

Professional Athletes Above the Law

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## **Introduction**

Professional athletes are one of the most elite groups in the world. Children and adults all around the globe idolize them. However, what happens when these revered individuals do something wrong? These white collar criminals who commit blue collar crimes face white collar consequences. White collar crimes are typically financially motivated and non-violent, while blue collar crimes are “street crimes” and more violent in nature. In this case, the “white collar criminals” are professional male athletes who are continuously held to a higher standard and rarely face fair consequences for their crimes. Existing research suggests that male professional athletes receive preferential treatment, and in this paper I hope to fill the gaps by understanding the causes, social implications, and potential solutions. This essay will analyze various types of literature including reports, studies, journals, and newspaper articles to explore systemic issues that contribute to the preferential treatment of male athletes. Analyzing the causes of crime among male athletes, judicial instances of favoritism, and proposing solutions and new systems for high-profile cases will shed light on the systemic issues that contribute to the preferential treatment of male athletes that starts from a young age.

### **It's All Systemic**

It is crucial to recognize the significance of this issue within the broader context of societal dynamics. The preferential treatment afforded to male athletes underscores a pervasive form of social stratification prevalent in global society, rooted in status and class. Athletes, by virtue of their elevated position in society, enjoy

privileges that shield them from the full weight of legal consequences. Their fame, wealth, and success serve as a protective shield, allowing them to evade responsibility for their actions and even receive reduced penalties. This phenomenon is emblematic of the broader societal trend where individuals with elevated social standing are granted leniency or impunity, while those lacking such privilege and preference face harsher repercussions for similar offenses. “Don’t Hate the Player, Hate the Game” by Jenny M. Stuber claims that “social inequalities are produced and perpetuated at the macro-level” (Stuber 311). The individual experiences of inequality that many may experience are in reality apart of a “macro-level phenomena” (Stuber 311). The preferential treatment of upper-class men and athletes within the criminal justice system is not an isolated phenomenon, but rather a reflection of entrenched societal norms and power structures that disproportionately criminalize and penalize individuals from lower to middle socioeconomic identities. This treatment serves as an illustration of the broader societal inequalities perpetuated by class-based distinctions. By critically examining these dynamics, the systemic injustices that perpetuate disparities in legal proceedings become apparent.

### **Mason Greenwood**

The case of Mason Greenwood serves as a poignant example of how privilege and status can shield professional male athletes from being brought to justice. Greenwood was a center forward for the renowned club, Manchester United. He was “arrested and later charged with attempted rape after an investigation launched in January 2022” (Halliday 2023). The Crown Prosecution Service

(CPS) became aware of “graphic images and videos circulating online” where a man said to be Greenwood is “heard shouting at the alleged victim” (Whitwell and Crafton 2023). CPS later dropped the case. Greenwood is now a center forward for Getafe CF. This outcome raises troubling questions about the efficacy and fairness of the criminal justice system, particularly in cases involving men of wealth and influence. Greenwood’s case was merely a road bump, as he was able to swiftly resume his professional pursuits on another team. Furthermore, his continued success and popularity, visible through his substantial following on social media platforms such as Instagram, highlight the enduring support and admiration he receives from fans and followers. Despite facing serious criminal allegations and the evidence against him, Greenwood remains a celebrated figure within the realm of professional sports. While for some, allegations of attempted rape could result in severe repercussions and irreparable damage to their reputation, for Greenwood it appears to have only been a minor setback.

### **Intersection of Athletic Fame and Male Privilege**

The intersectionality of gender and athletic privilege further complicates the dynamics at play within the criminal justice system. Male athletes not only benefit from their athletic status and fame, but from the broader societal advantages conferred by male privilege. Lynn Weber’s analysis in “Defining Contested Concepts” underscores the systemic imbalance of power that favors men, particularly in the contexts of family and the criminal justice system. Weber writes, “the public power of men (including their

greater economic power) gives them power in the family, making it especially difficult for women and children to successfully challenge the abuse of that power either in the family or in the criminal justice system” (Weber 16). According to Weber, the public power wielded by men affords them a dominant position within the family structure, making it exceedingly challenging for children and women-identifying victims to challenge male misconduct. This suggests that male athletes occupy positions of power both on and off the field. Consequently, victims may feel intimidated or powerless to speak out against instances of abuse or misconduct perpetrated by male athletes, fearing repercussions or potential doubt in their stories. The combination of athletic privilege, male privilege, and financial privilege creates a formidable barrier to justice for victims. This systemic imbalance enables cycles of abuse and exploitation while also undermining the integrity and effectiveness of the criminal justice system in addressing crimes committed by male athletes.

### **Causes of Crime**

The prevalence of crime among male athletes is a multifaceted issue with roots in both societal and institutional factors. One significant influence is the sense of entitlement that accompanies the status of being a professional athlete, as well as the cultural norms of sports. In an in-depth comment on high profile criminal cases, Laurie Nicole Robinson identifies the feeling of entitlement “as the belief that one is entitled to have whatever one wants, whenever one wants it. When one has a sense of entitlement, one feels that the rules and laws that apply to the rest of society do not apply to him,”

(Robinson 1318). This sense of entitlement takes flight early on, typically beginning in high school or college, where student-athletes receive preferential treatment in their classrooms. Differentiation is reinforced by teachers, professors, and coaches, leading to a mindset wherein athletes come to believe that they are above the rules that others must follow. An example of this occurred with Dexter Manley, a college athlete who passed through the educational system but was later found to be unable to read or write (Robinson 1318). This demonstrates the systemic failures of educational institutions to hold student-athletes to the same standards as their non-athlete counterparts, further fueling their sense of entitlement and detachment from guidelines. In college especially, student athletes develop disrespect for the rules and regulations set by the National Collegiate Athletic Association (NCAA). “The NCAA has specific guidelines that prohibit student-athletes from accepting monetary compensation or contacting with sports agents during their matriculation at a university” (Robinson 1319). However, to secure future clients, sports agents attempt to woo and bribe student athletes. The athletes accept these perks, including but not limited to dinner, cars, concert tickets, clothes, and jewelry (Robinson 1319). Their sense of entitlement is further perpetuated by the institution’s efforts to sweep their misconduct under the rug “because many student-athletes play an integral role in generating economic benefits for universities” (Robinson 1319). University officials take any means necessary to safeguard the school’s ticket to financial rewards, often excusing student-athletes from repercussions a non-athlete student would face. As early as high school, athletes receive preferential treatment that is further perpetuated when they gain stardom.

The analyses provided by Michael O’Hear and Laurie Nicole Robinson delves into the complex interplay between athletic culture, masculinity, and violence, shedding light on the pressures that contribute to the commission of crimes by male athletes. “Blue-Collar Crimes/White-Collar Criminals: Sentencing Elite Athletes Who Commit Violent Crimes” notes that “stardom, by nature, dulls adherence to social norms” (O’Hear 430). Furthermore, “athletes are taught to be violent and aggressive and that it is difficult for them to ‘turn it off’ when they interact with people in social settings (O’Hear 430). This is all apart of the “macho sub-culture” that sports cultivate, equating masculinity with violence (O’Hear 430). Robinson writes that this culture “can best be characterized as an all-male segregated group that prides itself on being dominant, aggressive, and in control” (Robinson 1321). In any case that an athlete fails to demonstrate “masculinity” in a way that satisfies his coach and team on the field, “he runs the risk of having his manhood challenged” and his “teammates may refer to him as a ‘p\*ssy’ or ‘wuss’” (Robinson 1321). Additionally, “Criminal Athletes: An Analysis of Charges, Reduced Charges and Sentences” by Kadence A. Otto reviewed professional and collegiate criminal athlete convictions presented in the media. Otto demonstrates that “men in sex-segregated groups (i.e., sports teams) are more likely to engage in group sexual offenses” (Otto 69). This sheds light on the significant influence of sports culture in shaping attitudes and behaviors among young men. Such results are troubling seeing that hundreds of thousands of young men are socialized through sports each year, developing a “peripheral understanding” regarding ‘acceptable’ and ‘unacceptable’ behaviors (Otto 69). David Grazian further illustrates the collective rituals of homosociality to perform

heterosexual competence and masculine identity in “The Girl Hunt: Urban Nightlife and the Performance of Masculinity as Collective Activity” (Grazian 224). Grazian argues that “the peer group,” or a sports team in this case, “provides a readily available audience that can provide emotional comfort...as well as bear witness to any individual successes that might occur” (Grazian 235). Within this culture and peer group, it is more likely for men and athletes to commit crimes and receive validation from their peers in the group. This dynamic not only reinforces toxic masculinity within the group but also perpetuates a cycle of misconduct where group members may feel compelled to act in accordance with group norms, even if it means committing heinous crimes.

### **Instances of Favoritism**

There are numerous instances where athletes have been shown favoritism due of their fame. Colorado Rockies player Marcus Moore was charged with raping and sexually assaulting his girlfriend. The jury voted to acquit him, one of the jurors later stating that they decided to do so based on Moore’s “status as a ballplayer” (Robinson 1331). This shows how fame and status can sway judicial decisions, with jurors openly admitting to acquitting Moore based on his identity rather than the merits of the case. Furthermore, the disparity in treatment between athletes and non-athletes during the period of incarceration illustrates the unequal application of the law. In the case of O.J. Simpson, “he received a hot shower every day, was given unlimited visitation privileges, hot dinners, extra time out of his cell to stretch his legs, more access to his telephone, private no-contact visits with his girlfriend and children, and visitors on Christmas Day,” all of which were not



privileges afforded to other inmates” (Robinson 1332). This undermines the principle of equality, but also suggests the perception that athletes are above the rules, and entitles to special treatment.

The scheduling of sentences to accommodate athletes’ playing seasons highlights the prioritization of sports and the athlete’s role in the sport over repercussions for the harm they have caused. In 1997, when NBA star Charles Barkley faced accusations of throwing a bar patron through a window, the presiding judge delayed the trial to accommodate Barkley’s playing schedule (Robinson 1331). Similarly, Philadelphia Eagle James Darling’s case reflects leniency, with the judge opting for a shortened incarceration period to allow Darling to participate in the upcoming NFL season (Robinson 1333). Each and every instance listed above reveals that the preferential treatment male athletes have received perpetuates a cycle of entitlement.

### **High Profile Courts**

The issue of biased judges and jurors presents as a significant challenge within the criminal justice system. Although ensuring unbiased jurors may be slightly more difficult, the conflict of biased judges may potentially be resolved. Laurie Robinson suggests the need for “high profile courts.” Judges presiding over high-profile cases should not only possess neutrality and experience, but be required to go through specialized training to effectively handle the complexities present in cases such as these. This training, Robinson suggests, can be implemented through a national program led by state bar associations, focusing on criteria such as disposition rates, court backlog, appellate reversal rate, forced recusal, and the number of party and witness complaints received (Robinson 1340).

Robinson advocates for the careful selection of high-profile judges based on their prior experience and qualifications. While some argue that lifetime appointed judges are often disconnected from modern values, they are not subject to partisan politics. Therefore, the author argues that they are better suited to judge these cases. She also suggests lifetime appointments for each of these judges to ensure they are not subject to partisan politics. Robinson emphasizes the importance of training judges to manage the unique ambiance of a high-profile courtroom, including the presence of media and influential individuals. This training and preparation is vital to maintain the integrity and impartiality of the judicial process, particularly in cases involving professional athletes where biases are present. Addressing the issue of biased judges and jurors is imperative to uphold the principles of fairness and equality within the criminal justice system. Implementing measures such as high-profile courts and specialized training for judges mitigates the risk of bias and ensures that all individuals, regardless of their fame or social status, are held accountable under the law. It is essential to address these challenges promptly to rectify the longstanding issue of special treatment for professional athletes and celebrities, thereby restoring public trust in the judicial system and promoting true justice for all.

### **Next Steps**

For far too long, society has granted male professional athletes preferential treatment, and it is time to hold them accountable and bring them to justice. The phenomenon of professional athletes receiving special treatment within the criminal justice system presents a complex and deeply ingrained issue that warrants

further examination and action. This essay has illuminated the systemic biases and privileges that contribute to the preferential treatment of male athletes, highlighting the intersections of athletic fame, male privilege, and societal inequalities. The analysis has underscored the need for systemic changes, including the establishment of high-profile courts and specialized training for judges to mitigate bias and ensure fair treatment in high-profile cases involving athletes. Moving forward, there are several avenues for future research on this topic. First, studies could explore the long-term societal impacts of preferential treatment for athletes, including its effects on perceptions of justice and equality. Additionally, research could delve deeper into the underlying causes of crime among athletes, examining the role of entitlement, toxic masculinity, and institutional pressures. Furthermore, investigations into the efficacy of proposed solutions, such as high-profile courts, could provide valuable insights into their effectiveness in addressing systemic biases within the criminal justice system. Finally, studies could examine the experiences of victims and survivors within sports culture, shedding light on the challenges they face in seeking justice and accountability. By further exploring these avenues of research, we can work towards a more equitable and just society where all individuals, regardless of their status or occupation, are held accountable under the law.

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