

Examining the interplay between the spectator rights, obligations, and sports viewership protection

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Abstract

The paper recognises that although, the stakeholders in sport share an inter-dependency, there is a divergent level of understanding of the civic responsibility that they share towards each other. This article delves into the intricate interplay between spectator rights and responsibilities within the realm of sports, examining the measures implemented to preserve and protect the sports viewing experience. It explores how to strike a balance between promoting respectful behaviour, ensuring safety, and enhancing fan engagement while fostering inclusivity in the sports fan experience. It also scrutinises the psychology behind spectator violence and emerging areas such as esports and fan-parks. In conclusion, this article elucidates the intrinsic link between spectator rights and responsibilities in sports, emphasising the necessity for collaboration among governing bodies, athletes, and spectators to ensure event integrity and safety while upholding values of respect, responsibility, and sportsmanship. It further highlights the importance of adapting sports policies to emerging domains like fan-parks and esports, promoting spectator rights and a unified message of integrity across all sporting contexts.

Keywords

Hooliganism, spectator rights and obligations, sport integrity and violence

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1. Introduction

The enthusiastic participation of millions of people in athletic events worldwide every year highlights the significance of sports in contemporary society. “Sports” is defined as all forms of physical activity, which, through casual or organised participation, aim to express or improve physical fitness and mental well-being, form social relationships, or achieve results in competition at all levels.² The pursuit of skill and play within sports not only captivates audiences but also kindles a sense of collective unity. This, in turn, promotes growth, practice, and widespread engagement within the realm of sports, affirming its enduring relevance.³ Hence, sports have transcended their recreational roots to become not only a profession contributing to the economy but also an integral part of individual lives.

Another critical facet is the cultural representation associated with sports, where teams and athletes symbolise their communities, societies, and nations, thereby empowering the spirit of their constituents. This collective identity often surpasses the significance of individual players, forging a profound sense of belonging among those they represent. This passion finds expression and transcends into the enthusiastic and cherished active involvement of supporters, patriots, and fans, who consider their respective teams as an extension of their own families. Consequently, these ardent supporters share an equal enthusiasm for both participating in and supporting their “sports family”.

However, while this sense of belonging and involvement is admirable, it can also escalate into acts of aggression, both from players and spectators, potentially jeopardising the safety of the spectators and onlookers alike. This brings us to the concept of “spectator rights” which represent the right of the viewers to engage in sports as viewers without any hinderance. Conversely “obligations” are principles imposed on the spectators or players to ensure the protection of the rights and interests of all involved parties. This paper aims to investigate the significance of spectator rights and responsibilities in the context of sports as well as the measures taken by stakeholders to safeguard stadiums.⁴ This paper sets out the obligations of players and challenges the threshold of the duty that they owe on and off the field. Following

² Council of Europe ([n.d.](#)).

³ Matveev ([2005](#)).

⁴ Coakley and Dunning ([2000](#)).

this, the scope of the applicable law will be compared with its application. Despite only a limited number of cases appearing before the Courts that involve player and spectator duties, the jurisprudence that they have developed is discussed to understand the tension between different stakeholders. Thereafter, this paper, we will delve into the responsibilities of spectators when attending sporting events, with a particular emphasis on FIFA laws. Specifically, this paper will examine how fans should behave while watching football matches. The importance of striking a balance between ensuring respectful behaviour, safety knowledge, and engagement, while striving towards establishing an entertaining and inclusive atmosphere for sports fans will be discussed. It will be concluded that spectator rights and responsibilities are interconnected, requiring collective efforts from governing bodies, athletes, and spectators to ensure the integrity and safety of sports events, fostering an environment of respect, responsibility and sportsmanship.

2. The obligations of players towards the safety of fans and spectators during sporting events

Players bear some responsibility of ensuring the safety of spectators but only insofar as their actions on the field can influence the behaviour of supporters within the stadium. Consequently, they should be obligated to take precautions to prevent any violent or aggressive behaviour that may endanger spectators. One way that players can contribute to spectator safety is by refraining from provocative behaviour on the field or court, such as making obscene gestures or using offensive language towards opponents, referees or spectators.

2.1. Ethical aspects of Cantona's actions

Eric Cantona, a prominent figure in the football community, especially during the 1990's in the English leagues, garnered attention for his fierce spirit on the field, along with some criticism. However, there was an instance where a spectator went to great lengths to distract him and his team by making racist comments. This, led to a furious battle between the spectator and Cantona, ultimately resulting in Cantona assaulting the spectator. Cantona's physical assault of a fan unquestionably violated ethical (and legal) standards expected from professional athletes. His actions, both on and off the field, undermined the values of fair play, respect, and self-control. Cantona, a player with a significant influence both on and off the

field,⁵ displayed unsportsmanlike behaviour that reflected negatively on the integrity of the game and showed a lack of respect for the rules. Despite violating ethical standards, Cantona received mixed responses from the public and the media. While some supporters applauded his actions as defiance against perceived arrogance and hostility from other spectators, many found his actions inappropriate.⁶ This polarised response highlighted the complexity of public opinion and the tendency to praise behaviours that challenge established norms, even when they raise ethical concerns.

Cantona was found guilty of assault and initially sentenced to prison, which was later commuted to community service upon appeal.⁷ The culpability of the spectator must be considered if such a person has interrupted a game by making racist comments. Accordingly, it is important to examine the involvement of both parties. Condoning either of these two actions – alleged racist comments and an act of physical assault - represents a severe breakdown of civic responsibility.

2.2. The ambit for the issue to be taken to court

The question of whether sporting incidents should be subject to legal scrutiny is a sensitive one, sparking debates. Some argue that acts of violence within sports should be addressed internally, citing that sport has its own rules and regulations. They believe excessive legal intervention would undermine the autonomy and self-regulation of sporting organisations.⁸ In contrast, others advocate for legal examination of illegal behaviour, especially in the context of sports events, to uphold justice, safety, and well-being for all involved. They argue that an act of violence is a violation of public rights, and thus, the courts should be involved.⁹

The law is clear that acts of violence violate public rights (i.e., right in rem) therefore, the only adjudicatory body to punish such offences should be the courts. Sporting authorities themselves can impose civic penalties. Differentiating between types of contact within the sport and the intent behind them, sporting authorities should determine when an incident falls beyond their

⁵ Rodrigues ([2015](#)).

⁶ Livings ([2016](#)).

⁷ Ibid.

⁸ Yongman ([2012](#)).

⁹ Standen ([2009](#)).

purview and refer it to the courts. Moreover, punitive damages can be awarded to emphasise the authorities' commitment to enforcing a Code of Conduct in prestigious arenas.

3. The provision of legal defence for stadiums and matches and spectator rights

3.1. Notable jurisprudence

In the case of *Loughran v. The Phillies*,¹⁰ the court upheld the trial court's summary judgment based on the "no duty" principle, which places responsibility on athletes and recreationalists for their own safety, acknowledging the inherent risks in their activities. On 5 July 2003, Philadelphia Phillies centre fielder Marlon Byrd threw a ball into the stands after catching the final out, unintentionally hitting spectator Jeremy Loughran, causing head injuries and multiple hospital trips. The court ruled that spectators assume the risk of being hit by a baseball, considering it a recognised risk within the game when actions like these are widespread, frequent, or expected in the game. The court acknowledged that even a casual baseball fan would anticipate that players often throw keepsakes to fans, making it a recognised risk within the game. Consequently, the court applied the "no duty" rule, affirming the trial court's decision, and found the Phillies and Marlon Byrd not liable.

This theory protects sports organisations, teams, and players from legal liability for injuries caused by inherent hazards. It requires spectators to be cautious and informed about event risks. The "no duty" rule exempts defendants from protecting against common, frequent, or foreseeable hazard.¹¹ This, has now evolved into the baseball rule, wherein if the team has afforded certain level of protection, where a foul ball is likely going to hit to the spectators, then the players would not be liable for the injury. Despite, the spectators shifting closer into the field within the stadium, the Courts have upheld this contentious rule.¹²

While the spectators may bear a general liability for foreseeable actions or regular occurrences in sports,¹³ laws have been enacted on national and global levels to address concerns about the

¹⁰ *Jeremy Loughran v. The Phillies and Marlon Byrd* (2005), 888 A.2d 872.

¹¹ *Ibid.*

¹² Grow and Flagel (2018).

¹³ Augustine (2009).

level of stadium protection, providing standard safeguards against fan violence and other risks.¹⁴ These laws aim to prevent sports spectators from encountering potential dangers while also safeguarding stadiums from the damage that may be caused by disorderly fans. For instance, the Federation Internationale de Football Association (FIFA) has stringent regulations controlling stadium security measures during major football events.¹⁵

3.2. Laws and regulations enacted by sovereigns and sporting authorities

The Sports Fan Violence Prevention Act (SFVPA) has recently been passed by the Congress of the United States of America.¹⁶ This Act mandates that all professional sports leagues that operate within its jurisdiction give the utmost importance to the protection of their fans from acts of hooliganism that are carried out by supporters inside match venues.

Spectators attending sporting events have specific rights, including the right to receive appropriate treatment from security staff upon entering the stadium, access to first aid, and the right to be in a safe atmosphere free from physical harm.¹⁷ They are also accountable for behaving appropriately throughout the events they attend.

In the event that spectators see other fans participating in violent or abusive behaviour, they are expected to report it to the security officers who are present at the venue. This allows for prompt action to be taken against hooligans, ensuring the safety of other sports fans.¹⁸ Additionally, they should support their teams without engaging in harmful activities within match venues or making derogatory comments about opposing teams.

Regulatory authorities have taken measures to enhance stadium safety. FIFA and the Union of European Football Associations (UEFA)¹⁹ are two of the governing bodies in football that have taken various steps to improve the safety of stadiums, including:

¹⁴ Schofield et al. (2018).

¹⁵ FIFA (n.d.).

¹⁶ US Legal (n.d.).

¹⁷ Felton (2022).

¹⁸ Swenson (2012).

¹⁹ UEFA Safety and Security Regulations (2019).

1. Establishing comprehensive safety laws that address topics such as crowd management, emergency evacuation procedures, and the structural integrity of stadiums.
2. Carrying out safety inspections on a regular basis in order to locate and address any potential dangers or risks that may be present within stadiums.
3. Providing training programs for stadium workers, security personnel, and emergency responders in order for them to properly manage any safety situations.
4. Implementation of severe security measures, such as bag checks, closed-circuit television surveillance, and the presence of trained security staff in order to provide spectators with a safe environment.
5. Implementing ticketing and access control systems to prevent overcrowding in stadiums or event venues.

UEFA in the EU has acknowledged the significance of stadium safety and has enacted legislation to address concerns pertaining to the administration of stadiums and seating²⁰ in the following areas:

1. Minimum standards for seating arrangements are outlined in the regulation. These standards include providing sufficient space between seats, clear aisles, and unimpeded sightlines to ensure the comfort and safety of spectators.
2. Accessibility: The Act places an emphasis on the requirement that stadiums provide accessible seating alternatives for those with disabilities. These seating options must conform with accessibility requirements and must include spaces designated specifically for wheelchairs.²¹
3. Evacuation plans: The directive requires stadiums to prepare and frequently update detailed evacuation plans so that in case of an emergency, spectators can be evacuated in an orderly and safe manner.

3.3. The Hillsborough incident and the laws enacted as a result of the disaster

The Hillsborough catastrophe, occurred on 15 April 1989 during the Football Association Challenge Cup semi-final match between Liverpool and Nottingham Forest at the Hillsborough

²⁰ Ibid.

²¹ Shirley (1980).

Stadium in Sheffield, England.²² Tragically, it resulted in the deaths of 96 Liverpool fans due to overcrowding and poor crowd control.²³ This tragedy had a tremendous impact on measures taken to ensure spectator safety and led to substantial modifications in the following areas:²⁴

1. The architecture of the stadium and the infrastructure of the stadium: The disaster spurred a re-evaluation of the stadium's design, with an emphasis on improving crowd flow, access points, and the general infrastructure to prevent overcrowding and ensure safe evacuation.
2. Management and control of crowds: The tragedy underlined the necessity for adequate crowd control measures, including appropriate allocation of resources, qualified security staff, and enhanced communication systems to protect spectators' safety at the event.
3. Changes to the legal system and judicial proceedings: The disaster at Hillsborough led to a protracted legal process, numerous inquiries, and subsequent changes to the legal system. Notably, the inquest concluded that the 96 victims had been killed in an unlawful manner. They attributed the tragedy to a lack of police supervision and inadequate safety measures within the stadium.

The tragedy at Hillsborough Stadium served as the catalyst for the adoption of all-seater stadiums in the English football league. Following an investigation led by Lord Justice Taylor, it was determined that the addition of seating would improve both spectator safety and crowd control. The Football Spectators Act of 1989 enacted in the United Kingdom mandated that all Premier League and Championship clubs have all-seated accommodations by August of the following year.

In order to monitor and ensure the safety of spectators at designated football events, the Football Licensing Authority was founded. This organisation was succeeded by the Sports Grounds Safety Authority.²⁵ In the early 2000s, there was a rise in the number of individuals and organisations that voiced their support for the establishment of designated standing areas with restricted access. Despite this, the authorities insisted that stadiums with no standing room were the safest choice.

²² Dickie (2018).

²³ Nicholson and Roebuck (1995).

²⁴ Ibid.

²⁵ Woodhouse and Tyler-Todd (2023).

Subsequently, in 2017, there was a shift in attitude towards safe standing, and the authorities began monitoring developments at clubs that had implemented safe standing zones. An increase in the number of people calling for change can be attributed to developments in stadium architecture and technology as well as the fruitful implementation of safe standing in other nations. In 2018, the Department for Digital, Culture, Media, and Sport (DCMS) Commissioned an evidence-based study to investigate the associated risks and potential solutions for safe standing. After completing the review, the authors concluded that additional studies were needed to establish an evidence base for modifying existing policies.

In 2019, the manifesto for the Conservative Party included a commitment to work towards achieving safe standing. In 2021, the Safe Grounds Standing Association (SGSA) conducted its own independent investigation, leading them to the conclusion that the placement of barriers or rails in locations where spectators stand might improve both safety and behaviour.²⁶ In January 2022, standing was permitted in licensed portions of five clubs that were considered as “early adopter” clubs. The Football Spectators (Seating) Order 2021 was responsible for bringing about the adjustment. The SGSA has certain requirements for obtaining a safe standing license, and clubs can submit applications to the SGSA in order to develop safe standing sections within their stadiums.²⁷ However, if these requirements are not satisfied or a license is not obtained, the condition that everyone must remain seated is still in effect.

4. Spectator obligations

The spectators at sporting events contribute support, energy, and passion to the world of sports, making them an essential part of the industry. Nevertheless, spectators are expected to uphold certain responsibilities and civic duties in addition to enjoying the excitement of the event.

²⁶ Welford et al. (2021).

²⁷ Ibid.

4.1. The spectrum of obligations for a spectator

4.1.1. Show respect for the game's participants, officials, and other spectators

Respect for the players, officials, and fellow spectators is a fundamental obligation that falls on spectators. Spectators have a fundamental duty to display respect. This includes abstaining from using abusive language, refraining from chanting that is racist or discriminatory, and behaving in a polite manner. The regulations of FIFA make it clear that any sort of discrimination, including racism, is expressly forbidden, and they urge spectators to encourage an environment that is fair and sportsmanlike. In the event that these requirements are not met, the offender may be subject to punishment, such as being kicked out of the event or facing legal repercussions.

An illustration of this obligation can be seen in the form of a banner that was displayed by a group of fans at the 2018 FIFA World Cup.²⁸ The banner contained offensive language that was directed at a particular player. As a consequence of this occurrence, the National Football Association was issued sanctions, shedding light on the critical importance of eliminating all forms of prejudice in football arenas.

4.1.2. Awareness of safety procedures and compliance

Spectators have a duty to put both their own well-being and to respect other spectators. This includes avoiding banned areas, following the stadium laws, and obeying crowd control measures. Other examples of this include adhering to safety requirements according to stadium regulations. Additionally, spectators should maintain situational awareness, particularly during crowded events, in order to reduce the likelihood of accidents and create a safe atmosphere for everyone present.

In 1985, the Heysel Stadium disaster occurred during the European Cup final match between Liverpool and Juventus.²⁹ During the match, a wall caved in because of excessive crowding and fights that broke out between opposing fans, leading to the tragic deaths of 39 individuals.

²⁸ FIFA ([2018](#)).

²⁹ Elliott and Smith ([1993](#)).

This catastrophe brought to light the crucial importance of the safety of spectators and resulted in significant improvements to the infrastructure of stadiums, the security measures, and the management of crowds.

4.1.3. Adhere to the principles of fair play and ethical behaviour

Spectators are expected to abide by the rules of fair play and ethical behaviour. This means supporting their side in a way that is beneficial and productive without resorting to acts of violence, aggressiveness, or unsportsmanlike conduct. The FIFA regulations encourage fans to foster an environment that promotes fair competition, respect for opponents, and enthusiasm for the game itself.

The “Icelandic Clap” that occurred during the 2016 UEFA European Championship serves as an excellent illustration of the positive impact that spectators can have. The Icelandic crowd showed their solidarity and good sportsmanship by clapping in unison with each other,³⁰ illustrating how spectators can contribute to a memorable and uplifting experience at sporting events.

4.1.4. Communicating concerns regarding safety and inappropriate behaviour

Spectators have a responsibility to report any concerns regarding safety, inappropriate behaviour, or any type of unlawful action to the appropriate authorities or event organisers. It is possible for spectators to make a contribution to the overall safety and legitimacy of the event by maintaining vigilance and taking preventative measures. It is helpful to create a safe and welcoming environment for all guests if occurrences of violence, racism, or other infractions are reported as they occur.

An example of this responsibility can be found in 2019 when a spectator at a match in the English Premier League reported hearing racial insults aimed toward a player.³¹ The issue was quickly addressed, leading to the identification and exclusion of the responsible individual.

³⁰ Smith (2016).

³¹ Ibid.

This case highlighted the importance of observant spectators in combating discrimination and maintaining inclusive environments at sporting events.

4.1.5. Environmental responsibility

During sporting events, spectators should be conscious of the impact that their actions have on the surrounding environment. This includes utilising authorised recycling facilities, properly disposing of garbage, and supporting environmentally responsible efforts advocated by the event organisers. Fans can help reduce the negative impact that athletic events have on the surrounding environment by adopting eco-friendly behaviours. For instance, the Green Goal program³² that was implemented during the 2006 FIFA World Cup.

4.1.6. Showing respect for Intellectual Property

Spectators have a responsibility to show adequate courtesy toward the intellectual property rights associated with sporting events.³³ This includes not recording, transmitting, or distributing content that is copyrighted without permission, such as live match footage or official event goods.

4.1.7. Consume alcohol in a responsible manner

While drinking alcohol is often a part of the experience of attending sporting events as a fan, it does come with certain obligations. Alcohol should be consumed in moderation, and spectators should avoid drinking to excess, as this can lead to conduct that is either disruptive or hazardous.

FIFA in collaboration with national and municipal authorities, is responsible for enforcing restrictions surrounding the sale and consumption of alcohol on-site at matches.³⁴ The purpose of these regulations is to protect the general public, put an end to violent behaviour, and keep order within the stadium. It is important for spectators to be aware of these laws, to drink in

³² United Nations (2005).

³³ Bejtullahi and Dumi (2017).

³⁴ Ibid.

moderation, and to refrain from engaging in acts that could put their safety or the safety of others in jeopardy.

4.2. Disorderly conduct at athletic events

Hooliganism is an age-old phenomenon associated with football matches worldwide. Hooliganism involves groups of supporters that participate in disorderly behaviour within sports stadiums, which can escalate to violence or the destruction of property and, in some cases, the loss of life. Hooliganism has been linked to football matches for a long time. In addition to causing severe injury and even death in certain cases, acts of hooliganism have the consequence of wreaking havoc on public property, upsetting the established social order, and putting tourism endeavours in jeopardy.³⁵

There are several distinct forms of hooliganism, the most common of which involves fans verbally abusing players or officials while they are on the field of play. Another form of hooliganism is physical assault, either between competing fan groups or directed against police officers patrolling the stadiums during major sporting events.

Hooliganism poses significant concerns within the world of sports, not only affecting the overall fan experience but also leading to various unintended consequences:³⁶

1. Risk to safety: Hooliganism puts the safety of players, referees, and innocent spectators at risk, which is the first and most important concern. The use of force in the form of physical attacks, the hurling of objects into the playing field, or the instigation of riots can result in serious injuries or even the loss of life. Protecting the integrity of sporting events requires ensuring the well-being of all participants.
2. Destruction to infrastructure: Hooliganism frequently leads to property destruction, including vandalism committed against stadiums, public buildings, and businesses located in the surrounding area. These destructive activities can place a considerable financial burden on athletic organisations as well as local communities, which diverts resources that could have been used to improve the overall sporting experience or address other societal needs.

³⁵ Case and Boucher ([1981](#)).

³⁶ Madensen and Eck ([2008](#)).

3. Reputation and the impact on the economy: The unfavourable reputation that is linked to hooliganism might discourage potential sponsors, investors, and broadcasters from aligning themselves with the sport. This could, in turn, result in a reduced financial assistance, broadcasting rights, and revenue sources for sports organisations. Additionally, cities or nations that have a reputation for hooliganism may see a drop in tourists, negatively impacting the local economy.
4. Deterioration of fan culture: Hooliganism can erode the positive aspects of fan culture, encouraging an environment of animosity and aggression rather than brotherhood and sportsmanship. This makes it less likely for families and casual fans to attend matches, which in turn reduces the potential for the fan base to grow and become more diverse. The decline and eventual disappearance of an active and welcoming fan culture will have a negative impact on the general ambiance and passion around athletic events.³⁷
5. Obstacles in the legal and law enforcement systems: Challenges within the legal and law enforcement systems arise when addressing hooliganism. To effectively combat this issue, law enforcement agencies and the judicial systems must allocate significant resources, diverting their attention from pressing matters. This reallocation of resources may hinder their ability to efficiently combat other forms of crime and maintain public order.

Hooliganism can have a significant psychological influence on players and officials, leading to elevated levels of tension, anxiety, and terror in the players and authorities involved. This could potentially hinder their performance, ultimately affecting the overall quality of the game. In addition, episodes of hooliganism might deter individuals from pursuing careers as players, officials, or coaches, which further reduces the talent pool available within the sport.

Hooliganism is a reflection of broader societal issues, such as social unrest, inequality, and discontent, and it has repercussions for society as a whole. In order to address these underlying problems, a comprehensive approach that goes beyond the bounds of the sporting world is required. By addressing the underlying problems, society as a whole stands can benefit from enhanced social cohesion and reduced levels of violent crime.

³⁷ De Biasi (1998).

Governments worldwide have implemented various policies in an effort to prevent and reduce the risks associated with hooliganism during sporting events. These measures include increased police presence within stadiums and the appointment of stewards tasked with diplomatically maintaining crowd control and using non-violent techniques when necessary. In addition, the authorities have the ability to prevent individuals who have been found guilty of partaking in violent crimes from ever attending a match again, and in the most extreme circumstances, this can lead to legal action being taken against the perpetrators, which typically results in substantial prison sentences.³⁸

4.3. Psychology of fan violence in sports

There have been several different hypotheses developed to explain the occurrence of fan violence, sometimes attributed to specific traits of fans. One of these hypotheses is known as the instinct theory, and it proposes that spectators may use sporting events as a risk-free way to unleash their potentially dangerous emotions. Freud (2021) proposed that people in a crowd could develop a dependent and frustrated reliance on a leader, which could result in the abandonment of moral principles and potentially violent behaviour.³⁹

The frustration-aggression theory is another school of thought, and it postulates that feelings of frustration can give rise to acts of aggressiveness.⁴⁰ Fans who deeply identify with their team may feel a sense of frustration and an unfulfilled sense of identity if their team performs poorly or loses when the stakes are high for both. Studies on spectator violence towards officials have shown that this frustration can escalate to aggressive behaviour on the part of the spectators.⁴¹

According to the hooligan addiction theory, violent acts can take place even when there is no intention to do so. Some extreme fans may develop an addiction to violent activity since it provides them with a sense of fulfilment and stimulation comparable to that experienced while taking narcotics.⁴² These individuals may find that the act of planning and participating in violent activities gives them an emotional high.

³⁸ Crown Prosecution Services ([2022](#)).

³⁹ Freud ([2021](#)).

⁴⁰ Breuer and Elson ([2017](#)).

⁴¹ Ibid.

⁴² Ward ([2002](#)).

When analysing fan violence, crowd dynamics and the nature of the event itself are both important factors to consider. The emerging norm theory proposes that individuals adjust their behaviour so that it is consistent with the norms and expectations of the group.⁴³ In the setting of sporting events, violence may occur not because of irrationality or a desire to live vicariously through the game but rather because supporters regard it as legitimate or expected within the audience. This can make fans more likely to engage in violent behaviour.

According to the principle of contagion, members of a group can unknowingly become infected with an emotion, particularly when affected by an agitated leader.⁴⁴ The increased arousal spreads across the crowd, which results in a weakened capacity for rational reasoning and the possibility of violent acts being committed by individuals in the mob.

According to the convergence theory, when people gather together who share similar values and perspectives, their inhibitions decrease.⁴⁵ This, in turn, can encourage the display of aggressive feelings. People who go to athletic events may feel more emboldened to engage in violent behaviour when they are surrounded by those with whom they sense they have characteristics and attributes. In addition, sporting events may attract those who are prone to aggressive behaviour.

The concept of a collective mind in society is emphasised by collective mind theory; nevertheless, opinions regarding the level of rationality possessed by this mind vary. Le Bon (1895) contends that the collective mind is intellectually inferior and that it can cause people to become impetuous and lose judgment when they are in crowds,⁴⁶ but Durkheim (1893) believes that the conscious collective is the one responsible for establishing moral order.⁴⁷ According to the collective mind theory, the mechanisms that cause violence in a crowd include anonymity, contagion, and suggestibility. These three factors are believed to be interconnected.⁴⁸

⁴³ Arthur (2013).

⁴⁴ Nemeroff et al. (1994).

⁴⁵ McPhail (2007).

⁴⁶ Le Bon (1895).

⁴⁷ Smith (2014).

⁴⁸ Ibid.

According to Smelser's value-added hypothesis, there are six factors that determine the level of violence in a crowd.⁴⁹ These factors include structural conduciveness, structural strain, the growth and spread of generalised beliefs, precipitating circumstances, mobilisation, and the operation of social control. Additionally, these determinants include the growth and spread of generalised beliefs. Each determinant places constraints on the ability of the subsequent determinant to function, and collectively, these constraints contribute to the possibility of fan violence.

Research that is based on Smelser's theory typically makes the assumption that there is a rationale behind fan violence, in which supporters believe that force may remedy wrongs that they perceive to have been committed.⁵⁰ The fatal crush that occurred at Hillsborough Stadium in England was investigated using this paradigm.

Overall, these theories and notions shed light on the qualities of fans as well as the dynamics of crowd behaviour, which contributes to an increased understanding of why fan violence occurs during sporting events.

4.4. Extended protection to sporting activities outside the scope of the stadiums

4.4.1. Fan Parks: The responsibility that comes with fan parks

Fan parks are vibrant locations where sports fans gather to cheer on and celebrate their favourite teams or athletes. Governing authorities use fan parks as a way to encourage fan participation and to improve the overall fan experience. Fan safety and experience can be improved by fostering diversity, creating secure spaces to spectate, and facilitating activities that encourage interaction.

The value of fan parks as an extension of the experience offered at stadiums must to be acknowledged by the governing organisations. They should work along with the relevant local authorities, event organisers, and sponsors to ensure that fan parks have the necessary infrastructure, facilities, and services. This includes provisions for seating, large screens for

⁴⁹ Spaaji (2015).

⁵⁰ Ibid.

live broadcasts, alternatives for food and beverage, restrooms, and sufficient safety precautions.

Even though governing bodies are not directly responsible for organising fan park events, they are nonetheless able to exercise influence and provide direction throughout the planning process. They are able to provide rules, best practices, and support to ensure that fan park events retain a high degree of organisation and are in alignment with the spirit of the sport.

Additionally, regulatory organisations have a responsibility to safeguard the safety and security of fans, which extends beyond the limits of the stadium where the event is being held. In order to successfully implement proper safety measures in fan parks, it is vital to work together with local law enforcement agencies and event organisers. This involves the provision of emergency medical services, crowd management, and alternative preparations for unexpected events.

4.4.2. Expansion of the governing body's jurisdiction

Governing bodies have the authority to regulate the sports they oversee. Even while the activities that take place at fan parks may not fall under their direct control, they nonetheless can exert influence and oversight over those areas. They can enforce codes of behaviour, monitor compliance with license and sponsorship restrictions, and take action against any infringements that may take place at fan parks.

When it comes to the sport's branding and marketing, the governing bodies frequently have a vested interest in guarding the reputation and maintaining the integrity of its brand image. Fan parks greatly contribute to the exposure and appeal of the sport, which has caused governing bodies to extend their jurisdiction in order to ensure that branding requirements are followed, that unauthorised commercial activities are reduced, and that the sport's image is maintained.

Moreover, governing organisations have a part to play in encouraging appropriate fan behaviour and opposing behaviours that could potentially damage the sport's reputation. Although governing organisations do not have direct control over fan parks, working together with those who create fan parks can assist in fostering inclusiveness, sportsmanship, and fair play.

In addition, governing bodies have the ability to oversee licensing agreements and broadcasting rights to make certain that fan parks adhere to legal standards and serve the commercial interests of the sport. This involves keeping an eye out for any illegal streaming or distribution of anything that is protected by intellectual property rights.

5. What about esports?

The control and monitoring of events are foreseeable and predictable in physical venues for sporting events, wherein the rights and responsibilities of the participants, stakeholders and members of the sporting community are to an extent protected or afforded to take immediate action to protect. However, the situation becomes more complex when each viewer is hidden behind a screen and untraced of their presence. Esports governing bodies such as the International Esports Association (IESA) have developed a Code of Conduct and a process of handling discrimination and misconduct, yet its ability to be enforced is dubious.

In a recent example, a YouTube streamer, to boost his popularity and viewership to attract sponsors, had intentionally caused a crash of an aircraft that he flew, while streaming the same.⁵¹ This incident speak highly of the psychology of the participants in the online forum to take actions which puts them or others in danger. While a player's ethics can be influenced by restrictions on the material they can post online and the gaming interface itself, the challenge of controlling spectator's rights and responsibilities remain unresolved. The types of speech that is circulated, or the high incidence of trolling or stalking cannot be limited by one such governing authority. The risk that it carries is by and large going to effect and influence the mental orientation of each person online. For example, the player being disturbed with hurls of hate speech or material derogatory to them, while in the process of gaming, or the continuity of the comments spilling over the space than being able to access the rights resources while playing an esport. The dynamic of this issue is unworked, and hinges on the threat of cyber-crime and threats online. The co-operation of essential members who have the adequate infrastructure and capability to monitor such issues is essential for such rights to be enforced.⁵²

⁵¹ Clayton ([2023](#)).

⁵² Kelly et al. ([2022](#)); Chanda et al. ([2021](#)).

6. Conclusion

The rights and obligations of spectators during athletic events are not mutually exclusive. They are entitled to receive proper care, access to first aid, and to be in a secure environment. Despite the “no duty” rule, which applies in limited circumstances, governing bodies and the stadium management still bears responsibility for the risks associated with spectators attending the event. The implementation of all-seater stadiums and EU legislation on stadium management have contributed to an improvement in the safety of spectators and on evaluation gives the impact that the bodies are indeed conducting certain actions on their own to mitigate any grave human threat or injury and foul happening during sporting events. Similarly, it is demonstrable that since the actions of a player hold high influence on the behaviour and conduct of spectators, and taking a learning impact from the Eric Cantona instance, that despite all protections within a sport, if a player themselves behaves unruly and conducts themselves outside the ethical lines of the sport, they may be subjected to trial under the domestic laws.

There are arenas of sports which genuinely require the cooperation of governing bodies and organisers. Some of these areas are recent upsprings in sports and mechanisms need to be set-up for evolving areas of sport policies where spectator rights are not as well protected, such as fan-parks or esports. An understanding of the psychology behind spectator violence should help them management and governing bodies to better create policies for the protection of spectators both inside and outside the stadium. It could ensure that these stakeholders could build on written codes for the spectators by conjointly working with the teams and players, to ensure that a message of solitude and integrity is also prescribed amongst the viewers.

There are also obligations on spectators. It is their role to maintain good behaviour, report any instances of aggressive or abusive behaviour, and refrain from making inappropriate comments or engaging in harmful activities. Within the spirit of the game, spectators must be considerate of every individual's participation, recognising the values and skills represented. Their responsibility in upholding these minimum standards will significantly contribute to promoting safer and more inclusive participation in sports.

References

Arthur M.M. L (2013) Emergent norm theory. *The Wiley-Blackwell Encyclopedia of Social and Political Movements*. <https://doi.org/10.1002/9780470674871.wbespm432.pub2>.

- Augustine L (2009) Who is responsible when spectators are injured while attending professional sporting events? *Sports and Entertainment Law Journal* 5:39-50.
- Bejtullahi D, Dumi A (2017) Intellectual Property law, protection of the rights, its importance in our country. *Mediterranean Journal of Social Sciences* 8(5):115-126.
- Breuer J and Elson M (2017) Frustration–Aggression theory. *The Wiley Handbook of Violence and Aggression*. <https://doi.org/10.1002/9781119057574.whbva040>.
- Case R. W, Boucher R. L (1981) Spectator violence in sport: a selected review. *Journal of Sport and Social Issues* 5(2):1–14. <https://doi.org/10.1177/019372358100500201>.
- Chanda S, Tarun, Star S (2021) Contouring e-doping: A menace to sportsmanship in e-sports. *Turkish Online Journal of Qualitative Inquiry* 12(8):966-981. <https://www.tojqi.net/index.php/journal/article/view/3927/2697>.
- Clayton A (2023) YouTuber accused of deliberately crashing plane for views pleads guilty. 11 May 2023, The Guardian. <https://www.theguardian.com/technology/2023/may/11/youtuber-crashed-plane-pleads-guilty-los-padres-forest>.
- Coakley J, Dunning E (2000) *The Handbook of Sports Studies*. Sage Publications.
- Coenen P. T, Pearson G, Tsoukala A (2016) Legal responses to football ‘Hooliganism’ in Europe—Introduction. In: Tsoukala A, Pearson G, Coenen P. T (eds) *Legal Responses to Football Hooliganism in Europe*. TMC Asser Press, The Hague, pp. 1-17.
- Cook C. L, Karhulahti V.M, Harrison G, Bowman N. D (2023) Trolligans: Conceptual links between trolling and hooliganism in sports and esports. *Communication & Sport*. <https://doi.org/10.1177/21674795231153005>.
- Council of Europe (n.d) Recommendation no. R(92) 13 REV. Council of Europe- Committee of Ministers. <https://rm.coe.int/16804c9dbb>.
- Crown Prosecution Services (2022) Football related offences and football banning orders. 29 June 2022, CPS. <https://www.cps.gov.uk/legal-guidance/football-related-offences-and-football-banning-orders>.
- Darcy S (2019) *Sport and society: History, power and culture*. Routledge.
- De Biasi R (1998) Policing of hooliganism in Italy. In: Della D, Reiter H, *Policing Protest. The Control of Mass Demonstrations in Western Democracies*. University of Minnesota Press.
- Dickie J. F (2018) Critical assessment of evidence related to the 1989 Hillsborough Stadium disaster, UK. *Forensic Engineering* 171(2):58-69. <https://doi.org/10.1680/jfoen.18.00007>.
- Elliott D, Smith D (1993) Football stadia disasters in the United Kingdom: learning from tragedy? *Industrial & Environmental Crisis Quarterly* 7(3):205-229. <https://doi.org/10.1177/108602669300700304>.
- Felton (2022). Importance of spectators & crowd support in sports: Felton. Felton Industries. <https://felton.net.au/importance-of-crowd-support-in-sports-events/>.
- FIFA (2018) FIFA sanctions several football associations after discriminatory chants by fans. 2018, FIFA. <https://www.fifa.com/news/fifa-sanctions-several-football-associations-after-discriminatory-chan-2755350>.
- FIFA (n.d.) FIFA stadium safety and security regulations. FIFA. <https://img.fifa.com/image/upload/xycg4m3h1r1zudk7rnkb.pdf>.

- Filo K, Lock D, Karg A (2019) Sport event governance: A systematic literature review. *Sport Management Review* 22(1):40-55.
- Freud S (2021) *Group Psychology and the Analysis of the Ego*. Empire Books.
- Grow N and Fligel Z (2018) The faulty law and economics of the “Baseball Rule”. *William and Mary Law Review* 60(1):59-122.
- Horne J (2017) Sport mega-event – three sites of contemporary political contestation. *Sport in Society* 20(3):328-340. <https://doi.org/10.1080/17430437.2015.1088721>.
- Kelly S. J, Derrington S, Star S (2022) Governance challenges in esports: a best practice framework for addressing integrity and wellbeing issues. *International Journal of Sport Policy and Politics* 14(1):151-168. <https://doi.org/10.1080/19406940.2021.1976812>.
- Kennedy P (2018) Governing the global sport event: The International Olympic Committee and the rise of Olympic autocracy. *Sport Management Review* 21(3):245-257.
- Le Bon G (1895) *The Crowd: A Study of the Popular Mind*. International Relations and Security Network.
- Livings B (2016) A “zone of legal exemption” for sports violence? Form and substance in the criminal law. University of Warwick Publications service.
- Madensen D, Eck E (2008) Spectator violence in stadiums. 2008, U.S. Department of Justice. https://popcenter.asu.edu/sites/default/files/sites/default/files/problems/pdfs/spectator_violence.pdf
- Matveev L.P (2005) *The general theory of sport and its applied aspects*. 4th Correction and add SPb Publishing House Lan.
- McPhail C (2007) Crowd behavior. *Blackwell Encyclopedia of Sociology* 880-884.
- Nemeroff C, Rozin P (1994) The contagion concept in adult thinking in the United States: Transmission of germs and of interpersonal influence. *Ethos* 22(2):158–186. <http://www.jstor.org/stable/640495>.
- Nepomuceno T.C.C, de Carvalho V.D.H Silva, L.C.e. de Moura J.A, Costa, A.P.C.S (2022) Exploring the bedouin syndrome in the football fan culture: Addressing the hooliganism phenomena through networks of violent behavior. *International Journal of Environmental Research and Public Health* 19(15):9711. <https://doi.org/10.3390/ijerph19159711>.
- Nicholson C. E, Roebuck B (1995) The investigation of the Hillsborough disaster by the health and safety executive. *Safety Science* 18(4):249-259.
- Pijetlovic K, Nyman-Metcalf K (2013) Liberalising the service market for satellite transmission: Interplay between Intellectual Property rights, specificity of sport and TFEU economic provisions in Murphy (Joined Cases C-403/08 and C-429/08). *International Sports Law Journal* 13(1-2):3-10.
- Rodrigues J (2015) Eric Cantona’s Kung-Fu kick at 20: Guardian reports from the archive. 25 January 2015, *The Guardian*. <https://www.theguardian.com/football/from-the-archive-blog/2015/jan/25/eric-cantona-kung-fu-kick-20-1995-archive>.
- Santos M. L, Bennett G, Pastore D. L (2021). Sport event sponsorship: Relationship between sport properties and sponsors. *International Journal of Sports Marketing and Sponsorship* 22(2):163-184.

- Schofield E, Rhind D, Blair R (2018) Human rights and sports mega-events: The role of moral disengagement in spectators. *Journal of Interdisciplinary Research in Sport and Health* 4(2):1-14. <https://doi.org/10.1177/019372351773081>.
- Sherry E (2020) *Event management in the sport industry*. Routledge.
- Shirley J (1980) Stadium security - A modern day approach to crowd control, stadium security, *FBI Law Enforcement Bulletin* 49(8):22-25.
- Smith C (2016) Iceland's Viking clap goes viral after amazing euro 2016 performance. 5 July 2016, BGR. <https://bgr.com/entertainment/icelands-viking-clap-goes-viral-after-amazing-euro-2016-performance/>.
- Smith K (2014) *Émile Durkheim and the collective consciousness of society: A study in criminology*. Anthem Press.
- Spaaij R (2015) *Sport and violence*. Routledge Handbook of the Sociology of Sport. Routledge.
- Standen J (2009) The manly sports: The problematic use of criminal law to regulate sports violence. *Journal of Criminal Law and Criminology* 99(3):619-642.
- Swenson S. J (2012) Unsportsmanlike conduct: The duty placed on stadium owners to protect against fan violence. *Marquette Law Review* 23(1):135-153.
- Tsoukala A, Pearson G, Coenen P. T (2016) *Legal Responses to Football Hooliganism in Europe*. TMC Asser Press, The Hague.
- UEFA (2019) UEFA safety and security regulations. 2019, UEFA. <https://documents.uefa.com/r/UPE0QDp~FJso7vSx8slqLQ/root>.
- United Nations (2005) UN environmental agency scores “green goal” ahead of 2006 Football World Cup. 6 September 2005, UN News. <https://news.un.org/en/story/2005/09/151502>.
- US Legal (n.d.). Sports violence. *Sports Law*. US Legal. <https://sportslaw.uslegal.com/sports-violence/>.
- Ward R. E (2002) Fan violence: Social problem or moral panic? *Aggression and Violent Behavior* 7(5):453-475. [https://doi.org/10.1016/S1359-1789\(01\)00075-1](https://doi.org/10.1016/S1359-1789(01)00075-1).
- Welford et al. (2021) *The safe Management of persistent standing in seated areas at football stadia*. June 2021, CFE Research. <https://sgsa.org.uk/wp-content/uploads/2021/06/The-management-of-persistent-standing-Final-report.pdf>.
- Woodhouse J, Tyler-Todd J (2023) *Standing at football in England and Wales*. 21 February 2023, House of Commons Library. <https://researchbriefings.files.parliament.uk/documents/SN03937/SN03937.pdf>.
- Yongman K (2012) The influence of professional sport spectators' orientation toward a sporting event on title sponsorship effect. *Korean Journal of Sport Science* 23(2):404–421.

Case Cited

Jeremy Loughran v. The Phillies and Marlon Byrd (2005), 888 A.2d 872.