have these changes affected player behaviour in other ways? What are the views of some of the other experts conversant with the game? Jonathan Davies, former Welsh international in rugby union and rugby league and current TV commentator, writing about the same time as Graham Henry, concurred that the game was much cleaner. However, he was unhappy about the behaviour of some players:

> The constant moaning and whingeing from some players after they have been knocked about a bit is an unwelcome trend. It doesn't prove the game is dirtier than it used to be. In fact, I'm certain
it’s much cleaner. But it does suggest to me that many players are becoming too pampered. They are forgetting it’s a physical contact sport and if you’re not prepared to get roughed up a bit then you shouldn’t be playing. Let me be quite clear on this. I’m not suggesting the citings, red and yellow cards and complaints this season are all unjustified. Far from it. I’m not an advocate of dirty play and if someone does something stupid and reckless on the field then they should have the book thrown at them. But much of the moaning seems petty and contrived. Instead of shrugging their shoulders and getting on with it, or sorting out the culprits themselves on the field, too many blokes are bleating about it later. (Davies, 2000)

Bobby Windsor, former Wales and 1974 and 1977 British and Irish Lions hooker, agreed with Davies to some extent, but has stronger views on the modern game. By his reckoning, the modern game has “gone soft” and has lost some of the features that made it attractive to him in a time when things were still sorted out on the pitch. He wrote:

When they stopped the booting, the punching and the trampling, they spoiled the game. The lawmakers on the International Board have a lot to answer for because they have taken the blood and thunder out of the game. . . . Nowadays it has gone from one extreme to the other. Everyone is over-protected. When you are on the floor now, you can be the bravest man in the world because nobody is allowed to touch you. . . . Once your hobby becomes a job, everything changes and suddenly you have one player taking another to court over some alleged skul-duggery [sic]. That’s another example of how much it has changed, from a time when it was almost impossible to be sent off to the present when players like me would find it almost impossible not to be sent off. (“Lions hard man”, 2010)

Windsor’s view is, however, not one that is shared by two current English Premiership coaches, Northampton forwards' coach Dorian West and Exeter coach Rob Baxter. In their view, the game has changed and the old hard, enforcer roles have now been redefined. Their quotes from a recent article by former England and 1989 British and Irish Lions lock forward Paul Ackford (2012) illustrate how violence has changed in the contemporary game. As West said: “It’s a different game now. . . . You can’t frighten people by thuggery. Physicality is expressed in a different way, by tackling hard, getting up off the floor and hitting again”. Baxter had a similar view:

The definition of what “hard” is has changed. . . . It’s not about throwing punches, toe to toe, and being the last man standing at the end of it all. It’s now about bouncing through the collisions and clear-outs. The guys I admire are those who carry ball into a brick wall, get smashed, get back on their feet and do it all over again.

Ackford (2012) argued that contemporary players are more physical, more athletic, bigger, leaner and better conditioned than previous players and that:

. . . genuine toughness is not about cheap shots and gratuitous violence. It’s about sustained quality of performance, about raging with an intensity which rarely collapses into indiscipline, about the opposition knowing with chilling certainty that they are in for some of the toughest minutes of their Test season.

The Disciplinary System

In 1991, the New Zealand Rugby Football Union (NZRFU) was one of the first unions to set up a model for dealing with unsanctioned acts of violence on the rugby field. The NZRFU wanted a system which would remove the danger of foul play, but still allow players to play “hard but fair”. Lawyers were involved in the development and revision of the procedural rules of the New Zealand model, which was based on the legal system (Haggie, 1999). The NZRFU model, designed for dealing with foul play in domestic competition, was later extended to international competitions (e.g., The Tri-
Nations Tournament) and likely formed the basis of the systematic procedures since set up by the IRB. There have been a few high-profile, attention-grabbing and controversial violent incidents in games of late and it is worth examining these incidents, considering why they were controversial, and describing the outcomes. Some of the incidents have caused the IRB to re-examine the laws on foul play.

2005 Umaga/Mealamu “Spear Tackle” on O'Driscoll

There was an alleged spear tackle incident involving Tana Umaga and Kevin Mealamu on captain Brian O'Driscoll in the first test between New Zealand and the British and Irish Lions in 2005. O'Driscoll's shoulder was dislocated in the incident and he was unable to play for six months. Opinion was divided, with the All Blacks management convinced that it was not a spear tackle and the Lions management sure that it was.

In the aftermath of the game, Clive Woodward and the Lions management, which included Alastair Campbell as a media advisor, argued their case. Campbell, the former advisor to British Prime Minister Tony Blair, was well-known as Blair's "spin doctor", with a reputation for trying to manipulate the media. Post-match press conferences were held, in which video footage of the incident was shown repeatedly and questions asked as to why Umaga and Mealamu had not been cited. Some observers thought that this was deliberate, to take the attention away from a poor performance by the Lions in the first test. However, the strategy backfired, motivating the New Zealand players to pledge their support for Umaga, who then went on to score an exceptional try in the second test a week later ("Enough of the spin", 2005; Nicholls, 2006). Losing O'Driscoll in that first test match, especially as he was captain, was a huge blow to the Lions team and New Zealand won the test series 3-0.

Match officials eventually decided that there was no case to answer with regard to the incident. This decision appears to have been correct at the time, because careful viewing indicates that, technically, it was not a tackle, but more likely an act of physical confrontation at a ruck that went wrong. [The BoD Spear Tackle] Umaga explained what happened:

   Everyone knows - or thinks they know - what happened in the first 90 seconds. I went into a ruck and cleaned out Brian O'Driscoll. I was standing over the ball trying to protect it when he bounced back to have another crack at disrupting our possession. We were tussling as he tried to get through and I grabbed his leg to try to unbalance him, a technique I'd used before and still use to this day. What I didn't realise was that Keven Mealamu was doing the same thing on the other side of the ruck. As I got one of O'Driscoll's legs up, Keven hoisted his other leg and drove him back. He ended up with both feet off the ground, not in control of himself or the situation, a position rugby players often find themselves in. When we let him go he came down and what happened, happened. I didn't think anything of it, I just took off. (Umaga, 2007)

As a result of this incident, there was a good deal of discussion on dangerous tackles by the IRB committees. In September 2005, at the request of the Irish Rugby Football Union, "designated members" of the IRB made a ruling on law 10.4(e) concerned with dangerous tackles as foul play (“Spear tackle – two more things”, 2005). Their ruling was that:

   (1) The act of lifting an opponent off his feet in a tackle and dropping or “spearing" that player so that his head and/or upper body comes into contact with the ground first, is a dangerous tackle.

   (2) The dangerous play described in 1 above is considered dangerous play no matter where it occurs in the game.

Dangerous tackles were also discussed by the IRB's medical advisory committee and the referees involved in the 2005 November international matches at an elite referees' conference held at the Lensbury Club in South London. Arising out of the referees' seminar on dangerous tackles, a statement
was released:

> The referees were in agreement with the IRB referees manager that they should start with the Red Card and work down depending on the gravity of the tackle not start with a penalty and work up. . . The seminar agreed that in any situation where a tackler put an opponent in the air the tackler had a responsibility to bring the tackled player to the ground safely. (“Spear tackle – two more things”, 2005)

Although these rulings and statements were intended to clarify the situation, spear tackles continued to occur in games over the next few years and the IRB has continued to tinker with law 10.4(j). In December 2010, the law was amended and now reads:

> Lifting a player from the ground and dropping or driving that player into the ground whilst that player’s feet are still off the ground such that the player’s head and/or upper body come into contact with the ground is dangerous play.

Notice that “tackle” is no longer specifically mentioned, so that the Umaga/Mealamu-O'Driscoll incident would very likely now be considered dangerous play and punishable. This amendment puts the lifted/tackled player's welfare first and duty of care responsibility firmly on the lifter/tackler to ensure that lifted/tackled players are lowered safely to the ground. This may make it somewhat easier for referees and other observers to decide which tackles are acceptable according to the revised rugby laws and which are foul play, which involve sanctioned or unsanctioned violence.

2009 "Justice 4 Bakkies” Campaign”

Another controversial and debatable case of foul play involved South African second row Bakkies Botha. Botha was cited and later suspended for two weeks for a "dangerous charge" when clearing out British and Irish Lion Adam Jones from a ruck during the second 2009 test match. Jones' shoulder was badly injured and required surgery. [Bakkies Botha injures Adam Jones] Interestingly, the Lions' management and Adam Jones himself both considered that Botha had done nothing wrong (“Botha exonerated”, 2009; "IRB charge Boks", 2009). The Springboks felt that Botha had been harshly treated and, after an unsuccessful appeal, decided to launch a protest in support of Botha. In the third test against the Lions, the South African team wore white armbands with the message “Justice 4 Bakkies” written on them. Apparently the protest was planned by hooker and captain John Smit and the South African Professional Players' Association. However, the IRB did not appreciate the protest and started disciplinary proceedings. The South African team was charged with misconduct, the South African Rugby Union (SARU) was fined $16,500, Smit was fined $1650, and each player who wore an armband was fined $330 by the independent committee ("Justice falls," 2009). Although the IRB had argued for larger fines and many people thought that the sanctions were too light, the committee was restricted in the level of fines handed out by legal technicalities. The committee criticised the SARU for allowing the protest without considering the consequences, and also pointed out that “Outside of the hearing itself, and noticeably even then not by all witnesses, there has been no formal apology, acknowledgement, contrition or clarification from either the players or the SARU themselves” (Zavos, 2009).

2009 Jennings Hand-off on Hedworth

In a game between Aspatria's second team and Whitehaven's first team in Cumbria, England, after Whitehaven had scored and Aspatria kicked off, the ball was caught and passed to Whitehaven's Callum Jennings, who was already in motion. He had burst through two tackles when Aspatria second row Alan Hedworth positioned himself to tackle Jennings. Jennings used a hand-off on Hedworth to try and prevent the tackle. On contact, Jennings' hand or fingers made contact with Hedworth's left eye. Hedworth suffered intense pain caused by bursting of the eyeball and a laceration under the eye. Sadly,
surgeons could not save the sight in that eye. Police examined the incident, but did not prosecute. (Clarke, 2010; Cleary, 2010a). After a post-game citing by Aspatria, it became the subject of the Rugby Football Union (RFU) disciplinary system and the controversy began.

At the first disciplinary hearing, the citing charge was that the “hand-off had been unlawful” because Jennings’ hand had been outstretched with finger or fingers extended. Jennings and his solicitor argued that he had used the flat of his palm in the hand-off and that he could not have used his fingers while running at full speed because they would have been broken. While Hedworth recognised that Jennings had not intended to blinds him, he did not agree that it was an accident. The three-man disciplinary panel decided, based on eye-witness testimony only (no video film was available), that the contact made by Jennings “was made with a finger or fingers advancing ahead of the heel of the palm of the hand. This is not a legitimate hand or fend off. It is foul play on the basis that it is reckless” (Rugby Football Union, 2010a). Jennings was banned for seventy-eight weeks and had to pay £100 to cover the costs of the hearing.

Jennings, who insisted that there was no malice involved in his act, appealed the suspension. At the appeal hearing, Jennings’ “offence” was treated anew, as if the previous hearing had not taken place (de novo), because of additional medical evidence which ruled out Jennings’ use of his fingers. Instead of allowing the original charge to stand and exonerating Jennings, on the basis of this new medical evidence the charge on appeal was changed to “an intentional act of foul play”, one of “striking”. The panel adjourned to seek further submissions on the laws of the game from the parties to the citing and the RFU. RFU Disciplinary Officer Jeff Blackett subsequently issued a statement setting out the conditions which would show Jennings' action as an infringement of the laws (Rugby Football Union, 2010b). As a consequence, at the final hearing some six months later, Jennings was found guilty of “a strike executed with a disproportionate level of force necessary to lawfully hand-off Mr Hedworth”. It was also found that “the injury had not been caused accidentally” and that Jennings had been “reckless as to what injury would be caused to Mr Hedworth as a result of his foul play”. The panel upheld the new citing charge and Jennings’ ban was increased from seventy-eight weeks to five years (Cleary, 2010b; Rugby Football Union, 2010c).

It is unusual for a player to appeal a disciplinary suspension and find himself at the beginning of the appeal hearing facing a different citing charge. Changing the charge, almost at will, seems contrary to natural justice, but there is an RFU regulation allowing a panel to do this at any time during a hearing. A major difficulty with the Jennings-Hedworth case was the lack of definition in the laws of a hand-off or fend, and where on an opponent's body it can be used. It is a common technique in rugby, often applied to the head or face, especially when the tackler is coming in low to make a tackle and, of course, there has to be a vigorous push away for a hand-off to be effective. Former New Zealand wing Jonah Lomu's hand-off is an excellent example. [The Best of Jonah Lomu MUST SEE!! Part 1] As While (2011) pointed out:

Going back to the act itself, one finding of the report that could be debated long and hard is whether or not his hand off was meant to cause injury (i.e. deliberately). It is difficult to believe, that in the heat of a battle, that anyone has the capability to target and execute a hand off of that nature. The truth is, you go for the hand off and do your best. . . . Should Jennings cop five years for a regulation hand off in the heat of the moment that simply went wrong? Is this the thin end of the wedge - what next? A prop suspended for scrummaging too hard? A fly-half suspended for kicking the ball too hard into the face of an oncoming flanker? These are questions that need to be answered by reference to Statute Law, exactly how the RFU Disciplinary Boards work. . . . The key questions are: 1. Do you penalise the offence, the effect, the cause or the action, and, 2. Was the act actually illegal in rugby terms? (While, 2011).

Jennings may be the only player to date banned for executing a legitimate play and not a recognised act.
of unsanctioned violence, such as a punch or a kick. Jennings' five-year ban appears to have been excessive in the circumstances. In this case, the RFU disciplinary procedures raised more questions than they answered.

2011 Tuilagi Attack on Ashton

In a semi-final of the English premiership between Leicester Tigers and Northampton Saints, Northampton wing Chris Ashton was attacked with a flurry of punches by Leicester centre Manu Tuilagi. Tuilagi had high-tackled Ashton, without the ball, and Ashton objected with a push to Tuilagi's back. [Tuilagi punches Ashton] Although Ashton was innocent of any real wrongdoing, both players were sin-binned and Tuilagi later received a five-week suspension. In this case, the controversy was over whether Tuilagi's punishment fitted his crime. According to the IRB, punishment for striking another player with a hand, fist or arm is: low end two weeks; mid-range five weeks; top end eight+ weeks, with a maximum of fifty-two weeks. Video observation of the incident suggests that a five-week punishment was ridiculously short for Tuilagi's violent attack (two short lefts and a huge right-hand punch). Cynics argued that it was deliberately kept short to allow him to play in the 2011 Rugby World Cup and was an additional indication of the preferential treatment that Tuilagi had received from the RFU:

> With the Rugby World Cup approaching, and teams desperate to make sure their talent is available for selection, the recent Manu Tuilagi case has raised a few eyebrows in the rugby world, and has raised the question of equitable treatment for all players, regardless of player profile and national agenda. Reading the RFU report of Tuilagi's hearing after he was cited for punching Chris Ashton, and the mitigation used by the representatives of young Manu, combined with the hitherto unprecedented level of “committee level” involvement to secure his resident's visa, one has to wonder just what lengths the authorities will go to keep Tuilagi available for the Rugby World Cup. After all, they've already pressured (as many employers do, and albeit it through the correct channels), the Home Office for a very exceptional exemption to allow Tuilagi to stay in the UK, effectively condoning the player's palpable abuse of the Immigration system. All involved knew of this issue way before, as did England Rugby, electing to only select Tuilagi for home age group internationals in a four year period. (While, 2011)

Players and coaches are always asking for consistency in decisions by match officials in the use of red and yellow cards and in the length of suspensions awarded by judicial officers. If While (2011) is correct, it would appear that justice was not served in this case and that Tuilagi was a very fortunate young man.

2011 Rougherie-McCaw Eye-gouge

The 2011 Rugby World Cup final between New Zealand and France was a hard-fought, tense affair, with New Zealand hanging on to win 8-7. The game started off in a controversial fashion, with France confronting the All Blacks as they performed their traditional pre-game Haka. In their response to the Haka, the French team crossed the halfway line, which was against regulations, and was later reportedly fined NZ$5000 (€2880). [All Blacks vs France Haka 2011 – RWC Final] The game itself was also controversial because of referee Craig Joubert's decision-making on the “50/50” calls (“Richie McCaw knee”, 2011). Some observers argued that too many went New Zealand's way. [RWC Final - 23rd Oct 2011 – Refereeing discussion from The Breakdown]

The most controversial feature of the game, however, was an alleged head-butt and a raking eye-gouge by French centre/wing Aurélein Rougerie on New Zealand flanker Richie McCaw. After the game, all McCaw said was that he “got a poke in the eye”. McCaw did not complain formally and Rougerie was not cited by New Zealand or by the IRB's independent citing commissioner. The incident occurred in the closing minutes of the game. Three days later, new video evidence was presented on a TV show in
New Zealand: [Aurélein Rougerie Eye Gouges Richie McCaw in 2011 RWC Final]

During the game it was clear to see that something had happened to McCaw on the floor. His reaction to the ref, and the redness in the eye, and eye area, showed that something must have taken place. TV show Reunion in New Zealand have now released a video of it, following strong allegations by commentator Keith Quinn. "It was clearly seen on TV," said Quinn. "McCaw needed attention from medical staff." ("Richie McCaw knee", 2011).

The problem with this new video evidence was that it only became available three days after the game, outside the thirty-six-hour period for a citing to be made. Also, the commissioner was unable to use the “exceptional circumstances” provision of tournament regulations to consider the incident. Eventually, the IRB confirmed that no action would be taken. However, as a result of this incident, the IRB, after deliberation, decided to extend the citing period to a maximum of forty-eight hours after the completion of a match (IRB Regulation 17.9) (“Changes planned”, 2011).

2012 Clark Hyper-extends Hawkins' Elbow

Old rivals Northampton Saints were playing Leicester Tigers in the LV=Cup final. At a ruck, twenty-one minutes into the game, with Northampton attacking inside the Leicester half, Northampton prop Soane Tonga'uhiha picked up and broke away into the Leicester 22. He went to ground after being tackled. Leicester hooker Rob Hawkins entered the breakdown forming over Tonga'uhiha, joined by four Northampton players coming from their side, including flanker Tom Wood, who was on top of Hawkins, pinning his body down. Referee Doyle blew his whistle and penalised Hawkins for going off his feet at the ruck and killing the ball. After the whistle had gone, video footage showed Northampton flanker and England squad member Calum Clark forcefully wrenching Hawkins' arm backwards against the joint and against his body as he leaned back, in a manner not unlike an “armbar” from Mixed Martial Arts. Hawkins, on the ground, screamed and rolled away, holding his elbow. His arm required surgery and the prognosis was that, at best, he would be unable to play for three months; at worst it could be a career-ending injury. Although spectators could review the incident on the stadium screen, the referee and assistants did not see the seemingly unprovoked incident. It was only after post-match review of video replays that Clark was cited. He was banned indefinitely by Northampton pending a disciplinary hearing. [Calum Clark hyper extends Rob Hawkin's arm] [Clark assaulting Hawkins]

The general consensus on the incident, in numerous messages posted on internet rugby forums, was that Clark had intended to injure Hawkins: the whistle had blown and play had stopped; Hawkins arm was already off the ball; Clark's technique was not a usual ruck technique used for getting an opponent away from the ball; it was not “clearing out”; the position of Hawkins’ arm and the distance that Clark wrenched it could only have been meant to cause pain or injury. The subsequent disciplinary hearing also caused considerable controversy, revolving around the accuracy of Clark's defence, his version of the incident and the sincerity of his apparent remorse, as well as the judicial decision to reduce the length of his suspension and the timing of that suspension (Rugby Football Union, 2012).

The evidence presented for his good disciplinary record was inaccurate. Clark's one previous offence (red card and five-week suspension for a double head-butt in the June 2008 Junior World Cup [Callum Clark red card]), alleged to have occurred five years previously when he was 17, in fact occurred less than four years previously when he was 19 (date of birth 10/6/1989).

Clark pleaded guilty to the citing charge of “hyperextending Hawkins' right arm, and to committing an act contrary to good sportsmanship”, and, in mitigation, claimed a good disciplinary record, gave his version of the incident and described his feelings of remorse. In Clark's version of the incident, Hawkins was moving his hand back to retrieve the ball and Clark's lever action was an attempt to win the ball and allow Northampton to play on quickly. Clark also claimed that he did not intend to hyper-
extend Hawkins' elbow.

Clark's statement of remorse is hard to credit as genuine and it is difficult to believe that a hardened, elite rugby player could be so emotionally fragile:

*The Player said that after the game and since he has been devastated for lots of reasons, primarily for Rob Hawkins himself. He said that he would not wish an injury such as this on anybody. The most upsetting thing was how this reflects on him as a player. He said: “I am physical and aggressive but always play within laws of the game. It has been hard to deal with how others now think of me as a player.” He said that he tried to apologise to Hawkins and sought him out at after match function. But that was not well received – understandably – and he now intends to take it up further by writing to him to say how sorry and upset he is and express how he feels about it. Last weekend he went to coach local children and he was afraid that their parents would not want someone perceived as a violent player to coach them. That fear was difficult to deal with, although they were very understanding.* (Rugby Football Union, 2012)

In spite of the video evidence, Judicial Officer Jeff Blackett found that Calum Clark “had intended to offend, but had not intended to injure Rob Hawkins and the injury therefore was unintentional” and, based on Clark's behaviour and statements at the hearing and his previous “good” record, reduced his suspension by half, banning him for thirty-two weeks, and ordered him to pay the hearing costs of £500 (Rugby Football Union, 2012).

The timing of Clark's suspension was also controversial; the period from March 22 to November 1 2012 included the off-season, which resulted in Clark missing fewer games than if he had been suspended earlier in the season. This led to the argument that rugby suspensions should be for a number of games rather than weeks, as it is in soccer, thus ensuring consistency in sentencing and the number of games actually missed by suspended players.

**Recent Developments**

The IRB and national unions continue to attempt to improve the disciplinary system in various ways. For example, in 2012 Super Rugby, as an experiment, they implemented the use of white cards by referees to refer incidents of suspected foul play to the citing commissioner when the identity of the perpetrator is unclear, or a complaint is made to a referee who did not see an incident (“White cards to make,” 2012). The white card is used in conjunction with a yellow or red card. [Super Rugby white card for Andries Strauss] Many referees welcomed the initiative, thinking it would ease the pressure on them while not deterring them from making tough calls, help to reduce foul play, and indicate to spectators that any suspected incident of foul play had been referred to the citing commissioner for later investigation (“White cards to make,” 2012). After three weeks of Super Rugby, the initial response from South Africa, New Zealand and Australia Rugby chief executive Greg Peters was that, "I believe how it has been used has been good and I don't think to date we've seen referees abrogate their responsibility to deal with foul play” (Capostagno, 2012). However, South African rugby and cricket commentator Andy Capostagno, writing in Johannesburg, was critical of the new white card system and claimed that it has muddied the water rather than clarified it. He wrote:

*The white card was intended to standardise the punishment of players in an environment that had become too subjective. . . . But just as the television match official disempowered touch judges, so the white card allows everyone to dodge the task at hand. . . . The intended purpose is to clean up the game by correctly identifying the crime, the perpetrator and the severity of punishment. The unintended consequence is to stop referees from trusting their instincts. A job made difficult by the many law changes every year is made almost impossible when the white card offers an escape clause. . . . There are too many officials in the decision-making chain and the white-card system is just another example of how more bureaucracy can bring less efficiency.* (Capostagno,
A very short time after Capostagno's criticism appeared in the press, an example from Super Rugby illustrated the points he made. The incident occurred after thirty-three minutes, when England and Highlanders flanker James Haskell punched Cheetahs flanker Justin Downey twice in the face at a scrum for holding him back and preventing him from going after the ball. Downey later needed stitches in a cut above his eye. The incident provoked a scuffle between some of the other players. Once order was restored, referee Marius Jonker consulted his assistant referee, who recommended a red card for punching. Instead of sending Haskell off the field, Jonker pulled out yellow and white cards, sending Haskell to the sin bin and putting him on report. [James Haskell's punches on Justin Downey – Highlanders v Cheetahs] Before the white card system was trialled, Jonker would very likely have sent Haskell off on the advice of his assistant, a correct decision in this case. However, he chose to ignore the advice, allowing Highlanders to keep fifteen men on the field after the ten-minute sin bin period was over and hold the lead for much of the game. In other words, the white card system encouraged the referee to abdicate from making the correct decision on the field to the advantage of the offending team. Subsequently, with a guilty plea from Haskell, judicial officer Mike Heron suspended Haskell for three weeks, later changed to four weeks (“Loose Pass,” 2012).

Criticism of the white card system is perhaps symptomatic of wider criticism of the extensive bureaucracy and somewhat ponderous disciplinary procedures that the IRB has put in place to deal with acts of foul play and other major law transgressions. Any changes that speed up the process and make it less unwieldy are to be welcomed. It was therefore pleasing to see that, when the experiment with the white card was introduced, it was also announced that the citing commission process would be streamlined. Cited players who pleaded guilty to their charges before the hearing would receive shorter bans and hearings would also be conducted via video conferencing in order to speed up the decision-making process. In addition, the IRB recently announced that television match officials would be given wider powers to rule on incidents taking place during play, including incidents of foul play, commencing in August 2012 in the northern hemisphere and January 2013 in the southern hemisphere (“Rugby union bosses”, 2012). This change will initially be on a trial basis, but if fully implemented will make it very difficult for those involved in violent incidents to escape immediate punishment on the field.

The IRB disciplinary system is relatively new and is still evolving. Teething problems illustrated by inconsistencies in suspensions and a sticking plaster approach to plugging loopholes in the laws and regulations and make them all-encompassing have not been totally successful. Currently, the system is slow and heavily bureaucratic. What is needed is a speedy, efficient process with international acceptance, transparency and consistency. Recent developments will bring disciplinary matters in rugby union more in line with the disciplinary systems used in other professional sports. Both the disciplinary tribunal system in Australian football and the judiciary code in Australian rugby league have a longer history and are probably faster and more efficient than the citing and judicial system in rugby union.

7 - VIOLENCE AND CRIMINAL/CIVIL LAW

Rugby is a team contact sport and the laws of the game have been drawn up to allow vigorous physical contact between opposing players. To succeed in the kind of physical challenge that is provided in rugby games, players are required to have high levels of physicality and aggression. Playing within the laws is part of the implicit contract between opposing players when they take the field. One of the functions of match officials is to penalise and/or punish players who contravene those laws with acts of foul play. Generally speaking, players can, through sanctioned violence within the laws of the game, legally inflict untold damage on their opponents. However, when a player commits an act of illegal,
unsanctioned violence during play, it may leave the player open to prosecution under civil or criminal law. The difference between sanctioned and unsanctioned violence in rugby may seem straightforward, but there is a grey area that exists between the two and arriving at a just legal decision concerning on-field violent incidents is sometimes difficult. Also, differences in the laws of different countries, and sometimes provinces or states within the same country (e.g., Canada, Australia), and the interpretation of those laws makes arriving at a consensus or finding a pattern of consistency in legal decisions involving violence in rugby somewhat problematic.

There have been a number of examples of violent incidents on the pitch that have led to criminal or civil legal cases, resulting in compensation payments, prison sentences, periods of probation, or acquittal for the perpetrator. The cases presented here are ones I have collected over the past few years through newspaper and internet searches. The selection is biased towards Britain and France and is by no means complete in terms of world rugby. There have been several prosecutions for assault in New Zealand rugby, the earliest dating back to 1975. All involved punching and/or kicking (Haggie, 1999). Few details of these cases are readily available. I have been able to include one important case from South Africa, but I am sure that there have been other prosecutions in New Zealand, Australia and South Africa and other countries of which I am unaware. However, in the past, prosecutions for sports-field violence have been more likely in Britain and Canada than, for example, in Australia and New Zealand (Haggie, 1999).

The following are examples of on-field violent rugby incidents that have led to legal proceedings and the outcome of the cases, as well as some of the issues that need to be considered in both criminal and civil cases, are discussed. In criminal cases, the primary considerations are intent to injure on the part of the accused, and consent on the part of the injured player.

**Criminal Cases**

**Intent to Injure**

Proving that a defendant intended to injure a victim is crucial to many cases. Criminal liability occurs only when it can be shown that a physical act was accompanied by sufficient intent, including the knowledge that the act is illegal (*mens rea*). It is often relatively straightforward, in legal terms, to prove intent when unsanctioned violence occurs in off-the-ball altercations. This type of act is usually clearly outside the laws of the game. However, given the aggression and physicality intrinsic to playing the game, proving intent to injure during play is much more difficult. This is especially true if the foul play involved a recognised rugby play or technique, such as a hand-off. In the first example below, the defendant was acquitted because intent could not be proven. However, in the next two cases there clearly was intent behind the two different unsanctioned illegal violent acts (kick and stamp) and both defendants were convicted and spent time in prison.

**1993 Lavelle-Hardy (Manslaughter)**

In an ill-tempered March 1993 Middlesex and Hertfordshire Division One match in England between Hendon and Centaurs, a punch-up developed between opposing players. Centaurs hooker William Hardy saw three Hendon players punching and kicking a team-mate and tried to cool things down verbally. However, Hardy himself was then punched twice from behind by another Hendon player, Seamus Lavelle. Hardy turned, lashed out and struck Lavelle with an uppercut punch. Lavelle fell down backwards and the back of his head struck the ground. As a result, Lavelle suffered severe swelling of the brain and had to be put on a life-support machine in hospital. He died two days later (Cleary, 1995). Police investigated the incident and Hardy was charged with manslaughter in 1994. At the Central Criminal Court, Hardy claimed he had struck out in self-defence because he was being hit from behind and did not know which player he had hit. He stated that he "did not mean to hurt the man. I did not mean to kill him" (Conagh, 1994). Defence counsel Stephen Batten told the jury:
At the moment rugby does not have a very good name. We have seen on television thoroughly unpleasant moments and some people think it is high time something should be done about it. But there is a risk this case should be used to make an example – that would be totally wrong. (“Rugby player cleared”, 1994)

Hardy, who was the first player in the game's history to be prosecuted for manslaughter in connection with a death on the field, was eventually acquitted by judge and jury (Cleary, 1995; Conagh, 1994; “Rugby player cleared”, 1994). They accepted that Hardy's punch had not been directed at a particular player and his statement about not meaning to hurt or kill Lavelle as the truth.

2001 Barnett-Powell (Grievous Bodily Harm)

A violent incident that occurred in a Welsh National League game between Canton from Cardiff and Gwernyfed in Powys came up before the Cardiff Crown Court in January 2001. In the incident, Canton No. 8 Ashley Barnett was kicked by Gwernyfed second row Ian Powell and suffered a double fracture of the leg. An operation was needed to fix Barnett's fractured bones in place and he had to give up playing rugby. At the court proceedings, Powell admitted to causing grievous bodily harm. Judge Peter Jacobs addressed Powell:

> At some point you became disgruntled with the behaviour of the opponent and you followed him and then you kicked him with considerable force to the leg. The force of the kick, either directly or indirectly, caused a double fracture to his leg. You gratuitously and forcefully kicked an opponent causing very serious injury. (“Rugby player is jailed”, 2001)

Judge Jacobs sentenced Powell to six months in jail, stating that “he had decided to impose a severe sentence in the light of "increased concern" about violent behaviour on the sporting field” (“Rugby player is jailed”, 2001). "Assaults committed on rugby and football pitches are not exempt from criminal law." (“Rugby assault victim”, 2001). In this case, it was clear that Powell intended to kick Barnett and he admitted to intending to injure him.

2005 Howells-Garfield (Unlawful Wounding)

In a December 2005 South Wales game between two village teams, Pontycymmer No. 8 Rhys Garfield stamped on the head of Glynneath second row Gareth Howells when he went ground at a ruck following a line-out. Garfield's boot caused a four-inch gash close to his left ear which required thirty stitches. Howells pressed charges, because he did not want the same thing to happen to another player. At Swansea Crown Court, the defence argued that the cut was cosmetic, Howells had since returned to playing the game and Garfield had shown genuine remorse. However, Garfield was found guilty of “unlawful wounding”, having been cleared of the more serious charge of “wounding with intent to cause grievous bodily harm”.

Judge recorder Gareth Jones said that “Garfield's behaviour was wholly unacceptable” and jailed him for fifteen months: “half to be served in jail and half on licence” (“Rugby player jailed for stamping”, 2007). Stamping on an opponent's head is a act of foul play, punishable under the laws of the game and illegal in the eyes of the law. It is generally viewed by the courts as a dangerous and violent act carried out with the intention of hurting or injuring an opponent.

Consent

It is often assumed that those who play rugby and other team contact sports have consented to the physical contact and sanctioned violent acts that occur during play and can have no objection or grievance should they get hurt. The legal term for this is *violenti non fit injuria* (to one who consents no injury is done). The following cases illustrate the notion of consent. The first concerns a player who was wrongly accused and subsequently acquitted.
Billingham full-back Andrew Evans was accused of assault causing actual bodily harm and common assault against Ryton second row Jordan McKie in an incident during a Durham and Northumberland League division one match in England in December 2004. Ten minutes into the game, just as Ryton scored, McKie's head was stamped on at a ruck and he received a deep cut below his eye. Evans was originally charged with causing grievous bodily harm for causing the wound, but he denied the charge, claiming that he had followed the rules of the game. As it turned out, video evidence shown to the judge and jury at Newcastle Crown Court indicated that the cut was caused by another Ryton player who was McKie's team-mate. The grievous bodily harm charge against Evans was then dropped, but the lesser charge for bruising McKie's forehead still stood. The defence argued that the prosecution would have to prove McKie was not consenting to the possibility of injury when he went on the pitch. As it turned out, Judge Bolton appeared to agree and ordered the jury to clear Evans of all charges. She stated:

*If one was to look at it in strict law, every week, week in week out, in clubs up and down the country, offences of assault are committed by rugby players. That bruise was the sort that happens within the rough and tumble of a rugby match and is neither here nor there. I am flabbergasted that the CPS [Crown Prosecution Service] wished to continue with this.* ("Judge mauls CPS", 2006)

It is taken for granted that players will pick up bruises when playing rugby and it is one of the obvious things that they consent to when they take the field. The judge acknowledged this, threw the absurd charges out and acquitted the defendant. It is interesting in this case that the video tape evidence was available and showed Evans to be innocent of the charge. More frequently, video tape evidence confirms that a player was guilty of unsanctioned violence. If Evans had carried out the stamping, he would have likely received a custodial sentence, as in the 2005 conviction of Rhys Garfield for unlawful wounding as the result of stamping.

The interpretation of the notion of consent can be contentious. It might be expected that consent extends only to sanctioned acts within the written laws and player norms of the game, but it seems that, for at least one Provincial Court judge in Kamloops, British Columbia, it also extends to unsanctioned foul play. In an under-age assault case involving an unnamed high-school player, whose punch broke an opponent’s nose and cheekbone, Judge Frame ruled that when players play rugby they consent to violent contact within and certain violent conduct outside the rules of the game.

Judge Frame stated that there are certain aggressive actions that are taken in the course of a scrum which appear to be acknowledged by most players, including eye gouging, head-butting, raking, kneeing, elbowing, kicking and punching and that there is implied consent to a range of injuries from bruises and broken noses to broken necks.

The teenager was acquitted on the grounds that the punch was randomly thrown and not intended to target and hit the injured plaintiff and, as such, fell within rugby’s unwritten but accepted code of conduct ("Canadian judge acquits", 2009). Although the high school student was acquitted for lack of intent, it has to be said that this was an unusual interpretation of the concept of consent and may have been influenced by court cases in Canada involving ice hockey, where fist-fighting between players at some levels is sanctioned. In general, Canadian courts have been more specific as to the interpretation of consent. They have recognised that “even where a particular level of violence is expected, and indeed may have been consented to, it may be so inherently dangerous as to preclude such consent.” ("Dealing with violence", 2003, p. 2). In addition, one Canadian court has also recognised that the notion of consent was valid, but only to what might be “reasonably expected under the circumstances”. In a legal precedent-setting civil case (Dunn v. University of Ottawa) involving a Canadian (similar to
American football game, consent was considered to include a punt returner being hit hard by a tackler, but not to the act of “being head butted or speared in the face by an onrushing 225-pound linebacker while in that vulnerable position [that is, looking up tracking the ball within the five yard no-tackle zone.]” (“Dealing with violence”, 2003, p. 2). There are obvious parallels here with rugby and, for example, a full-back waiting to catch a high kick and being hit high or head-butted and injured by, say a front-five forward chasing the kick. These are important addenda which are helpful in clarifying the notion of consent, at least in Canadian courts.

**Civil Cases**

In civil cases, the primary considerations for litigation are *negligence* on the part of the accused, and *consent* on the part of the injured player.

**Negligence**

English law, for example, starts from the stance that opposing rugby players owe a duty of care towards each other and must exercise that care. Civil court prosecutions for on-field injuries often hinge around proving the accused's negligence towards an opponent. The act has to be proved to have been more than an error of judgement or lapse of skill (e.g., more than just a marginally late or high tackle). It must also be proven that the injury-causing act was not an integral part of the playing of the game and inconsistent with the culture of rugby. In other words, if a player, in making a challenge, does not take all care in the circumstances to avoid inflicting injury, the player is likely to be found negligent and liable for the injuries caused and any consequent loss incurred by the victim (James, 2002). The next two cases involved civil actions pursued by the victims for compensation, the first under French law and the second under English law. In both cases the actions were successful.

**1998 Evans-Merle (Claim for Damages)**

During a 1995 international between France and Wales, Llanelli and Welsh prop Ricky Evans' nose was smashed when he was head-butted at a ruck by French second row Oliver Merle. When Evans tumbled backwards from the force of the head-butt, his legs were caught up amongst other players' legs and his ankle was badly fractured. The injury required surgery and the insertion of metal parts. Although he did make a brief comeback, the injury effectively ended his Welsh playing career and his job as a fireman. Evans sued Merle and the French Rugby Federation in a legal claim for damages. The game had been video-taped by Evans' father and video evidence was accepted in a French court for the first time. The French High Court in Paris eventually ruled in Evans' favour and he was awarded an immediate interim payment of 50,000 francs (£5,225) with the likelihood that he would eventually receive £35,000 in compensation (Woolway, 2007).

**2000 Bebb-Stephens (Grievous Bodily Harm)**

Bridgend were playing Cross-Keys in the first league game of the season in the Premier Division of the Welsh-Scottish League. Cross-Keys full-back Ioan Bebb had scored all his team's points, but they were losing 12-15. Bebb described what happened when he was punched in the eye by Wales and Bridgend second row Chris Stephens:

> I passed the ball and tried to move forward with the play. But I was being held around the knees. I shouted for him to let go and turned away to face the play. Then I had a sensation of intense pain which I equated with the feeling of being punched. . . . I had been punched in the past but the pain was much more intense this time. I was dazed but not unconscious and I was aware that I walked from the pitch. (“Fine for GBH rugby punch”, 2000)

The punch detached Bebb's retina, which needed surgery to repair the damage, and his doctors advised him that it would not be safe for him to continue playing. Stephens was shown a yellow card and sent to the sin-bin by the referee. In front of magistrates at Blackwood, South East Wales, Stephens admitted
to inflicting grievous bodily harm on a rival full-back. He was ordered to pay £2,000 compensation for punching an opponent so hard that he was forced to abandon his career.

In both cases above, injuries were caused by deliberate assaults (punch and head-butt) which could not be argued to be an integral part of the game and the defendants were found to be liable for the injuries caused to the victims.

**Civil Court – Vicarious Liability**

In the context of sport, the basis of vicarious liability in English law is that, where an employer receives the benefit of the actions of a professional player, the employer should also bear any losses incurred by that player. In rugby, the losses must have been incurred during the course of a player's employment with a club and the act concerned must be connected to rugby and authorised by the employer. Grounds for litigation would cover any act in the course of a game (e.g., a negligent tackle during play), with the possible exception of “criminal” acts such as punching or head-butting. That is, unless a player acted on his own without authorisation, in which case he would be personally liable for any injuries (James, 2002). In the following case, vicarious liability was extended to cover acts by semi-professional rugby players. This was the first case of vicarious liability in rugby to be decided in an English court. It involved punching an opponent which, in other cases and similar circumstances, has led to criminal prosecution. Why a criminal prosecution was not instigated in this case is not known.

**2008 Gravil-Carroll/Redruth Rugby Football Club**

Halifax were playing Redruth in an English National League Division Two game in 2005. After a scrum during the game, there was an altercation between Halifax prop Andrew Gravil and two Redruth players after the whistle had gone. In the altercation, Redruth second row Richard Carroll punched Gravil and fractured his eye socket, which later required reconstructive orbital surgery. His club took no action against Carroll, a semi-professional player, but he was banned for eight weeks by a Rugby Football Union (RFU) disciplinary panel. Gravil's original claim for damages against Redruth was turned down by trial Judge Harington and first appeal Judge Gray at the High Court, who held that the Club was not liable to Gravil for the actions of Carroll. Carroll was held liable for £8,500 damages, which remained unpaid. At the Court of Appeal, this decision was overturned by Sir Anthony Clarke and two other appeal judges and Redruth was held to be vicariously responsible and required to pay the damages plus interest, which totalled £9,375 (Hornsby, 2008; Howard, 2008). The ruling was based on the fact that Carroll was a semi-professional player, employed by Redruth and the employer was held vicariously responsible for the tort committed by an employee in the course of his employment. The court decided that there was “a very close connection” between the punch and the defendant's employment as a rugby player:

> Sir Anthony Clarke cited the fact that the incident occurred following a melee of the kind which frequently occur during rugby matches, that the melee was part of the game, that the clubs could have expected the melee to occur and that the throwing of punches was an ordinary occurrence in a rugby match. (Hornsby, 2008)

He also stated:

> It is now recognised that it is possible to be very seriously injured as a result of foul play during a rugby match. It is incumbent on both players and clubs to take all reasonable steps to eradicate, or at least minimise, the risk of foul play which might cause injury. As we see it, this involves clubs taking proactive steps to stamp it out. (“Vicarious liability”, 2008)

Clarke's finding that, foul play or not, “the throwing of punches was an ordinary occurrence in a rugby match” is similar to that made by Judge Frame in the under-age assault case in British Columbia described earlier. There were at least two major ramifications of the Appeal Court decision at the time.

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*Hornsby, 2008; Howard, 2008.*
One was that, in future, clubs as employers would need to establish their own disciplinary procedures and discipline their own players. It would no longer be possible to wait for the RFU to hand out suspensions. The second was that clubs would require insurance against claims of vicarious liability, in addition to public liability insurance and cover against death and permanent disability relating to their players. However, the RFU has now negotiated “block” cover for all clubs and passes the cost of premiums on to them (Dolan, 2008).

**Noteworthy Cases**

This section deals with a number of noteworthy criminal and civil cases that produced important debating points for on-field violent incidents in rugby. The first case concerns the death of a player following a mass brawl during a game in South Africa, the second the death of a high school player after an altercation between two players in Canada, the third a damages case resulting from injuries caused by a hand-off in France, and the fourth a conviction for grievous bodily harm in England.

**2006 Loots-Zimri (Criminal - Murder/Culpable Homicide)**

The history of general violence in South Africa's Western Cape club rugby in the 2000's has been documented (Maclennan, 2006). Examples included a referee stabbed in the head, another referee requiring a police escort out of a ground because of threats by spectators, a player's physical assault on a rival team's assistant coach, and one player stabbed and other players pelted by stones and bricks by spectators, as well as some incidents of player-on-player violence. The causes of the violence were thought to be inebriated spectators, elements of racial tension between clubs and the win-at-all costs approach of clubs, players and supporters (Maclennan; 2006). Possibly the worst case of violence on the rugby field occurred in a Boland rugby union game in June 2006 between the (“white”) Rawsonville and the (“coloured”) Ceres Delicious clubs. During a mass brawl, Rawsonville fly-half Riaan Loots was kicked in the head and later died in hospital. Delicious No. 8 and captain Ben Zimri, along with centre Wayne Matthee, were later charged with Loots' murder. Both players appeared before Magistrate van Rensburg in the Worcester Regional Court in 2008. Matthee was found not guilty of murder and two counts of assault with intent to do grievous bodily harm. Zimri was also acquitted of the same charges, but his murder charge was changed to one of culpable homicide. The court found that Loots' death was caused by Zimri's negligence. He was found to have elbowed Loots in the throat, cutting off oxygen supply to his brain, and then kicked him in the head, causing bleeding on the brain. Zimri was convicted and sentenced to five years in prison (Heath, 2010). In addition, Boland Rugby Union's inquiry into the incident found four players from the Delicious Rugby Club and one from the Rawsonville Rugby Club guilty of misconduct, banned Zimri from playing rugby for life and suspended Matthee for the 2006 season (Breytenbach, 2006; “Sanctions passed”, 2006).

Zimri appealed and appeared before Judges Saldanha and Klopper at the Western Cape High Court in November 2010. Kassiem (2010) reported the appeal court proceedings. The prosecution argued that the sentence was just; a person had lost his life and the court should send out a clear message as a deterrent. The prosecution also said that, at sentencing, the magistrate had taken mitigating factors into account, including Zimri's age and his three dependant children, but concluded that the aggravating factors outweighed them: as captain, Zimri should have tried to control the situation and reduce tensions; Zimri left the field without enquiring about Loots' welfare, although Loots was in distress and receiving medical attention and could therefore not claim the benefit of any expression of remorse. The defence counter-claimed that the sentence of five years in jail was “shockingly inappropriate” in the circumstances, based on the arguments that: the magistrate's conclusion was based on selective evidence from the prosecution case and was therefore unsustainable; that it was not clear from the witness statements what had really happened and how Loots had sustained his injuries; and that a death occurring during a rugby game should not have been prosecuted in the criminal court.
In his statement, Judge Saldanha agreed with the defence that it was not clear why some aspects of the evidence had been rejected in the lower court and that, based on the witness statements, it was not, in fact, entirely clear what had happened on the field. He queried “is it so improbable that Loots may have been injured by one of his own players?” and also pointed out that none of the Rawsonville players had testified in the case. However, Judge Saldanha reserved judgement on the case. Apparently, because of the appeal, the defendant Zimri had not yet spent any time in prison as of November, 2010 (Heath, 2010). In spite of extensive searches and assistance from the Kwa-Zulu Natal Law Society library staff, I can find no record of any decision having been taken to date.

Most cases of on-field violence occur as single, isolated incidents. The context of this case was perhaps somewhat unusual, given the general culture of violence which existed at the time and a number of previous violent incidents that had occurred in the area. In addition, the fact that some of the violence (including this case), had racial overtones made this a hugely controversial case in the context of the Western Cape. According to Delicious club members, inflammatory racist remarks made by Jean du Preez, the Rawsonville player, had provoked the punch-up. It seems that the violence that resulted in Loots' death went beyond rugby and/or simple bad refereeing and that racial tension played a significant role. In an attempt to counter this kind of violence, the Western Cape Department of Cultural Affairs and Sport and the South Western Districts Sport Council, in a joint venture, launched the Riaan Loots Campaign Against Violence in Sport in 2009. In terms of the law, the case was noteworthy for a number of reasons. First, it seems odd that none of the Rawsonville players testified at Worcester Regional Court in 2008. I can find no explanation of why this did not take place. It is possible that it is tied in with the racial background to the case. Nevertheless, it would be expected that the court would have had the power to subpoena witnesses, if necessary, requiring them to appear in court to testify. Second, at the appeal hearing in 2010, the defence chose to argue that a criminal case should not be pursued for a death during a rugby game. As several of the examples above illustrate, this argument is no longer tenable in some other countries. In Canada, the death of Manny Castillo was pursued in court as a criminal prosecution. Also, in England and France, for example, there have been a number of criminal prosecutions for less serious violent incidents of foul play on the pitch which have set legal precedents in those countries. It has yet to be disclosed whether Judge Saldanha accepted the defence's argument, but it seems unlikely that a lawyer in other countries would have based the defence on such an argument.

2007 Castillo-Under-age Erindale Student (Criminal - Manslaughter)

Aged fifteen, Manny Castillo was the captain of the Mississauga Lorne Park Secondary School rugby team in Ontario, Canada. Lorne Park was playing local rivals Erindale Secondary School. Very close to the end of the game, in a tussle with an opponent after a scrum, Castillo was thrown to the ground. He received severe head injuries and died a few days later in hospital. His family allowed his organs to be donated. The Erindale student, initially charged with aggravated assault, appeared at the Brampton Youth Court. The charge was later changed to manslaughter ("Student charged", 2007). In court, witness statements were contradictory. They were not in agreement about whether play had already stopped, or whether Castillo held his opponent in a head lock in the altercation. In addition, while some saw Castillo fall gently over the shoulder of the defendant, others said he was driven into the ground (“Probation for Manny's killer”, 2009). The defence lawyers took the consent stance, that is that Castillo knew it was a physical game and he accepted the dangers when he played that day, but this was rejected by Justice Duncan. In making his decision Duncan ruled that:

*The contact had nothing to do with the game. It was done out of anger, and aggression aggravated by the headlock. It was a sucker tackle. . . . the defendant wrapped his arms around Castillo's legs while the victim had his upper body over the defendant's back. He was then lifted, mainly, if not completely off the ground. He was propelled backwards, not just upended. He had*
no control and could not resist. He was then “slammed” backward into the ground. (“Probation for Manny's killer”, 2009)

Duncan found the Erindale student guilty of manslaughter and added “this was one of those cases where a finding of guilt of manslaughter was enough punishment for the offender.” He sentenced the teenager to a year's probation, and ordered him to perform a hundred hours of community service and undertake anger management counselling (“Probation for Manny's killer”, 2009). In terms of the law, the case was noteworthy because, to the author's knowledge, it is the only example in high school rugby of a death occurring as a direct result of violence in rugby. Also, despite the defendant being under-age at the time of the incident (he was 18 at the time of his trial), a criminal trial and prosecution took place. Admittedly, it was an unsanctioned violent action that caused the death, but one that could have happened between any two rugby players of any age, at any time, anywhere in the world. Even Castillo's father thought that his son's death was an accident. In a television interview he said:

I don't have to forgive anyone because why, it's an accident, it's a game. [If] somebody took a gun and shot my son, it's a different story. . . . but an accident in a game – I don't think that boy is trying to kill somebody, no, that's the thing I want to say about that. (Rusk, 2007)

2007 Rougerie-Greening (Civil - Negligence)

French centre/wing Aurelien Rougerie brought a civil court action against former England international hooker Phil Greening for injuries received during a friendly game between their respective clubs, Clermont-Ferrand (Montferrand at the time) and Wasps, in 2002. During the game, Rougerie's windpipe was damaged when Greening performed a hand-off on Rougerie. The injury required three operations and twelve weeks of hospitalisation. Rougerie originally sued Greening for more than €90,000 for loss of income while recovering from the injury. Greening argued that his hand-off was a fair challenge. He was not penalised by match officials. Rougerie was able to play again in December 2002 and has since been a prominent player for both Clermont and France. However, a civil court in Clermont-Ferrand found that Greening had “fouled the wing both technically and against the spirit of the game” and was guilty of causing an injury to Rougerie's throat. Rougerie was awarded €40,500 in damages. Greening finally settled the claim in January 2012 and Greening and Wasps also paid local Puy-de-Dome healthcare €26,000 (“Greening settles”, 2012).

This case is noteworthy because it illustrates how legal judgements are often much more difficult in “on the ball” incidents that occur between players challenging each other for the ball during play. Incidents involving “off the ball” assaults, involving punches, kicks or head-butts, are often relatively straightforward for the legal authorities. This difficulty may partially account for the degree of inconsistency shown by the legal authorities in prosecuting and/or sentencing the offenders involved in this type of on-field violence (James, 2002). The discussion here brings us back to a similar hand-off incident which took place in England in 2009. In a lower-level game between Aspatria and Whitehaven, Alan Hedworth lost an eye when Callum Jennings used a hand-off to prevent himself being tackled by Hedworth. Jennings was banned from playing rugby for five years by an RFU disciplinary panel (Cleary, 2010a&b; Rugby Football Union, 2010b). The two hand-off incidents were very similar. Cumbria police did investigate the incident, but decided not to initiate a criminal prosecution. In addition, although Hedworth was unable to continue to play rugby after the incident, he did not sue Jennings for damages, unlike the1998 Evans-Merle and 2000 Bebb-Stephens civil cases described above. Nor did Hedworth, a farmer, sue for loss of income, unlike professional rugby player Rougerie.

2011 Staunton-Weston (Criminal - Grievous Bodily Harm)

It was a hotly contested Bath Combination Cup Derby match between two local amateur teams, Oldfield Old Boys and Keynsham RFC in November 2011. There were a number of off-the-ball
incidents before the crucial incident involving Keynsham No. 8 Jack Weston and Oldfield second row Ben Staunton. At a re-start, Staunton jumped to catch the ball and was tackled while still in the air. The referee blew for a penalty kick. Staunton angrily pushed an opposing player away, which sparked a melee in which Staunton was surrounded by four Keynsham players, including Paul Cooper, who gouged his eye. Weston ran in to join the melee, punched Staunton twice and, as it later transpired, broke his jaw. The referee sent Weston off and sent Staunton to the sin bin. Weston was arrested by police after the game and eventually appeared at Bristol Crown Court, where he pleaded guilty to inflicting grievous bodily harm. He was sentenced to six months in prison. Judge Carol Hagen stated: “It is important everyone realises the consequences of the behaviour you engaged in on that November afternoon. . . . I have no doubt you will never re-offend”. Weston was also banned from playing for forty weeks on release from prison by RFU judicial officer Judge Jeff Blackett. Cooper was sent off following the eye-gouging incident and later banned for seven weeks (“Jailed: Rugby player”, 2012). There was obvious intent involved in both Weston's punches and Cooper's eye-gouge.

This last example is noteworthy and caused controversy because, although the offence occurred at a much lower level, the punching offence was very similar to an incident in the English Premiership that was very lightly punished by the RFU. Tom Bradshaw, writing for the Bath Chronicle, compared the Staunton-Weston incident, and the six-month sentence given to Weston, with the Tuilagi-Ashton incident in the Leicester Tigers vs Northampton Saints English Premiership semi-final played a few months before. [Tuilagi punches Ashton] He felt that there was a “disgusting disparity” in the punishments given for on-field violence between professional and amateur rugby in England. He wrote:

Back in May, a rather better known player by the name of Manu Tuilagi threw three punches at an opponent in another hotly contested derby, this time in the East Midlands, between Leicester and Northampton. Weston is now sitting in a prison cell. Tuilagi? Well, less than a month after letting rip with his barrage of punches in front of the TV cameras, he was named the Premiership's Young Player of the Season. He then went on to play for England in the World Cup. The only slap on the wrist for Tuilagi was a nominal five-week ban – I say nominal because the regular league season was over. He was also ordered to pay £500 in costs – pretty small change for an international star. (Bradshaw, 2012)

The RFU’s disciplinary officer, Jeff Blackett, himself a High Court judge, adjudicated in both incidents. Bradshaw drew attention to what Blackett wrote in Tuilagi's citing hearing report:

This sort of incident is very damaging to the image of the game and there is no place for this type of offending on the rugby pitch. Had it occurred in the high street an offender would have been prosecuted in the criminal courts. Nevertheless we are confident that Manu Tuilagi will learn a valuable lesson from this.

Bradshaw's criticism of Blackett's handling of the two incidents appears to be well-founded and he was not the only writer to question Blackett's ruling on Tuilagi. Moving beyond the RFU disciplinary level, the more important question is: Why, if Weston was convicted and sent to jail, was Tuilagi also not prosecuted and given time in prison? Their punches were essentially the same, the only difference being that Tuilagi did not break Ashton's jaw. As Bradshaw concluded:

If lessons about consequences are to be learned, then Judge Hagen's logic would lead us to the conclusion that Tuilagi should have been jailed too. After all, he was playing in a match watched by hundreds of thousands, if not millions, of people on television. He is the one idolised by kids. (Bradshaw, 2012)

In many of the violent incidents reviewed in this book, police investigated, but no action was taken. The police do not usually give reasons for not following up on violent incidents in rugby, but the discrepancy in the severity of punishment in comparable incidents such as the Ashton-Tuilagi and
Staunton-Weston punching assaults, leave the rugby public puzzled, suspicious and cynical.

Improving Legal Decision-Making

Mark James, an expert on sport and the law, has written about the law in the context of sport in general and contact sports and rugby in particular (James, 2002, 2010). He has shed some light on the relationship between sports governing bodies and the law and situations where the law has to become involved in sport. He explained:

*Thus, it is not for the law to refrain from interfering in sports-related disputes. It is for sport and its governing bodies to ensure that there is no room for the law to become embroiled in such matters. Governing bodies cannot exclude the operation of the law. What they can do instead is to adopt strategies that make recourse to the law unnecessary. For example, they can change the rules of the game to make it less dangerous. . . . or they can increase the disciplinary penalties that can be imposed for foul and violent or dangerous conduct . . . . The deterrent effect of such measures could mean that the unlawful challenges occurred less frequently and consequently that the law would only rarely be resorted to.* (James, 2002, p. 75)

In recent years, the International Rugby Board has been engaged in modifying the laws to make certain plays or techniques less dangerous and has developed disciplinary systems to handle unsanctioned violent acts during games. However, whether these changes came about because of a concern for players' safety or to avoid the law becoming involved in rugby incidents, or perhaps both, is not known.

One of the side issues in the 1998 Evans-Merle civil case was that Evans was critical of attempts by the Welsh Rugby Union to persuade him not to take legal action. It was only after Evans spoke with solicitors that he was aware that there was a strong possibility that he could be awarded damages (Woolway, 2007). Over the years, there have been rumours of this happening to other injured rugby players, with the argument being that there is not much chance of success and a court case would damage the image of the game. Turning this kind of protectionist thinking around, an additional strategy would be for rugby to develop a system of compensation for players injured by violent foul play that precludes the player from having to sue violent offenders and/or their clubs to obtain damages, or compensation for loss of earnings. For example, the RFU already has insurance cover against vicarious liability for clubs (Dolan, 2008), why not extend this to cover all claims by injured players? It would probably take some innovative thinking to arrive at a satisfactory system, but if one could be set up “in house”, it would preclude violence-based civil court actions.

James (2002), writing about English law, also stated:

*This is the inherent difficulty both for governing bodies and for those who play contact sports. On the one hand physical contact, sometimes heavy physical contact such as in the two codes of rugby, is an integral part of the playing of the game. With that contact comes the inherent risk of injury occurring as a result of those contacts. What the law seeks to do is describe when the running of those risks becomes unacceptable because it is too dangerous, or where an act cannot be said to be one of the inherent risks of the sport. The comparative lack of use of the law over the years means that the limits have never been defined properly. Thus, many of the cases that come before the courts are still defining the scope of the law. This leaves a great deal of doubt for those involved in contact sports. . . .* (James 2002, p. 75)

Canadian courts appear to be at the forefront of developments in sports law. For example, as mentioned earlier, they have acknowledged that “even where a particular level of violence is expected, and may indeed have been consented to, it may be so inherently dangerous as to preclude such consent.” (“Dealing with Violence”, 2003, p. 2). In addition, in Canadian courts, a set of criteria for consideration in cases involving violent foul play has been developed. These criteria include:
(a) Nature of the game – Was it an amateur or professional league? Competitive? Contact or non-contact?
(b) Nature of the act(s) and surrounding circumstances – Was the act common or uncommon? Did it occur away from the play or after the whistle? What degree of force was applied?
(c) Degree of risk – Was serious injury possible or probable?
(d) State of mind – Was the act done in retaliation or to intimidate?


Even though the qualifying questions here are still somewhat general and open to a degree of subjective interpretation, formulating the criteria is a useful start in helping Canadian judges make consistent decisions in these types of cases. To obtain information about nature of the game, nature of the act and the degree of risk is relatively straightforward. Deciding on the state of mind (mens rea) of the defendant is often critical in the establishment of guilt, but it is also the most difficult to determine. It could be useful for other countries to examine the sports law developments in Canada with a view to informing policy and procedures within their own courts and extending the present Canadian developments. If consensus could be achieved it could, for example, change the current situation which:

. . . leaves sports lawyers with the problems of trying to determine when and why the law will engage with a sports dispute, trying to establish whether there is a pattern to the law’s engagement with sport and trying to establish whether or not there is any underlying theory that unites the cases into a coherent body of sports law jurisprudence. (James, 2010. p. 9)

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About the author

I played rugby for twenty-two years. At senior level, I played for Loughborough Colleges and English Universities while I was a physical education student in England. After graduation, I played with Irish club Ballymena and was 1st XV Captain 1982-1983. I also taught rugby courses and coached rugby teams for some thirty-five years in England, Ireland, The Netherlands, Japan, Australia and Canada. This included young players of all ages and abilities, as well as top teams and international players.
Career-wise, I started out my working life as a secondary school teacher, but after three years moved into higher education as a lecturer in physical education, specialising in sport psychology. I completed a Masters degree and Ph.D. in psychology which led to university positions in The Netherlands and, later, a professorship in Japan. Currently, I am an adjunct professor with the School of Kinesiology at the University of British Columbia in Vancouver. I have published numerous manuscripts in psychology and sport and exercise psychology journals and have written several books: Exercise Dependence (with Lindner & Blaydon 2007); Rethinking Aggression and Violence in Sport (2005); Counselling Athletes: Applying Reversal Theory (2001); Motivation and Emotion in Sport (1997); Understanding Soccer Hooliganism (1994).

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