

ABSTRACT

Title of Thesis: A HEALTHY RELATIONSHIP? THE ENTANGLEMENT OF STATE, CORPORATE, AND LABOR INTERESTS IN GENDER-BASED VIOLENCE SPORT POLICIES

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Gender-based violence (GBV) within professional sports made headlines in 2014 following the Ray Rice domestic violence incident, prompting a Congressional hearing with the four major men's sports leagues in the United States. This hearing resulted in the implementation of several sport industry-wide policies addressing off-field conduct for players and employees, including ones specifically focused on interpersonal relationships. Despite the cultural prominence of corporate sport entities such as the National Football League, National Basketball Association, and Major League Baseball, in addition to the fervor for institutional accountability in the wake of the #MeToo movement, there has been limited academic scholarship examining the scope and efficacy of these policies (see Brown, 2016; Augelli & Kuennen, 2018)

Drawing upon the findings of a thematic analysis of Senate Hearing 113-725: Addressing Domestic Violence in Professional Sports, this thesis utilized a governmentality analytic to critically analyze the motivations, assumptions, and tensions which underpinned the institutionalization of GBV policies in corporate sport. The findings demonstrate that while the

parties present at the hearing problematized sport culture at large as a producer of GBV, their remarks characterized professional male athletes as perpetrators, reifying the idea of the “violent (Black) male athlete” and violence as an inherent trait in professional sport more generally. Instead of critically interrogating the structure of professional sport, legislators instead focused on expanding the governing capacity of sport leagues, and effectively the state, to discipline and punish perpetrators of GBV by encouraging the implementation of new extra-legal policies. I argue that this hearing reinforced the neoliberal entanglement of state, corporate, and non-profit actors in the movement to reduce GBV in society, strengthening the dependency that the state has on corporate social responsibility to solve leading public health issues, and compelling GBV advocates, activists, and scholars to engage with corporations in order to receive critical funding and legitimacy in their work. Meanwhile, suggested legislation to improve economic and workplace conditions for survivors was ignored as labor issues were positioned as oppositional to GBV accountability efforts. Through articulation and radical contextualism, this thesis sheds new insight into the origins and methods of corporate GBV policies in sport as well as the intricacies of contemporary neoliberal governance, and ultimately argues that the state response to GBV must shift from one of punishment and surveillance to one of preventative care through improved economic and labor conditions for all workers.

A HEALTHY RELATIONSHIP? THE ENTANGLEMENT OF STATE,
CORPORATE, AND LABOR INTERESTS IN GENDER-BASED VIOLENCE
SPORT POLICIES

by

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Dedication

In loving memory of my grandmother, Betty Stenhouse Johnson (1934-2023).

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First, I wish to extend tremendous gratitude to my advisor, Dr. Shannon Jette, who has demonstrated unwavering support to an often quite wavering student. Thank you for your patience, flexibility, and dedication in guiding me and this project the last two years. I first read Dr. David L. Andrews' work as a senior in college and was deeply relieved to learn that there were others who saw sport beyond a good/bad binary and strove to capture that complexity. You've gone from being a helpful citation in my undergraduate thesis to becoming an influential mentor of my work. I only had the opportunity to admire Dr. Kevin Roy's important work on masculinity at UMD from afar, and am thus very grateful that he agreed to lend his expertise to yet another PCS rodeo so I could learn from him further. To the rest of the PCS faculty and my fellow students, thank you for your support and generosity of intellect—it is truly an honor to be a member of this academic community.

The first people who taught me to be critical of sport were my parents, Darby and Brian, who simultaneously nurtured a lifelong love for physical activity alongside a deep suspicion towards the institution of sport. Whether it was forbidding me to head the ball in soccer, refusing to participate in the club youth sports industrial complex, or advising me to prioritize my long-term health over short-term collegiate running goals, their protective parenting impulses have since been backed up by scholarly research (as well as the lived experiences of their grateful daughter).

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Shannon, Anna, and Brandon: Thank you for welcoming me to Maryland, helping me to clarify my ideas, and humoring my existential crises and questions.

Y para Ricardo: De la alegría de nuestro tiempo juntos viene la rúbrica contra la que se mide el resto de mi vida. Tu cariño ha sido una fuerza clarificadora para mí. Gracias por siempre proteger a mi species-being.

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List of Abbreviations

GBV	Gender-based violence
SV	Sexual violence
DV	Domestic violence
IPV	Intimate partner violence
MLB	Major League Baseball
NFL	National Football League
NBA	National Basketball Association
NHL	National Hockey League
MLBPA	Major League Baseball Players Association
NHLPA	National Hockey League Players Association
NBAPA	National Basketball Players Association
NFLPA	National Football League Players Association
PA	Player Association (general)
ADVPS	Addressing Domestic Violence in Professional Sports (citation for Congressional hearing)
PCS	Physical Cultural Studies
VAW	Violence Against Women
GSHA	Gender, Sexual Harassment, and Abuse

Chapter 1: Introduction

Baltimore Ravens running back Ray Rice was neither the first nor the last superstar professional athlete to commit an act of abuse against his partner. He was, however, the first whose violence was caught graphically on camera and disseminated virally through the media. In February 2014, TMZ Sports released footage of Rice dragging his then-fiancée Janay Palmer out of an Atlantic City casino elevator. After the National Football League (NFL) suspended Rice in July 2014 for two games without pay and imposed a \$58,000 fine (Elliot, 2014), the tremendous public outcry against this incident and the NFL's perceived inadequate response set off a chain of events that forever changed public attitudes and discourse around gender-based violence (GBV) in sports. In September 2014, TMZ released another, more damning video in which Rice could be seen punching Palmer in the face (TMZ, 2014). This led Congress to call the four major men's sports leagues in the United States—the National Basketball Association (NBA), the National Hockey League (NHL), Major League Baseball (MLB), and the NFL—to testify in a December 2014 hearing before the United States Senate on what each respective organization was doing to combat domestic violence, and other forms of gendered violence, within their sport (Marcos, 2014).

As a result of this congressional scrutiny, and after witnessing the intense fallout the NFL suffered from their lack of preparation for such an incident, three of the four sports leagues (all but the NHL) eventually developed their own policies to address GBV (Major League Baseball, 2022; National Basketball Players Association, 2017; National Football Players Association, 2020). These policies vary from league to league¹, but generally mandate regular educational

¹ Some policies contain different provisions depending on the type of employment relationship an individual has with a league. For example, MLB has separate policies for Major/Minor League players and Non-Playing Personnel.

workshops on issues like domestic violence, sexual assault, and child abuse, give league officials the jurisdiction to investigate and issue discipline for incidents of GBV, and provide services like hotline crisis support for players and their families (Tuiskula, 2022). While these additional resources for survivors of GBV and mechanisms of accountability for perpetrators may immediately appear as a “win” for the societal movement against GBV, the haste with which these policies were formed, implemented, and normalized as a requirement for professional sports leagues and their athletes by the American public begs the question of intentionality. To quote the feminist legal scholar Janet Halley (2018), whose recent work in governance feminism has focused on how and why particular strands of feminist ideology have gained access to state, state-like, and state-affiliated power:

As these feminist governmentalities become legal, social, cultural, and/or ideological *common sense*, they disappear into the light of common day. Studying them is like watching a drop of water hitting the large pool of water below: at first we see ripples, but soon the surface is perfectly smooth and the drop disappears into the whole. The specifically *feminist* character of the cultural or legal intervention can and often does disappear. (2018, p. 6)

Recent national survey data reports that nearly one in two women and one in four men report experiencing some form of unwanted sexual contact in their lifetime (Basile et al., 2022), and one in two women and one in four men have experienced some form of contact sexual violence, physical violence, and/or stalking by an intimate partner in their lifetime (Leemis et al., 2022). Are the policies created in the wake of the Ray Rice incident indeed “exactly the kinds of alternative remedies [to the criminal justice system] legal feminists have urged” for survivors of GBV (Augelli & Kuennen, 2018, p. 32)? Or, as Hayhurst and Szto (2016) suggest, in relying on

private corporations to provide solutions for a leading social and public health issue, are we “asking the wrong parties to provide the justice that we seek” (p. 539)? At stake are the lives and experiences of GBV survivors who seek services and accountability through these corporate sport policies, as well as other survivors of GBV whose access to public services may change with this shift towards privatization of GBV intervention models. Understanding how these policies arrived, what they contribute, and whose interests they serve is necessary “in order that we might understand how we might do something” about the gendered violence that continues to impact millions of people each year (Hall, 2021).

Research Problem/Statement

Broadly, this thesis aims to problematize the acceptance of corporate GBV policies in sport—and the corporatization of GBV response and prevention services more generally—as *common sense* by interrogating the assumptions, motivations, and implications embedded within this shift. Hall and O’Shea (2015) explain how the language of the *common sense* reflects a form of ‘everyday thinking’ which offers us frameworks of meaning with which to make sense of the world. It is a form of popular, easily-available knowledge which contains no complicated ideas, requires no sophisticated argument and does not depend on deep thought or wide reading. It works intuitively, without forethought or reflection. It is pragmatic and empirical, giving the illusion of arising directly from experience, reflecting only the realities of daily life and answering the needs of ‘the common people’ for practical guidance and advice. (p.52)

However, that which appears as *common sense* is actually the result of *articulation*, or intentional and affectively imbued linkages, between otherwise disparate elements, like GBV policies and corporate sports leagues. Hall (1996) defines articulation as

the form of the connection that can make a unity of two different elements, under certain conditions. It is a linkage which is not necessary, determined, absolute and essential for all time. You have to ask, under what circumstances can a connection be forged or made? So the so-called ‘unity’ of a discourse is really the articulation of different, distinct elements which can be rearticulated in different ways because they have no necessary ‘belongingness’. (p. 142)

According to Slack (1996), these articulations are strategically forged by members of dominant groups in society to secure hegemony (Gramsci, 1971; Hall, 1980) over not only economic resources but cultural and political institutions. While I more deeply attend to the nuances of the theory-method of articulation (Slack, 1996; Hall, 1980) and the cultural studies foundation (Grossberg, 1997; Andrews & Giradina, 2008; Hall et al., 2015) that underpins this project in Chapter 3, where I discuss my theoretical framework, the overarching goal of this thesis is to denaturalize and disarticulate the *common sense* linkages between GBV, sports, and corporations that emerged following the Ray Rice domestic violence incident, in order to re-articulate them in potentially more transformative ways. This work of articulation is further discussed in Chapter 7 of my thesis.

In order to generate the necessary data to conduct this analysis, I designed and conducted a governmentality-informed thematic analysis of Senate Hearing 113-725: Addressing Domestic Violence in Professional Sports (ADVPS, 2014) centered around the following research questions:

- i. How do Congressional representatives, sport league executives, and player association representatives understand the issue of GBV in sport?
- ii. How do their responses reflect particular beliefs about the connection between sport

and GBV?

iii. Who and/or what are implicated as having responsibility for this issue?

iv. What tensions exist between these different stakeholders?

The field of governmentality studies (Rose et al., 2006) developed following Michél Foucault's (1991) analysis that modern governing strategies are effected through power as a productive force that is dispersed throughout the social body. Through coordinated efforts with expert groups, institutions, and self-disciplining subjects, the state is able to "govern from a distance" in order to organize and direct the "health, wealth, and happiness" of the population (Rose & Miller, 2010, p. 272). I follow Bacchi's (2015) assertion, which draws on Foucauldian problematization, that in order for government to intervene, it must identify a problem that needs to be solved. My questions above thus aim to understand how legislators and leagues problematize GBV in sports, how this problematization is reflected in the solutions offered during the hearing, and how governance must adapt its strategies and partnerships to implement these solutions. In governmentality terms, which I further unpack in my theoretical framework in Chapter 3, my research aims to build upon previous work of governmentality-informed physical cultural studies (PCS) scholars in identifying both the governing rationalities—or the logics and "non-neutral knowledge" upon which intervention is based (Posbergh, 2022, p.1355) and the technologies—or the apparatuses, programs, and techniques implemented to shape individual conduct (Rose & Miller, 2010)—that underpin the governance of GBV policies in sport.

Significance of Research

Despite the swell of outcry and sensational journalism that emerged in the months following the Rice incident, there remains little academic scholarship that closely examines the nature of these policies or the context in which they were formed (see legal scholars Augelli &

Kuennen, 2018; Brown, 2016 as exceptions). Meanwhile, conversations about GBV have proliferated in the public sphere and the issue has not gone away. In 2016, a credibly accused rapist would be elected to the 45th presidency of the United States even after he boasted about his ability to sexually assault women without consequence (Fahrenthold, 2016). In 2017, the #MeToo movement would flood Twitter feeds and crisis center hotlines alike (Chandler, 2017). In 2018, more than 150 survivors would come forward to testify against a now defamed doctor in the USA Gymnastics sexual abuse scandal (Adams, 2018). Broadening from the U.S. context, numerous global sporting bodies have enacted sport policy changes related to GBV, including the International Olympic Committee (2007; Mountjoy et al., 2016), the European Commission (2014), and the United Nations Children's Fund (2010). This thesis will thus contribute to building a more robust scholarly understanding of the burgeoning empirical site of GBV policies in U.S. professional sports leagues and answer the call from scholars in the sociology of sport, PCS, and related fields to develop the theoretical tools necessary to monitor, evaluate, and contextualize GBV and its institutional responses in sport (Fasting, 2015).

This project will also contribute to expanding PCS engagement with the field of corporate social responsibility (CSR) in sport (Hayhurst & Szto, 2016). As a former sport industry employee who worked on a corporate sport GBV policy, I hope to be part of the “radical reconceptualization of CSR,” and use my existing connections in and insider knowledge of CSR in professional sports to help build “productive relationships between critical academics and corporate (sport) organizations, and a commitment (by organizations and academics) towards progressive social change” (Levermore, 2017, p. 585). Following PCS scholars who have used their insider identities to fill knowledge gaps (Newman 2007; DeLuca, 2013), I aim to use mine to put GBV research in professional sports on the map.

Outline for Remainder of Thesis

The remainder of this thesis is divided into eight chapters. Chapter Two provides a literature review of GBV, gender and violence in sport, GBV policies in sport, CSR, and neoliberalism. Chapter Three details my theoretical framework, informed by governmentality, articulation, and radical contextualism. Chapter Four outlines my methodological framework for conducting a thematic analysis with a governmentality analytic. Chapter Five begins with a summary of my four empirical findings before examining each in the following sections: the Reification of the Violent (Black) Athlete Perpetrator, Trickle-Down Governance of the Self, the Neoliberal Entanglement of Corporate, State, and Non-Profit Interests, and Tensions between Labor Rights and Accountability. Chapter Six discusses these four findings in relation to a governmentality analytic. Chapter Seven is entitled “So What?” and seeks to link these empirical findings to broader contextual forces in order to elucidate a deeper understanding of current conjuncture. Chapter Eight summarizes and concludes the thesis with a brief discussion of the project’s limitations and future directions.

Chapter 2: Literature Review

This review aims to unite the distinct fields to which this project hopes to contribute: GBV prevention; gender, violence, and sport; and the link between neoliberalism and the corporatization of social issues. In the first section, I will contextualize GBV as a complex public health and social justice issue that has steadily gained mainstream recognition after years of feminist activism. This section will look to clarify my terminology when discussing GBV, outline the main theories for understanding why GBV occurs and how to prevent it, and trace the history and resulting sociopolitical implications of the women's movement that propelled violence behind closed doors to the public arena. The second section will turn specifically to intersections of sport, gender, and violence to understand how GBV occurs in sporting contexts. This section will examine sport as a site of gender construction and review existing research on athletes as perpetrators of GBV, sport organizations as sites of GBV, sport as a platform for combatting GBV, and research on GBV prevention policies in sport. The final section looks to understand the corporatization of social services and policies, characterized by the shift towards neoliberal governance (Andrews & Silk, 2012).

Gender-Based Violence (GBV)

Terminology

Before discussing how GBV can be theorized, prevented, or even described, I want to first clarify the language I am using in this project. For decades, feminists have fiercely debated how to define the broad category of gendered violence, and those debates continue today (for a review, see DeKersedy, 2020). The language we use when discussing this kind of violence matters because how we use language “exerts power over the way we think and even shapes the

way a social problem is defined, explained and addressed. Those with the power to define, to name or prevent naming also have the power to obscure,” (Brackenridge, 2001, p. 25). While the policies that constitute the empirical focus of my thesis specifically address domestic violence and sexual assault, I will refer to these policies as GBV policies for two primary reasons, the first being strictly functional: GBV works well as an umbrella term to reference both domestic violence and sexual assault and will also function when referencing related forms of violence (such as sexual harassment) that will be discussed in this project. My second reason for using GBV as opposed to the other two umbrella terms that are prevalent in sociology of sport literature—violence against women (VAW) or gender, sexual harassment, and abuse (GSHA)—is because I believe GBV more strongly highlights the relationship between gender, power, and violence. UN Women, the United Nations entity dedicated to gender equality initiatives, defines gender-based violence as follows:

Gender-based violence (GBV) refers to harmful acts directed at an individual or a group of individuals based on their gender. It is rooted in gender inequality, the abuse of power and harmful norms. The term is primarily used to underscore the fact that structural, gender-based power differentials place women and girls at risk for multiple forms of violence. While women and girls suffer disproportionately from GBV, men and boys can also be targeted. The term is also sometimes used to describe targeted violence against LGBTQI+ populations, when referencing violence related to norms of masculinity/femininity and/or gender norms. (UN Women)

Some of these harmful acts include but are not limited to rape, domestic violence, sexual harassment, human trafficking, female genital mutilation, and child marriage. It should also be noted that GBV has increasingly become a global term for international governing and non-

governing organization (NGOs) describing various gender equality projects in developing countries (Jaleel, 2021). For purposes of clarity, when discussing forms of gendered violence broadly or when referring to the policies in sports leagues, I will use GBV. When discussing specific risk/protective factors or instances of domestic violence or sexual assault, I will use those specific terms.

While many scholars use the language of GBV (Fitz-Gibbon et al., 2018; Hattery, 2022; Jordan, 2009), a particularly scathing critique of “gender-based violence” comes from Sheehy (2018) who asks why scholars and activists have “abandoned the language of male violence against women in favor of ‘gender-based violence’—a term so vague and depolitized that it can signal many forms of violence, including violence against men” (p. 251). DeKeseredy (2020) further argues that GBV and other popularized gender-neutral language (such as intimate partner violence, or IPV²) is problematic because it lends support to men’s rights activists and conservative agendas that actually seek to undermine gender equality efforts. Gender-neutral language not only can obscure the fact that women perpetrate all forms of violence at lower rates than men (Basile et al., 2022; Leemis et al., 2022), but can also be willfully or ignorantly misunderstood in ways that constrict services dedicated to women or misapplied to cases of violence and murder committed by women in acts of self-defense against abusive partners (Berk et al., 1983; DeKeseredy & Hinch, 1991; Sheehy, 2018).

The popularization of gender-neutral language such as GBV is also attributed to the increasingly neoliberalized university where academics studying such topics are pressured to “locate themselves in the dominant discourse” in order to secure crucial grant funding and

² Because many researchers use the term intimate partner violence instead of domestic violence, these two terms will be used interchangeably throughout this literature review depending on the language of the source cited

publications (Pease, 2019, p. 5). However, the crux of DeKeseredy's (2020) and others' qualm with the language of GBV is that it has proliferated in tandem with an increasing decline of an explicit focus on patriarchy as a cause of GBV, with feminist sociological analyses of these forms of violence being overtaken by an influx of depoliticized analyses by scholars in psychology, psychiatry, nursing, and medicine (DeKeseredy & Rennison, 2019). While I empathize with the critique of GBV, given that my project will explicitly locate GBV within the patriarchal system that produces/is produced by it, and will include a critical and indeed political analysis of how gendered norms embedded within sport institutions contribute to disproportionate violence against women, I have chosen to use the language that resonates most with me as a scholar and advocate. Additionally, because my project will focus on the violence enacted by men towards other men who defy traditional gender norms, I believe GBV will be the most appropriate term to use for the many instances of gendered violence that this thesis will explicate.

With one in four women and one in 26 men reporting attempted or completed rape at some point in their lifetime, and nearly one in two women and one in four men report experiencing some form of unwanted sexual contact in their lifetime, national survey data clearly demonstrates that sexual violence continues to be a public health issue in the United States (Basile et al., 2022). National survey data also shows that one in two women and one in four men have experienced some form of contact sexual violence, physical violence, and/or stalking by an intimate partner in their lifetime (Leemis et al., 2022). To understand why these forms of GBV occur and what preventative and protective measures exist to counteract them, I will approach this section from two interrelated manners of conceptualizing GBV. First, I will briefly overview the public health approach to domestic and sexual violence that utilizes a socioecological health

model. Then, I will outline the major theories that view the occurrence of GBV from a feminist sociological standpoint.

Domestic Violence within the Socioecological Health Model

The public health socioecological model examines the interplay between individual, relationship, community, and societal factors that put someone more at risk or protect someone from experiencing and/or perpetrating violence (CDC, 2022a). In this model, domestic violence is generally defined as a pattern of abusive behaviors wielded by one partner in a relationship to maintain power and control over the other. It occurs across all socioeconomic groups, races, and sexual orientations. In addition to physical violence, domestic violence can also include verbal, emotional, and psychological abuse, as well as economic and technological abuse. Some common misconceptions about domestic violence include that it is caused by anger or alcohol issues. While substance use and anger issues do increase the risk of someone using physical violence, as opposed to other forms of coercive control, domestic violence is about one partner attempting to maintain control over another (CDC 2022b).

For domestic violence, the CDC (2022b) lists individual risk factors for perpetration as belief in strict gender roles, history of abuse in childhood, economic stress, and heavy alcohol and drug use, among others. Relationship factors encompass witnessing violence between parents as a child, experiencing physical discipline as a child, and unhealthy family relationships and interactions. Community factors include high rates of poverty and unemployment, lack of educational opportunities, and low community involvement among residents. Societal factors include gender inequality and adherence to traditional gender norms, cultural norms supporting aggression and violence towards others, societal income inequality, and weak health, educational, economic, and social policies (CDC, 2022b).

Sexual Violence within the Socioecological Health Model

Basile et al. (2022), writing on behalf of the Center for Disease Control and Prevention to create recommendations on uniform definitions and data elements for sexual violence researchers, define sexual violence as both penetrative and non-penetrative acts as well as non-contact unwanted sexual experiences. Sexual violence occurs when a perpetrator commits sexual acts without a victim's consent, or when a victim is unable to consent (e.g., due to age, illness, incapacitation due to drugs/alcohol) or refuse (e.g., due to physical violence, threats, or coercion) (Basile et al., 2022).

According to the CDC (2022a), at the individual level, risk factors for perpetrating sexual violence include drug and alcohol use, adherence to traditional gender role norms, hyper-masculinity, hostility towards women, aggressive behaviors and acceptance of violent behaviors, exposure to sexually explicit media, and prior sexual victimization or perpetration. Relationship factors include family histories of conflict or violence, childhood history of abuse, and association with sexually aggressive or hyper masculine peers. At the community level, poverty, lack of employment opportunities, lack of institutional support from police and judicial system, tolerance of sexual violence, and weak community sanctions for perpetrators constitute some of the risk factors. Societally, norms that support sexual violence, male entitlement, and female inferiority, as well as weak sexual violence and gender equity policies and laws and high rates of crime and violence are listed as risk factors for perpetration (CDC, 2022c).

While it can be overwhelming to view domestic and sexual violence from such a wide lens, the socioecological model provides a blueprint for the many potential entry points of GBV intervention. However, in the context of contemporary U.S. neoliberal governance, an ideology that seeks to individualize and privatize social problems and services, funding for GBV

prevention work has increasingly become tied to the ability of GBV prevention and response organizations to provide individualized services such as therapy, legal counseling, and other quantifiable direct services (Mehrotra et al., 2016). While this has allowed for critical funds to be allocated to survivors, it has also resulted in a disproportionate focus on the individual and relationship levels of the socioecological model and a shift away from organizations seeking to intervene at the community and societal level:

Individually focused direct social services are most often more “fundable” than movement-building efforts or other organizing initiatives that target root causes of injustice. In the research domain, the emphasis on evidence-based practice and “testable” interventions as dominant foci of knowledge production also forecloses research and practice approaches that address larger structural conditions and/or employ participatory, antioppressive methods. (Mehrotra et al., 2016, p. 156)

This is another way of explaining the public health river parable, where rescuers are so focused on pulling people who are drowning out of the river that they don’t have time to go upstream and figure out who or what is pushing them in (McKinlay, 1979). As this project focuses on large-scale policies implemented across various leagues and teams, it will thus assist in closing this knowledge gap by providing information about the function of a societal/community-level intervention. This project aims to “go upriver” and understand not only what is pushing people in, but examine the methods—and the motives—of the rescuers as well.

Theoretical Debates within Violence Prevention

Researchers who focus on GBV come from a range of disciplines, including family sciences, public health, criminology, psychology, sociology, and women’s studies. However, there exists contentious inter- and intra-disciplinary debate around questions about why GBV

happens and how to prevent it. The perspective that I will take in this project is that of an explicitly feminist approach with a focus on how patriarchy produces and is produced by GBV (Hattery, 2022; Hunnicutt, 2009). Before unpacking my chosen approach, I will briefly overview some alternative ways of theorizing GBV in order to provide a snapshot of some of the main debates and controversies in researching GBV.

Some researchers take a generalist perspective that focuses on conflict in family systems (Straus, 2006; 2012) or violence from a crime theory perspective (Felson, 2006; Felson & Lane, 2012). Some of these generalist perspectives have produced research that argues that domestic violence occurs at similar rates across genders and thus gendered theoretical models are unnecessary (Archer, 2000; Dutton et al., 2010). However, there have been methodological critiques of this finding (Hardesty & Ogosky, 2020) in addition to further research showing that when women do use violence against male partners it is usually for motivations such as “self-defense, protecting children from their partners, expressing anger and frustration with their partners’ mistreatment of them, retribution for insults or mistreatment, and attempts to claim respect and respectability” (De Coster & Heimer, 2021, p. 292; see also Hayes 2013; Rajah & Osborn, 2020). Given that domestic violence is defined as abuse used to exert power and control, the purpose of violence and its gendered connotations are important when it is measured in this context.

To that point, violence perpetrated by men tends to occur when they are “confronted with masculinity challenges and threats” (De Coster & Heimer, 2021, p. 291). Resource theory, which suggested that men with less access to economic and social resources were more likely to utilize violence against their partners (Cunradi et al., 2002; Fox et al., 2002), has been furthered through relative resource theory, which suggests that “imbalances in levels of power and resources,

manifested in income, employment, occupational prestige, and educational attainment, are a risk factor for men's commission of IPV when the power imbalance is in their female partners' favor" (De Coster & Heimer, 2021, p. 291). However, in addition to access to economic and social resources in comparison with their partners, men's adherence to traditional roles is of importance when understanding why GBV occurs. Particularly in the context of relative resource inconsistencies that favor women, studies have shown that endorsement of traditional masculine ideologies results in a higher likelihood domestic violence occurring (Atkinson et al., 2005; Zito, 2017).

In a global meta-analytical review of intimate partner violence research from a public health perspective, Jewekes (2002) characterizes the conflicting findings of intimate partner violence studies as evidence of public health's "inescapable problem: evidence for causation of intimate partner violence is weak when assessed with epidemiological criteria" (p. 1423). While other public health research areas, such as disease prevention, have biological bases with more universal approaches to their prevention and response, intimate partner violence is "entirely a product of its social context," and thus requires contextualized interventions and analyses (p.1423). Further complicating research of intimate partner violence is that measuring possible risk and protective factors like gender equity, gender norms, and socioeconomic resources is difficult, especially across cultures (Jewekes, 2002). However, Jewekes (2002) metanalysis of intimate partner violence research across different countries saw two main factors emerge as causes: "the unequal position of women in a particular relationship (and in society) and the normative use of violence in conflict" (p. 1426). These findings clearly have implications from the individual to societal level of the socioecological model; it is not only relevant how a woman

is positioned in her relationship, but how she is perceived by society, and what cultural norms are established within that particular relationship, as informed by the cultural norms of society.

This brief summary of why and how violence is used in relationships mirrors the portrait painted by the socioecological model: there are numerous, intersecting factors for why violence occurs, with structural access to resources, cultural norms of a society, and gender dynamics emerging as some of the most salient factors. This next section will focus on gender as a key variable by examining various feminist perspectives on GBV.

Feminist Perspectives on GBV

Hunnicutt (2009) joins previous feminist scholars in maintaining that “explanations of violence against women should center on gendered social arrangements and power,” for which patriarchy is a useful theoretical tool (p. 554). Patriarchy’s strength as a concept lies in its explication of “gender hierarchies, dominance, and power arrangements” which “retain gender as a central organizing feature, maintaining a hierarchical emphasis and focusing on social systems and social arrangements that reinforce domination” and keep “the gaze directed toward social contexts rather than toward individual men” (Hunnicutt, 2009, p. 554). Hunnicutt (2009) draws out a conceptualization of patriarchy that understands it to be both a system and an ideology of male dominance that varies “across time, place, and material contexts” but is “sustained and reinforced by other systems of domination” such as hierarchies of race and class (p. 567). In short, Hunnicutt (2009) advocates for further theoretical development of patriarchy that is contextually specific, attentive to other power structures, and focuses on systemic causes of GBV as opposed to individual perpetrators.

Whereas Hunnicutt (2009) focuses on GBV as a product of patriarchy, Hattery (2022) argues that scholars must re-conceptualize GBV as “*intentional* rather than *aberrational*,” and

advance the understanding that “gender-based violence is not a product of gender inequality; rather, it is a tool for ensuring gender segregation and thus perpetuating gender inequality” (2022, p. 790-791). Drawing upon examples of how GBV is enacted in the home, the world of sports, and the military, Hattery explains that GBV is utilized to protect men’s structural power by discouraging women’s integration into and advancement through male institutions through acts of sexual harassment and assault (2022). Rather than focusing on educational interventions or even the empowerment of women to leadership positions in male dominated institutions, Hattery (2022) draws on the example of the decline of racialized violence such as lynching, which she argues occurred for two reasons:

Because there were legal consequences for the perpetrators and because there were social sanctions for those who participated or were complicit—at both the individual and more importantly at the institutional level. Similarly, rates of gender-based violence will not decline until the lessons of the movements for racial equity are embraced and applied by the movements for gender equity. (p. 808)

Hattery (2022) advances an intersectional theoretical approach that draws on the work of Black feminist scholars such as hooks (2004), Davis (1983), and Collins (1990), but simultaneously argues for more punitive and social sanctions for perpetrators of GBV, even though such sanctions often disproportionately target Black men and often result in harming their partners and families as well (Ritchie, 2012). While I take issue with some of Hattery’s more carceral leaning perspectives, I find her approach to viewing GBV as intentionally utilized to fortify men’s structural power to be an interesting and compelling approach, particularly when complicated with the work of Jaleel (2021).

In *The Work of Rape*, Jaleel (2021) introduces a new theoretical and methodological framework for understanding the meaning and function of rape that locates it in its long history as a tool of racial capitalism and colonial terror. This method, “the work of rape,” involves asking what counts as rape, where it counts, why it counts, and for whom it counts. Jaleel (2021) highlights the way that rape, as well as ancillary terms like consent and coercion, have been fossilized as catch-all terms that are applied ubiquitously to violence against women that occurs in warzones as well as on college campuses. Jaleel (2021) aims to demonstrate how these terms “have had no fixed meaning—they were not and are not definitionally obvious but are instead sites of struggle” which have advanced from feminist legal scholars attempts to change norms around violence against women in the late 1900s (p.4). Jaleel (2021) argues that many of these terms now function to embolden the state’s ability to surveil and punish in the name of protecting women. While not all of Jaleel’s innovative and intriguing ideas can find a home in this project, her points about specifying the sociopolitical context for both acts of GBV as well as punitive or reparational policies for GBV will inform parts of my approach to this project.

There are a few takeaways to highlight from this section on the terminology and theorization of GBV. First, there continues to be a need for more intersectional feminist theoretical development of GBV that accounts for its overlap with other structures of domination like racism, colonialism, and capitalism (Hunnicutt, 2009; Hattery, 2022; Jaleel, 2021). Additionally, although GBV can be addressed at multiple levels of the socioecological model, in the context of contemporary U.S. neoliberal governance, there continues to be a need for research that examines GBV as it occurs at structural and societal levels (Mehrotra et al., 2016). This project will thus look to build upon the work of previous feminist scholars to fill the crucial gap around understanding how to combat structural derivations of GBV, while further

explicating how the multiple forms of oppression present in sport institutions and broader society are (or should be) addressed within GBV policies.

History of Violence Against Women Movement

In the age of #MeToo, it is difficult to imagine that just over fifty years ago, domestic and sexual violence were barely recognized as issues in the United States. Domestic and sexual violence gained recognition due to the efforts of the women's movement in the late 1960s and early 1970s. Prior to that, antirape laws dating back to the colonial period had primarily been created to protect the property interest that White men had over women. Early statutes held embedded racial, class, and gender presentation biases about who could claim victimhood to rape that persist today (Schulhofer, 1998). It wasn't until 1993 that marital rape was criminalized to some degree in all 50 states (Bergen, 2006), reflecting the belief of early legal codes that "if rape was ultimately a crime against a man with rights over a particular woman, then it was legally nonsensical that a man could commit such a harm by forcing sex upon his own wife" (Ake & Arnold, 2017, p. 4).

The criminalization of violence in marriage and partnerships had a similar uphill battle. Men were seen as having the authority to use corporeal punishment against their wives until the activism of temperance and women's rights advocates successfully lobbied for criminalization of "wife beating" and the right of women to "divorce on grounds of physical cruelty" in the 1890s (Ake & Arnold, 2017, p. 5). The 1930s saw social work and psychiatry introduce "therapeutic terms like 'marital discord' and 'domestic difficulties' that implied that both men and women shared equal responsibility for the problem," and psychoanalysis additionally dismissed women's concerns as fantasies or female masochism (Ake & Arnold, 2017, p.5). However, the civil rights era and women's movement in the 1960s and 1970s introduced new analyses that

focused on domestic violence and rape as mechanisms of patriarchal social control. This advanced a new understanding of these issues as distinct forms of oppression experienced primarily by women that extended beyond what was previously thought of as relationship drama or sexually motivated aggression (Ake & Arnold, 2017).

The 1970s saw rapid growth in terms of services and public recognition of the issue of violence against women. The first rape crisis centers were established in 1971, the first Congressional response came in 1975 in the form of the National Center for the Prevention and Control of Rape, and the first National Coalition Against Sexual Assault (NCASA) emerged in 1979 (Matthews, 1994). Much of the project of the early antirape movement was around shifting cultural understanding of rape from “a sex crime committed by a few sick men or brought on by women’s suspect behavior” to “an act of violence integral to male domination” (Ake & Arnold, 2017, p. 6). This feminist consciousness-raising allowed victims who had previously been isolated to connect their individual plights to broader and culturally entrenched oppression. However, an ideological divide visible in the early movement continues to deepen today around the difference between improved social supports for women and the quest for social transformation. Ritchie et al. (2021) characterizes the demands of second wave feminism as follows:

These claims included equal pay for equal work, expanded educational opportunities, access to reproductive choice, and recognition of domestic labor. These neoliberal demands precluded focus on domestic violence and were not directed at radical social transformation, but rather on increased access to the same inherent, heteronormative privileges that cis-, White men had inherited by their gender, race, and class. (p. 250)

Black women and other historically marginalized groups argued that other forms of injustice, including racism, classism, homo- and transphobia, were often left off the feminist agenda, even as they greatly shaped the experiences of violence that women endured (Richie et al., 2021). This led to the creation of autonomous grassroots organizations that were specific to the identities of Black, Indigenous, and other women of color. Many of these groups have evolved today to form some of the leading grassroots organizations in GBV advocacy and activism, including INCITE! and Creative Interventions.

As the issue of domestic and sexual violence gained more traction within formal governing bodies, the ideological divide within the feminist movement deepened. Funding for rape crisis centers and domestic violence organizations began to depend on their formalization, introducing bureaucratic processes, hierachal structuring, and quantifiable outcomes, most of which went against the focus on social transformation, not service delivery, that many feminists had in mind when designing these organizations (Mehrotra et al., 2016). The passing of the Violence Against Women Act (VAWA) in 1994 epitomizes the split between those who saw the institutionalization of items on the feminist agenda such as GBV as progress and those who saw it as co-optation. While the VAWA established the Office on Violence Against Women within the Department of Justice, provided federal funding for rape crisis centers and domestic violence shelters, and assisted in coordinating criminal justice efforts to mobilize against domestic and sexual violence, it also cemented GBV as a criminal justice issue (Ake & Arnold, 2017). Ritchie (2021) highlights that the VAWA was bundled strategically within the 1994 Violence Crime Control and Law Enforcement Act in order to receive bipartisan support. This same bill would later come to widely be known as the 1994 Crime Bill responsible for “the build-up of law enforcement, discriminatory sentencing policies, and enhanced surveillance, arrest, conviction,

and over and disproportionate incarceration of African American, Native and Latinx, poor, queer, young, immigrant, and others at the social margins of American life” (Ritchie et al., 2021, p. 254). VAWA receives critique today from both ends of the political spectrum: those on the left see it as an exemplar of state surveillance and carceral policies “under the guise of victim protection” (Ritchie et al., 2021, p. 255), while those on the right see it as “Feminazi” funding that targets innocent men and protects “fake” victims (Jipping, 2019).

The recognition of GBV as an issue in the 1990s is additionally significant as it was ushered in on the heels of the “war on drugs” in the 1970s. The harsher sentencing policies of this era, including those introduced through the 1994 Crime Bill, would result in an expansion of the US prison population that led to the emergence of for-profit, privatized prisons at the state and federal levels (Gotsch & Basti, 2018). Kim (2020) examines this “carceral creep” that implicates GBV’s (and feminism more broadly) mainstreaming in society. According to Kim (2020), carceral creep explores:

The relationship between the feminist emancipatory social movement and the masculinist arm of the state as one driven by the pursuit and delusion of feminist control, one that embraced oppositional political strategies but in service to the encroaching politics of mass incarceration. (p. 253)

While the increased awareness of GBV as a societal issue has led to policy changes such as those examined in this project, it has also been politicized to increase funding for further policing and incarceration of marginalized communities. Davis et al. (2022) additionally note that in the 21st century:

Gender violence became recognized as the most pandemic form of violence in the world but was also understood in decontextualized individualistic terms. As attention is most

often focused on individual perpetrators, as if they themselves are the beginning and end of these violences, the structural and institutional underpinnings of sexual assault and other forms of gender violence are neglected. (p. 108)

As perhaps exemplified by the media scrutiny of the Ray Rice domestic violence case, there is a tendency to zero in on perpetrators of GBV, obscuring the massive institutional and structural environments which created them. This trend continued with the focus on serial sexual abusers such as Harvey Weinstein and Larry Nassar in 2017. However, while these cases may appear as the watershed moment of the #MeToo movement that particularly propelled feminist GBV awareness efforts to the forefront of public debate in the 21st century, Bachynski (2020) examines how investigations in the early 2000s into the sexual abuse rampant in the Catholic Church shaped public opinion and awareness. Citing analyses by Weatherred (2017) of newspaper and television coverage of child sexual abuse from 2002 to 2012, Bachynski (202) found “a discernible shift toward more frequent mentions of societal-level causes for child sex abuse...this finding suggests that news coverage has contributed to growing awareness of the role of institutions in fostering environments conducive to sexual abuse,” (p. 145). A more holistic picture of cultural events such as the Penn State sexual abuse case (CNN, 2023), the 2014 #YesAllWomen campaign (Valenti, 2014), and other important historical and political moments related to GBV in the United States will be further articulated in the final version of this project.

In addition to further tracing and contextualizing how GBV emerged as a societal issue discussed on a viral scale from its humble beginnings of feminist conscious-raising groups in the 1970s, this project will contribute to constructing a more holistic picture of how the GBV prevention movement today can look beyond individual actors such as Ray Rice and reorient to focus on structural change. With this preliminary sketch of GBV research and history intact, I

will now shift focus to research that has looked at the issue of GBV within sport contexts specifically.

Gender-Based Violence in Sport

The last section outlined how gender-based violence is both a producer and product of the unequal power dynamics inscribed by gender roles and patriarchy (Hattery, 2022; Hunnicutt, 2009). While GBV is statistically more often perpetrated by men and experienced by women (World Health Organization, 2021), it is also often enacted to punish men who wander too far from traditional norms of masculinity (Messner, 1990). Gender-based violence that occurs in sport, a key site of masculine identity formation for boys and men (Messner, 1990), thus has an additional element of patriarchal urgency. This section will outline key concepts such as hegemonic masculinity, demonstrate how sport functions as a site of gender construction, and finally review the existing research on gender-based violence in sport contexts.

Hegemonic Masculinity

Kessler et al.'s (1982) study of social inequality in Australian high schools provided empirical evidence of gender and class hierarchies that laid the foundation for a model of multiple masculinities (Carrigan et al., 1985) and critiqued previous literature that relied on an essentialized understanding of the male sex role. The terms "hegemonic masculinity and emphasized femininity" have been popularized as key concepts in understanding gender construction in the time since (Connell, 1987). Hegemonic masculinity can be understood as the performance of practices such as aggression, violence, and physical prowess that is enacted not only to preserve men's "natural" superiority and dominance over women but to enforce a hierarchy over subordinated masculinities as well (Connell, 1987; Connell & Messerschmidt,

2005). While “hegemonic males” do not necessarily constitute the majority of men in a particular social context, hegemonic masculinity represents the peak of expected and accepted performances of manhood and requires “all other men to position themselves in relation to it” (Connell & Messerschmidt, 2005, p. 832).

This concept was engaged frequently in the 1990s to explore the mechanisms of hegemony in the formation of male identity, with sport emerging as a central empirical site rife with examples of how hegemonic masculinity is embodied, essentialized, and enforced. Sabo and Jansen (1992) explicated the pageantry of masculinity on display in television sports broadcasts while Roberts (1993) unearthed social mechanisms like name calling and bullying which informally policed homosexual behaviors in youth groups. Sociologist Michael Messner’s research (1987; 1990; 2002; 2007) has been incredibly influential in understanding how hegemonic masculinity operates in sport contexts, a body of work we will shortly return to.

However, before continuing to work with the concept of hegemonic masculinity, it is important to acknowledge its critiques and account for its shortcomings. While hegemonic masculinity tends to imply a sex, gender, and sexuality analysis, it is often invoked without attention to other important dimensions of identity including race, class, and ability. This can lead to a colorblind analysis that reifies an embodiment of masculinity with dominant identities, namely those of White, middle-class, and able-bodied men, and ignores how the site of masculine identity formation is informed by other identity markers. Thus, any analysis of hegemonic masculinity must also carefully attend to its intersections with other axes of privilege and marginalization in society (Crenshaw, 1991).

Key leaders of Black feminist thought such as Angela Davis (1983), bell hooks (2004), and Patricia Hill Collins (1990; 2005) provide important insights into the construction of Black

masculinity. According to hooks (2004), “long before any young black male acts violent he is born into a culture that condones violence as a means of social control, that identifies patriarchal masculinity by the will to do violence” (p.49). Propensity for violence—a key marker of hegemonic masculinity—is disproportionately reinforced for Black men and other groups who experience the violence of systemic and historical marginalization through various structures in society—including policing, schools, and discriminatory housing and labor practices. This economic, political, and social disempowerment has consequences for how men define themselves in interpersonal relationships.

If black males are socialized from birth to embrace the notion that their manhood will be determined by whether or not they can dominate and control others and yet the political system they live within (imperialist-white-supremacist capitalist patriarchy) prevents most of them from having access to socially acceptable positions of power and dominance, then they will claim their patriarchal manhood through socially unacceptable channels. (hooks, 2004, p.58)

Although hooks specifically writes about the experience of Black men in the United States, her analysis of how power is made (in)accessible and wielded in exploitative ways speaks to the patriarchal culture that serves as a model for all men. This model’s implications for Black men, specifically, will be examined in greater detail when we turn to the 2014 Ray Rice incident and contextualize it with other media spectacles that serve to reify Black masculinity as naturally athletic, violent, and predatory (Collins, 2005; Markovitz, 2006).

Other scholars (Holter, 1997; 2003) have critiqued the concept of hegemonic masculinity for its lack of specificity between patriarchy as “the long-term structure of the subordination of women,” and gender, “a specific system of exchange that arose in the context of modern

capitalism,” (Connell & Messerschmidt, 2005, p. 839). Whereas gender is performed in the style of hegemonic masculinity to exercise personal power directly and indirectly over women and subordinate masculinities, patriarchy must be understood as the institutionalization of gender inequalities in our educational, professional, legal, economic, and sociocultural systems (Hunnicutt, 2009).

Another important set of critiques emphasizes how hegemonic masculinity should be understood as a process and not a stagnant term. Hegemonic masculinity is contested and reformulated according to the “specifics of new historical conjunctures,” as exemplified by Demetriou’s (2001) examination of the increasing visibility of gay masculinity in Western culture (p. 355). Additionally, hegemonic masculinity must be discussed alongside its counterpart, emphasized femininities, as many crises resulting in the reformulation of hegemonic masculinity are responding to the ebbs and flows of the ideal construction of femininity (Connell & Messerschmidt, 2005).

With this understanding of a necessarily intersectional hegemonic masculinity that is fluid in style but consistently utilized to enforce the gender hierarchy of patriarchy, we can now turn to sport as a site of constructing and contesting various iterations of masculinity.

Sport as a Site of Gender Construction

Men’s occupational shift from owning or working on farms to working for wage labor between the 1890s and 1920s constituted a large part of the first “crisis of masculinity” in the United States identified by Messner (2007) and various historians (Tolson 1977; Zaretsky 1973). While industrial capitalism fortified male domination by creating “separate (public/domestic) and unequal spheres of life for men and women,” the end of the “patriarchal legacy of property-ownership passed on from father to son” undermined a foundational source of male privilege and

identity (Messner, 2007, p. 35). Men sought to compensate for this shift with a renewed intensity towards physicality and toughness (Wilkinson, 1984), warfare (Filene, 1975), and homosocial cultural spheres like the Boy Scouts of America (Hantover, 1978). Organized sports emerged as a key site for practicing and instilling manliness, both by providing separation from women and “feminized society” through the segregation of sexes in sport as well as “providing dramatic symbolic proof of the ‘natural superiority’ of men over women” (Messner, 2007, p. 35). At this time, female athleticism was heavily discouraged as contrary to conventions of femininity.

Sports in the post-World War II era became even more central for affirming masculinity as women continued to become more visible in public life and employment opportunities for men in industrial production and physical labor disappeared with the shift to a service-oriented economy (Ehrenreich, 1983; Messner, 2007; Tolson, 1977). The diminished need for physical strength in the workplace shook the legitimacy of inequality between the sexes, but participation in and spectatorship of sports quickly stepped in to bolster men’s position at the top of the patriarchal order.

Messner’s (1990) life history interviews with former male athletes reveals the process of socialization for boys into hegemonic masculinity-affirming sport. Messner found that for many of the men he interviewed, sport was a unique site of fraternal and paternal bonding in boyhood. The highly structured nature of sport, with its emphasis on rules and fairness, provided a space where men could express vulnerability and experience friendship without fear of appearing feminine or gay (Gilligan, 1982; Messner, 1990). However, as boys grew up, they realized that positive attention from fathers (and father figures like coaches) and teammates was contingent on their success in sport (Messner 1987; 2007).

As competition level increases, success in sport comes with a high price, namely, physical and psychic pain (Joncheray et al., 2022). Athletes learn to use violence, and to accept violence in sport as normal, as they receive praise from coaches, teammates, and fans for successfully vanquishing opponents and for overcoming their own pain as well (Messner, 1990; Smith, 1974; Vaz, 1980). However, when injuries eventually strip these men of their ability to participate in sports, they find their masculine identity eroded along with their abilities to play and compete without pain. Messner (1990) interviewed former male athletes to understand their meanings for participation in violent sports and connect these meanings to the “larger social construction of masculinities and men’s power relations with women” (p. 203). He found that many struggled to admit the suffering absorbed by their bodies from their sports. Instead, they wore their “injuries with pride, like badges of masculine status,” for to “question their decisions to ‘give up’ their bodies would ultimately mean to question the entire institutionalized system of rules through which they had successfully established relationships and a sense of identity” (1990, p. 212). Unwilling or unable to comprehend the corporeal price of their complicity with the patriarchal power structure, male athletes instead emphasized the importance of pain and injuries in “becoming” a man.

This Stockholm syndrome-esque attachment to violence in sport is further addressed through Messner’s (2002) theorization of Kaufman’s (1987) triad of men’s violence. This theory explains how men use violence against women, men, and one’s self to construct a high-status hegemonic masculine identity that serves as the gravitational center around which subaltern masculinities and identities in sport must revolve. The leaders of athlete male peer groups are those who “most actively conform to and directly benefit from hegemonic masculinity,” and they ensure their power through homophobic and misogynistic performative acts towards “feminized

objects of sexual conquest” which may be women or other boys (Messner, 2002, p. 36). The leaders are supported by the audience, the subset of boys who are a rung beneath the hegemonic men and actively support the practices of the leaders in an effort to “share in the benefits and pleasures of hegemonic masculinity, and to avoid the pain of becoming the object of the group’s put-downs” (Messner, 2002, p. 37). Finally, there are the marginals, who may disagree with the cruelty of the leaders and not participate as actively as the audience, but feel pulled to participate in this crucial site of male bonding. Messner (2002) explains:

After all, this is the place where these boys have experienced some acceptance and belonging. And their association with this group brings a certain level of respect from outsiders. Moreover, they know that silence will keep them safely in the group. (p. 37)

The threat of becoming a target of the leaders enshrines the power structure, a hierarchy dependent upon the domination of women and subordinated men. Interestingly, given the “heterosexualization process” often embedded in men’s sports, homoerotic tension features heavily in this dynamic (Travers, 2009). Fine’s (1987) ethnographic study of Little League baseball players found that the boys connected primarily through sexually aggressive banter. Curry’s (1991) ethnographic work in men’s locker rooms found that male athletes would loudly boast about their sexual conquests in the center of the space, whereas men on the margins of the locker room would speak in hushed tones about their relationships with long term girlfriends. This study revealed the ways in which men would both perform hegemonic masculinity for the approval of their teammates while hiding vulnerable topics to protect their relationships and themselves from becoming the targets of the group. Robinson’s (1998) analysis of sexual violence by Canadian male ice hockey players revealed that men used their assaults on women as

evidence of their masculinity to later display to their teammates. While women were the targets of the violence, men were the ones perpetrators were trying to impress.

While research clearly establishes that sport is a key site of masculine identity formation, how does this correlate with perpetration of GBV? Put differently, are athletes more likely than non-athletes to perpetrate crimes of GBV? Although the majority of the literature related to GBV in sports has sought to understand this question, most of the field's findings are convoluted and contradictory (Parent et al., 2022). Additionally, much of the literature focused on this question exclusively draws from the data of intercollegiate as opposed to the professional athletes covered by the policies that constitute the empirical site for this project (see McCray, 2015 for a review). However, as the collegiate system is often a feeder for professional sports leagues (Brand, 2006), I will summarize a number of studies on collegiate athletes between the 1990s and present in order to contextualize what we do know about athletics as a risk factor for perpetration and to outline the gaps in the field.

Sport as a Risk Factor for Perpetration

Likely following the trailblazing work of second-wave feminists to raise awareness to the problem of GBV, the 1990s saw numerous largely quantitative studies that focused primarily on GBV perpetration rates of collegiate male athletes compared to their non-athlete peers. Much of this research did not paint male athletics in a positive light, particularly when comparing perpetration rates of male athletes versus non-athletes. A quantitative study by Fritner and Rubinson (1993) sampled 925 randomly selected college women and asked them to self-categorize if they had experienced one or more of four crimes: sexual assault, attempted sexual assault, sexual abuse, and/or battery, illegal restraint, and/or intimidation. The women who indicated they had experienced one or more of these crimes also identified if their perpetrators

were college athletes. Results found that despite college athletes constituting less than 2% of the total male student body, they committed 22.6% of reported sexual assaults, 13.7% of attempted sexual assaults, 13.6% of sexual abuse incidents, and 11.09% of battery, illegal restraint, and/or intimidation incidents identified in the study (Fritner & Rubinson, 1993).

An examination of incidents of sexual assault and battering reported to campus judicial affairs also found an overrepresentation of male college athletes as perpetrators, but the study's small sample size combined with the fact that sexual assault is notoriously underreported were listed as significant limitations (Crosset et al., 1996; Morgan & Thompson, 2021). Additionally, a subsequent study of campus police departments found college athletes were *not* overrepresented as perpetrators of sexual violence compared to non-athletes (Crosset et al., 1996). While both studies continue to be cited in arguments that claim athletes are more likely than non-athletes to commit acts of GBV today, a meta-analytic review of studies related to sexual aggression and athletics participation removed these studies from their data set because of the aforementioned issue with underreporting (Murnen & Kohlman, 2007).

Other studies have relied on participants self-reporting either their history with sexual violence, or the probability that they would commit sexual violence if there were to be no penalties for their actions. Using this method, Koss and Gaines (1993) found some correlation between sexual aggression and participation in organized college athletics, however alcohol and/or nicotine use was found to be a higher predictor of sexual aggression. Boeringer (1996) compared responses of college athletes, fraternity members, and non-athlete/fraternity members when asked if they had ever engaged in the use of force, drugs/alcohol, or coercion to obtain sex,

as well as if they would commit rape or use force to obtain sex³ if they knew their behavior would never be penalized. The results found that while athletes scored higher than the other groups on all variables, they only scored significantly higher than other men on the likelihood of them using force to obtain sex (Boerginer, 1996). Boerginer (1996) hypothesizes that “the emphasis on and praise for aggression, strength, domination, and machismo in the sport world may very easily spill over into everyday life and result in a higher potential for sexual aggression,” however, the significance of this finding quickly becomes a case of the chicken or the egg (p. 143). Commenting on Boerginer’s (1996) study as well as Crosset et al.’s (1996) finding that athletes were overrepresented in sexual assault cases on university campuses, Koss and Cleveland (1996) remarked:

Do athletes really rape more, or is there something about them or their sexual access strategies that are more likely to trigger reporting to college authorities by the women they have sex with? Or are athletes and fraternity members simple a segment of the larger rape-supportive male culture? (p. 184)

Their questionable conflation between “sexual access strategies” and sexual violence aside, Koss and Cleveland’s point is that much remains unknown about the actual processes that lead to apparent higher rates of perpetration, and if athletes are actually perpetrating more or if they are more likely to be reported. Crosset (1999) voiced a similar concern about oversimplifying the issue and regarding all athletes as a monolithic group ready to commit violence when opportunity knocks. After witnessing the intense media coverage of athletes as perpetrators of sexual violence in the 1990s, Crosset suggested, “We could also generate a list of actors,

³ “Use of force to obtain sex” also constitutes rape, however, the researchers listed this as a response to see if the men would admit to this phrasing of rape more readily, which they did.

politicians, or schoolteachers who have battered women, and make similar claims about these occupations and this type of violence” (1999, p. 245). He theorized that many of the inconclusive results of quantitative research on the subject could be linked to an overly broad conceptualization of both sport and rape culture and urged future research to examine specific sport subcultures and specific typologies of violence against women.

However, this is not to dismiss the importance of continuing to study sexual and other forms of gender-based violence in sport. Crosset (1999) certainly agreed with other sport sociologists that sport is a site where hegemonic masculinity is validated and reproduced:

Through sport, as it is often presented to young people, boys are encouraged to ignore pain (No pain, no gain), hurt others (Let’s see how tough these guys really are), and separate themselves from women (Stop throwing like a girl). Coaches and parents argue that sport prepared boys for an adult world that rewards men for dominating others (That’s why you get paid the big bucks), hiding their fears (Never let them know that you’re sweating), and distinguishing themselves from women (He’s a man’s man). (p. 246)

Crosset emphasized that reifying both masculinity and sport culture as violent overlooked the complex and numerous “dynamics of rape-prone organizations” (1999, p. 250). Rather than vaguely gesturing at sport as a producer of violence, Crosset targeted binge drinking, head injuries, social learning, peer and institutional sport, and crime as a function of “doing masculinity” as nodes warranting further investigation. Without diminishing the importance of holding individual perpetrators accountable, Crosset adamantly argued for a shift towards interventions that could re-shape the structures governing athletes’ lives (1999).

Sport and Attitudes towards Women

Rather than comparing formal or informal reporting rates, other studies have gone the route of measuring athlete versus non-athlete attitudes towards women, acceptance of rape myths, proclivity for sexual aggression, and adherence to hypermasculine traits. Rape myths are defined as “attitudes and beliefs that are generally false but are widely and persistently held, and that serve to deny and justify male sexual aggression against women” and can include claims such as victims who drank alcohol or wore “sexually suggestive” clothing were “asking” to be raped (Lonsway & Fitzgerald, 1994, p. 134). Studies designed to measure these kinds of beliefs are based on previous research that has demonstrated that negative or sexually callous attitudes towards women, belief in rape myths, past history of sexual aggression, and identification with hyper masculine characteristics are all significant risk factors for perpetrating sexual violence (Murnen & Kohlman, 2007; Sanday, 1990).

Sawyer et al. (2002) found that athletes in individually focused sports such as track and field, swimming, tennis, and golf were less accepting of rape myths than peers involved in team-based sports. They found no significant differences in rape myth acceptance between males on non-revenue versus revenue producing teams like football and basketball. While being unable to explain if this is a product of self-selection or if team sports produce contexts where male athletes are more likely to accept rape myths than individually focused sports, the findings established that “like any group or community, student athletes should not be lumped together as a single entity with presumed identical attitudes and behaviors,” (Sawyer et al., 2002, p. 24). This work solidified the need to examine specific subcultures within sports as opposed to viewing athletes as a homogenous group.

Utilizing Messner's theory of sports and masculinity (2002), Gage (2008) argued that different sport cultures produce different effects on male athlete attitudes and behavior towards women. Messner (2002) distinguished between types of sport based on their proximity to the "institutional center," or the historical economic and social capital a sport team possesses on a college campus. Sports like football, basketball, and hockey are considered "center" sports, and their close ties to institutional support, funding, and tradition allow them to be "isolated from outside regulation and protected from external social control. This allows for hegemonic masculine subcultures within center sports to emerge and flourish," (Gage, 2008, p. 1017). On the other hand, non-revenue generating sports like track and field, tennis, and crew would be considered "marginal" and would not have access to "exploit their relative advantage as 'men about campus,'" in the same ways their center athlete counterparts do (Gage, 2008, p. 1017; Messner, 2002). Additionally, center sports like football and hockey encourage domination, intimidation, and aggression towards opposing teams, whereas marginal sports like track and field are based in individual skill and strategy as opposed to "collective domination" (Gage, 2008, p. 1017). Many marginal sports are also sports where gender inclusivity is more normalized and "the amount of interaction between men's and women's teams at shared facilities, practice spaces, buses to competition, and social activities may be key variables," in shaping attitudes towards women (Gage, 2008, p. 1030).

Gage (2008) disseminated a survey that measured attitudes and behavior towards adherence to traditional masculine gender norms, hyper-masculinity, sexual aggression, violence, and sexuality to a participant group consisting of center athletes (football), marginal athletes (tennis and track and field athletes), and non-athletes. The findings saw that all male athletes scored higher on the Masculinity Scale and lower on the Attitudes Toward Women scale than

non-athletes. However, non-athletes and marginal athletes had similar scores in their responses to the Hyper-Masculinity Violence and Danger scales, rates of sexual aggression, and number of romantic partners, demonstrating more similarity between marginal athletes and non-athletes than difference. However, non-athletes were significantly more positive in their attitudes towards women and marginal athletes scored significantly lower on the Callous Sexual Attitudes Hyper-masculinity scale. While the small sample size precludes this study from being generalizable to other sport teams and universities, this study suggested that sport teams that encourage hyper-masculine behavior are also the teams that have athletes with the most sexual aggression (Gage, 2008).

Another study grouped both intercollegiate and recreational college athletes together and compared their responses to a survey assessing rape myth acceptance, attitudes towards women, and prevalence of sexual coercion to the responses of non-athletes (Young et al., 2017). While likelihood of participating in sexual coercion is an obvious risk factor for perpetration of violence, acceptance of rape myths and poor attitudes towards women have also been identified as risk factors (Gage, 2008; Kimble et al., 2010). The findings revealed no significant difference between the responses of intercollegiate and recreational athletes, but both groups had a higher affinity for rape myth acceptance, more traditional views of gender roles, and engaged in higher rates of sexual coercion than non-athletes (Young et al., 2017). While the lack of attention to which specific sports athletes participated in is a definite limitation of this study, its attention to recreational athletes may suggest that sport generally perpetuates ideologies that may result in increased likelihood of perpetration.

The most recent study on athletes and sexual violence was conducted through a broad survey of university students, professors, and employees at six francophone universities where

researchers conducted logistic regressions on varsity athlete and non-athlete responses about various forms of sexual violence (Parent et al., 2022). Notably, this study sought to use athlete status as a predictor for experiencing, as opposed to perpetrating, sexual violence, and additionally controlled for other characteristics associated with victimization (Parent et al., 2022). This was based on critiques of previous research that did not control for “known risk factors for sexual violence in a university context such as age, graduate level, gender and sexual identity, disability status, international or Indigenous student status, and childhood sexual abuse,” which encompasses many of the aforementioned studies (Parent et al., 2022, p. 2). After controlling for confounding variables, researchers found that being a varsity athlete neither significantly increased nor reduced one’s likelihood to exposure of sexual violence in a university setting. However, other identities were significant predictors for risk of sexual violence victimization, including “being younger, female, a sexual minority/questioning, an international student, having a disability, and having experienced child sexual abuse” (Parent et al., 2022, p. 6). While this research focused on likelihood of victimization as opposed to perpetration because of one’s status as an athlete, the results cast doubt on athletic status being a generalizable risk characteristic.

While it may appear that over thirty years of quantitative research into the question of if athletes perpetrate GBV at higher rates than the average population has been largely inconclusive, there are a few key takeaways from this body of literature. First, athletes and their respective sports cannot be lumped into a homogenous group when studying GBV; each sport must be examined to understand its particular propensity for producing an organizational culture that supports GBV (Gage, 2008; Messner, 2003; Sawyer et al., 2003, Parent et al., 2022). Additionally, athlete identity must be contextualized with other aspects of their identity to ensure

that studies are controlling for other potential perpetration risk factors (Parent et al., 2022). Finally, it is imperative to remember that sport does not inherently promote GBV, rather, the structures surrounding sport should be the focus of future studies to understand how and for what purpose GBV occurs (Crosset, 1999). While the results of quantitative studies allow us to somewhat understand the prevalence of GBV in sport, it does little to explain why or how this violence occurs. Qualitative inquiry is needed to understand the connection more fully between sports and GBV, such as that which this project hopes to contribute.

Athlete Perpetrators and Accountability

There have been a number of studies that examine the likelihood of accountability for athlete perpetrators of gender-based violence. Based on 217 felony sexual assault charges against male collegiate and professional athletes filed with police between 1986 and 1995, Benedict and Klein (1997) compared arrest and conviction rates for elite male athletes with national crime data in order to determine if preferential treatment is given to athletes. Their findings showed that while allegations of sexual assault against a college or professional athlete may be more likely to result in arrest and indictment, athletes are significantly less likely to be convicted. The authors attribute the high arrest and indictment rates to the media scrutiny raised by “celebrity” court cases, which additionally subjects police and judicial work to higher scrutiny. One prosecutor interviewed in the study explained, “I think we may treat the male athlete more harshly than non-athletes because everybody is worried about being accused of giving them preferential treatment” (Benedict & Klein, 1997, p. 90). Benedict and Klein suggest that the “jock safety net,” which is characterized by “the ability of athletes to be guided to and by such superb legal counsel,” as well as the leeway given to “push back the court dates so that [the] athlete clients may play out their season or college career,” results in advantageous sentencing and even

dropped charges for athlete perpetrators (1997, p. 92). Benedict (1999) further addressed the difficulty in holding athletes accountable for crimes of GBV in his book *Public Heroes, Private Felons*, which provided a graphic account of numerous rapes, gang rapes, and domestic violence incidents perpetrated by athletes that were largely dismissed by mainstream media due to the stardom of the athletes. While this work was one of the first to address the multiplicity of obstacles when seeking justice for survivors of GBV committed by high-profile athletes, Benedict (1997) has a tendency to focus on athletes as a deviant group, as opposed to the structures of sport that nurture violence, that often comes across as opportunistically sensationalized.

A recent quantitative investigation examined if audience perception of a domestic violence incident is impacted based on variables of race, gender, and sport type (Brown et al., 2022). The authors wanted to know if the “inherent violent nature” of a sport impacted how a league and its players were portrayed or implicated when an incident of DV occurred (Brown et al., 2022, p. 2). This work built on previous media studies which have shown Black athletes receive more coverage when committing acts of violence and are given fewer “redemption opportunities in their narratives arcs” as compared to White athletes (Brown et al., 2022, p. 2; Crowe, 2021). The findings of the study supported work by Messner (2013) who argued that attitudes toward deviance in sport demonstrably shifts when the gender and race equation is altered. Participants consistently rated accused male perpetrators of domestic violence less favorably than women (Brown et al., 2022). A particularly interesting finding showed that Black perpetrators were rated more likable and less blameworthy than White perpetrators. The authors attribute this to stigma consciousness (Pinel, 1999) and the racial contradiction found in sport-based transgressions (Brown et al., 2015), meaning that the public is attempting to correct for the

overrepresentation of stigmatization of Black athletes in the media. Black athletes were also favored when participants were asked about monetary fines (Brown et al., 2022).

Sport as a Platform for Prevention

Whether the data supports it or not, GBV in sports is often perceived to occur at a high rate. Whereas some scholars capitalized on sensationalizing the problem of GBV in sports (Benedict, 1999), Jackson Katz (1995; 2011; 2018) saw a different possibility: what if there were a way to channel the high-status of male athletes for good?

In 1993, Katz founded the Mentors in Violence Prevention (MVP) program at Northeastern University's Center for the Study of Sport. Funded by the U.S. Department of Education's Fund for the Improvement of Post-Secondary Education, MVP became Katz' pilot program that sought to empower high status male college athletes as active bystanders in the prevention of GBV (Katz et al., 2011). This model was a deviation from the rape-prevention programs of the early 1990s, which primarily focused on women as (potential) victims and men as (potential) perpetrators (Schewe, 2004; Ullman, 2004). The MVP program had a different goal than typical GBV-prevention trainings:

Instead of being focused on informing people (men and women) of the As to Zs of gender violence, the (ambitious) intent of MVP was to apply key concepts of social justice education to the issue of men's violence against women...The strategy that MVP staff settled on was to encourage people to speak out in the face of abusive behavior before, during, or after the fact and thus contribute to a climate in which sexist abuse was seen as uncool and unacceptable, and with men in particular, as a transgression against—rather than an enactment of—the social norms of masculinity. (Katz et al., 2011, p. 687-688)

Katz intended for these workshops to be a primer for men who could learn the more nuanced aspects of GBV in future educational sessions. The main goal aimed to give men the tools and knowledge to prevent potentially violent situations and change the culture around masculinity. In his early writings of the conceptual design for the program, Katz (1995) draws from psychologist Berkowitz (1992) whose research approached the way that sexual violence occurs on a spectrum, meaning that while rape was an extreme instantiation, most men contributed to general rape culture through more normative acts of sexual violence that over time lay the foundation for rape-supportive cultures. This could be remaining silent when teammates bragged about their sexual exploits or spoke in degrading ways about women, as well as contributing to catcalls or condoning violent behavior. Considered with Fabiano et al.'s (2003) findings that the strongest predictor of a man's willingness to intervene to prevent a sexual assault is his perception of *other* men's willingness to intervene, MVP's goal of breaking men's silence about violence against women, challenging hegemonic ideas about what constitutes manhood, and providing men with tools to stop violence appears as an effective strategy for preventing acts of GBV.

Katz' approach to violence prevention was novel in focusing on men as potential bystanders as opposed to perpetrators. In addition to this model reducing the defensiveness of men in the workshops, it also was an easier sell to high school and collegiate athletic departments who had previously been "wary of initiating workshops on violence against women, in part due to the belief that offering this type of program acted as a tacit acknowledgment of wrongdoing by athletes within their institution" (Katz, 1995, p. 172). To give an example of a typical MVP session, one exercise in the "Playbook"—the curriculum used for MVP workshops— involves asking the participants to close their eyes, and then raise their hands if they have a girlfriend, a sister, or a mother for whom they deeply care. With presumably all of the men's

hands raised, the facilitators then ask the participants to imagine if this envisioned woman were to be assaulted, and there had been other men around who—while not necessarily participating in the violence—had said or done nothing to stop it from happening. The facilitator then asks the men to consider how they feel towards the passive bystander in that situation. With this as a catalyst, the facilitators then launch into various scenarios in which the participants are asked to imagine themselves as bystanders. They are given various options for intervention, with the idea being that there is no “best” option, but “the one option we always include—and strongly discourage—is to do nothing” (Katz, 1995, p. 168). As is probably noticeable from its name, the Playbook attempts to use the language of sports to guide participants. The MVP sessions are meant to be like practice for the real, high-stakes moment—when athletes are out at a party or a bar—so they are ready to act (Katz, 1995).

The MVP model quickly became one of the leading models for GBV prevention, spreading outwards from the Boston area into high schools and colleges across the country. In 1997, it was adopted by the U.S. Marine Corps to become the first GBV prevention program in the Department of Defense, and in 1999, the New England Patriots became the first professional sports team to receive an official training GBV training (Katz, 2018). Katz (2018) cites data from Fleming and Heisterkamp (2011) that one school in Sioux City, Iowa, whose public schools had consistently utilized MVP for the past 17 years, showed an 83% decrease in reported incidents of physical aggression. Another study (Katz et al., 2011) compared the responses of students at two high schools with similar population sizes and demographics, one which had exposed students to MVP programming and the other which had not. Students were asked to complete a survey which listed a range of coercive to violent behaviors and rate how wrong they found those behaviors to be, as well as how likely they were to intervene. Students who had been exposed to

MVP reported both a higher likelihood of identifying coercive behaviors as wrong, and a higher likelihood of intervening towards more aggressive behaviors. However, there were no significant differences between the MVP-exposed versus non-exposed students in the case of intervening against less aggressive behaviors, which is somewhat concerning given that these “microaggressions” are the situations that MVP aims to primarily combat (Katz et al., 2011).

While the MVP model has proliferated throughout the years, it has not come without modifications or critiques. Katz (2018) himself has spoken out against a turn he has seen in GBV workshops modeled after MVP which have shown a “shift away from a deliberate engagement with underlying gender norms and toward specific techniques of and impediments to ‘intervention’” (p.1765). Thus, instead of designing workshops which interrogate how one’s belief in gender norms contributes to GBV, workshops instead focus on providing participants with specific bystander “options” for intervention such as creating a distraction, engaging in conversation with an arguing couple, or calling the police. This shift could both be attributed to attempts to account for gender diversity (Wilmerding et al., 2018) as well as a broader neoliberal shift towards a medicalized public health model driven by evidenced-based metrics focused on evaluating concrete “skills” taught about bystander intervention in these trainings (Katz, 2018). While this may be more appealing for facilitators and participants alike in that they do not need to have uncomfortable conversations around gender norms, “men (and women) can leave these skill-based sessions without ever considering how the choices they make in their daily lives either undermine or perpetuate larger systems of inequality,” (Katz, 2018, p. 1767). However, other scholars (Coker, 2018; Miller, 2018; Wilmerding et al., 2018) heavily critique particular aspects of MVP’s gender-specific curriculum. Coker (2018) argues that bystander intervention programs must match their content to meet “where schools were” (p. 1781) and that the lack of

men engaged in GBV prevention work made it difficult to find trainers to lead the male sessions; they could not wait for “political will” of men to change in order to administer the program (p. 1782).

The program has also been critiqued for reinforcing stereotypes of “strong men protecting vulnerable women” in its insistence and focus on men training men, which is contrary to many battering intervention programs which often have women leading or co-leading groups with men (Wilmerding et al., 2018, p. 1795). Additionally, scholars admit that “in an effort to meet the needs of cisgender women, our field has both intentionally and unconsciously erased violence against transgender people and perpetuated gender binaries,” (2018, p. 1797). They are thus wary of MVP’s adherence to the gender binary in its workshops and advocate for adapting MVP to incorporate ideas about intersectionality that encourage participants to reflect on their own role in oppression. Miller (2018) additionally adds that MVP is less effective as a stand-alone program, and should be a part of multi-scalar, trauma-informed training that also incorporates anti-homophobic teasing, bullying, healthy sexuality.

Gender-Based Violence Policies in Sport

When it comes to previous policy work on GBV in sport, most scholars have focused on issues of child sexual abuse in sport, often at the hands of coaches or medical staff (Brackenridge, 2001; Fasting 2015; Nite & Nauright, 2020). However, there are still important takeaways from this literature for this project, including emergent research examining the effectiveness of disciplinary measures enacted by these policies (Hattery et al., 2023; Sailofsky & Shor, 2022; Sailofsky, 2023).

Fasting (2015) notes that major organizations like the International Olympic Committee (2007; Mountjoy et al., 2016), the European Commission (2014), and the United Nations

Children's Fund (2010) have all worked to develop policies on the issue of sexual harassment and abuse in sport organizations in the last ten years. However, the difficulty in establishing concrete quantitative findings on the prevalence of an issue as sensitive as GBV has created an unfortunate situation in which sport organizations have some mobility to deny sexual harm in sport as an issue warranting further protection policies. "Many politicians in and outside the world of sport want figures and numbers, which is particularly difficult when studying sensitive areas such as the prevalence of sexual harassment and abuse" (Fasting, 2015, p. 440). However, given the policy changes that have occurred in some sport organizations, Fasting argues that "sociology of sport should in the future focus on projects that monitor and evaluate policy initiatives that have been developed over the last 10 years" (2015, p. 440). She also recommends for more theory development in the field to understand, "why sexual harassment and abuse occur in sport, along with evidence-based knowledge about how it can be prevented. The use and development of sport feminist theories in combination with theories about power could perhaps contribute to this" (2015, p. 440). This project will come short of evaluating the GBV policies housed in US men's sports leagues but aims to respond to Fasting's (2015) call for theory development related to GBV specifically in sport.

Nite and Nauright (2020) focused on abuse in sport organizations at the university level, examining institutionalized practices and procedures used by four universities implicated in various sexual abuse scandals. Their findings raise concerns about the ability for institutions to self-regulate internal policies related to sexual abuse that are separate from formal governance structures. Victims were made to be reliant on internal university processes in order to find justice, creating a gross amount of power for the university to handle investigations and limitations unless a media entity stirred up public scrutiny (Nite & Nauright, 2020). This study

supports the idea that the media plays an enormous role in disrupting abuse cloaked by institutional protection.

The most significant changes occurred once media reports exposed the often decades long abuses that had been perpetuated at the universities in our study. It seems that the processes of managing abuse had been legitimized within the universities and it was not until media brought the abuses to public attention that meaningful changes and justice were enacted. (Nite & Nauright, 2020, p. 126)

The study also reinforces the perilous binding of social service-esque policies and commercially profitable sport, as commercial logics were prioritized over victims indicating that “concerns of damaging the commercial enterprise of the universities seemed to outweigh the need to protect victims of sexual abuse” (Nite & Nauright, 2020, p. 127). The authors recommend future studies on abuse in sport organizations to focus on the policies and procedures embedded within institutions, which this thesis project will look to do.

A one-day research forum in Victoria, Australia was analyzed by Forsdike and Fullagar (2022) and brought together state sport organizations, violence against women organizations, and multidisciplinary researchers to share knowledge, challenges, and solutions around the issue of violence against women in sport. The researchers noted that most studies focus on youth athlete protection and advocate for further investigation about violence experienced by women in the sport industry as well as in professional sports (Forsdike & Fullagar, 2022). They additionally highlighted three overlapping areas where more research is needed, including studies that focus on cultural norms and resistance to nascent GBV policies, the capacity of both organizations and their individuals to respond to instances of GBV, and policies that account for today’s physical and digital environment of sport.

According to the research forum participants, even when sport organizations create policies that serve to protect employees from GBV, more work is needed to be done to combat the “affective backlash” when someone does speak up about GBV issues at work (Forsdike & Fullagar, 2022, p. 480). A particular poignant question from the participants was “how do we get organizations to say ‘yes we need help’ if there is a cultural problem?” (Forsdike & Fullagar, 2022, p. 480) Participants also discussed the gap between policy and policy implementation, where “even if there was a policy somewhere, no one was ‘policing or enacting policy’ and there was often a ‘lack of knowledge of processes’” (Forsdike & Fullagar, 2022, p.481). Findings pointed to a conclusion that policy formulation “was the ‘easy part,’ with successful implementation being harder to achieve,” and lack of resources as another key issue, with participants voicing that extra policy responsibilities were often simply put on the designated “gender person” in an organization (Forsdike & Fullagar, 2022, p.481). This timely study points to the need for further investigation of GBV policies in sport organizations.

In the field of legal studies, scholars have been advocating for GBV policies in sport for some time (Gibeaut, 2000; Kay-Phillips, 2016; Withers, 2010). It is from the legal field that the most comprehensive analysis of the existing policies has been conducted (Augelli & Kuennen, 2018; Brown, 2016). To review, following the 2014 Congressional Hearing on Domestic Violence in Sports, the MLB and NBA instituted GBV-specific policies (MLB, 2022; NBPA 2017), the NFL developed a personal conduct policy with specific language around domestic violence and sexual assault (NFLPA, 2020), and the NHL has yet to create any kind of policy governing GBV off the ice. Despite the relatively recent emergence of GBV policies, Augelli and Kuennen (2018) explain that some sports leagues have had the ability to discipline players upon grounds of off-field conduct and had varied—but largely passive—responses to violent

behavior by their athletes prior to the 2014 Congressional hearings. Their historical and legal analysis of the purview and actions of sports leagues demonstrates that while many leagues were aware of domestic violence cases being enacted by their players, it was not until the 2014 Ray Rice case that any personal conduct policies were taken with some modicum of seriousness (Augelli & Kuennen, 2018).

Augelli and Kuennen (2018) contextualize these employment policies within the critique of the domestic violence movements overreliance on the criminal justice system (Kim, 2020). These scholars argue that in many ways, these employment policies are “exactly the kinds of alternative remedies legal feminists have urged” with three main strengths compared to the legal system (Augelli & Kuennen, 2018, p. 32). First, these policies offer a different route than the criminal justice system, where it is difficult to get conviction and can be traumatic and dangerous to do so for many survivors (Tjaden & Thoennes, 2000). Second, these policies have allowed for more nuanced definitions of domestic violence that expand accountability and response measures for victims, in contrast to criminal law which tends to have a myopic focus on physical violence (Augelli & Kuennen, 2018). Finally, this paper also explains the drawbacks for victims who use the legal system, including no-drop prosecution policies which charge victims with contempt of court if they do not follow through with a trial (Kuennen, 2013). Given the risk of homicide in domestic violence is at its highest when a victim is attempting to leave a relationship or testify against their abuser (Tjaden & Thoennes, 2000), many legal policies can put the victim in harm’s way and diminish their sense of autonomy, pointing to the potential for corporate sport policies to offer an alternative form of seeking justice.

One of few academic papers to raise the question about ethical issues within league-wide GBV policies is a non-peer reviewed study in which participants evaluated the appropriateness

of league-imposed penalties for Black and White athletes who committed various (fictionalized) criminal offenses, including domestic violence (Bruton et al., 2018). The authors sought to understand if racial bias could impair sport leagues' ability to fairly and consistently impose extra-legal punishments, which they defined as independently conferred disciplinary measures in response to a player's off-field, personal conduct. The primary findings demonstrated that both Black and White participants showed greater leniency to members of their racial in-groups compared to outgroups and Black participants were overall less in agreement with extra-legal punishments (Bruton et al., 2018). This bias, set alongside the pervasive Whiteness in ownership and executives who dictate these policies in the sport industry, raises questions about how impartially an extra-legal punishment, like those available through GBV policies, can be applied (Chalabi, 2014).

Despite this hopeful take from Augelli & Kuennen (2018), the few studies that have examined GBV policies in United States men's professional sports demonstrate that these policies fail to significantly impact a player's career. Sailofsky (2023) and Sailofsky & Shor (2022) have found that NBA and NFL player careers are rarely significantly impacted by discipline for GBV. Hattery et al. (2023) have announced forthcoming research drawn from their GBV in Sport Database (2023)—which uses publicly sourced data to aggregate a visual representation and easily accessible information about former perpetrators of GBV—that suggests that many of these policies are not resulting in actual accountability for these players. While there has been significant research into sport policies with aims of preventing forms of GBV, the proliferation of these policies in recent years has surpassed scholars' ability to evaluate and monitor their outcomes (Fasting, 2015). As noted by Forsdike and Fullagar (2022), creating the policies—while no small feat in and of itself—appears to be the easy part, while actually

getting institutional buy-in for implementation still poses a challenge. Additionally, it appears that some institutions, like those investigated by Nite and Nauright (2020), have clear conflicts of interest when cases of GBV occur that raise questions about the ability of such reputational and profit-driven organizations to diligently investigate and follow their own protocols without additional external oversight. However, the potential for these policies to provide a layer of accountability and protection for survivors that is often inaccessible through the criminal justice system calls for further investigation of GBV policies before dismissing them as mere PR charades (Augelli & Kuennen, 2018). This project will aim to provide a deeper understanding of GBV policies as they appear within the NFL, NBA, and MLB and add to this burgeoning research site.

Neoliberalism and Corporate Social Responsibility

The final area to which this project hopes to contribute is to is the study of how and to what effect the sociopolitical-economic governing strategy of neoliberalism continues to take root in forms of popular culture such as sport (Andrews & Silk, 2012). I draw upon Harvey (2007) to provide a preliminary definition of neoliberalism:

Neoliberalism is a theory of political economic practices proposing that human well-being can best be advanced by the maximization of entrepreneurial freedoms within an institutional framework characterized by private property rights, individual liberty, unencumbered markets, and free trade. The role of the state is to create and preserve an institutional framework appropriate to such practices. (p.22)

Neoliberalism is characterized by the belief that the government should reduce interference within the free market and private life, leading to a reduction of government spending on public

resources, increased privatization and focus on profits by corporations, and deregulation. However, more than an economic or public policy, neoliberalism is also a “modality of governmentality in the Foucauldian sense of regulating the ‘conduct of conduct’” (1991 in Rottenberg, 2014, p. 420). Neoliberalism’s core tenets of individualism and entrepreneurship become internalized in neoliberal subjects through the circulation of discourses such as the “pull yourself up by your bootstraps” ethos of the American Dream and encourage them to take (hyper)responsibility for their lives with rugged self-reliance instead of dependency on the state.

This internalization of neoliberal ideology—and the self-sufficiency it inculcates in citizens—occurs in conjunction with neoliberal policy actions that reduce both the availability and expectation of state-sponsored aid. Writing from the context of the United Kingdom, Green (2012) argues that instead of investing in welfare programs, states instead are choosing to direct funding towards employment or education programs through which “future welfare costs are to be contained through the focusing and targeting of social investment” (Newman & McKee, 2005, p. 658). For this kind of policy decision to work, citizens must first be primed with the self-reliant spirit of neoliberalism. Sport governing bodies have been implicated as key sites for regulating these neoliberal values, as reflected in new sport policy interventions that seek to create “active citizens” of youth in order to forestall future health complications (Green, 2012). This project could add additional analysis to the “active citizenship” promoted by sporting bodies by interrogating how and to what extent neoliberal ideals are embedded within the institutionalization of GBV policies in corporate sport.

In addition to understanding the dialectic relationship between internalized neoliberal values and neoliberal social policy, analyses of neoliberal governance should instead be historically and empirically specific in order to capture neoliberalization—the process by which

states are transformed by and through neoliberal ideology (Peck & Tickell, 2002). For example, Bustad and Andrews' (2020) examination of urban governance in Baltimore sought to distinguish between Peck and Tickell's (2002) three waves of neoliberalism: "roll-back neoliberalism", characterized by the "pattern of deregulation and dismantlement" of the welfare state in the 1980s ; "roll-out neoliberalism", characterized by "an emergent phase of active state-building and regulatory reform" (p. 384); and "roll-with" neoliberalism, characterized by the normalization of neoliberal governance (Keil, 2009). Instead of understanding neoliberalization as an end state, this mode of thinking allows a researcher to understand *how* different forms of neoliberal policy or ideology become integrated into governance. It is likely that each of these forms of neoliberalism appear in the Congressional hearing testimony, and I aim to identify and distinguish the particularities of how neoliberalization is facilitated through each of these forms.

Bhattacharya (2013) provides an explanation of some of the gendered implications of neoliberalization. She draws upon the work of Davidson (2013), who examined how the dismantling of social services provided by the state, such as care for children and elders, has caused these responsibilities to be passed along to primarily female members of the family unit, whose care arrangements are often subject to state surveillance and evaluation. This is a key example of how neoliberalism has caused "much destruction, not only of prior institutional frameworks and powers...but also of divisions of labor, social relations, welfare provisions, technological mixes, ways of life, attachments to the land, habits of the heart, ways of thought, and the like" (Harvey, 2007, p.23). This "creative destruction" has entailed new, unpaid labor that is mostly undertaken by women to ensure the reproduction of labor power (Vogel, 2000) as "neoliberal policies scaffolded by the rhetoric of individual responsibility sought to dismantle state services and turn social reproduction entirely over to individual families or sell them on the

market” (Bhattacharya, 2013, paragraph 14). In this framing, the reduction of social provisions such as healthcare, education, childcare, public transport, not to mention funding for spaces such as domestic and sexual violence shelters, has significantly gendered repercussions: “Since women continue to carry the vast bulk of social provisioning within the home, the changes that take place in the dynamics of social provisioning...also determine the contours of gender relationships” (Bhattacharya, 2013, paragraph 20). While the gendered edge of neoliberal policies means that women disproportionately take up this unpaid labor—and bear the brunt of their family’s anger when they are unable to provide various forms of care—these social services are also beginning to be offered on the market. However, as state funding continues to decline towards preventing and responding to social ills, there is an increasing demand that corporations should fill these gaps. This next section will contextualize this phenomenon of corporate social responsibility (CSR) as it relates to sport.

The growing call for sports leagues, and corporations more generally, to be attentive to social issues is part of the reason for the development of what has been termed “corporate social responsibility” (Levermore, 2010). Previously, Hopkins (2006) notes that “the need to address questions of low living standards, exploitation, poverty, unemployment and how to promote social development in general, has been to date almost entirely the preserve of governments” (p.299). CSR emerged in response to the “tremendous expansion of corporate activity and the corresponding reduction of the role of government during the recent ascendency of neoliberal ideas of society” (McSweeney et al., 2018, p.372). Definitions for CSR vary, but generally refer to private-sector funding and partnership of grassroots and community-based causes and groups, reflecting a belief that businesses have a duty to support economic development, sustainability, and societal well-being overall (Levermore, 2017). Levermore (2010) argues that sport has been

identified as a particularly expedient method of promoting such efforts because of its obvious connection to issues like health and wellness, its interpretation as a politically neutral agent, and its mass appeal. CSR claims to be advantageous to community partners and companies alike as it can provide funding to critical programs and services while simultaneously increasing brand recognition and approval.

However, many critical scholars see CSR as merely a ““free PR ride””, as companies receive tax write-offs for their charitable contributions while their marketing campaigns “boost profits without providing substance to socially responsible behaviour” (Levermore, 2010, p. 236). This is exemplified by an analysis done by Montez de Oca et al. (2020) of anti-racist statements and commercials made by sports leagues following the murders of Black citizens in 2020. Their findings demonstrated that the leagues’ decision to broadcast “woke” signaled that “they are aware of ongoing racial injustice in the United States and conspicuously demonstrate the leagues’ moral values without altering the conditions that produce the crises,” such as the reliance on the hyper-exploitation and commodification of Black athletes, as well as low-wage workers who are often racialized minorities (Montez de Oca et al., 2020, p. 1167). Companies in the extractives industry have also been accused of engaging in sport-based “green-washing” (Bowen, 2014) programmatic or marketing efforts that aim to communicate positive environmental messaging in order to detract from their deeply harmful impact on the biosphere (Millington et al., 2021). The continued blunders of corporations in such efforts, as well as subsequent outsider critiques, only stand to entrench CSR further and fulfill the prophecy foretold by Hopkins (2006) almost twenty years ago: “There is no doubt that CSR will become embedded in a company’s culture and organizational profile to such an extent that it will not be noticed, explicitly, anymore” (p.302). Today, consumers expect, if not demand, that corporations

“give back” or “take a stand”, without questioning if these organizations should be the ones to do so, and implications of blending corporate activities and social responsibility.

The critical edges of CSR have investigated these implications of corporatizing social issues in sport. In a case study that analyzed the discrepancies between Nike’s social responsibility efforts versus their exploitative business practices, Hayhurst and Szto (2016) problematized the “creeping commercialization” of social issues that affords private corporations the ability to engage in a “particular epitome of activism, one that works within the constraints of the dominant political and economic arrangements—but that does not essentially challenge and/or dismantle these same systems,” (p.526). This commercialization of social issues has an obvious connection to neoliberalism as corporations and the state push individual responsibility to consumers “for societal and ecological inequalities and abuses, while simultaneously ignoring or weakening public policy measures to control the capacity of businesses to exploit people and ecosystems,” (Dauvergne & LeBaron, 2014, p. 98). This is particularly evident in marketing campaigns and sport-for-development initiatives that target young girls in the Global South as a catalyst for development” instead of “tackling the (global) structural inequalities and systemic structures that have historically marginalized young women in various areas of the world” (McSweeney et al., 2018, p.378). Hayhurst (2011; 2014) has explicated how neoliberal empowerment discourses are cloaked under such girl-focused initiatives and ultimately distract “from the urgent necessity of addressing structural violence and inequalities that grossly oversimplify the process of social change, while enabling Nike to pose as a white knight and simultaneously conduct a profitable business” (McSweeney et al., 2018, p.379). This project will aim to further critical engagement in CSR by explicating whatever (in)congruencies are present

between CSR policy and business practices of the various sports leagues under scrutiny in this project.

Literature Review Conclusion

I began this literature review by examining GBV from the perspective of the socioecological health model in order to demonstrate the multiple scales of intervention for GBV prevention work and identify the need for further research and innovation at the societal and community levels. I then reviewed the debates over how to theorize causes of GBV, focusing on Hunnicut's (2009) call for further theoretical development of the role of patriarchy in GBV that is contextually specific, attentive to other power structures, and focuses on systemic causes of GBV as opposed to individual perpetrators. I amended Hattery (2022)'s proposed intersectional framework that views GBV as "intentional rather than abberational" to consider Jahleel's (2021) method of "the work of rape" that requires that acts of GBV—and "solutions" to GBV—are analyzed within their sociopolitical context. In addition to contributing to filling the gap in analysis of structural, societal, and community interventions of GBV, this project aims to advance further intersectional feminist theoretical development of GBV that accounts for its overlap with other structures of domination like racism, colonialism, and capitalism.

The section reviewing the history of the women's movement aimed to demonstrate how much GBV has evolved as a publicly recognized issue. Feminist consciousness-raising groups and activists in the 1970s catalyzed a movement that led to the creation of the first rape crisis centers and domestic violence shelter, secured government funding for violence prevention organizations, and won important legal rights for victims of abuse (Arnold & Ake, 2017). However, each of these successes came with unintended consequences, such as the shift to providing primarily direct services to survivors of GBV instead of focusing on broader social

change (Mehrotra et al., 2016), the build-up of the carceral state (Kim, 2020), and the myopic focus on individual perpetrators as opposed to the structures shaping them (Davis et al., 2021). This project will continue to trace how GBV has expanded into the world of professional sports and what impact this new linkage has caused on the broader GBV movement.

The review of literature on GBV in sports revealed that while sport is an important site of investigation due to its role in reproducing standards of hegemonic masculinity (Connell & Messerschmidt, 2005; Messner, 2007), researching athletes as a homogenous group without controlling for other risk factors linked to perpetration will likely lead to inconclusive results (Parent et al., 2022). Rather than focusing on athletes as a specific group, future research should look at the structures shaping the experiences of boys and men in sport (Crosset, 1999; McCray, 2015) as well as the distinctions between different sporting cultures (Sawyer et al., 2002; Murnen & Kohlman, 2007; Gage, 2008). Additionally, while there has been substantial quantitative research in prevalence of GBV in sports, more qualitative work that focuses on understanding why and how GBV operates in sport cultures is still needed.

Most GBV policy work in sport has focused on child sexual abuse of athletes (Brackenridge, 2000) and research that evaluates recent policies implemented at national and international scales is needed (Fasting, 2015). Even sport organizations that have policies face difficulty in successfully implementing these news protocols due to cultural backlash within institutions and the prioritization of institutional reputation over institutional integrity (Forsdike & Fullagar, 2022; Nite & Nauright, 2020). However, corporate GBV policies have the potential to serve as a viable alternative to the criminal justice system for survivors (Augelli & Kuennen, 2018) and warrant further investigation to understand their potential.

Neoliberalism has impacted each of these bodies of research, from directing what services and initiatives GBV organizations are able to fund (Mehrotra et al., 2016) to what gets taught in GBV prevention workshops (Katz, 2018). While the intersection between neoliberalism and sport has been explored deeply (Andrews & Silk, 2012), its impact on GBV initiatives within sport has yet to be fully investigated. This thesis will strive to trace examples of neoliberalism in its full complexity as an affective ideology (Rottenberg, 2014) as well as differentiated forms of “roll out,” “roll back” (Peck & Tickell, 2002), and “roll with” economic and social policy (Keil, 2009). As the privatization of various social services leads society to rely on corporations for help with social issues through CSR initiatives (Levermore, 2010), it is incumbent upon critical CSR scholars to continue to unveil the larger structural issues cloaked by the supposedly philanthropic contributions of global corporations (Hayhurst & Szto, 2016).

This thesis stands to contribute to each of these bodies of research by providing a contextualized and qualitative reading of the hearing that institutionalized GBV policies in sport. As much of what we currently know about these policies revolves around the impact of their disciplinary components (Hattery et al., 2023; Sailofsky & Shor, 2022; Sailofsky, 2023), this thesis aims to make a significant contribution by exploring the aims of these policies and their stakeholders, while extending the field of PCS into the growing field of CSR work (McSweeney et al., 2018). I will now turn to the theoretical framework of governmentality utilized for my reading of the Congressional hearing text before discussing the theory-method of articulation and radical contextualism which I apply in the discussion portion of my thesis.

Chapter Three: Theoretical Framework

Governmentality and Governance Feminism

This analysis is informed by Michél Foucault's concept of governmentality (1991) as well as its offspring, the broader field of governance studies (Rose et al., 2006). Foucault introduced the term governmentality in the 1970s as part of his genealogical tracing of the evolution of political state power. Foucault noted that in the mid-eighteenth century, governing strategies shifted away from using sovereign power to discipline individual subjects through spectacles such as public punishments. Instead, the state became concerned with the “natural collectivity of living beings,” otherwise known as the population and its collective health and productivity (Rose et al., 2006, p. 84). “The art of governance” is Foucault’s terminology for this style of governing that emerged, which prioritized the strengthening of the state and state power and “sought to intervene into and manage the habits and activities of subjects to achieve that end” (Rose et al., 2006, p. 84). These ideas aligned with Foucault’s conceptualization of modern power, in which power is no longer a repressive and sovereign force, but a productive one. Under today’s governing, power “produces and traverses things, it induces pleasure, forms of knowledge, produces discourses (Foucault, 1980, p. 119). This understanding of power deviates from a Marxist ontology, in which power is understood to be centrally possessed by the hegemonic ruling class and utilized to maintain exploitative and unequal class relations (Markula & Silk, 2011). Foucault’s analysis of power instead constitutes an examination of how power relations are embedded within the social body and are exercised “within everyday relations between people and institutions” (Mills, 2003, p. 33).

While a governmentality approach inquires about how a state seeks to govern its population, state agencies are not the only apparatus implicated in this analysis. According to Foucault (1991), “the instruments of government, instead of being laws, now come to be a range of multiform tactics” (p. 211). These tactics are sometimes referred to as the two poles of biopower, in which governments exercise control over life through “an anatamo-politics of the human body, seeking to maximize its forces and integrate it into efficient systems” as well as a regulatory biopolitics of the population that attempt to intervene into life in the name of the collective interest of the health and the nation (Rabinow & Rose, 2006, p. 196). Rabinow and Rose (2006) interpret Foucault’s ‘biopower’ as follows:

the concept of biopower seeks to individuate strategies and configurations that combine three dimensions or planes—a form of truth discourse about living beings and an array of authorities considered competent to speak that truth; strategies for intervention upon collective existence in the name of life and health; and modes of subjectification, in which individuals can be brought to work on themselves, under certain forms of authority, in relation to truth discourses, by means of practices of the self, in the name of individual or collective life or health. (p. 203-204)

In other words, biopower operates through state-sanctioned authorities and their epistemes being empowered as the highest forms of truth about how to live, the deployment of interventions that encourage individuals to order their lives around these truths, and the creation of (often consumer-friendly) subjectivities that individuals can locate themselves within and follow in their efforts to conform to the standards of health and productivity espoused by the state. As described in Foucault’s (1984) “Means of Correct Training,” through the use of hierarchical observation, normalizing judgement, and (self)-examination, citizens are encouraged to operate

on their “on own bodies, on their own souls, on their own thoughts, on their own conduct” in order to advance themselves in continuum of their “field of comparison” (p. 11). Thus, governance emanates not only from the state, but from the disciplining surveillance subjects self-enact and place on others, demonstrating how the art of governance is successful through “constructing a range of relations which tend to position people in ways which make the political system work” (Mills, 2003, p. 37).

Foucault’s framework insists upon analyzing the connection between power and knowledge. According to Lemke (2001), “it is not possible to study the technologies of power without an analysis of the political rationality underpinning them” (p.191). Political rationalities are “rationales, the logics or ways of thinking that make particular modes of government intelligible and hence acceptable” (Bacchi, 2018, paragraph 3). Rose and Miller (2010) further detail the three characteristics of political rationalities: “morally coloured, grounded upon knowledge, and made thinkable through language” (p.277). Put together, political rationalities invoke a moral justification for governance which is further legitimated through its basis in truth claims, all of which is comprehensible because of its discursive flexibility throughout different fields. Rose and Miller (2010) trace through the dominant political rationalities of liberalism, welfarism, and neoliberalism and explain how each of these rationalities sought to govern society from a distance by using different governmental technologies, “the complex of mundane programmes, calculations, techniques, apparatuses, documents and procedures through which authorities seek to embody and give effect to governmental ambitions” (p.273). These technologies can include things like state identification bureaus (which allow for the tracking of citizens), census population data (creating norms for citizens to strive for), classroom grades (ranking and fostering industrious competition between citizens), or the proof of income required

to qualify for welfare (surveilling the legitimacy of citizen need). The wide range of possible technologies of government highlights why a governmentality analysis is not one which simply analyzes a literal government, but rather the many authorities that govern a society and their “multiplicity of power relations, and the diversity of their origins, workings, and effects” (O’Malley, 2008, p. 53).

A governmentality analysis thus is one which inquires about matters such as, “Who or what is to be governed? Why should they be governed? How should they be governed? To what ends should they be governed?” (Rose et al., 2006, p. 84). Iterations of these questions have been asked by previous scholars in the physical cultural studies and related sociology of the sport field. Posbergh (2022) examined the politicized construction of the category of “woman” through a governmentality analysis of protective policies in sport, examining how policymakers selectively drew upon bioscientific rationalities that overlooked complex sociocultural factors in favor of creating “clear dimorphic boundaries” around the category of woman (p. 1365). Esmonde & Jette’s (2020) analysis of online Fitbit community message boards revealed how dimensions of gender and class impact one’s ability to “take responsibility” for their health through fitness tracking. Jette and Rail’s (2012) review of clinical guidelines for obesity in pregnancy demonstrated how dominant discourses of health problematize and stigmatize larger female bodies. This paper will similarly look to use a governmentality framework to understand how the problem of GBV is defined and understood by various actors in the hearing, who is deemed responsibility for managing this problem, and what discourses are mobilized to justify these problematizations and responsibilizations.

The documents that I will examine in this thesis are not policy documents, however, the debate and discussion within the Congressional hearing transcript that is the object of my

analysis went on to heavily inform the corporate sport policies around GBV that exist today.

While not explicitly following Bacchi's (2009) "What's the Problem Represented to be?" approach to policy analysis, I draw heavily from Bacchi's interpretation of Foucauldian problematization to understand how legislators and corporate executives understand the problem of GBV in sport. Bacchi (2009) argues that "policy has an undeniable cultural dimension" (p. xv) and can be understood as a cultural product which, when read scrupulously, can reveal the goals and operations of governance. For a policy to be drafted, there must be a problem that it aims to solve. To understand what problems are identified and addressed by governance, and why, Bacchi (2015) draws upon a Foucauldian-influenced model of problematization that "consists in seeing on what type of assumptions, of familiar notions, of established, unexamined ways of thinking the accepted practices are based" (Foucault, 1994 [1981], p. 456 in Bacchi, 2015, p. 2). Foucault's body of work exemplifies how problematizations of particular issues—such as the 19th century concern with male children's masturbation examined in *The History of Sexuality, Vol. 1* (1978)—can lead to perverse outcomes. Mills (2003) discusses how the discussion and proliferation of scientific and policy articles about how to prevent/discourage practices of masturbation turned into "full-scale surveillance of boys," and the subsequent "watching, advising and punishment of children in relation to sexual practices actually brought into being a set of sexualized relations and the construction of a perverse sexuality—the very sexuality which it was designed to eliminate" (p.36-37). The utility of Bacchi's (2009; 2015) approach to policy problematization will be to understand what similarly (un)intended outcomes may be created by the scrutiny with which athlete-perpetrators are examined today.

This governmentality framework will be furthered with the concept of governance feminism as introduced by legal scholars Janet Halley, Prabha Kotiswaran, Rachel Rebouché,

and Hila Shamir (2018). Drawing from Michel Foucault's conception of governmentality that encompasses not only on the state but the "full range of power relations attentive to the 'way in which one conducts the conduct of men'" (Halley et al., 2018, p. 4), governance feminism notes that in the quest for emancipatory power that is the project of feminism, feminist ideas and interventions have become "incorporated into state, state-like, and state-affiliated power," or in other words, into the art of government (p. 5). This advancement of feminist ideals into the legal, political, and private sphere has resulted in significant progress: feminists have successfully advanced and amended legal definitions of rape, sexual harassment, and domestic violence in ways that have visibilized forms of harm previously unrecognized or considered "private matters" by the state; influenced policy and law to ensure improved employment, compensation, and protection for women in the workplace; and lobbied the law to recognize women as equals in marriage (Halley et al., 2018).

However, not all feminists recognize this progression of supposedly feminist ideals into various institutions as a sign of feminist progress. As referenced earlier in the literature review, fractures in the feminist movement date back to the radical feminism of the late 1960s and early 1970s. Halley et al. (2018) effectively capture this schism in the feminist movement through the words of Ti-Grace Atkinson when she "resigned from the board of the National Organization for Women's New York Chapter in 1968, she did so in the name of a 'division...between those who want to empower women to have the opportunity to be oppressors, too, and those who want to destroy oppression itself,'" (Atkinson, 1974, p. 10 in Halley et al., 2018, p. xiii). Today, those feminists who wished to pursue the advancement of women into existing institutions with power instead of fighting for radical social change are often characterized as representing neoliberal feminism (Rottenberg, 2014). Whereas liberal feminism identified structural barriers limiting

women's success in the workplace and their autonomy in the home, neoliberal feminism aims to "empower" women to surmount their own internal and supposedly self-imposed barriers to success (Rottenberg, 2014).

To be sure, as discussed in previous sections of this project, the mainstreaming of feminism has not resulted in equal outcomes for all women and the fissure between feminists who work within "in the system" and those without has yet to be fused. As an analytic lens, governance feminism seeks first to describe what strands of feminism and political goals have been successful in entering state and state-affiliated power—not to denounce it, but to critically analyze what has been successful and why. This lens then seeks to assess the consequences of various feminist engagements with law, politics, and the private sphere in order to determine the next steps forward in the political and emancipatory project of feminism (Halley et al., 2018).

How do GBV policies in sports fare when evaluated through the lens of a governance feminism? What are the consequences of (in)corporatizing feminist ideas into private entities?

Governmentality frameworks have been accused of "merely creating abstract ideal types whose explanatory power is doubtful despite their attractiveness as generalized descriptions," (Rose et al., 2006, p. 99). This is not unlike a common critique of analyses of neoliberalism that are "overgeneralized accounts of a monolithic and omnipresent neoliberalism" (Peck & Tickell, 2002, p. 382). However, the purpose of a governmentality analysis is to examine the machinery of governance as it is dispersed throughout the social body and create an empirical mapping of how its rationalities and techniques are mobilized, resisted, and transformed, as "each actor, each locale, is the point of intersection between forces, and hence a point of potential resistance to any one way of thinking and acting, or a point of organization and promulgation of a different or oppositional programme" (Rose & Miller, 2010, p.288). Above all, governmentality frameworks

insist upon a reframing of an omnipotent State as the center of hegemonic power: “what is important ‘is not so much the State-domination of society, but the ‘governmentalization’ of the State” (Foucault, 1979, p.20 in Rose & Miller, 2010, p. 273). Power today emanates from everyday practices which “conduct the conduct” of society, and it is within “the mundane business of governing everyday economic and social life” that “new forms of power, authority, and subjectivity” are being formed (Rose et al., 2006, p.101). By examining GBV policies in sport through a governmentality framework, I hope to better understand the problematizations which birthed these policies, the rationalities underpinning them, and the technologies through which their ideals are regulated. I will now turn to the secondary part of my theoretical framework and describe the cultural study terms and theorists I draw upon before making connections between my empirical site and other nodes of our current social formation.

Articulation and Radical Contextualism

While a wide range of cultural theorists employ articulation and conjunctural analysis, I generally draw upon Stuart Hall (1980) and Slack’s (1996) theory-method of articulation and Grossberg’s (2019) interpretation of a conjunctural analysis. These theorists are cultural Marxists with a dialectic ontology who operate within the critical paradigm (Hall, 1996). The critical paradigm evolved from the ideas of Karl Marx (1967) and his critique of capitalism for its creation and maintenance of exploitative and unequal class relations. While the purity of Marxist allegiance of critical paradigm researchers may vary, its followers believe that knowledge creation is a subjective process that should be used to “expose the workings of ideology to reveal how powerful groups, who benefit at the expense of the majority, maintain ideological constructions” (Markula & Silk, 2011, p. 42). Articulation has been employed by scholars such as King (2006) who examined the commercialization of the breast cancer movement and its

relationship with corporate philanthropy, neoliberal governance, and health consumerism in *Pink Ribbon Inc.* Andrews (2019) similarly utilized articulation to analyze Donald Trump's politicization of sport in service of populist authoritarianism.

Marx (1967) has been heavily critiqued for economic determinism and an interpretation of his work that views all political and cultural activities (the superstructure) to be influenced and to some degree controlled by the ruling "owners" of the economic base of society. However, other readings of Marx (Andrews & Giradina, 2008; Grossberg 1997; Hall, 1996; Mills, 1959; Rigby, 1998) interpret a dialectic understanding of the base and superstructure as mutually constituted through a two-way relationship. This is known as Marx's dialectic materialism, which "asserted that human consciousness and practice was the product of engagement with material social reality" (Andrews & Giradina, 2008, p. 396). This dialecticism gives a degree of agency to humankind to act within the constraints of their society at a particular moment in history as well as their respective social location within that society:

Men [*sic*] make their own history, but they do not make it as they please; they do not make it under circumstance chosen by themselves, but under circumstances directly encountered, given, and transmitted from the past. The tradition of all the dead generations weighs like a nightmare on the brain of the living. (Marx, 1977, p. 300 in Andrews & Giradina, 2008, p. 396)

Thus, while the economic base certainly influences the options available to make a life of one's choosing, a cultural Marxist dialectic ontology requires "radical contextualization" of the social formation being studied to understand the intersecting factors of politics, culture, and history that are also at play (Grossberg, 1997).

Hall's (1980) theory-method of articulation further demands radical contextualization of the phenomenon of interest. Hall defines articulation as:

The form of the connection that can make a unity of two different elements, under certain conditions. It is a linkage which is not necessary, determined, absolute and essential for all time. You have to ask, under what circumstances can a connection be forged or made? So the so-called ‘unity’ of a discourse is really the articulation of different, distinct elements which can be rearticulated in different ways because they have no necessary ‘belongingness’. (Hall, 1996, p. 142)

Articulation is a method that seeks to understand how different elements, such as GBV policies and sports leagues, come to be linked or unified in a way that makes their relationship appear “common-sense.” Rather than asserting a “*necessary correspondence*” between the various elements of society and the overbearing economic realm” or assuming a “*necessary noncorrespondence*” that grants an impracticable and ahistorical amount of autonomy to mankind and their cultural practices (Andrews & Giardina, 2008, p. 404), articulation seeks to unearth the historical, economic, political, and cultural conditions necessary for an idea or cultural practice to come into circulation at a particular moment in time.

This practice of “cultural studies without guarantees” (Grossberg, 1997) is important because it views the “cultural realm as a continually contested terrain” (Andrews & Giardina, 2008, p 404; Hall, 1980) through which hegemony is secured. Drawing upon Antonio Gramsci (1971), Hall defines hegemony as the struggle of the ruling class to manufacture:

coercion' and 'consent', over the whole social formation, and its dominated classes: not only at the economic level, but also at the level of political and ideological leadership, in civil, intellectual and moral life as well as at the material level: and over the terrain of

civil society as well as in and through the condensed relations of the State. (Hall, 1980, p.331-332).

Hegemonic struggle is how the ruling class mobilizes its dominance over economic resources in a society to corral the cultural, political, and social imperatives of the State in such a way that the dominated classes consent to the conditions of their existence because these conditions appear to be “common-sense”. Articulations lose their origin stories and instead become naturalized as the logical order of things; other possibilities become neutralized by their impossibility in the world designed and managed by the elites. Slack (1996) writes that the “class that achieves dominance is the class that is able to articulate non-class contradictions into its own discourse and thereby absorb the contents of the discourse of dominated classes” (p. 120-121). Because no phenomenon or discourse can have an essential meaning or correspondence, meaning must be articulated by the dominant classes to link their class interests to various discourses. The work of articulation is thus in part to pay “attention to both the conditions of [an articulation’s] existence and the political-cultural work (practice) that went into making and sustaining specific articulations” (Clarke, 2015, p. 277). Understanding how things come to be articulated has the potential to disarticulate relationships that previously ensured domination and subordination and re-articulate them in more transformative ways. I further discuss this potential in Chapter 7 of this thesis and will now turn to the methodological framework of my project.

Chapter Four: Methodological Framework

In this chapter, I discuss my reasoning for using a qualitative approach to this project and self-reflexively examine my own positionality which informed my analysis before outlining my methods for data collection and analysis. I conclude with background information on the empirical site I analyzed (ADVPS, 2014) to guide the reader's understanding of the subsequent section, the findings.

Qualitative Research and Self-Reflexivity

There are two important take-aways from my literature review which informed my methodological decisions in this process. The first is that much of the previous research in GBV in sport used quantitative approaches aimed at understanding if GBV occurs at higher rates in sports context (Fritner & Rubinson, 1993; Koss & Gaines, 1993). While this shed some helpful insight into the prevalence of GBV in sports, it did little to explain why or how this violence occurs. Second, GBV policies at professional sports leagues is a nascent field of study, with few studies published to date that focus on this empirical site (see Augelli & Kuennen, 2018; Brown, 2016; Hattery et al., 2023; Sailofsky & Shor, 2022; Sailofsky, 2023 as exceptions). Following the pillars of PCS research (Andrews & Silk, 2016), whose scholars embrace qualitative research for its ability to “interpret and understand (as opposed to predict and attempt to control)” and empirical site (p.89), I chose a qualitative approach in order to engage with the context, processes, and meaning within my study, which a quantitative approach would not have allowed. Broadly, my study attempts to accomplish a “mapping” of GBV policies in sport, which Markula and Silk (2011, p. 8) consider to be a valid purpose for qualitative research. Mapping allows a researcher to “draw the relationships between the different facets of the phenomenon under

investigation, highlight the differences and impact of each relationship and then link the map with those previously drawn,” and is considered particularly meaningful when little is currently known about a topic, as was the case in my research (Markula & Silk, 2011).

According to Markula and Silk (2011), “paradigms provide the orientations towards how researchers see the world (ontology), and the various judgements about knowledge and how to gain it (epistemology)” (p. 24). It is important to be explicit about my own paradigmatic orientations as well as the theorists upon whom I draw because as a qualitative researcher, I am not only “an observer in the world, but always a ‘situated’ observer” (Markula & Silk, 2011, p. 4). In this project, I utilized both a governmentality analytic (Rose et al., 2006) which draws from Foucauldian thought (1991), as well as the theory-method of articulation (Slack, 1996) which is rooted in a cultural post-Marxist ontology (Hall, 1986). Given the tensions between these ontologies, my project required a method that can work flexibility with the various theories I wished to apply to it. For this reason, I chose thematic analysis, a method which allows a researcher to identify and interpret patterns of meaning in a text and whose process is further detailed in my data analysis section below (Clarke and Braun, 2016).

Underpinning qualitative research is the belief that there are no objective truths about the world awaiting discovery, as the positivist paradigm suggests (Markula & Silk, 2011). Instead, qualitative research aims to turn the world into a series of representations in order to make it visible (Denzin & Lincoln, 2005). However, there are multiple truths even within the representations that a qualitative research constructs as “each telling, like light hitting a crystal, reflects a different perspective on this incident” (Denzin & Lincoln, 2000, p. 6). These representations are constructed through the careful study and interpretation of one’s empirical focus, but these findings are always influenced by the researcher’s positionally and “pretheories”

(Johnson, 2004, p. 91). As Gramsci said, ““Everyone is a philosopher”” (1971, p. 323 in Johnson, 2004) in the sense that we each develop theories to create order out of our experiences in the world.

In addition to the theoretical and ontological frameworks I acknowledged above, I will share some self-reflexive details in order to account for how my own “self-location across gender, race, class, sexuality, ethnicity, nationality, position, and interests influence all stages of the research process,” (Pillow, 2003, p.178). Beyond acknowledging my identities as a White woman who is a U.S. citizen, there are a few less conventional identities I choose to speak to in this section.

One of these is a previous job experience I have referenced throughout this thesis, in which I worked on the education and prevention components of a corporate sport GBV policy for two years. I eventually left that position in part due to my cynicism towards their ability to make meaningful change, as well as my desire to conduct research that would hopefully improve these policies’ efficacy. My time working on this policy gave me insight into how many of the interventions which these GBV policies offer primarily address individual decision-making and responsibilities of players and staff, which led me to more closely scrutinize the various levels of intervention discussed in the Congressional hearing text I examined for this thesis. I believe the cynicism from my work experience is counter-balanced in many ways by my personal experiences navigating various systems of accountability and resources for survivors. This may influence my approach to the research as these at-times contradicting lenses allow me to see that while the GBV policies I discuss in this project are imperfect, they are also critical in that they open up a different avenue for accountability and support for survivors outside of the criminal justice system.

I would argue that what perhaps impacted me the most during my time as a practitioner working on a GBV policy was that it allowed me to obtain a middle-class lifestyle, as I was paid a living wage and received access to what will likely be the best healthcare I'll ever have. These factors allowed me to receive the forms of care, one of them being the time and space I was able to take before beginning my master's program, that I needed to help process my own experiences of GBV. The impact that even just two years of quality pay and healthcare had on my finances and physical/emotional well-being sensitized me to understanding the importance of addressing the material concerns of survivors of GBV. While I am unable to engage all of my identities given constraints of time for this thesis, I hope that these insights allow the readers "to situate the politics and identities at work within my own research" (Newman, 2011, p.545).

Data Collection

The primary data utilized for this analysis was the written transcript of Senate Hearing 113-725: Addressing Domestic Violence in Professional Sports (ADVPS, 2014), which is publicly available online at the United States Senate Committee on Commerce, Science, and Transportation website. Following Patton's (2002) typology for sample selection, I chose this text because I believed it to be an "information-rich case" as an official government hearing that contains witness testimony from influential legislators and representatives from the NBA, NFL, NHL, and MLB, as well as representatives from each league's respective player's association (PA).

Data Analysis

To analyze the data, I utilized the six-step process of thematic analysis as outlined by Clarke and Braun (2016). Thematic analysis allows a researcher to identify and interpret patterns

of meaning in a text through a systematic and scholarly approach to data analysis (Clarke & Braun, 2016). I chose this method because of its ability to be flexibly applied to various ontological, epistemological, and theoretical frameworks that underpin qualitative research (Clarke & Braun, 2016). When thematic analysis is utilized for qualitative research, such as in the case of my project, it is known as “Big Q thematic analysis” and operates within “a qualitative paradigm that emphasizes contextualized understanding and rejects notions of objective reality or universal truth” (Clarke & Braun, 2016, p. 86). This kind of approach contrasts quantitative thematic analysis, where the researcher is a kind of “metaphorical archaeologist” looking to “unearth codes buried within data,” and instead embraces the inherent subjectivity of a qualitative approach (Clarke & Braun, 2016, p. 86). Many analyses could likely emerge from this exact data set that I engage, however, my role is to be a “metaphorical sculptor” and actively acknowledge and engage with the various theories, beliefs, and identities that inform my analysis, as I did in the previous self-reflexivity section (Clarke & Braun, 2016, p. 86).

The guiding questions for this thematic analysis were as follows:

1. How do Congressional representatives, sport league executives, and player association representatives understand the issue of gender-based violence in sport?
2. How do their responses reflect particular beliefs about the connection between sport and GBV?
3. Who and/or what are implicated as having responsibility for this issue?
4. What tensions exist between these different stakeholders?

My data analysis process included reading through the hearing transcript several times as part of data familiarization, followed by two rounds of tagging and coding data in separate Excel

spreadsheets. In my first round, I engaged in open coding, with a general attention to the various problematizations of and responsibilizations for GBV in sport to see what inductively arose. I then refined my research questions and conducted a second round of closed coding based on the four questions listed above. In both rounds, I coded for both semantic and latent meaning, but emphasized latent meaning given that my project is focused on connecting this text to broader social discourses and ideologies. While I coded, I wrote memos of my reflections on the data in a separate document, including when I noticed new patterns and candidate themes, to track how my thought process evolved throughout the data collection and analysis process. After my first round of coding, I had tagged 182 codes; after my second round of coding for quality control and counterbalance any possible “coding drift,” I had 190 codes. After memo-ing on the prominent candidate themes and general impression I had after the multiple rounds of systematically reading through the hearing transcript, I began to group and sort my data by their associated codes to prepare for candidate theme identification. I created a thematic map of the large clusters of codes (see Appendix B) and initially had four candidate themes and five candidate sub-themes. I examined the candidate themes and sub-themes and considered their relevancy to my research question (Braun et al., 2014), and further articulated the essence of the candidate themes by identifying their central organizing concept (Braun & Clarke, 2013; see Appendix A). These steps allowed me to eliminate one theme that was not relevant to my research question, and additionally combine and promote several sub-themes after recognizing their similarity and importance in analyzing the data set. Ultimately, I defined four themes, which are described in the findings section that follows, and contextualized with wider relevant literature. I finally compared my final themes across all the codes to ensure their consistency and relevancy across the entire data set.

Background on Senate Hearing 113-725: Addressing Domestic Violence in Professional Sports

This hearing took place before the Committee on Commerce, Science, and Transportation (“The Committee”) on December 2nd, 2014, and included testimony from four MLB, NBA, NFL, and NHL officials, as well as four union representatives from the MLBPA, NBAPA, NFLPA, and NHLPA. As explained in the opening statement of the committee chair, John D. Rockefeller IV, a Democrat senator from West Virginia, this committee has “complete and absolute jurisdiction, that is oversight, over all sports at all levels” (ADVPS, 2014, p. 2). Prior to this hearing, the Committee had utilized this oversight in the “sordid so-called ‘Steroid Era’” of MLB in the early 2000s (ADVPS, 2014, p. 4), resulting in enhanced policies that aimed to disincentivize the use of performance-enhancing drugs in professional baseball, as well as in a subsequent hearing that focused on concussions in the NFL. In the words of Senator John Thune, a Republican from South Dakota, “Our committee’s ability to shine a bright light on problems in the world of sports is often all it takes to induce real and meaningful change, and we’ve been able to do so without changes in Federal law” (ADVPS, 2014, p. 4). This iteration of the Committee consisted of twenty-four senators with a 13-12 majority of Democrats to Republicans, however, only twelve senators actively participated in the testimony. Of these twelve, four were Republican and eight were Democrats.

The hearing began with opening statements from various senators of the Committee before transitioning to testimony from each of the league and union representatives, with minimal commentary or interruptions from senators. After each of the league and PA representatives had the opportunity to speak, the Committee began their questioning, at times addressing specific individuals and at other times addressing the group at large. The hearing transcript includes both the prepared statements of witnesses which, per Congressional rules, are

submitted ahead of the hearing, as well as the actual statements made. I compared and noted differences between prepared and actual statements to ensure that both versions were incorporated into my thematic analysis⁴. The NBA and NHL each submitted additional policy documents which appeared alongside their respective testimonies in the hearing transcript; these were not included in the thematic analysis after I determined they were not relevant to my research questions.

The appendix of the transcript additionally contained statements that were submitted after the hearing had adjourned, and included: a prepared statement from one senator who was unable to attend the hearing; a letter from the National Task Force to End Sexual and Domestic Violence Against Women, and; league executive and PA responses to specific questions from senators that were not able to be answered during the hearing. All documents included in the appendix section were additionally coded and analyzed.

⁴ There were not many noteworthy differences. Some oral testimonies appear to have been condensed from their submitted versions, likely for time purposes, and some witnesses added comments to their oral testimonies that appeared to specifically reference the opening statements of Senators, which witnesses heard directly before testifying.

Chapter Five: Empirical Findings and Analysis

Overview of Findings

My analysis is divided into four sections, each focusing on a main finding from my thematic analysis. The first two sections primarily reflect the findings related to my first two research questions and examine how the discussion in this hearing problematized GBV in sports. As my analysis will demonstrate, while the parties present at the hearing problematized sport culture at large as a producer of GBV, their remarks characterized professional male athletes as perpetrators, reifying the idea of the “violent (Black) male athlete” and violence as an inherent trait in professional sport more generally. Instead of critically interrogating the structure of professional sport, a system rife with power imbalances, opportunities for psychological and physical harm, and incentives for dismissing accusations and instances of GBV, legislators instead focused on expanding the governing capacity of sport leagues, and effectively the state, to discipline and punish perpetrators of GBV by encouraging the implementation of new extra-legal policies.

The third finding corresponds with the third question of my project and seeks to understand who is made responsible for preventing and responding to GBV. This section examines how the Rice incident and this hearing reinforced the neoliberal entanglement of state, corporate, and non-profit actors in the movement to reduce GBV in society. Legislators threatened to remove the tax-exempt status and other benefits that sports leagues receive from the government unless leagues agreed to increase their contributions to non-profit GBV prevention and response organizations, strengthening the dependency that the state has on corporate social responsibility to solve leading public health issues, and forcing GBV advocates, activists, and scholars to

engage with corporations in order to receive critical funding and legitimacy in their work. The final finding highlights the tensions between various stakeholders at this hearing, examining how labor issues such as collective bargaining and due process were positioned as oppositional to efforts to hold perpetrators of GBV accountable.

Following the presentation of my data and analysis in the findings section, I discuss these findings from a governmentality perspective before turning to the subsequent chapter to complete the work of articulation and connect this hearing to broader societal discourses. This section stops short of a conjunctural analysis but seeks to approach the question that “haunts” all true cultural studies projects: “What does this have to do with everything else?” (Hall, 2007). Occurring just two years before the pivotal 2016 presidential election and the #MeToo movement a year later, the Rice incident and its resulting hearing was a cultural moment that provided a forum for hegemonic struggle over how we conceptualize and respond to gendered harm and reveals much about our current social formation. I conclude with musings on the implications of fetishizing subjectivities such as the “violent athlete abuser”, the need to design systems that mitigate rather than mass-produce violence, and the perils of the shrinking social safety net for survivors of GBV.

The Reification of the Violent (Black) Athlete Perpetrator: “All of the professional sports leagues have a problem with athletes or employees who have committed violent, criminal acts”

Bacchi (2015) argues that in order for government (conceived here as the various agencies and groups who “conduct the conduct” of a society) to intervene, it must “target something as a ‘problem’ that needs ‘fixing’” (p. 6). As discussed in the literature review, there are multiple levels of intervention for GBV and varying perspectives in understanding why it happens. This theme—the reification of the violent (Black) athlete perpetrator—emerged from

examining how various senators, league executives, and PA representatives problematized the issue of gender-based violence in sports and identified points of intervention. While the assemblage of sports culture(s) at large—including the role of the media, coaches, teams, and owners—was referenced and criticized by senators in their questions and comments at various points throughout the hearing, the target of intervention, and thus “the problem”, was clearly athletes.

To understand the implications of these findings, they must be contextualized within the work of media studies. Critical media scholars have demonstrated how the portrayal of Black male athletes who commit crimes of domestic violence simultaneously reifies the myth of the “naturally” aggressive and superior Black male athlete (Enck-Wanzer, 2009) while maintaining a limited number of available subjectivities for Black men to embody (Christensen et al., 2016), ensuring continued exploitation of and violence against Black communities (Collins, 2005; hooks, 2004). Based on my findings, I further argue that this hearing was a demonstration of expressive justice (Garland; 2001 Bumiller, 2008) in which public fears about violent (Black) athletes were assuaged through promised deployment of novel surveillance techniques to monitor athlete conduct on and off the field, further deepening control over (Black) athletes while leaving the actual structural causes of GBV within sport untouched—if not bolstered.

In the opening statement of the hearing, Senator Rockefeller notes that while the NFL’s handling of the Rice incident incited the hearing, “all of the professional sports leagues represented here today...have a problem with athletes or employees who have committed violent, criminal acts, all of them,” (ADVPS, 2014, p. 2). This comment, made early in the hearing, could be seen as the response to the question that Bacchi (2015) implores policy makers to consider: “What’s the problem represented to be?” According to Bacchi (2015), all “problem-solving

initiatives invariably accept ‘problems’ as some sort of identifiable ill instead of recognizing them as the effects of political processes” (p.8). Rather than inquiring about the processes within and around professional sport that may increase the likelihood of GBV perpetration by players, Rockefeller’s comment immediately situates violent athletes “as if they themselves are the beginning and end of this violence,” and allows “the structural and institutional underpinnings of sexual assault and other forms of gender violence [to be] neglected” (Davis et al., 2022, p. 106). Similar to much of the early research examining athlete violence against women (Boeringer, 1996; Fritner & Robinson, 1993; Koss & Gaines, 1993), senators do not differentiate between the different sporting subcultures despite their cultural heterogeneity (Gage, 2007; Messner, 2002), and do not question why—let alone *if*—athletes are perpetrating GBV at rates higher than the general public. Far from following Crosset’s (1999) call for an examination of the structures and pressures that define athletes’ lives instead of vaguely gesturing at sport as a producer of violence, there are notably no questions asked by senators about how correlated factors to GBV such as binge drinking, head injuries, job insecurity, or peer and institutional pressure to perform masculinity through acts of violence could be contributing to GBV in sport; athletes, and sports more generally, are instead reified as inherently violent.

Some of the broader structures of sport are, however, brought up throughout the hearing. For example, Senator Rockefeller notes that “the press has reported that a culture of silence within the leagues often prevents victims from reporting their abuse to law enforcement...because in most cases, the athlete being male, the wife doesn’t want to give up the salary,” (ADVPS, 2014, p. 2). Roberts of the NBAPA similarly comments on the unique difficulties that survivors of GBV at the hands of professional athletes face:

Many people are fearful that, if they speak out about the possibility or the actual occurrence of a domestic violence event, they will expose themselves to public ridicule, be alienated by relatives and friends, and/or jeopardize a player's livelihood, and thus, put at risk their family's financial health. Everyone must be comfortable that there is a safe and confidential manner to seek help. (ADVPS, 2014, p. 71)

Multiple senators additionally mention the special treatment that professional athletes receive. Senator Ayotte recalls an incident that occurred during his time working as a prosecutor:

I think you all know fundamentally the pressure that is brought to bear on that victim from the moment an arrest is made or from the moment the team finds out. Because many times, you all know, you have a lot of off-duty police officers that are huge fans, and they work for you all. And when they find out one of your guys are in trouble, I know this for a fact, because when I was the prosecutor, I got the call that Cris Carter was involved in something in Westport, a big famous Chiefs player, and I immediately heard from the team about what I should and shouldn't do with Cris Carter. Before I'd even heard from the police department, I heard from the team. (ADVPS, 2014, p.113)

Senator Booker, who played collegiate football for Stanford (Warren, 2019), also highlights the access and support provided to professional athletes, citing the stories told by his friends who went on to play in the NFL:

It has been described to me as just incredible resources. Player orientation to me is dazzling, when they let the players know, hey, we're here for you. If there's a crisis, you have hotlines. If you're stuck at a club and can't get a ride and are inebriated, the NFL is there for you, right? You can call. (ADVPS, 2014, p.122)

These various privileges and special treatment brought up by senators are not inherent to sport or athletes as if part of some “timeless formal essence” that sport contains (Gruneau, 2017, p. 4); as Andrews (2019) argues, “sport is an inescapably fluid and malleable popular cultural formation shaped by the interplay between popular practices and passions, and the determinant effects of contextual institutions, forces, and relations” (p.8). The high-status—and related advantages—afforded to athletes are byproducts of specific decisions made by sports leagues to participate in investing in and feeding a form of sport that Andrews (2019) refers to as “uber-sport.” An evolution of the more common concept of “corporate sport” (Andrews, 2006; 2009), uber-sport refers to the hegemonic practices of today’s elite/professional level sport organizations, which, encouraged to capitalize on sport’s centrality in American society by the needs and rationalities of late-stage capitalism, have undergone significant corporatization, commercialization, spectacularization, and celebritization in order to generate mass appeal and profit (Andrews, 2019, p. 8).

While it may seem obvious to point out that the processes of uber-sport result in differing experiences for and public impressions of professional athletes (as compared to that of, say, Little League Tee Ball players), the conceptual purpose of uber-sport is to render “visible the contextual contingency and ontological complexity of the contemporary sport formation,” (Andrews, 2019, p. 8). Naming uber-sport in turn does the important work of counter-reifying it, as its hegemonic nature has foreclosed alternative ways of managing sport, including alternatives that might better prioritize athlete health and safety, joy and creative expression, and cultures of inclusion and respect in sport (Andrews, 2019). Put differently, while senators speak of the indulgences bestowed upon professional athletes—and the leniency towards acts of GBV they permit—as though they are congenital conditions, a more diagnostic approach to addressing the

problem of GBV in sport could be to consider how business decisions around how leagues are managed and athletes are sold to the wider public create contexts in which GBV is more likely to occur (without consequence).

In addition to the early comment by Rockefeller that categorizes athletes as the problem, several senators reference specific domestic violence cases caused by professional athletes:

Perpetrators know that if they can only get their victims to recant, refuse to co-operate, threaten their financial future, threaten the future of their family's financial status, or put them on an airplane to Venezuela, if they can accomplish those things, then nothing will happen. (ADVPS, 2014, p. 4-5)

This comment by Senator Caskill is referencing Venezuelan pitcher Francisco Rodriguez, who played for numerous MLB teams before retiring in 2017 (Selbe, 2023). Caskill explains this case in more detail later in the hearing:

In 2005, based on sworn court testimony, [Rodriguez] put a young lady by the name of Daian Pena, he hit her so hard that she was hospitalized in Venezuela. He then convinced her to move to the United States with him and in 2010, he assaulted her father at the Mets stadium, pulling him out of the family lounge...He was prosecuted for that, and during the prosecution of that, he had an order of protection entered to not contact the young lady or her father. He violated those orders of protection...He then goes onto the Milwaukee Brewers. And in 2012, he's arrested—a 911 call at 2:40 in the morning. And his girlfriend is huddled in a closet at their home and tells everyone what has occurred...They arrest him. There's staff there at the home who are also from Venezuela. So what happens? The case is not prosecuted, because guess where the victim and the housekeeper went? To Venezuela. (ADVPS, 2014, p.114)

Caskill additionally notes that Rodriguez went on to pitch in the All-Star Game in 2014 and received no penalties from the league. Another player who is mentioned in the hearing is Jeffrey Taylor, a biracial NBA player who, in Senator Ayotte's words, "received a 24-game suspension for a conviction for domestic violence for beating a girlfriend," which the NBAPA initially contested on grounds of unusual and excessive punishment⁵ (ADVPS, 2014, p. 117). The purpose of mentioning these two players is presumably to highlight the prevalence of GBV committed by athletes as well as the lack of accountability from leagues and PAs alike; however, by specifically citing two racialized players⁶, and two instances of physical violence, the senators appear to additionally be appealing to a fear of what feminist scholar Sara Ahmed (2000) calls "stranger fetishism," in which "the projection of danger onto the figure of the stranger allows violence to be figured as exceptional and extraordinary—as coming from outside the protective walls of the home, family, community or nation" (p. 36). This obscures the ordinary and institutionalized nature of GBV, as "the violent husband is then read as a monster underneath, as a stranger passing as husband, rather than as a husband exercising the power that is already legitimated through hegemonic forms of masculinity" (Ahmed, 2000, p. 36). While not all of the aforementioned players are Black, I argue that this differentiation of athletes (as Other) from the rest of the population was crucial to legitimizing the extra-legal sanctions that will be discussed in the next section of this paper.

In many ways, this hearing was a novel forum that created an opportunity to air important concerns surrounding the relationship between the culture of sport and GBV. However, all too

⁵ Taylor ultimately waived his right to appeal and served the suspension. This case is further discussed in finding 3.

⁶ Instead of White athletes accused of GBV, such as Brett Meyers of the Philadelphia Phillies, who was arrested in 2006 for dragging his wife out of a Boston bar by the hair and striking her and then pitched a game the next day, or Robert Reynolds of the Tennessee Titans, who pled guilty to criminal damaging and disorderly conduct after destroying his wife's phone and punching a hole in the wall during a fight with his wife, who dropped additional assault charges (GBV in Sports Database, 2023).

often, the convenience of identifying individual scapegoats—such as athletes—forecloses the possibility for a deeper investigation into the way that patriarchal, androcentric systems such as sport, combined with the structurally embedded power imbalances encouraged by late-stage capitalism, shape the decisions and expressions of the individuals passing through these systems.

This is not to absolve athletes who are violent towards women, as Enck-Wanzer (2009) writes:

To be sure, I am in full agreement with demands for holding accountable men who are abusive. We need to be ever vigilant, though, in questioning the stakes involved in spotlighting violent men, especially when representations of offenders are so often condensed to palatable caricatures such as the black male athlete. (p.2)

Another reading of this hearing is to interpret it as yet another public display of mediating racial tensions and fears that view Black men as “super-predators”—a practice with long precedent in the United States. Examining the media coverage of the Kobe Bryant rape case, Markovitz (2006) argues that Bryant and his White accuser could not “be seen merely as individuals but as figures who represent a variety of discourses of race, gender, and sexuality that have been constructed and refined over centuries” (p. 397). Leonard (2004) argues that the “dominant subtext” that guided the public’s interpretation of Bryant case was “that of Black male sexuality and the constant threat that Black male bodies pose to White femininity” (p. 292). This subtext draws upon the “stereotypes of Black sexual monstrosity” that fueled centuries of actual and legal lynching of Black men wrongfully accused of raping White women (Markovitz, 2006, p. 407; Hall, 1993; Davis, 1983; Collins, 2005, Crenshaw, 1997).

While Rice and Palmer are both Black, a media analysis of coverage of the domestic violence incident revealed that terms related to race and Blackness were only present in 4% of articles (Christensen et al., 2016). This perpetuated a colorblind media narrative that stripped the

event of important context, such as the vast array of racist structural disempowerment experienced by Black men in the form of over-policing, disproportionate incarceration, housing and employment discrimination, and lack of educational opportunities (Collins 2005; hooks 2004a; hooks 2004b). Drawing upon the scholarship of Collins (2005) and hooks (2004a, 2004b), Christensen et al. (2016) note how “hegemonic and controlling images of Black men have limited the acceptable forms of Black masculinity that can be embodied by Black men” (p. 364). While Senator Thune states in the hearing that “violence of any kind, but particularly against women and children, is simply unacceptable” (ADVPS, 2014, p.3), violence is not only condoned but encouraged for Black athletes who must use their “their physical prowess and ability to engage in symbolic violence to gain the attention of White football coaches and NFL team owners” (Christensen et al., 2016, p. 366).

The problematization of Black or Other violent athletes is particularly troubling when taken in the context of how much of the progress of the women’s movement to stop gendered violence has coincided with the build-up of the carceral state (Davis et al., 2022), disproportionately jailing Black men (Ritchie et al., 2021) and at times leading to the arrest of women who fight in self-defense against their abusive partners (Ritchie, 2012). Bumiller (2011) draws on Garland’s (2001) concept of “expressive justice” to explore the symbolic function of the Central Park Five gang rape trial, which resulted in the wrongful incarceration of five young Black boys after the attack and rape of Trisha Meili, known in popular media as the “Central Park Jogger”. According to Bumiller (2011), expressive justice is utilized by the state to assuage public concern over the government’s ability to protect citizens from crimes such as sexual and domestic violence. This binds citizens to the state in an allegiance slightly evolved from that of the feudal era, in which serfs worked for lords of manors in exchange for protection:

'Expressive justice' often involves drawing attention to high-profile events, like notable rape cases, that provide opportunities for prosecutors to publicize symbolic messages about the risk of victimization...targeting celebrated crime may enhance the legitimacy of the state while in effect doing little to improve the actual capacity of authorities to respond to the prevalent and ordinary conditions of sexual violence. When prosecutors draw attention to such cases, they stimulate the passions of mass audiences while reassuring this audience of the state's capacity to respond to the threat of dangerous sexual predators. In celebrated trials, stories about sexual violence are renarrated for the purpose of locating the threat to society and justifying a punitive response. (Bumiller, 2011, p.36)

The purpose of expressive justice is thus twofold: to ensure the fear-driven loyalty/dependence of citizens, while also justifying the expansion of state's capacity to monitor and discipline its citizens. While the Central Park Five case did not involve Black athletes, the O.J. Simpson murder trial in 1994 is another poignant example. Simpson, a former NFL player who is Black, was accused and later acquitted of murdering his White ex-wife Nicole Brown Simpson and her friend Ronald Goldman. The Simpson trial was in many ways a pre-cursor to the Bryant case in 2003 and Rice incident in 2014, and its media framing had what are now familiar consequences for how society understands GBV. Scholars argue that the case's

Inadequate attention to the ways in which categories of gender and race intersect led to a dominant framing of the case that pitted feminists against antiracist activists and suggested that 'race and gender were locked in a zero-sum game in which a win for Blacks was a loss for women, and vice versa.' (Crenshaw, 1997, p. 145 in Markovitz, 2006, p. 412)

Notably, the Simpson trial was referenced in Congressional meetings as evidence in support of the passage of the landmark 1994 Violence Against Women's Act (Enck-Wanzer, 2009), which, as mentioned previously, both secured critical funds for the GBV prevention movement while simultaneously facilitating the passage of the most stringent legislation on crime in United States history (Ritchie et al., 2021). Interestingly, but not unsurprisingly, the words "Black" or "race" were not mentioned at all in the entire Congressional hearing, while the term "racism" was used once to compare the leagues' supposed zero-tolerance policy towards racial discrimination with their lack of policy towards GBV (ADVPS, 2014). However, the lack of explicit discussion of the racial identities of Rice and Palmer is perhaps more harmful than their inclusion would have been. Leonard (2004) explains how "the widespread practice of talking about moral or legal depravity in the absence of specific references to the Black community allows for the acceptance of colorblind ideologies while simultaneously affirming the practice of coloring crimes through Black male bodies" (p. 303; Crenshaw, 1997). Despite the colorblind nature of the discussion, it is undoubtable that racial imaginaries and fears around Black athletes and other athletes marked as Other were contributing factors to the convening of this hearing.

While senators and witnesses reference the impact of the structure of professional sports throughout the hearing, the comments made and the invocation of select violent athletes reifies both athletes and sport as naturally violent, with implications for how Black and other non-White athletes are perceived by the public. It seems that the problem for senators was not the systems developing these athletes, or even GBV in society as an issue more generally; the problem begins with the athletes and ends with the failure of leagues to properly discipline their players. It is to this concern with the ability of leagues to appropriately govern their subjects that I will now turn.

Trickle-Down Governance of the Self: “The solution will require athletes to take responsibility for their own conduct and use the same self-discipline that has allowed them to excel at sports”

Whereas the previous theme captured the problematizations of GBV in professional sports, this theme focused on what solutions were encouraged and whose responsibility was invoked. The findings reveal a trickle-down governing relationship in which sports leagues are encouraged to develop extra-legal disciplinary mechanisms to punish perpetrators of GBV in addition to providing employees with the tools to self-govern their own behavior and as well as that of other employees through educational workshops and programs.

Each of the opening statements by senators, and a majority of the questions later posed by others, revolve around the question of governance of the sports leagues. Senator Thune remarks that he hopes “today’s hearing will put pressure on the leagues and the players’ unions to make whatever changes are necessary to ensure that such acts of violence are addressed swiftly, and perpetrators are disciplined appropriately” (ADVPS, 2014, p. 4). Senator Caskill similarly remarks to the witnesses that he is “anxious to hear how you view your responsibility to independently gather the facts and hold the professional athletes that commit these crimes accountable with sanctions within your leagues” (ADVPS, 2014, p. 5). In particular, the senators admonish leagues and PAs for their reliance “on the failure of the criminal justice system to get convictions as their excuse as to why no players or very few players have been held accountable,” and inquire about what capabilities leagues possess to impose various forms of discipline (ADVPS, 2014, p. 5). From the pointed focus of these various statements, it is clear that a priority for the leagues is developing new policies that can more effectively control and punish the behavior of their employees, namely, the athletes. Here, it is relevant to return to Bumiller (2008), who writes:

The state's interest in controlling violence is powerfully driven by social control priorities; for example, intimate partnership violence is 'of interest' because it unsettles families, harms children, and creates a public health crisis. This mandates intervention for the purposes of containing crises and managing harm, not to address women's systematic oppression. (p.13)

The concern that the legislators have with controlling abusive athletes could have something to do with the powerful role that sport has in the United States in communicating ideals about fairness, morality, and family (Andrews, 2019). Hargreaves (1986) aptly notes how in modern industrial countries, "sport is increasingly sold as a family-oriented activity—media sport is for the family, and participating together as a family is encouraged... [recomposition] the working class and subordinate groups as an aggregate of privatized family consumption units" (p. 218). The need and expectation of "family friendly sport" was clearly visible throughout the hearing, such as when Senator Rockefeller noted how "major league athletes serve as role models for our youth. Generations of children have grown up watching sporting events with their parents—it's a family affair...an amazing American phenomenon" (ADVPS, 2014, p. 1). Rice's scandal tarnished the brand image of football and weakened its connection to family values, "[making] the task of selling sport as an uplifting form of family entertainment and as an exemplification of the national virtues, difficult to sustain" (Hargreaves, 1986, p. 222). Rice's public display of violence disrupted and critically threatened the fantasy that sport promises—both to consumers of sport, who wish for values such as fair play and upstanding moral character to be embodied by their athlete heroes, as well to the producers of sport, who rely on successfully marketing and selling this fantasy, and governors of sport, who rely on it as a "rich cultural resource" for communicating national values (Hargreaves, 1986, p. 209).

The Rice incident further broke trust between the American public and its legal system. Rice's criminal charges were ultimately dropped, and the media attention around this incident caused the public "to realize that our legal system fails at responding appropriately to domestic violence. Seemingly, the NFL would not be criticized for its leniency in domestic violence punishment if the legal system had adequately policed the violent behavior" (Brown, 2016, p. 201). However, for Senator Ayotte, a Republican from New Hampshire, the failures of the legal system do not constitute an excuse for the leagues: "You do need to establish an investigative process for these cases that do not result in criminal conviction. This is imperative, because you have to hold yourselves to a higher standard" (ADVPS, 2014, p.117).

While demanding more scrutiny than the literal law of the land may seem unfair, Ayotte does have a point: acts of GBV like domestic and sexual violence are already grossly underreported due to the shame and fear victims experience, and when brought to trial, rarely result in successful convictions (Thompson & Tapp, 2023). Additionally, Benedict and Klein (1997) found that while allegations of sexual assault against a college or professional athlete may be more likely to result in arrest and indictment, athletes are significantly less likely to be convicted. New research from Hattery et al. (2023) showed that in over 75% of GBV cases, "regardless of whether the perpetrator was charged, arrested or convicted, the accused athlete or coach was allowed to remain on the team and continue to work or compete." As discussed earlier, the addition of extra-legal policies that are separate from the justice system—and thus have more malleable definitions for acts of GBV and a lower burden of proof—may empower more survivors of GBV to safely seek accountability through these new policies. However, Augelli and Kuennen (2018) ask:

Why replicate an ineffective response? Domestic violence has not decreased because of a tough-on-crime approach to the problem. One of the greatest lessons taught by feminist legal theorists is that the criminal justice system replicates the very norms it seeks to eradicate: male dominance and violence. Rather than focusing on punishment after the fact, men's professional sports would do better by meaningfully changing institutional culture to prevent domestic violence to begin with. (p.32)

While cases that result in conviction or penalty from an employer may provide a sense of justice for survivors, these rulings do not always attend to the emotional and financial need of victims. In the words of feminist legal scholar Schneider (2000), “Legal intervention alone cannot do the job. Legal intervention may provide women certain protection from battering, but it does not provide women housing, support, child care, employment, community acceptance, or love” (p.52, in Augelli & Kuennen, 2018, p.71). To return to the earlier public health river parable, punishment removes just a single person from the rushing stream while doing little to stop the issue at its source, let alone provide reparations for those whose lives have been destroyed by its overflowing violence.

Eventually, the senators do turn their attention to this matter of changing cultural norms, when Senator Thune pointedly asks, “Would you agree that, at its core, the solution will require athletes to take responsibility for their own conduct and use the same self-discipline that has allowed them to excel at sports to renounce and end this ugly violence?” (ADVPS, 2014, p.108). Having addressed the necessity of leagues to govern athletes through disciplinary measures, the attention is now focused on providing athletes with the tools to conduct this self-governance themselves. League executives and PA reps quickly respond by reiterating the various educational programming that they have already implemented or plan to implement around these

issues, which many had mentioned in their opening testimony at the start of the hearing. For example, Vincent emphasized that the goal of the NFL's programming is to:

Ensure that everyone understands the full scope of this behavior and is familiar with the warning signs associated with these crimes. Education also promotes prevention. Bystander intervention, how individuals can appropriately and safely help those at risk, is another key focus area of our education. (ADVPS, 2014, p.7)

Bystander intervention is an educational technique whose invocation here can be linked to the previously mentioned work of Jackson Katz, founder of the Mentors in Violence Prevention (MVP) curriculum, who sought to give male athletes the tools and knowledge to prevent or intervene in violent situations, and more broadly change the culture around masculinity (Katz et al., 2011). While his program proliferated, Katz (2018) himself has spoken out against a turn he has seen in GBV workshops modeled after MVP which have shown a “shift away from a deliberate engagement with underlying gender norms and toward specific techniques of and impediments to ‘intervention’” (p.1765). Thus, Vincent’s mentioning of “bystander intervention” as part of the NFL’s educational curriculum could indicate radical possibilities, such as workshops in which professional football players are asked to critically interrogate their beliefs around gender roles and understand their part in contributing to a sports culture that normalizes GBV. More likely, though, is that players receive the depoliticized version critiqued by Katz (2018), where participants are given a menu of specific bystander “options” for intervention such as creating a distraction, engaging in conversation with an arguing couple, or calling the police.

While the content of the educational workshops promoted by each of the leagues is unavailable for review in this project, Jessica Berman of the NHL gave the following description of their educational programming:

In general, the education programs focus on: (i) identifying the triggers that lead to conflict, personal conduct issues and domestic violence; (ii) outlining ways to avoid dangerous situations prior to their escalation; (iii) offering alternative mechanisms for handling personal conflicts; (iv) providing information about third-party assistance for Players and their families in need of counseling or other behavioral intervention; and (v) explaining the criminal, civil, professional, personal and other consequences associated with engaging in personal misconduct. (ADVPS, 2014, p.75)

Without access to these educational workshops, it is impossible to evaluate their efficacy or adherence to best practices in GBV education, however, the brief description above contains no mention of the power and gender dynamics crucial to understanding why and how GBV happens (Hunnicutt, 2009). This educational programming appears to be stripped of any social justice origin, just as Katz (2018) had feared. In fact, what Berman describes sounds more like “a kind of self-imposed disciplinary code, calling for no less than monastic restraint” that is a hallmark of neoliberalism (Peck & Tickell, 2002, p. 381).

Berman additionally noted that domestic violence was raised as an issue at the annual Rookie Orientation Program jointly hosted by the NHL and NHLPA.

By making the messages clear and reinforcing them on a regular basis, the players are better prepared to appreciate and manage difficult problems that they face, both from a personal and professional standpoint. As a result, they will be better equipped to avoid situations that will bring harm to themselves and to their families. (p. 74)

In this fragment, Berman unpacks the twofold purpose of education: to both provide players with strategies to avoid using violence in response to conflict, as well as to reinforce the league and PA’s stance on domestic violence. This work to change cultural messaging and acceptance

around domestic violence is important, however, it also primarily identifies *athletes* as the problem, which again harkens to the neoliberal governing strategy which problematizes individuals for social ills, instead of the structures that dictate their lives (Dean & Hindess, 1988). Athletes are “are impelled to assume responsibility for stresses and challenges in their lives, instead of considering how governing practices shape the constraints within which they live and work” (Bacchi, 2015, p.6-7). The lives and work of professional athletes, who are beholden to the predictable performance of their highly contingent bodies, are filled with numerous stressors, which are notably not the focus of this hearing. For example, in a study on professional Taiwanese baseball players and their romantic partners, athletes cited fear of “lost games sports injuries, requested trades, and unexpected retirement” as their top stressors in the relationship (Ni et al., 2021, p. 684). Although Taiwan and the United States’ respective systems of professional sport bear distinctive qualities, professional athletes in the NFL, NBA, NHL, and MLB are also subject to sudden trades that require they pack up and move to a newly assigned team in a different geographic region and can be released at a moment’s notice due to injury or a performance slump (Closius & Stephan, 2020). Taiwanese players and their partner’s alike experienced shared stress over the uncertainty of income and high financial pressures, as many players are expected to provide money not only for their immediate families but extended families as well, an experience also common with MLB’s Latin American players (Ni, 2021, Lagesse, 2016). This compounding uncertainty leads many players to invest all of their time and energy into their careers, reducing their role in romantic and family responsibility contexts and often causing increased strain on their partnerships (Ni, 2021, p. 691). This overcommitment to work may also lead to over identification as an athlete, which is linked to increased mental and emotional difficulties when that career eventually ends (Jowett & Cramer, 2009).

Instead of targeting the structures that govern the conditions in which professional athletes find themselves, both legislators and league/PA executives propose solutions which function to impose (self-)disciplinary procedures as a means of reducing GBV. “Trickle-down” typically refers to the neoliberal economic principle which maintains that public money invested in private entities will “trickle-down” to the average citizen in the form of increased salaries, which then “trickles up” to city government in the form of taxes (Andrews, 2022; Harvey, 2001). I named this finding “trickle-down governance of the self” because it reflects a similar belief that by investing in private corporations to better legislate acts of GBV, the effects will trickle down to the average citizen as well. Additionally, this finding reflects a Foucauldian-inspired mode of “conducting the conduct” that trickles down from Congress to sports leagues to individual players, demonstrating how disciplining power is dispersed throughout the social body. The Congressional committee “fulfilled” its governing obligations and reassured the public of its concern for violence against women by calling the hearing and instructing sports leagues to improve their own governing capabilities. The sports leagues pass on this responsibility further by providing players with the educational tools to self-govern their behaviors and self-regulate their emotions. This exemplifies how through the use of bystander intervention and other programs, “self-regulatory techniques can be installed in citizens that will align their personal choices with the ends of government” (Rose & Miller, 2010, p.286).

While stricter policies and educational programs are undoubtedly pieces needed to solve the complex jigsaw puzzle that is GBV in society, these findings again demonstrate how the participants in this hearing overlooked how gendered power dynamics are embedded within the institution of sport, focusing attention instead on individual instances of GBV rather than their structural roots. Furthermore, in asking these sports leagues to build out their capacity to

investigate, prosecute, and discipline players, Congress explicitly encouraged the creation of a privatized criminal justice system. What implications does this have for the wider social sphere? What does this mean for the vast majority of perpetrators and victims in the United States who, unaffiliated with professional sports, are thus relegated to using the rickety old criminal justice system? The next finding, which focuses on the deepened dependency of the state and non-profit organizations on corporate social responsibility and private funding for public sector issues, further examines this question.

The Neoliberal Entanglement of Corporate, State, and Non-Profit Interests: “When we combine both public and private resources, we could fund the intervention and the prevention”

According to Peck and Tickell (2002), “neoliberalization should be understood as a process, not an end-state,” (p. 383). The third finding, which identified moments in which neoliberal ideology informed the negotiation between government officials, league executives, and PA representatives about the proper approach to solving the problem of GBV in society, adds to the body of work by previous scholars who have demonstrated how sport facilitates the process of neoliberalization (Andrews & Silk, 2012). A partiality towards a neoliberal governing strategy is reflected implicitly in the comments made about the responsibilities of private sport corporations towards public issues like GBV, and ultimately strengthened by the promise of these corporations to increase their contributions towards public sector and non-profit organizational efforts to combat GBV.

In his opening remarks, Senator Rockefeller all but provides a primer for understanding the neoliberal relationship between private sport corporations and the public sector in the United States:

Because professional sports enjoy unique benefits bestowed upon them by the public, such as public funds for stadiums or exemptions from antitrust laws, it's entirely proper for this committee to focus its attention on how professional sports leagues and their unions are handling the problem of domestic violence within their ranks. (ADVPS, 2014, p. 2)

The special allowances afforded to sports leagues by the government, in addition to the immense cultural power that they command, creates a special responsibility for the leagues. According to Rockefeller, and following the philosophy of neoliberalism, the state has fulfilled its responsibilities in creating a fiscal environment that allows the market and corporations like the NFL, NBA, MLB, and NHL to thrive (Harvey, 2007). However, the price for these tax benefits and stadium funds is increased liability for what were formerly responsibilities of the public sector's welfare provisions, such as GBV prevention programs and intervention services. Luckily, the executives appear willing to pick up the tab.

Discussing newly established relationships with the National Hotline for Domestic Violence, Tony Vincent of the NFL explains, "our support has allowed these organizations to expand their call volume capacity so that calls for assistance do not go unanswered," (ADVPS, 2014, p. 9). Similarly, MLB's Joe Torre reports a positive response from non-profit GBV agencies with regards to increased collaboration between sports leagues:

Representatives from those groups consistently told us that, while they were obviously unsettled by the recent incidents of domestic violence in professional sports, they believe that those incidents have shined a light on an issue often in the shadows. They believe, and we agree, that sports leagues can make a difference. (ADVPS, 2014, p.6)

In this silver-lined framing, the Rice incident becomes an opportunity for the platform of sport to raise awareness about GBV in society. The MLBPA representative, Virginia Seitz, goes so far as to say that “by working with the experts and gathering their recommendations, we can develop a more effective program for all of baseball and become a credible voice in the ongoing national dialogue about how to end domestic violence,” (ADVPS, 2014, p. 20). Combined, the comments of league executives and PA representatives begin to shape a new narrative, one in which professional sports are an integral piece of the cross-sector effort to stop GBV.

While the idea of funneling a portion of the profits accrued by billion-dollar sports to GBV victim and prevention services is appealing to some, the literature review previously provided critiquing CSR initiatives (Hayhurst & Szto, 2016; Montez de Oca et al., 2020; McSweeney et al., 2018) helps to contextualize why many senators are skeptical about the intention and efficacy of these corporate partnerships. Senator Cory Booker emerges as one of the key opponents to this unlikely alliance:

The Congressional Budget Office says if we removed that tax-exempt status, it would yield millions of dollars a year annually back to taxpayers...understanding that these organizations need more funding, why does the NFL need a tax-exempt status, when we could be redirecting the money to domestic violence prevention and treatment programs? (ADVPS, 2014, p. 121)

Booker suggests cutting out the middleman and instead allocating the funds that could be collected by taxing the NFL directly to GBV agencies, and his concern is warranted. In Baltimore, a neoliberal approach to urban governance has attracted corporations and consumers alike through the city’s use of public funds to create tourist-oriented amenities such as the Camden Yards sports complex; however, Friedman et al. (2012) demonstrate the (f)utility of

such approaches, which have resulted in endless cycles of increasingly expensive development projects that the most disadvantaged residents of Baltimore rarely can afford to enjoy.

Meanwhile, the “roll-back” of city spending on local recreation centers has resulted in the near-extinction of access to public recreation (Bustad & Andrews, 2020). Public money invested in private entities rarely “trickles down” to the average citizen; instead, these initiatives act as sieves for ever-decreasing reserves of state welfare all while facilitating the continual flow of public capital for private corporations (Harvey, 2007). Privately funded sport for development initiatives often inadvertently serve to cover social safety net gaps created by urban neoliberal austerity policies, such as the Launchpad facility and program sponsored by the NHL’s Toronto Maple Leafs charitable arm, the Maple Leafs Sports and Entertainment Foundation (Klein & Darnell, 2023). Researchers observed that youth participants and their parents primarily entered the Launchpad facility not to partake in its free sport programming, but to pick up the complimentary food and snacks offered and participate in more social service-esque programs such as tutoring, counseling, and job employment programs (Klein & Darnell, 2023).

Towards the end of the hearing, Senator Blumenthal proposes a bill that would sunset the professional sports leagues’ antitrust exemptions under the 1961 Sports Broadcasting Act, as well as the comparable provisions for the MLB. The bill would permit Congress to “reauthorize exemptions every 5 years, based in part on commitments to aid public service organizations,” (ADVPS, 2014, p.121). Blumenthal’s proposal is a thinly veiled threat, made shortly after the senator directly requested that each witness confirm their organization’s commitment to increased financial support of GBV prevention agencies. Vincent of the NFL responds with further affirmation for private-public partnerships to jointly fund GBV prevention and response services:

I do believe that when we combine both public and private resources, we could fund the intervention and the prevention...this is how we both collectively, both privately, and public resources (sic), we can make a difference in the area of domestic violence, sexual assault, and child abuse. (ADVPS, 2014, p. 122)

In order to preserve the benefits embedded within the now-endangered antitrust exemptions, each of the sports leagues and their PAs enthusiastically endorse the idea of increasing contributions to GBV prevention. Absent from the discussion of this budding public-private arrangement is its implications for the GBV agencies who would likely seek funding from these leagues, particularly if private funds replace public grant money. As discussed in the literature review, the function and indeed mission of GBV organizations was already radically altered when they formalized in the 1990s and became reliant on state funding, shifting from a focus on structural conditions and movement-building efforts to more quantifiable and “fundable” social services like therapy and legal counseling (Mehrotra et al., 2016). However, even the direct services provided by GBV agencies who do receive state funding come with strings attached:

Now, in many battered women’s shelters women are required to apply for all appropriate state benefits as part of a process of showing that they are taking all necessary steps to gain self-sufficiency. These requirements entangle women in an increasingly value-laden welfare program tied to the promotion of the traditional nuclear family, fear of dependency, and distrust of women as mothers...as a result, when women seek help from shelters, it now produces an inevitable dependency on the state. (Bumiller, 2008, p. 5)

In this hearing, several of the leagues pledged to create hotline and crisis services that would be available for victims of GBV perpetrated by professional athletes (ADVPS, 2014). While this may remove survivors and their children from the surveillant eye of the state, it ensnares them in

perhaps an even more problematic entanglement with the employers of their abusers. This may serve survivors well in the short term, but how long do eligibility benefits last, and under what conditions? Following a concern from the staff who worked at the Maple Leafs Launchpad sport facility, worried about the dependency that families could develop on the food offered during their CSR programs: ““What happens when we stop?”” (Klein & Darnell, 2023, p.12).

The question posed by this finding is, how will the privatization of GBV services and funding encouraged by this hearing impact both the strategic approach to research and organizational efforts for preventing and responding to GBV, as well as the experiences of survivors seeking services in the quickly privatizing landscape? While perhaps well-intentioned by the senators in the hearing, the proposed shift from government funding to private sector funding for GBV efforts forces activists and advocates into a dependent relationship on the approval of corporations like the NFL, NBA, MLB and NHL in order to secure critical funds. This becomes more worrisome when considering “growing concern among development practitioners that ‘amateurs’ involved in CSR for development through sport are damaging well thought of development initiatives” as many CSR “schemes have in-house monitoring exercises, which are more prone to subjective and biased findings” (Levermore, 2010, p. 237). Gender-based violence prevention is not the mission, nor expertise, of sport corporations; their purpose and obligation to shareholders is to maximize profits.

Even when the NFL, NBA, MLB, or NHL do hire experts in GBV prevention to work on their initiatives, these “9-to-5 feminists” may find it difficult to question or criticize their employers, particularly if they are in the process of building legitimacy as a professional or are associated with a GBV organization reliant on a league for funding. Halley et al. (2018) discuss the backlash experienced by feminists who criticize or step down from previously prestigious

positions within government or cultural institutions. These whistleblowers become deprived of “her insider credentials and her insider job and at the very most by marshaling major institutional resources to discredit her and her ideas, defund her projects, and leave her constituents out in the cold” (p. 65). A few years after this hearing commenced, Georgetown Law professor and domestic violence advocate Deborah Epstein announced her resignation⁷ from the NFLPA’s commission on domestic violence, writing “because I care deeply about violence against women in the NFL and beyond, I can no longer continue to be part of a commission that is essentially a fig leaf” in a searing op-ed for *The Washington Post* (2018). While Epstein continued to have a successful career, the defiance of less-established feminists—such as those who likely staff the entry level roles of CSR departments in which these policies are housed—may not be as likely.

Ultimately, the bill proposed by Senator Blumenthal never passed, and despite the suggestion of numerous senators to regularly follow-up on the new policies and programs created by these leagues, no public hearings have occurred. Today, it is not unusual to see CSR partnerships from sports leagues contribute to supporting a worthy social cause. However, critical sport scholars such as Chen (2023) remain suspicious:

While the term ‘social justice’ is being increasingly circulated in the boardrooms of sport owners-philanthropists in New York City and London, we must collectively inquire whether a sport industry with values of equity, diversity, and inclusion defined by and for a fraction of elites in the imperialist metropoles is equipped to confront the humanitarian and planetary ecological crises created by the raison d’être of capitalism: the pursuit of profit. Herein, sport must continue, just like disasters and wars. (p.12)

⁷ Susan Else, the former director of the National Network to End Domestic Violence, also resigned

The neoliberal governing method of outsourcing social justice efforts and social service needs to private entities initially provides temporary relief when the check arrives, and corporations are there to pay the bill. However, those who sign the check for these initiatives are also those who have the power to sign-off on who receives these grants, programs, and services. In yielding the responsibility of social issues to corporations, we also yield control over the methods and strategy for making change. The neoliberal entanglement tightens further with this hearing's renewed support of the established order. This perhaps hints to why labor rights issues—which often allow for more equal distribution of power and capital—were positioned in tension with the proposals suggested in this hearing, which constitutes the final finding of my analysis to which I will now turn.

Tensions between Labor Rights and Accountability: “This is not about any type of labor issue”

One of the main tensions to emerge throughout the hearing is the positioning of labor rights issues—such as due process in an investigation and collectively bargained GBV policies—as in conflict with efforts to hold athlete-perpetrators accountable for acts of domestic violence or sexual assault. This tension is captured bluntly by Senator Thune in his opening statement:

This is not about due process. This is not about the collective bargaining agreements you do not like anymore or want to change. This is not about any type of labor issues you may have with the league. This is about helping to stop a terrible problem in society.

Wives, mothers, sisters, daughters, and friends are being beaten. When you are worrying more about getting back on the field instead of stopping abuse, your priorities are out of order. Instead of addressing the problem, inadequate or nonexistent league policies and codes of conduct mean that aggressors have not been dealt with appropriately, and the survivors of domestic violence have been left behind. (ADVPS, 2014, p.6).

Thune's statement makes it clear that the senator's perception is that the leagues and PAs are more concerned with returning to business as usual than with ensuring accountability and support for survivors of GBV. Additionally, similar comments from other senators demonstrate how they view PA's interest in collectively bargained policies—as opposed to policies managed unilaterally through the leagues—as an attempt to exert more influence over the outcomes of penalties in domestic violence and sexual assault cases. Senator Ayotte demands that players “not hide behind the collective bargaining process or agreement when it comes to basic accountability and basic responsibility for not committing crimes... crimes of violence against women...or, as we've seen some instances, violence against children” (ADVPS, 2014, p. 118). According to the PAs, collective bargaining is a way to ensure that consistent and credible decisions are made by the leagues with respect to how GBV cases are handled. Roberts of the NBPA urges for a jointly created policy in her opening statement, citing Congressional precedent:

As a final note, we continue to believe that collective bargaining is the most appropriate forum for the resolution of these issues and are confident that our policies and initiatives address in a meaningful way the concerns of the Committee. Congress has long given deference to parties operating under collective bargaining agreements to develop their own solutions to problems, properly recognizing that the parties bound by a collective bargaining agreement have a longstanding relationship with unique problems and problem solving methods that are often difficult to comprehend by those outside the relationship. We fully believe in and support the Committee's and Congress' goal of eliminating domestic violence in sports, and we believe this goal is best accomplished by the leagues and players working together to accomplish this universal objective. Together

we can and will set a tone of appropriate respect for women and all family members.

(ADVPS, 2014, p. 73)

Roberts' statements here directly contrast those of Thune's and Ayotte's, indicating that collective bargaining ensures the cooperation of both players and the league in developing and implementing effective policies, while further insinuating that the intricacies of managing such a complicated relationship between employers and laborers is best left to those parties alone. Patterson of the NFLPA notes the legitimacy issues that arose when Commissioner Goddell's exercised his unilateral power through the NFL's personal conduct policy (which is not jointly bargained) in the Rice case:

Unfortunately, we've seen repeated instances where discipline under the Personal Conduct Policy of the NFL, implemented unilaterally by its Commissioner, has failed to get us closer to those solutions...when disciplinary matters are left solely to the NFL, the process is mismanaged and often the end result has not been able to withstand outside review. For example, in the bounty incident in New Orleans, the Commissioner's unilaterally imposed discipline was overturned, not only by a system arbitrator, but also by a former NFL Commissioner who was tasked with reviewing the NFL's actions. In the more recently imposed discipline of Ray Rice, the Commissioner's arbitrary discipline was also overturned after further review by a former Federal judge appointed as a neutral arbitrator. This current system, run unilaterally by the NFL, simply does not work. It does not work for our members, and we've heard from your constituents as well, as I'm sure you have, who continue to express distrust and displeasure in the current system of discipline. (ADVPS, 2014, p.11)

Professional athletes represented by a union have the right to appeal penalties mandated by the leagues (such as those incurred from drug suspensions, rulebook violations, and player integrity transgressions⁸) and have those decisions reviewed by an outside and neutral arbitrator to ensure fair and consistent rulings (Tanaka, 2019). Thune and other senators may insist that GBV discipline is not a labor issue, but in the eyes of the law and of labor unions, it is not only an issue, but a complex and untraversed one. Patterson's point is that discipline mandated unilaterally by the NFL will likely continue to fail when scrutinized by neutral arbitrators, as Commissioners will be influenced by the capricious will of public opinion as opposed to standardized and factually-driven determinations. This room for subjectivity may result in successful appeals on the part of the player and subsequent reduced suspensions/fines that leave leagues frustrated with the outcome, PAs skeptical of the process, and the public dissatisfied—not to mention the harm that the back-and-forth of these changes in penalty could cause to survivors of GBV who are involved. Steve Fehr of the NFLPA additionally addresses the complexity of the labor issue in his statement:

The issue of player discipline in this area is a complex one. When an employer disciplines an employee for misconduct away from the workplace, it raises a host of concerns on its own. But when you add the prospect of discipline for allegations that have yet to be proven, the issues become even more difficult. The careers of athletes are very short and all games are precious. Of course, the NHLPA wants to do all that it can to eliminate domestic violence that involves our members. At the same time, we cannot accept the proposition that a player should, as a matter of course, be punished until he has had his “day in court,” or in neutral arbitration as the case may be. And in instances in

⁸ Such as gambling or sports betting

which there is an actual or potential criminal proceeding in addition to the prospect of employer discipline, the legal issues can be very complicated to navigate. (ADVPS, 2014, p.104-105)

Here, we again see the shaky employment law ground upon which these new disciplinary mechanisms are attempting to take root. As citizens, players have rights of due process, and as employees, they have rights under labor laws—which are only just beginning to wrangle with the relatively new world order created by the proliferation of technologies like cell phones and social media that allow employers to surveil employees’ private lives. In calling this hearing and demanding more accountability from leagues than from law, Congress essentially mandates that sports leagues develop cutting-edge employment policies; the failure to see these policies as a labor issue overlooks their complexity and undermines their capacity to function.

However, the flippancy of Fehr’s comment about how “the careers of athletes are very short and all games are precious” when compared to the potentially inexorable harm caused by GBV perhaps demonstrates why senators are so frustrated with the PAs (ADVPS, 2014, p. 104). This frustration bubbles to the surface when senators question the PA representatives about the reduction or dismissal of GBV penalties due to successful union complaints. One of these cases involved the aforementioned Jeffrey Taylor of the Charlotte Hornets, who was suspended for twenty-four games by NBA Commissioner Adam Silver after he plead guilty to a misdemeanor domestic violence assault and malicious destruction of hotel property charge following a violent incident with his girlfriend (GBV in Sport Database, 2023). While Taylor ultimately decided to serve his suspension, Roberts, the NBAPA’s executive director and representative at the Congressional hearing, had initially indicated the PA would appeal the decision, labeling it “excessive, without precedent, and a violation of the CBA” in a statement made a few months

prior to the Hearing (Sports Illustrated Staff, 2014). Roberts is asked to explain her comments by Senator Ayotte, who says, “to me this highlights the problem that we’re facing, and it’s disgusting to me that you would say that it is excessive. So I would want you to address that” (ADVPS, 2014, p. 118). Roberts explains:

Our position was simply that, we have a CBA, which we believed, and we have a disagreement about this, had precedent that indicated that that was an excessive punishment. The Commissioner, when he imposed the punishment, acknowledged that it was a significant departure from prior punishments. And so again, our position was that the CBA required us to collectively bargain, if there was going to be some imposition of punishment that belied the CBA...while we all agree, and we do all agree that this is very serious business, and we need to take it seriously, we don't believe that we need to, at the same time, abandon due process. And that's the only point. That doesn't mean that 24 games may not be appropriate under certain circumstances. It simply meant that, within the four corners of the CBA, and again, we have a disagreement about this, it did go beyond the scope of what was collectively bargained for. (ADVPS, 2014, p. 118)

From a labor lawyer’s perspective, “excessive punishment” does not necessarily mean the punishment doesn’t fit the crime; it means the punishment doesn’t hold up to historical precedent and/or the collectively bargained agreement, which the unions are legally obligated to defend on behalf of their clients, the players. However, Roberts is not the only PA representative who is taken to task by the Congressional committee for this stance. A heated exchange occurs between Senator Heller, a Republican from Nevada, and Patterson of the NFLPA:

Senator HELLER. I'm just trying to get to the point as to whether or not the Players Association is saying it's okay to knock out a woman with one punch on Wednesday and still suit up for a team on Sunday.

Ms. PATTERSON. Absolutely not. We do not condone domestic violence. I stated that earlier, and I will keep stating it. What we do is defend players, and we defend the process.

Senator HELLER. Was a 12 game suspension for knocking out his fiancé with one punch appropriate in the Ray Rice case?

Ms. PATTERSON. I don't know that that was appropriate. What we think is inappropriate is inconsistent and unfair handling of players and their issues.

Senator HELLER. What would be appropriate? I mean, you're eluding the questions. What would be an appropriate suspension for an individual that knocks out his wife or his fiancé?

Ms. PATTERSON. Well, Senator, I apologize for appearing to elude the questions, but I just have to respectfully say that the union is not in the business of applying discipline. We are in the business of representing our membership to the full extent of their rights, both under the law and under the Collective Bargaining Agreement.

Senator HELLER. Well, I would tend to disagree, Ms. Patterson. You're either for stopping sexual assault, domestic abuse, and child abuse, or you're not.

Ms. PATTERSON. Right, but I'm not suggesting that we're condoning any sort of misconduct.

Senator HELLER. Well, let me ask you this question then. Do you believe sexual assault, domestic violence, and child abuse are far more important, than the union's issues with collective bargaining?

Ms. PATTERSON. I would agree that they're far more important, but that's outside the scope of what we're talking about in terms of labor. I agree that societal issues are more important, yes. (ADVPS, 2014 p. 110)

This exchange demonstrates the fundamental misunderstanding that Congress has about the obligations of PAs, and the quandary they're put in by being asked to weigh in on issues like GBV. Senator Rubio, a Republican representing Florida, clarifies this in a blunt question to Vincent of the NFL:

So your testimony is that if a player comes forward and says to the league, I just punched my fiancé in the face and knocked her out, and the Commissioner decides, I'm going to suspend you for a year, the players' union will file an appeal against that decision, because one year is too long for someone that just punched their fiancé in the face and admitted to it? (ADVPS, 2014, p. 126)

Vincent assents, saying "the Player Association has that ability," again demonstrating that for this reason the policies need to be jointly agreed upon to avoid constant legal battles (ADVPS, 2014, p.126). The PAs appear to finally get their point across when Rubio summarizes their position, saying, "I guess your argument is that...the NFLPA has the same obligations as a lawyer would to a client...to defend them irrespective of what its personal views may be about their conduct," to which Patterson responds affirmatively (p. 131).

These findings wade into a murky territory that require a not insignificant amount of legal expertise to understand. However, feminist legal scholars Augelli and Kuennen (2018) evaluated

the employment policies that sports leagues developed following this hearing and provide important context about the issue of due process specifically. While the frustration of Congress and the public over such a focus on the rights of potential athlete-perpetrators is understandable, Augelli & Kuennen (2018) explain, “when perpetrators feel that they are being treated unfairly, they are less likely to comply with court orders, treatment and other interventions. Thus from the perspective of effectiveness of interventions, due process is extremely important” (p. 74; Epstein, 2002). They further note that the policies which were collectively bargained, such as the MLB/PA and NBA/PA, have been significantly more effective in securing punishments that hold up to outside scrutiny. The NFL failed to get PA buy-in, and Commissioner Goodell’s unilateral decisions on penalties by players such as Josh Brown⁹ and Ezekiel Elliot¹⁰ have been consistently inconsistent with the outlined procedure in the personal conduct policy, resulting in lengthy appeals that force the survivors of these cases into the spotlight for longer periods of time and damage the legitimacy of the process itself (Augelli & Kuennen, 2018). This again points to how labor issues stand to directly impact the efficacy of these GBV policies: collaboration between leagues and their PAs is key.

The insistence from senators that the response to GBV is divorced from labor issues is particularly interesting given the impact that many labor and economic factors have on perpetration rates of GBV. For example, the Center for Disease Control cites economic stress, unemployment, and low education or income as risk factors for perpetration of IPV. Conversely, protective factors for IPV perpetration include access to economic and financial help, medical

⁹ Brown, a White kicker for the New York Giants, was arrested for fourth-degree assault of his wife, Molly Brown (Raanan, 2016), however the NFL initially only suspended him for one game, instead of the six games outlined in the domestic violence section of the Personal Conduct Policy (Almasy, 2016)

¹⁰ Elliot, a Black fourth-round draft pick for the Dallas Cowboys, was accused of five incidents of domestic violence, and was suspended for six games (see Hardy, 2017), but underwent an extensive appeals process (see Augelli & Kuennen, 2018)

care, and safe and stable housing (2022b). This centrality of labor and economic issues to understanding how to combat GBV in society is reinforced by one of the final documents of the hearing: a letter written by the National Task Force to End Sexual and Domestic Violence Against signed by 240 national, state, and local GBV prevention and response organizations. The letter contains recommendations for future hearings and legislation focused not only on GBV in professional sports, but for policies and best practices around workplace and economic issues as they relate to survivors of GBV.

We write to request that Congress hold hearings in furtherance of the national discussion that has begun around the issues of sexual and domestic violence, their impact on the economy, the economic lives of survivors, and the necessity for workplace and other policies that address the needs of battered and abused people and their families. (ADVPS, 2014, p. 136)

These advocates, who are on the front lines of the issue of GBV, have problematized the crux of the issue differently than the senators and league/PA representatives present in the hearing, focusing less on punishing perpetrators and more on increasing autonomy for survivors. To this end, GBV is very much a labor issue, as well as an economic one. This reflects the conclusions of Bumiller (2008) following her analysis of the efficacy of neoliberal policies for survivors of sexual violence:

The most desirable solutions are neither perpetrator nor ‘relationship’ focused but directed to addressing the most persistent problems causing and created by sexual violence: *the social and economic disadvantage experienced by women and their dependents*. The primary goal of a campaign to prevent sexual violence must be *to*

promote the emotional well-being and economic sustainability of women who suffer repeatedly from sexual violence throughout their life span. (p.163, emphasis added)

In her book, *In an Abusive State: How Neoliberalism Appropriated the Feminist Movement Against Sexual Violence*, Bumiller demonstrated that no matter whether policies involved stricter punitive measures for perpetrators, additional counseling and therapeutic services for survivors, or education and culture change for the public, they often fail to protect women as sufficiently and sustainably as an emphasis on “fundamental rights and dignity” through strong workplace and economic policies would (2008, p.xv). In other words, issues that may seem separate from gender equality issues, such as raising the minimum wage or providing paid leave from work, are fundamental to ensuring that women have the economic and employment flexibility required to leave unsafe relationships and recover from traumatic experiences. The advocate letter continues by urging Congress to broaden their attention beyond the NFL:

As the NFL continues to institute reforms, we wish to point out that the NFL is but one employer. Its workforce—at the player level—is disproportionately male. Domestic and sexual violence as they manifest inside and outside the workplace, however, are still experiences that are overwhelming borne by women (85 percent of survivors are women). Holding timely hearings would allow a review of NFL’s experience to gain insight into how employers who are not adequately prepared can founder in responding to the workplace impact of sexual and domestic violence. (ADVPS, 2014, p. 136)

Many of the leagues in the hearing referenced various crisis hotlines and counseling services that will be made available for players and league staff¹¹ via the new policies that Congress has urged

¹¹ According to the Institute for Diversity and Ethics in Sport (TIDES) Racial and Gender Report Card, men are disproportionately overrepresented at each of these sports leagues central offices as well as on individual teams (2022)

them to create. However, these advocates point out that these policies will primarily benefit men, despite women being the disproportionate sufferers of GBV. Meanwhile, some 50% of survivors of sexual/domestic violence face job loss (ADVPS, 2014), which can happen for a number of reasons: a survivor may be unsafe at work, need to attend court proceedings, sustain injuries that prevent them from working, need to seek medical attention, or be sabotaged or forbidden to work by an abusive partner (NNEDV, n.d.). One of the principal requests for Congress from this advocate letter includes “the swiftest possible introduction, mark-up and passage of legislation designed to ensure that survivors have access to the same baseline of workplace, and broader economic protections regardless of where they live,” as the protections for survivors vary from state to state (ADVPS, 2014, p. 136). Much of this hearing involved Congress pressing sports leagues and PAs about what they were doing to help survivors and prevent GBV; here, we see advocates show the same scrutiny towards Congressional priorities and turn the question around onto the senators, before providing a comprehensive list of next steps.

There was a clear tension between labor issues and GBV accountability in this hearing, as the contradictions between the goals of sports leagues and player unions created a point of contention in the consensus between these various governing forces. I consider this anomaly to be indicative of the richness of the findings produced by my analysis, and in strong defiance to any claim that this governmentality analysis could be “guilty of homeostasis” or the “cookie-cutter typification” that is often accused of governmentality studies (Rose et al., 2006, p.97). Government is constantly in a state of internally produced crises, and the work of the government is to refine its rationalities “in the face of some newly identified problem or solution, while retaining certain styles of thought and technological preferences” (Rose et al., 2006, p.97). The tensions that emerged in this finding reveal how government is not a monolithic force, but

rather, “each actor, each locale, is the point of intersection between forces, and hence a point of potential resistance to any one way of thinking and acting, or a point of organization and promulgation of a different or oppositional programme” (Rose & Miller, 2010, p.288).

Summary of Findings

The Ray Rice incident created a crisis for governance, one which could have implicated the entire system of neoliberal capitalism as well as the uber-sport empire (Andrews, 2019). By choosing to problematize the issue of GBV at an individual level, Congress and sports leagues deftly shifted public ire to the helpfully tangible violent (Black) athlete and produced a convincing solution in developing new policies that could more successfully govern and discipline these players. By doing so, the hearing ultimately protected the neoliberal entanglement of corporate and governmental relations in sport that had been threatened. However, this final finding reveals the obstacle over which these policies, and their proponents, will continue to stumble: “Gendered forms of violence are...part of the package of violence by which capital maintains, reproduces and supports existing social relations” (Solar & Hrga, 2023, p.4). By failing to address structural causes of or solutions for GBV, such as the economic and employment concerns for survivors raised by the advocates in the final letter of the hearing, and further negating the legitimate labor issues embedded within the proposed policies, Congress deferred eradicating GBV in favor of maintaining the status quo.

Discussion and Implications for Governmentality Studies

While traces of my governmentality analytic were hopefully visible in throughout my specific findings sections, I will now dedicate this discussion section to specifically examining how my findings, through a governmentality analytic, provide new insight into the modern “art of

governance” (Foucault, 1991). This hearing was emblematic of what Rose and Miller (2010) describe as the “characteristics of modern political power”:

The question is no longer one of accounting for government in terms of ‘the power of the State’, but of ascertaining how, and to what extent, the state is articulated into the activity of government: what relations are established between political and other authorities; what funds, forces, persons, knowledge or legitimacy are utilised; and by means of what devices and techniques are these different tactics made operable. (p.275)

The scandal of the Ray Rice incident generated a moral panic that required government to adapt its strategies to address. First, I want to highlight that the focus on athlete-perpetrators as “the problem” is an example of Foucault’s conceptualization of power as a productive force (Mills, 2003). Rather than interrogating the structures of sport that may contribute to the creation of individuals who use violence in their personal relationships, the problematization of GBV at an individual level resulted in the creation of a “new” subjectivity: the violent (Black) athlete perpetrator. I put “new” in quotations because as previous scholars have demonstrated, Black male athletes have been characterized as both naturally athletic and aggressive in previous sport GBV cases, such as the Kobe Bryant and O.J. Simpson trials (Crenshaw, 1997; Enck-Wanzer, 2009; Leonard, 2004; Markovitz, 2006). However, with the formalization of specific policies in professional sport to identify and discipline these individuals, the subjectivity becomes further institutionalized. Through the creation of this subjectivity, political authorities are able to justify the creation of new technologies to govern its subjects and provide guidance on their personal relationships.

The methods and mechanisms used to “conduct the conduct” of professional athletes are the technologies developed during and after this hearing. The policies developed can be

considered technologies in a Foucauldian sense because they operationalize both knowledge and power (Lemke, 2001). According to the leagues, these policies were developed in consultation with GBV experts, who have provided “a kind of intellectual machinery for government, in the form of procedures for rendering the world thinkable, taming its intractable reality by subjecting it to the disciplined analyses of thought” (Rose & Miller, 2010, p.280). The nuances of intimate relationships and relations are distilled into a set of standard definitions for what constitutes domestic violence or sexual assault, and a set of procedures is developed to appropriately govern those who perpetrate these acts. Additional programs, such as the educational workshops mentioned by several of the leagues during the hearing, provide additional information about how players should conduct themselves in their relationships. Underpinning these programs is the rationality of neoliberalism, which encourages individualism and self-discipline (Rottenberg, 2014). This is evident in the emphasis on bystander intervention mentioned in these programs, which implies that players are not only to self-monitor and self-discipline their own conduct in relationships, but use this knowledge to intervene in the relationships of others as well. The power of sports leagues to implement these policies is legitimized by the senators in this hearing, who insist that the failure of another governing technology—the criminal justice system—necessitates the creation of new technologies of governance.

Donzelet (1979) suggested that the state could be conceptualized as “a support for technologies” and an “effect of governmental strategies” (p.78 in Rose et al., 2006, p.88). However, as Rose and Miller (2010) explain, political authorities must develop relationships with other authorities who are able to deploy these technologies, experts who “administer the lives of others in the light of conceptions of what is good, healthy, normal, virtuous, efficient or profitable” (p.273). This Congressional hearing highlighted how the existing relationship

between the political sphere and private sport leagues was leveraged to further solidify that alliance while forging new ones with experts in non-profit and academic spaces, exemplifying how political authorities “seek to operationalize their programmes of government by influencing, allying with or co-opting resources that they do not directly control” (Rose & Miller, 2010, p. 287). By threatening to dissolve aspects of the neoliberal relationship between sports leagues and formal government, such as publicly funded stadiums and tax breaks, senators ensured the leagues would support the development of new technologies to govern players. As Rose and Miller (2010) explain,

The continued supply of financial resources is conditional upon the conviction that an alignment of interests exists...hence the threat of withholding of funds can be a powerful inducement to other actors to maintain themselves within the network, or an incentive for them to seek to convince the centre that their concerns and strategies are translatable and mutual. (p.287)

Through this threat of withholding funds, Congress ensured that sports league would adapt to formal governance’s wishes and align their interests. Additionally, this move introduced new resources and allies with whom political authorities could link.

Expert knowledge plays a tremendous role in legitimizing and disseminating governing rationalities and technologies, particularly when the conduct which government wishes to shape occurs within the home, a space traditionally out-of-bounds for direct governmental interference. Rose and Miller (2010) write that experts must enter into a “double alliance” in which they ally themselves with political authorities to translate “political concerns about economic productivity, innovation, industrial unrest, social stability, law and order, normality and pathology and so forth into the vocabulary of management, accounting, medicine, social science and psychology,” while

also concerning themselves with individuals to translate “their daily worries and decisions over investment, child rearing, factory organization or diet into a language claiming the power of truth, and offering to teach them the techniques by which they might manage better” (p.286). Experts thus serve as a vital link between the goals of those governing the population and individual subjects themselves, using expert knowledge to spread legible discourse and calculable goals that align with both government and subject aims.

Who are the experts advising these nascent GBV policies in sport? They would be the gender specialists, or “governance feminists” who are “certified as capable of producing feminist analyses” for an institution while monitoring and administrating the implementation of new mandates like GBV prevention policies within the institution (Halley et al., 2018, p. 15). It is plausible to suggest that the subjectivity of the “violent (Black) athlete perpetrator” was not the only novel identity produced by this Congressional hearing; the implementation of new “feminist” policies in the corporate sport world contributes to the professionalization of feminism, or the creation of the professional “9-to-5” feminist: “The things that she is a professional of become an officially sanctioned feminist knowledge” (Halley et al., 2018, p. 16). While I was unable to conduct a full analysis of the role of governance feminists—and other experts assisting in the creation and dissemination of this new knowledge—it is important to note how GBV organizations, activists, and researchers are now compelled to join the machinery of governance through the creation of new job and funding opportunities created by this hearing.

In summary, the Rice incident and its resulting Congressional hearing provided a contemporary case study for governance studies replete with examples of how modern political power is exercised throughout multiple sources in a society. The creation of new subjectivities such as the “violent (Black) athlete perpetrator” allowed governance to extend novel

technologies directing the conduct of personal relationships into private corporations and further align itself with the aims of non-profit and academics involved in GBV prevention efforts as well. In the next chapter, I shift focus from my governmentality framework to address the larger research question posed at the beginning of this thesis: So what? What does this have to do with everything else (Hall, 2021)? Through the use of articulation and radical contextualism, I will elucidate how my empirical site in this thesis illuminates particular aspects of our contemporary social formation.

Chapter Six: So What? Or, What Does This Have to Do with Everything Else?

Articulation and Radical Contextualism

This chapter will be devoted to contextualizing and discussing the findings of my thematic analysis and autoethnography through the theory-method of articulation. According to Slack (1996), articulation is both a “methodological framework for understanding what a cultural study does” as well as a provider of “strategies for undertaking a cultural study, a way of ‘contextualizing’ the object of one’s analysis” (p.113). I hope my analysis here will help me to approach and answer to the question that Hall (2007) says “haunts” all true cultural studies projects: “What does this have to do with everything else?” While the empirical focus of my research project was on GBV policies at men’s professional sports leagues in the United States, I argue that its findings reveal broader implications about our current social formation, specifically as it relates to affectively linked articulations between GBV policies and law, the carceral state, and neoliberal social policy.

The Politics of Gender-based Violence in Sport—Dominant, Residual, Emergent Articulations

I began this project with the comment that while Rice was neither the first nor the last superstar professional athlete to be commit an act of violence against a romantic partner, he was the first who “went viral” for it. Obviously, he was not the last. The mid-to-late 2010’s were consumed with, or perhaps more aptly described, consumptive of, a number of athlete-perpetrated GBV spectacles. In 2015, the year after the Rice incident, Stanford swimmer Brock Turner received a six-month sentence from California Judge Aaron Persky after a jury convicted Turner for the sexual assault and attempted rape of Chanel Miller, who was unconscious at the time of the attack. Miller’s victim impact statement went viral (Baker, 2016) and incited widespread public outrage towards Judge Persky’s sentencing decision, who explained “you have to take the whole picture in terms of what impact imprisonment has on a specific individual’s life” and argued that there would be “a huge collateral consequence for Mr. Turner based on the conviction” (Levin, 2016). The ignorance towards the collateral damage suffered by Miller, in addition to claims that similarities between Judge Persky and Turner’s race and class make-up resulted in a biased sentencing, led to a campaign for a recall election that successfully removed Persky from his judicial duties (Cate, 2016).

This case bears similarities to the Ray Rice incident. A star athlete’s horrific crimes become a public spectacle and with the fury about the injustice and inadequacy of the criminal justice system and other accountability mechanisms, the public successfully pushes for change. While Perksy’s removal in the popular media—like the addition of GBV policies in sports—was largely hailed as a feminist win, following Halley and colleagues’ (2018) governance feminism analytic, it is necessary to look at the distributive effects of these changes. For example, a study by Gordon and Yntiso (2022) measured the effects of the Persky recall on sentencing decisions

for other judges in California by measuring the severity of sentences given to similar cases in the six weeks following the recall decision. The researchers sought to investigate Perksy's claim ahead of the election that a "judicial recall, if successful, will be a silent force, a silent corrupting force...that will enter the minds of judges as they contemplate difficult decisions" (Kadvany, 2018 in Gordon & Yntiso, 2022, p. 1947). Their findings demonstrated that the recall did appear to cause judges to want to appear stricter on crime: there was a 30% increase in sentences across the state of California as judges gave between 88 and 403 years of additional incarceration in the period studied (Gordon & Yntiso, 2022). While the recall was initiated based on outrage over a privileged, White rapist evading harsher sentencing, it will be "the poor and people of color who bear the brunt of the negative consequences of an expanded and more punitive criminal justice system" (Cate, 2016).

This perverse outcome was the focus of a controversial documentary short, *The Recall: Reframed*, whose creator Rebecca Richman Cohen (2022), contextualized the dual outrage fueling her project in the director's statement:

My outrage at the persistence and prevalence of sexual violence in this country—on college campuses, in private homes, in workplaces and on the street—is matched by another kind of outrage: my anger at the criminal legal system and its uniquely punitive approach. A system that relies on severe punishment through excessive incarceration and sex offender registries that do not actually prevent sexual harm, but which do prevent people from building stable lives. A system that disproportionately impacts and imprisons Black and brown people, low income people, immigrants, and undocumented people. A system that imposes mandatory minimum sentencing requirements and pursues vengeance and punishment over meaningful accountability and restoration. So I am

dismayed by our failure of imagination when we, with the best of intentions, seek to support the very real—and often very harmed—survivors of sexual and gender violence by relying too heavily on that system. (para. 4)

This “failure of imagination” to respond to GBV in more survivor-centered, as opposed to punitively focused, approaches speak to the way that the “common-sense” of GBV is currently articulated in a way that supports the carceral leanings, and neoliberal policies, of the United States. The affective outrage experienced when one learns of yet another powerful figure committing an atrocious act of violence has a limited number of outlets as “neoliberal ideas seem to have sedimented into the western imaginary and become embedded in popular ‘common sense’. They set the parameters – provide the ‘taken-for-granteds’ – of public discussion, media debate and popular calculation” (Hall & O’Shea, 2015, p.19). Whereas the residual articulations between GBV in society are ones of stigma and silence that have long protected the androcentric and patriarchal institution of sport, the dominant articulation today is one of spectacularization in order to justify a punitive response. In this way, the hegemonic class successfully accommodates a potentially transformative emergent articulation caused by the affective shockwaves sent out by cases like Ray Rice that would otherwise implicate and necessitate deeper systems change. Gill and Orgad (2018) explain how despite the #MeToo movement’s disruptive potential, “a significant part of the debate remains framed in terms ‘bad apples’ and ‘monsters’ who did horrible things, not about the monstrous capitalist, patriarchal and sexist system that has produced, sustained and rewarded these ‘bad apples’ over decades” (p.1320) While this anger to perpetrators is certainly warranted, it obscures the fact that most incidents of GBV are committed by people that survivors know, and often love or depend upon in a way that is not as easily “canceled” as the monstrous figures with whom we associate these crimes (Thompson & Tapp,

2022). The media fetishization of “monster” not only conceals the ordinary prevalence of GBV in society (Ahmed, 2001), but the focus on perpetrators siphons attention and resources from survivors.

The decision of Congress to focus the Rice hearing on increasing punitive measures for athletes—instead of considering the way that instituting broader social safety provisions such as access to healthcare, livable wages, and work flexibility could act as GBV interventions—follows a long line of neoliberal decision-making that has sought to shift the burden of social reproduction to the individual to accommodate the shrinking welfare state. Howell & Ingham (2001) trace how the “language of lifestyle”, disseminated through physical culture and renewed interest in the body during the rise of neoliberalism in the 1970s successfully “deflect[ed] attention from its draconian domestic social policy by appealing to residually active sentiments of Americans as self-reliant individuals who could accomplish anything that they set their minds to” (p.330). This example of how “healthism” was successfully accepted by the American public points to how physical culture is an effective vector for transmitting the affective and moralistic aspects of an ideology, a crucial component to securing hegemony (Hall, 1988; Grossberg 1992).

Today, the spectacularization of violent athlete perpetrators serves to foreground “new modes of ‘social’ and penal policy-making, concerned specifically with the aggressive reregulation, disciplining, and containment of those marginalized or dispossessed by the neoliberalization of the 1980s” (Peck & Tickell, 2002, p. 389). However, new policies such as the corporate sport GBV policies created after the Congressional hearing do little to address the actual root causes of GBV and set a dangerous precedent in granting private corporations the right to surveil the personal relationships of their employees (Christensen et al., 2016). Yet still,

this articulation between corporations as change-makers and GBV as an issue of exacting more consequential punishment persists. Why?

It seems almost too simplistic to point out that whereas structural change work can feel abstract, elusive, and exhausting, punishing individuals who have infringed upon the bodily autonomy and dignity of others is significantly more actionable and—I'll say it—satisfying, particularly when the perpetrators have caused harm to the scale as the likes of Weinstein, Nassar, and Sandusky. Powerful affective work has been done to prime the general public to experience the first outrage identified by Cohen (2021) in her director's statement and conclude that the response needed to stop GBV is primarily one of more effective punishment. This diverts our collective power as we gather pitchforks and torches to face off against what are merely heads of the hydra, instead of attacking the heart of the “monstrous system that is capable of reproducing limbs at will” (Hayhurst & Szto, 2016, p. 538). How can we re-articulate this narrative to point the public towards Cohen's (2021) equally affectively powerful anger towards a system that does not care for its people?

First, it would be helpful to continue to impress that even in the age of the #MeToo movement, there are significant testimonies missing from our cultural understanding of where and how GBV is occurring. The cultural reckoning ushered in by MeToo¹² might be seen as mostly impacting middle and upper-class women given its focus on those who work in media and culture industries, whereas “women in sectors such as health and social work, wholesale and retail, administration, accommodation and food services, manufacturing and hospitality – in which female employment is concentrated – have been conspicuously absent from the majority

¹² My argument here should not be misread as a critique of Tarana Burke (2022), a community organizer who founded the Me Too movement in 2006. Burke had built a grassroots movement that specifically worked with Black youth communities at-risk for violence before the phrase #MeToo went viral in 2017; my comments are directed at how the movement has been co-opted in the years since.

of the discussion” (Gill & Orgad, 2018, p. 1319). Liu (2021) makes a similar, searing connection, remarking, “it would be wonderful if we could extend the investigative attention care paid to Harvey Weinstein’s victims to other workers who have been abused and exploited in far less glamorous workplaces” (p. 72). Instead of meaningful material changes that could empower the most precarious of our workers, the focus has largely revolved around changing the faces of CEO boardrooms to ensure that middle-to-upper-class women, too, have an opportunity to enjoy the fruits of labor exploitation, suturing articulations between the GBV movement and a postfeminist sensibility that is “capitalism, neoliberalism, and patriarchy friendly” (Gill, 2017, p.618).

For this reason, it is imperative that critical feminist scholars and activists remain vigilant in examining what kind of change these nascent GBV policies and programs actually promote, instead of blindly supporting campaigns that purport to be designed with girls and women in mind. Because “‘sexual violence feminism’ can ironically enough be framed as the one kind of feminism that everyone can agree on” (Hemmings, 2017, p.16), supposed feminist empowerment projects in sport have become primary modern exporters of neocolonialism in the Global South (Hayhurst, 2011; 2014), with little thought to how the “Western rescue of passive brown female victims of unconscionable brown patriarchs is a key mode through which colonial violence is displaced and refashioned as ethical” (Hemmings, 2017, p.6). This is because, as Chen (2023) raises in his pointed line of questioning below, contemporary uber-sport (Andrews, 2019) relies upon the machinery of imperialism and capitalism to function:

Whose (exploited and often injured) bodies sustain the spectacles? Whose (super-exploited and mostly unseen) labor is alienated from the million pairs of athletic sneakers

worn in the multi-million-dollar sport arenas, the presence of which often necessitates the displacement of disenfranchised peoples? (Chen, 2023, p.13)

Thus, while the answer to many of these questions is “women,” a conveniently forgotten class analysis ensures that the policies written to ostensibly reduce GBV in sport additionally forget that “it is critical to ‘protect’ women by removing the economic and social obstacles they regularly encounter” (Bumiller, 2011, p.xv). With this in mind, I argue that the way that the sports industry could make the largest impact in preventing GBV in society would be to restructure the exploitative labor relationship that currently allows owners to profit from the spectacle of sport at the expense of precarious and low-wage workers.

While the connection to how labor conditions impact a worker’s likelihood to experience GBV has yet to be fully explored or argued in the sports context, important groundwork has been established by sport labor scholars. Hawzen et al. (2018) have demonstrated through qualitative interviews with sport management students how the sport industry relies on un-/underpaid interns’ affective attachments to sport to accept exploitative working conditions. McLeod et al. (2023) analyzed employment data from the U.S. Census Bureau and found that working in the sports industry is associated with a “statistically significantly higher likelihood of working part-time, lower likelihood of having health insurance through an employer, and lower earnings relative to other industries.” Sheptak and Menaker (2020) detailed how sports leagues deserted those same precarious workers when COVID-19 forced a pause on play. Given that the Center for Disease Control (2022b) cites economic stress, unemployment, and low income as risk factors for perpetration of intimate partner violence, and conversely, access to safe housing, medical care, and economic support as protective factors for preventing IPV, it is worth

considering how improved worker protections and rights could mitigate GBV prevalence and effects.

This brings me back to my earlier question of how to re-articulate the issue of GBV in sports in more transformative ways than one that focuses on the individual acts of perpetrators. Based on my analysis, I argue that a viable strategy would be to re-articulate GBV as a labor issue that must be supported with socially funded care. Solar and Hrga (2023) argue:

In this age of absence, dismantling, and constant slashing of publicly organized social reproduction—the lack of compensation for state-supported social reproduction, its increasingly intensive domestication and familialization which contribute to the greater exposure of women to gendered forms of violence, and the generation of conditions for even greater dependence on the breadwinner model—one should demand exactly that which seems impossible within neoliberal coordinates: pressure on the state to provide as many and as accessible social services and spaces as possible, insistence on the construction of women's shelters and safe houses, but also on providing workplaces for women and other subordinated groups and individuals, which would enable greater economic self-sufficiency. (p.18-19)

While this call may seem as though it primarily focuses on the economic component of GBV prevention and response, it is also a call for time and space to practice humanity in our work, and build what Rustin (2015) calls “a relational society”. Rustin (2015) discuss how professions which “involve activities of nurturing, caring, educating, advising, nursing, rescuing and protecting” are today endangered due to the “reframing of organizational and personal tasks in terms of economic gain, market advantage, profit seeking and compliance with instructions and regulations that often have little relevance to the tasks in hand” (p.41). As workers are pushed via

the increasing expansion of various metric technologies to meet unreasonable quotas—be it the number of patients a nurse sees during the shift, the number of advisees a professor is asked to supervise, or the number of items an Amazon driver is asked to deliver—there will undoubtably be an ever-intensifying crisis of quality of care. These are the broader “structural consequences of neoliberalism – the individualisation of everyone, the privatisation of public troubles and the requirement to make competitive choices at every turn – [which] has been paralleled by an upsurge in feelings of insecurity, anxiety, stress and depression” (Hall & O’Shea, 2015, p.56). If we want to reduce violence in society, we must design systems that allow us to be in relationship with each other, not systems that take advantage of every crisis that arises to institute new measures of punishment and surveillance.

The year 2024 will mark ten years since the Ray Rice domestic violence incident, signaling a possible opportunity for cultural studies re-articulation work as the media may seek to capitalize on this sensational anniversary. One of the most recent cases in professional sports that has commanded public attention is that of Cleveland Browns quarterback Deshaun Watson, who was accused of sexual harassment and misconduct by over two dozen women. In July of 2023, the NFL revised its personal conduct policy (which covers sexual assault) to include threats and coercion and include harsher penalties (Vrentas, 2023). While there were numerous op-eds published critiquing the Browns’ decision to sign Watson and questioning the legitimacy of the NFL’s investigative process (Elsessner, 2023; Florio, 2023; Vrentas, 2023), these analyses generally failed to bring attention to broader issues of GBV that were occurring at the time. For example, the same day that the NFL’s new policies were announced, there was a press release sounding an alarm from victim advocates about the dwindling reserves in the federal Crime Victims Fund (Durkin, 2023). The money from this fund comes from fines paid by individuals

convicted in federal criminal cases, but Congress determines each year how much of this money is released to fund victim compensation and services. Advocates warn that the Biden administration's decision to reduce its budget from \$3.5 million to \$1.9 million will have a devastating effect on victim services across the country, and have organized campaigns to push for more funding, to no avail (Justin, 2023).

While the binding of victim services to criminal prosecution is problematic in its own right, I bring up this example to demonstrate how the sensationalism surrounding athlete perpetrators like Watson could be articulated in more productive ways to center the needs of survivors. What if the op-eds and news articles written about Watson were leveraged to discuss critical issues of access to victim services such as this one? And what if, for a corporate sport organization to be able to say that they have a satisfactory GBV policy, the public held them to account with their labor policies as well? As Liu (2021) writes, “sexual coercion and economic insecurity work together to create conditions for abuse. There is no sexual freedom or pleasure without freedom from the terrifying economic fear for simple survival to which so many of us are reduced” (p.72). Scholars and activists must continue to make the connection between economic justice and GBV and find ways to infuse these arguments creatively and affectively by channeling public outrage towards this unacceptable violence to move beyond perpetrators and effect deeper systemic change.

Chapter Seven: Conclusion

Summary

Highlighting sports centrality to American culture at Senate Hearing 113-725: Addressing Domestic Violence in Professional Sports (2014), Senator Caskill remarked that “with great power and influence comes great responsibility, and no one will debate that probably the leagues you represent here today have more power and influence in our country than maybe any other institutions that I can think of” (p.4). This thesis sought to interrogate the motivations and goals of the institution that Caskill apparently overlooked—the United States government—in ordering the implementation of corporate GBV policies in sport, before contextualizing its findings within a broader conjunctural moment marked by lean neoliberal policies and an increasingly punitive and surveillant state.

Utilizing a governmentality analytic paired with thematic analysis, I completed multiple rounds of coding the 174-page Congressional hearing transcript, which contained testimonies from senators, sport league executives, and player association representatives. My findings demonstrated that while the parties present at the hearing problematized sport culture at large as a producer of GBV, their remarks characterized professional male athletes as perpetrators, reifying the idea of the “violent (Black) male athlete” and violence as an inherent trait in professional sport more generally. Instead of critically interrogating the structure of professional sport, legislators instead focused on expanding the governing capacity of sport leagues, and effectively the state, to discipline and punish perpetrators of GBV by encouraging the implementation of new extra-legal policies. I argue that this hearing reinforced the neoliberal entanglement of state, corporate, and non-profit actors in the movement to reduce GBV in society, strengthening the dependency that the state has on corporate social responsibility to

solve leading public health issues, and forcing GBV advocates, activists, and scholars to engage with corporations in order to receive critical funding and legitimacy in their work. Meanwhile, suggested legislation to improve economic and workplace conditions for survivors was ignored as labor issues were positioned as oppositional to GBV accountability efforts.

I concluded my project by examining it within the broader conjunctural moment and drew connections between the affective outrage that the public experiences whenever a perpetrator of GBV is sensationalized in the media and ability of the state to use the “moral panic” that ensues to justify increasing its capability to surveil and punish (Garland, 2001). I gave the example of the perverse outcome resulting from the sentencing of the *People vs. Turner* case (Cohen, 2021), in which the judicial recall of a judge who gave an athlete-perpetrator lenient sentencing resulted in other judges instituting harsher sentencing for other cases. I argued that scholars and activists must make conscious efforts to re-articulate the politics of GBV and sports to highlight a stronger link between labor rights and GBV prevention, signposting opportunities to leverage the dominant sensationalism of athlete perpetrators in the media in ways that better center the needs of survivors moving forward.

Limitations and Future Directions

While this thesis provided new insight into the origin of corporate sport GBV policies, which had previously only been examined as it relates to efficacy in punishment (Hattery et al., 2023; Sailofsky & Shor, 2022; Sailofsky, 2023), its analysis could be improved and expanded through future research. From an empirical perspective, a limitation of this project was that it only evaluated a single, although content-rich, text: that of the Congressional hearing (ADVPS, 2014). Additionally, I believe that this study could have benefited from the use of Foucauldian discourse analysis or another secondary analytical tool to add to the rigor of the coding process. Future

analyses could also incorporate media analyses to look at the framing of the hearing as it was understood in dominant media narratives at the time. Additionally, for a longitudinal analysis, this study could be replicated by analyzing the actual policy documents that emerged from this hearing, as well as media accounts reporting on the activities of leagues, player associations, and even senators in their commitment to GBV efforts. Theoretically, I had hoped to use the governmentality analytic to shed more insight into the role of the governance feminist “experts” in generating and circulating knowledge discourses around GBV (Halley et al., 2018). I had intended to provide autoethnographic reflection to this end, but due to time constraints was unable to complete this component of the project—I hope to provide that critical reflection in future projects. Following the finding that labor rights were positioned as opposition to GBV efforts, I believe it is critical for labor and GBV scholars in sport to join forces in explicating how economic justice and gender equity are interrelated struggles.

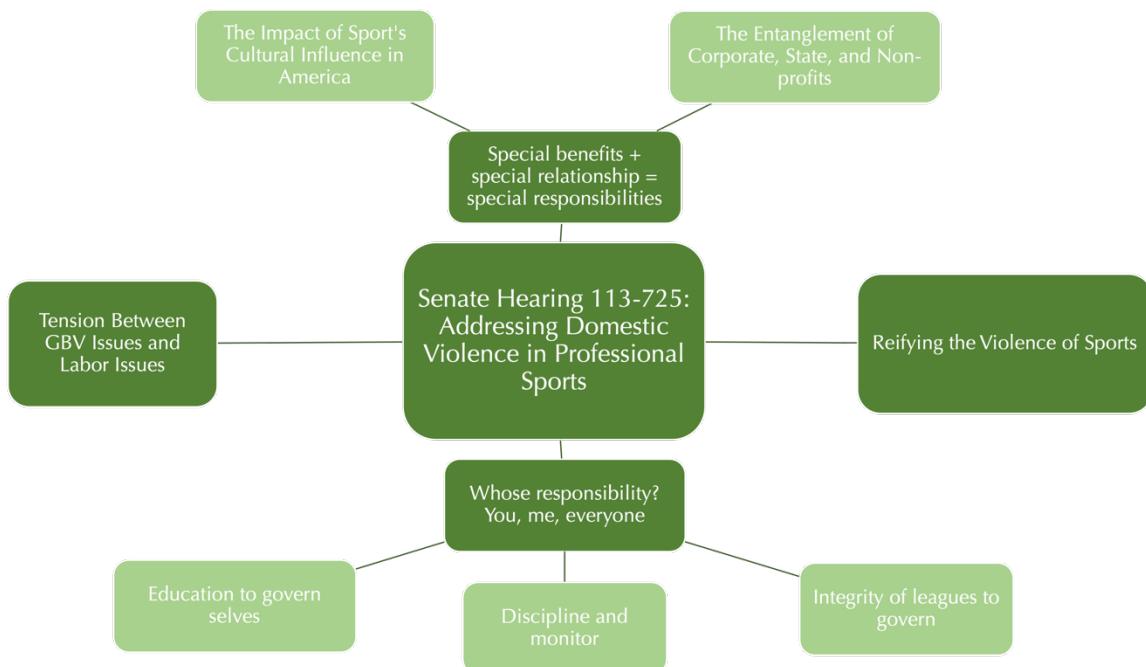
Appendices

Appendix A: Thematic Summaries

Theme	Theme Summary	Research Questions Engaged in Theme
The Reification of the Violent (Black) Athlete Perpetrator	When discussing the issue of GBV in sport, speakers referenced specific racialized athletes or players generally as the main problem, as opposed to the culture of sport or other contextual factors.	1-How do Congressional representatives, sport league executives, and player association representatives understand the issue of GBV in sport? 2-How do their responses reflect particular beliefs about the connection between sport and GBV? 3- Who and/or what are implicated as having responsibility for this issue?
Trickle Down Governance of the Self	Speakers had concerns, questions, and comments about the ability of sport league's to hold their teams and players accountable, and additionally expressed This comments and beliefs about the job of athletes to self-regulate and conduct themselves with high moral conduct.	1-How do Congressional representatives, sport league executives, and player association representatives understand the issue of GBV in sport? 3- Who and/or what are implicated as having responsibility for this issue?
The Entanglement of Corporate, State, and Non-profit Interests	Congressional reps assign, and league executives and player association reps accept, special moral responsibility to sport because of its particular influence on American society as well as the benefits it uniquely appreciates from the government. Speakers additionally referenced the relationship between sport corporations and the	3- Who and/or what are implicated as having responsibility for this issue? 4- What tensions exist between these different stakeholders?

	government in a way that naturalized it, and made plans to bring in other institutions, namely non-profit domestic violence organizations and affiliated DV educators or scholars.	
Tensions between Labor Rights and GBV Accountability	Labor interests such as collective bargaining, fair and neutral arbitration, and standardized processes were positioned as diametrically opposed, or in tension with, ensuring accountability for perpetrators of GBV.	4-What tensions exist between these different stakeholders?
The Impact of Sport's Cultural Influence in America	This sub-theme captured references from senators that demonstrate deference towards or speak to the influence ascribed to sport and those who practice and produce it.	Removed from analysis as it did not sufficiently engage research questions

Appendix B: Thematic Concept Map



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