

The need for ‘aggression’: An analysis of the Lucas Corberi decision and its impact on violence in motorsport

Simran Bhinder¹ 

Abstract

In 2020, the violent actions of former Karting world champion Lucas Corberi during the Karting championship in Italy, gained significant media attention and brought to the forefront the age-old issue of violence in sport. This case commentary is based on the case brought by the FIA against Lucas Corberi in 2021 before the International Tribunal of the Federation Internationale de L’automobile. The commentary provides an analysis of the tribunal’s decision and makes the central argument that, while the order was correct in holding Corberi guilty of engaging in conduct that violated the sporting regulations in place, it erred while imposing penalties and sanctions on those involved. The tribunal did not take into account important contributory factors, which enabled the violent conduct. As a result, the tribunal not only imposed a disproportionately lenient penalty on Lucas Corberi but also let several other responsible actors go scott-free.

Keywords

FIA, Violence, Ban, Karting, Dangerous, Intent

¹ Assistant Professor & Assistant Dean, Jindal Global Law School; Faculty Co-ordinator, Centre for Sports Law, Business and Governance, O.P. Jindal Global University.

✉ Simran Bhinder (sbhinder@jgu.edu.in)

1. Introduction

To call motorsport a passionate sport would not be an overstatement in any regard. The combination of high speeds, largely uncurbed financial investment, cutthroat competition, dedicated fans, and the rigorous training of the drivers who operate within very extreme physical and psychological conditions during a race, often results in the racing track transforming into an arena of extreme rivalry between the drivers. While it is not uncommon to witness drivers often taking subtle digs at one another in press conferences or hearing the unfiltered recordings of drivers expressing their anger and frustration on team radios, the Luca Corberi incident of 2020² has gained infamy for being an example of conduct which falls outside any permissible limit of expressing one's disappointment.

This case commentary provides an overview of the events that led to the decision of the International Tribunal of the Federation Internationale De L'automobile (FIA) to uphold Corberi's 15-year ban from professional karting and the legal principles used by the tribunal in arriving at this decision. It sets out how this particular incident brought to the forefront the contentious issue of excessive aggression and violence in contemporary motorsport. This commentary concludes that the order of the tribunal, despite imposing stringent penalties on Corberi, was riddled with inadequacies and relied on flawed rationale to come to certain conclusions.

2. The incidents of the FIA Karting World Championship 2020

In 2020, the FIA World Championship was held at the South Garda Karting Circuit in Lonato, Italy. On the last day of the championship, Luca Corberi was forced to retire from the race after he was pushed off the track by fellow driver Paolo Ippolito.³ The manoeuvre by Ippolito caused Corbie's kart to hit the barriers of the track.⁴

Following this, Corberi proceeded to wilfully disintegrate the front fairing of his cart and carried it to the side of the track, where the race was still underway. Upon seeing Ippolito, he

² McKern (2020).

³ Fédération Internationale de l'Auto. (FIA) v. Mr Luca Corberi, International Tribunal of the Federation Internationale de L'automobile, 19 April 2021, Case IT-2021-01, para 5 (FIA v. Mr. Luca Corberi).

⁴ Ibid, para 6.

threw the front fairing at Ippolito. While the front fairing did not hit Ippolito, it did hit a driver following Ippolito. No injuries were reported from this act.⁵ However, the tribunal, in its final order did discuss that given the pace at which the karts were running, and manner in which the front fairing was thrust at the competitors, there was a high probability of Corberi's actions causing serious injury and physical harm to multiple drivers on the circuit.⁶ After this, Corbie proceeded to walk across the tracks and ignored repeated instructions relayed to him by the FIA deputy race conductor, asking him to stop walking in the tracks and to immediately go in a safe position as mandated by the rules of the sport, which identify the failure to comply with the instructions of the race officials as a 'breach of the rules.'⁷

Once the race concluded and all the karts returned to the parc fermé, Corbie charged towards Ippolito and pushed him to the ground. Following this, both the drivers started fighting. A few minutes after this incident Lucas Corbie's father, Marco Corbie, also attacked Ippolito and hit him. Eventually prompting, Paolo Ippolito's father, Giuseppe Ippolito, to also join the fight. While Paolo Ippolito backed out from the fight, Lucas Corbie and his father, Marco Corbie, continued to fight with Giuseppe Ippolito. This fight could only be broken up after the continued intervention of the FIA Technical co-ordinator.⁸ The incidents of this event were telecasted globally and led to widespread criticism of Corbie's conduct.

Eventually, the stewards decided to disqualify Ippolito for an "unsafe manoeuvre"⁹ and also disqualify Corberi from the race. No reference was made to the incident that took place after the race concluded, where Corberi physically assaulted Ippolito and initiated a fight.

A few days after this incident, the FIA initiated an inquiry against Luca Corberi and the International tribunal imposed a 15-year ban from active karting on him, after finding him guilty of violating the provisions of the International Sporting Conduct 2020.¹⁰ The decision

⁵ Ibid, para 11.

⁶ Ibid, para 9. The Tribunal noted that the respondent also did not dispute the fact that his action of throwing a 1.350 kg front fairing on his fellow competitors racing in a kart, at 100 km/h could lead to serious neck injuries "due to the sudden movement of the head and the significant hyperextension of the neck".

⁷ The International Sporting Code (2020), article 12.1.1.1(i).

⁸ FIA v. Mr. Luca Corberi, para 18.

⁹ Ibid, para 38 (iii).

¹⁰ Ibid, para 106.

of the tribunal also considered the gravity of Corberi's actions on the day of the race¹¹ and the degree of culpability which could be attached to Corberi.¹² The order also expressly noted that the 15-year ban was an adequate sanction, which reflected the gravity of his actions while also not serving as an indirect life ban.¹³

The International Court of Appeal rejected Corberi's eventual appeal against the ban in June 2021.¹⁴

3. The decision of the tribunal

On 14 October 2020, the FIA initiated a disciplinary inquiry against Lucas Corberi for his conduct during the World Karting Championship.¹⁵ Based on the evidence gathered as a part of the inquiry the FIA charged Corberi with the following misconduct:

In relation to Incident 2

- (i) *The Respondent breached Articles 12.1.1.d¹⁶ and 12.1.1.h¹⁷ of the 2020 International Sporting Code (Code) and the Code of Good Conduct, together with Article 2.3 of the FIA Statutes¹⁸ as the Respondent endangered his own safety and that of other drivers;*

¹¹ Ibid, para 85.

¹² Ibid, para 83.

¹³ Ibid, para 100.

¹⁴ Bradley (2021).

¹⁵ The tribunal's decision includes a detailed analysis of the principle of 'ne bis in idem' when discussing the jurisdiction of the tribunal to give an order imposing a sanction on Corberi. The tribunal clarified that the FIA Judicial and Disciplinary Rules (JDR) regulations under Chapter 6, Article 14 (a), Article 13 and the FIA International Sporting Code under article 12.2.5 clearly establish the tribunal's jurisdictional competence to hear the matter and impose sanctions. Furthermore, the tribunal also reasoned that the decision of the Italian regulatory bodies would be limited to the narrow scope of automobile sport exercised at the national level in Italy exclusively and would be subsidiary to the tribunal's proceedings (Article 13 JDR). See, FIA v. Mr. Luca Corberi, paras 56-65. This has not been discussed in detail in this commentary as Corberi did not formally challenge the jurisdiction of the tribunal and only raised the issue of *ne bis in idem* (a person being punished for the same facts twice) in his written submission.

¹⁶ Article 12.1.1.d states "Any pursuit of an objective contrary or opposed to those of the FIA". See, The International Sporting Code (2020).

¹⁷ Ibid. Article 12.1.1.h states "Any unsafe act or failure to take reasonable measures, thus resulting in an unsafe situation".

¹⁸ Article 2.3 of the FIA statutes states "Promoting the development of motor sport, enacting, interpreting and enforcing common rules applicable to the organization and running of motor sport events".

- (ii) *He breached the Code of Good Conduct by deliberately throwing the front fairing of his kart at another driver, thus failing in his duty of respect and of fairness by acting in an unsportsmanlike manner; and*
- (iii) *The Respondent also breached Article 12.1.1.i of the Code¹⁹ as he completely disregarded the instructions and directions given by the officials.*

In relation to Incident 3

- (iv) *The Respondent breached the Code of Good Conduct as he violently assaulted another driver and licence-holder, acting once again in an unsportsmanlike manner.*

In relation to Incidents 2 and 3

- (v) *The FIA asserts that the Respondent's actions, which were streamed worldwide, showing a very negative image of drivers, karting and motor sport in general, were simply disrespectful. This attitude is prejudicial to the interests of the FIA as a custodian of the sport in general, and to the FIA Karting World Championship in particular. This attitude allegedly constitutes a breach of Article 12.1.1.c²⁰ of the Code and Article 5.2(i) d) 2 JDR 2020.²¹*

The tribunal in its final decision found Corberi guilty of all the charges. They held that it was clear from a review of the conduct that Corberi's actions were in serious violation of the rules of the sport that impose a duty of respect and fairness on all drivers. Moreover, his disregard for the express instructions of the officials of the competition could have resulted in injuries to any of the drivers racing at that point. The tribunal also held that his actions during incident 3 violated "the physical integrity" of Paolo Ippolito.²² It noted that the worldwide streaming of the incidents caused immense reputational damage to the FIA and the sport. This decision was primarily based on an assessment of the degree of violence which Corberi engaged in and the

¹⁹ Article 12.1.1.i states "Failure to follow the instructions of the relevant officials for the safe and orderly conduct of the *Event*". See, The International Sporting Code (2020).

²⁰ Ibid. Article 12.1.1.c states "Any fraudulent conduct or any act prejudicial to the interests of any Competition or to the interests of motor sport generally".

²¹ FIA v. Mr. Luca Corberi, paras 36-37. Note that Article 5.2(i) d) 2 of the FIA Judicial and Disciplinary Rules (JDR) 2020 sets out how principles of proportionality have to be considered while making a decision on the sanctions imposed.

²² Ibid, para 101.

fact that these actions were intentional and planned.²³ The tribunal expressly rejected Corberi's argument that his actions were a result of grave provocation by Ippolito.²⁴

However, despite this acknowledgement of how grave Corberi's infringements of the regulations were, it is argued that the sanctions imposed by the tribunal, fall significantly short of being a remedy against the undisguised violence which was displayed during this event. Apart from Corberi, the lack of any punishments for any other actors involved in these incidents, further undermines the effectiveness of the order to curb violence in motorsport.

4. The order ignores the institutional encouragement of dangerous driving in motor sport

It is not uncommon to see sporting fields, courses, and courts become spaces where competitive disappointment is expressed physically. To witness aggressive contact between players - whether by way of gesturing, engaging in a verbal spat or even a physical altercation amongst the players, is not the most unusual site a spectator can come across in an organised sporting competition.²⁵ While most sporting federations have rules which aim to reduce, if not completely eradicate, instances of violent contact between players, there is nothing that aims to penalise aggressive behaviour which while not being expressly violent, is extreme enough to border on the limits of acceptable behaviour.²⁶ On the contrary, some amount of 'aggression' within sport is often deemed to be not only acceptable but also necessary to gain a competitive advantage, especially in motor sport.²⁷ Thus, the regulatory focus is on penalising conduct that leads to actual harm through violence and not on preventing dangerous behaviour, which has the potential to lead to harm.

A good illustration of this phenomenon are the rules of ice hockey, which allow for physical altercations and fights to take place on the field with limited, pre-determined penalties. The argument given to justify this formal acceptance of violence is that fights have historically been

²³ Ibid, para 102.

²⁴ Ibid, para 101.

²⁵ See, Sibor (2023) for examples of such conduct.

²⁶ An example of this can be exceptionally high-speed turns taken at corners in motor racing- the accepted practice is to slow down on corners and turns and to allow the vehicle in front to clear the turn, however often drivers overtake each other at these turns thereby increasing the risk of an accident.

²⁷ Hembree (2022).

a part of the sport and are a part of the unwritten historical code of conduct.²⁸ Interestingly, the 1974, McMurtry commission report, set up in response to an off-ice murder of a Canadian junior hockey player by a fellow competitor, had identified organisational attitudes supportive of violence as the main factor responsible for continued violence in the sport.²⁹ Many recent studies have also shown how sanctioned violence or aggressive rivalries amongst sports players often lead to increased revenue for the organisers of these sports.³⁰

In this context, the Corberi incident highlights the unintended consequence of having rules that allow excessive aggression³¹ in motor sport to go unchecked.

The most severe charge against Luca Corberi stemmed from the violent conduct he engaged in, which endangered the wellbeing and physical integrity of his fellow competitors, as well as his own. Corberi's excessively aggressive and visibly dangerous actions became the subject of widespread condemnation worldwide.³² While the media coverage put a spotlight on Corberi's actions, one should not lose sight of the first incident, which acted as a catalyst for the rest of these events. Any analysis which reviews Lucas Corberi's conduct, without considering the manoeuvre by Ippolito, which set Corberi's kart off the track, would be incorrect. While there are clear rules banning aggressive physical contact between drivers, there is no set penalty on driving tactics that disregard considerations of safety and well-being to such an extent that they pose a similar risk of causing serious injuries and of endangering the well-being of drivers as aggressive physical contact would.

The Tribunal's order terms the manoeuvre made by Paolo Ippolito in a bid to overtake Corberi as the "first incident" of the hearing.³³ Eventually, the stewards adjudged this move a "very bad manoeuvre" that caused the collision,³⁴ and proceeded to disqualify Ippolito, but this

²⁸ Klawans (2022).

²⁹ Colburn (1987).

³⁰ Hurby et al. (2012).

³¹ Excessive aggression here refers to those actions of a drivers, where in order to gain competitive advantage, the drivers are willing to take risks and decisions with very limited or no regard to the safety and well-being of any stakeholder involved. Actions which would stretch the limits of what is considered a reasonable assumption or risk. Aggressive driving can often be dangerous driving.

³² Noble (2020).

³³ FIA v. Mr Luca Corberi, para 5.

³⁴ Ibid, para 38.

decision was made only after he finished the race. Corberi's response to the charges levied upon him, state that his actions were a "*reaction, in a state of anger, determined by the unjust fact of others... He has hit at around 140 Km/h by the latter, the respondents body being arched, extending backwards due to the violent collision.*"³⁵ Arguably by making a manoeuvre, that caused a kart to be hit at a very high speed in such a manner as to run it off the track, caused as significant a danger to the well-being of his fellow competitor, as Corberi was accused of.

Aggressive driving in itself is not an offence in regulated motorsport. The most recent Formula 1 controversy involving Max Verstappen (the reigning champion of Formula 1) and Charles Leclerc also involved a similar question of what is the limit to how aggressive one driving manoeuvres have to be for them to be penalised by the regulating authorities.³⁶ The conduct that Ippolito and Verstappen engaged in is neither unusual nor is it deemed to be an automatic violation of the code of conduct for drivers. The only recourse that remains available to any fellow driver who is forced out of a race is that eventually, the stewards would enforce an appropriate penalty on the driver. In the absence of any set regulations or standards, the assessment of an incident as well as the quantum of the penalty imposed, is often left to the stewards' discretion.

Research conducted across various sports, shows that sports organisers and regulators often encourage competitive intensity because of the positive correlation observed between viewership and sports competitiveness.³⁷ Thus, is particularly true for motor sports in general, many drivers have often spoken about the very nature of the sport requires you to be "aggressive".³⁸ However, the ambiguity between what is a sanctioned level of aggression and at what point does it transcend any boundary of reasonability and become "dangerous conduct", allows for many drivers to get away with irresponsible and unsafe driving.

The FIA's failure to expressly disallow aggressive driving that is unsafe and develop standard practices and corresponding penalties enables dangerous driving, where the disregard for safety standards and practices to gain a competitive advantage over others endangers the physical

³⁵ Ibid, para 37(ii).

³⁶ Gamble (2023).

³⁷ Guironnet (2023).

³⁸ Williams (2023).

well-being of everyone on the track. While there might not be any *intention* to cause harm, the *potential* of causing harm is very high. This can not only compromise the safety of the drivers but also motivate other drivers to engage in equally dangerous conduct, setting off a series of unfortunate and dangerous events, as it did in this case. Many recent studies,³⁹ particularly in the sports of basketball⁴⁰ and ice hockey⁴¹ have also emphasised that in order to check violence in sports, organisations must enforce rules and standards which focus on preventing instances of aggression and violence rather than allowing a practice of reactive penalties to exist.

In its final decision, the tribunal echoes the FIA report, which stated that Ippolito’s actions, which gave rise to the first incident, were sanctioned by the federation through his subsequent disqualification and this was deemed to be a befitting disciplinary action against him.⁴² Thus, the tribunal again missed an opportunity to address any concerns about how aggressive driving and conduct are encouraged by the FIA’s rules.⁴³

Interestingly, the tribunal notes that the “worldwide transmission of the disgraceful images negatively impacted all his fellow sportspersons around the globe and the image of motorsport in general”.⁴⁴ This consideration of the “negative” impact of the driver’s actions make the absence of any comments on the rules of the FIA even more prominent. Arguably, the encouragement and acceptance given to aggressive driving by the FIA rules impacts the well-being of the drivers to a greater extent than the images of an unfortunate fight being broadcasted widely.

4.1. Unjustified condoning of Corberi’s violent conduct

The videos of this race, which were circulated widely, serve as indisputable evidence of Corberi’s actions.

³⁹ Gee and Leith (2007).

⁴⁰ Lev et al. (2022).

⁴¹ Goldschmied and Espindola (2013).

⁴² The tribunal does not discuss the sanction against Ippolito or its proportionality. See, FIA v. Mr. Luca Corberi, para 38(iii) which states that the actions of incident 1 were not ignored in response to Corberi’s challenge that his actions were a response to Incident 1.

⁴³ Terry and Jackson (1985).

⁴⁴ FIA v. Mr. Luca Corberi, para 36(v).

He not only lost control of his emotions on finding himself pushed out of the racing circuit, but also proceeded to dismantle his racing kart with a view to arm himself and then walked to the track and waited for Ippolito to pass. On spotting Ippolito, he took aim and threw the kart's dismantled fencing towards him. While this action did not result in any serious harm or injury to any of the competitors of the event, there is little doubt that Corberi's actions were excessive, dangerous and warranted the strictest action possible, as was demanded by the Federation.⁴⁵ Corberi argued that the "circumstances of incident 1 (Ippolito hitting his kart) should be deemed as a mitigating circumstance justifying that a milder sanction should be imposed on him".⁴⁶

Corberi actions were in no way performed in a fit of rage as an immediate "reaction" based on incident 1 - the act of waiting on the side of the track and then attacking Ippolito specifically shows that Corberi had enough time to calm down, as was also noted by the tribunal.⁴⁷

Had Corberi's actions taken place off the driving circuit, they would have attracted several serious criminal charges under Italian penal code,⁴⁸ all of which include fines as well as imprisonment as possible legal penalties. Interestingly, no criminal charges were filed against Corberi by the FIA officials, Ippolito or the Italian authorities.

The global opinion on whether instances of violent behaviour in sporting events should be judged using the same standards that are used to establish criminal liability is deeply divided.⁴⁹ However, all the actions termed together as incident 2 in the final holding of the tribunal, order would fail to qualify as behaviour which conforms with the rules established by code of conduct for professional karters. In the absence of any criminal proceedings, the tribunal should have ensured strict compliance with rules and suggestions of the FIA.

⁴⁵ Ibid, para 37(xii).

⁴⁶ Ibid, para 37(ii).

⁴⁷ Ibid, para 102(ii).

⁴⁸ Ibid, para 87.

⁴⁹ Waldzinski et al. (2020).

It is also very interesting to note, that the final order makes very limited references to the third incident in which Corberi wilfully assaulted Ippolito physically and the fight between the two turned into a brawl.⁵⁰

While the tribunal refused to consider incident 1 as a mitigating factor, they arguably made an error when they handed Corberi a 15-year ban instead of a life ban. The tribunal order noted that:

...even though Incidents 2 and 3 are extremely serious, there are elements and circumstances that, when duly considered, indicate that the Driver deserves a second chance, namely:

- (i) The age of the Respondent (although he is not a minor, he is a young adult aged 23 years old);*
- (ii) The experience of the Respondent (about 10 years of karting experience);*
- (iii) The Respondent has never before engaged in this kind of behaviour and this was a first-time offence;*
- (iv) A public acknowledgement of the facts and their gravity, as well as a public apology, was issued by the Respondent on the following day; in addition to that, through a family letter, he also expressed regret for his behaviour directly to the FIA;*
- (v) The other drivers have not made any formal complaint against the Respondent.⁵¹*

These reasons for mitigating the punishment for the grave actions which Corberi undisputedly undertook are inherently weak. His age of 23 and his experience as a karter place him in a position of higher responsibility and are not reasons which automatically exonerate him of blame. An athlete's level of experience has been considered as a relevant factor in other cases. For example, the Canadian trial courts judgement in the case of *Regina v Mcsorley*⁵² rejected the argument that the player Mcsorley had hit his rival competition on the head by mistake, when he missed his shoulder. The court rejected this argument by placing relevance on the fact that the accused was an experienced player of the sport playing in the most elite division.⁵³

⁵⁰ FIA v. Mr. Luca Corberi, para 17.

⁵¹ Ibid, para 96.

⁵² Regina v. Mcsorley, 2000 BCPC 116, para 7.

⁵³ Ibid, para 108 (the courts noted "An NHL Player never ever misses").

Similarly, the 10 years of experience that Corberi had should have been a factor which would have warranted a more stringent punishment, and not a reduction in the penalty imposed on him.

The public acknowledgement of the facts, a day after the incident, also included Corberi's statement announcing that he would never race again.⁵⁴ This shows that Corberi understood the serious implications his conduct had. It is also pertinent to note, that while there is public acknowledgement and a letter of regret addressed to the FIA, there is no such courtesy extended to Ippolito, his father or the FIA officials.

The tribunal in the same order notes that the public statement established his culpability.⁵⁵ The interpretation of the same statement as both the admission of guilt⁵⁶ as well as the evidence of good conduct,⁵⁷ strong enough to be a reason justifying a mitigated punishment, makes for a very unconvincing rationale.

The tribunal's final reason is interesting because it tries to absolve Corberi of the consequences of his conduct based on the inaction of his fellow competitors. The fact that the FIA initiated an inquiry into this conduct without any official complaint is in itself proof of how grave his conduct was.

Thus, the factors that the tribunal considered while rejecting the FIA's demand for imposing a life ban on Corberi are based on unjustified reasons, which lack the strength to support a commutation of sanctions merited by his actions.

While it is true that lifetime bans are not common in sport, there are instances which might warrant such a strict sanction. Given the intentional and inherently dangerous nature of his actions, a lifetime ban would serve not only as a justified response to the violence that Corberi initiated but would also act as a deterrent for other players as well.

⁵⁴ BBC Sport (2020).

⁵⁵ FIA v. Mr. Luca Corberi, para 83.

⁵⁶ Ibid, para 68.

⁵⁷ Ibid, para 84.

By failing to give Corberi the strongest possible sanction, the tribunal has become another example of internal regulators failing to impose a penalty which is proportionate to the severity of the offence in sport.⁵⁸ Corberi's actions were intentional and not simply an uncontrolled reaction. He singled out and deliberately tried to hurt a particular participant and, in that attempt ended up endangering other drivers as well. The tribunal agreed that these actions were "premeditated"⁵⁹ and not performed as a reflexive response to a provocation. This established "intent" significantly elevates the gravity of his actions. A competitor who intends to seriously injure his fellow sports competitors should be given the most stringent punishment.

The tribunal order dilutes the gravity of the driver's actions instead of acknowledging the full extent of the danger that Corberi's actions posed to the physical safety of all the drivers involved, along with causing serious damage to the reputation of the sport. It is also important to note that the final order handed down the 15-year ban as a cumulative punishment for three different charges, each of which is derived from a serious allegation of the violation of the code of conduct which all drivers participating in a FIA competitions and events are bound by.

5. Limited discussion of relevant events

There are a number of important factors, which clearly contributed to the violence associated with these series of incidents, which were discussed in a very limited manner in the tribunal order.

The most significant incident to not be duly considered by the tribunal was the intentional attack on Ippolito by Corberi, after the conclusion of the race while they were both still on the parc fermé. This fight soon snowballed into a fight involving the fathers of both the drivers as well. Even during this fight, one can see both Lucas as well as Marco Corberi's complete disregard for the FIA officials, who tried to break the brawl up.⁶⁰ It is interesting to note how this incident, termed as incident no 3 in the order is considered by the tribunal.

⁵⁸ Stephen and Gulotta (1980).

⁵⁹ FIA v. Mr. Luca Corberi, para 101(iv).

⁶⁰ Ibid, para 18.

There is no individual charge imposed on Corberi, which stems exclusively from his actions in incident 3, which inflicted physical injuries on Ippolito.⁶¹ This entire incident is deemed to be simply an aggravating factor to Incident 2.

By reading down the effect and impact of incident 3, the tribunal seems to be tacitly agreeing to the idea that regulatory sanctions should only be applied to incidents which take place while the competition is ongoing. This seems to be in line with the initial inquiry held by the FIA, which made no reference to this incident.⁶² Since this particular incident had a clear nexus with the events that took place while the race was ongoing, the tribunal should have considered it as an individual charge of excessive violence which did cause injury to a fellow driver, while proposing the penalty.

In a similar case in 2015, albeit from another sport, cricketer Jason Anderson was handed a lifetime ban by the Bermuda Cricket association for kicking his fellow teammate, while engaged in a brawl that broke out during a county championship.⁶³ The video evidence of the incident showed that while both Anderson as well as fellow cricketer George O'Brien were engaged in violent conduct, Anderson's actions were more violent and resulted in direct injury. One can argue that Corberi's actions in incident 3 were a graver violation of the code of conduct since they were premeditated and resulted in a direct injury to a fellow driver than his attempt to injure and stop Ippolito from completing the race in incident 2. Thus, incident 3 should have been considered independently and appropriate sanctions should have been imposed on Corberi.

5.1. The lack of any action against Marcos Corberi

It is interesting to note that while the initial action by the Automobile Club Italia, the regulatory body for Italian Autosport, was to suspend the licence of both Marco Corberi and the Lonato Karting Track,⁶⁴ there is no mention of any consequences for Marco in the final tribunal judgement. In 2022 and 2023, there were races which were held in the Lonato Karting Track, thereby proving that the licence of the Lonata Karting track was eventually restored and

⁶¹ Ibid, para 101(ii).

⁶² Ibid, para 21.

⁶³ Payne ([2021](#)).

⁶⁴ Kartcom ([2020](#)).

FIA events were held there.⁶⁵ The facts stated by the tribunal clearly show that Marco was involved in attacking Ippolito on the *perc fermé*. Much like Luca Corberi, Marco also disregarded all instructions by the FIA co-ordinators and officials to disengage from the fight. While this incident was not referred to at all by the stewards while coming to their decision to disqualify Luca Corberi,⁶⁶ Marco's position as the owner of the karting track as well as of the father of a driver allowed him to be in a position where he could attack Corberi. While there are no specific penalties in any FIA Karting rules which are supposed to govern the conduct of non-drivers, other than the anti-bribery rules, Marco's actions clearly warranted some penalty to be imposed on him, even if that is an organisational or administrative penalty. Sporting organisers and regulators have often taken cognisance of infringements by the managers of players and imposed restrictions on them. Borrowing from cricket, in 2015 Shahrukh Khan was handed a 5 year ban from the Wankhede Stadium after he was involved in a fight with security after a match in which his team was playing.⁶⁷ In a similar fashion, recently football manager Pep Guardiola was handed a ban from being present in the stadium for the duration of the match for arguing with the referee.⁶⁸ FIA should develop rules which would bring the conduct of agents, mechanical teams as well as any representative of the drivers who have access to the circuit within the ambit of the code of conduct.⁶⁹

Arguably, Marco's actions of going and physically assaulting Ippolito are graver than the infringements of rules that took place in the instances above. It is important to note that even the FIA did not frame any charges on Marco Corberi while conducting the disciplinary inquiry, even though the Italian regulatory body, ACI, had suspended his licence as well. The lack of any formal discussion on the conduct of Marco, despite all the authorities acknowledging the role played by Marco in the unfolding of incident 3, is a cause for concern.

⁶⁵ FIA Karting (2023).

⁶⁶ FIA v. Mr. Luca Corberi, para 21.

⁶⁷ PTI (2017).

⁶⁸ Percy (2023).

⁶⁹ Although the FIA code of conduct states that all agents and representatives must adhere to the code, a closer examination reveals that most of the violations exclusively deal with conduct that stems from driving on the circuit. Therefore, there are essentially no regulations governing the non-driving related behaviour of the stakeholders.

By being silent and not sanctioning Marco, the tribunal missed an opportunity to make a decision which would have reaffirmed that karting circuits are spaces that must be free from violence.

6. Conclusion

Safety is a non-negotiable aspect of any organised sport. It cannot be denied that by imposing a 15-year sanction from racing on Lucas Corberi, the tribunal and the FIA have clearly established that violent conduct will lead to serious repercussions for drivers. The stringency of this penalty cannot be questioned. However, by not commenting on the structural deficiencies within modern day karting and motorsport, the tribunal has missed an important opportunity to be able to show that there is no space for hostility in modern motor racing.

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