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A Critical Criminology of Professional Wrestling and Sports Entertainment

KAREN CORTEEN

The time has come for serious academic study of professional wrestling and sports entertainment. Such a study would be: legitimate; diverse in nature; multi- and interdisciplinary; and embracing a variety of connected and unconnected disciplinary, theoretical, and methodological lenses. In this spirit I propose a critical criminology of professional wrestling and sports entertainment (hereafter PW&SE). No standard definition of critical criminology exists; rather various branches of critical criminologies co-exist. However, most of the perspectives share an understanding of the power dynamics in society. Critical criminologists understand that “the powerful make, administer and enforce the law—and that the dominant subject of regulation and coercion are those with the least power” (Corteen “State Power” 53). With this understanding in mind, critical criminology directs its analytical lens and academic activism beyond that of crimes of the powerless to the crimes and harms of the powerful (Ugwudike; Corteen “State Power”). As such, it foregrounds the “view from below” as opposed to the “view from above.”

Critical criminology, therefore, provides a particular perspective and theoretical lens that enables a critical discussion of, research on, and teaching about World Wrestling Entertainment (WWE), a corporate entity that acts with immunity and impunity with regard to its workers’ safety; more research needs to be done on the injuries and deaths among professional wrestlers. Together with an exposure to and examination of the decriminalization of this corporation’s serial, recidivist, and harmful actions and wrongdoing, this analysis would be a useful perspective in the academic study of sports criminology. The discussion will focus on the WWE (formerly known as the World Wrestling Federation or WWF); however, this analysis suggests a future potential to explore many aspects of PW&SE, including other promotions. It could even be extended to other sports,

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as professional wrestling is not the only sport-associated body to feature in notable “scandals” (Lee and Lee).

Professional wrestlers’ accounts from the territory era illustrate that professional wrestling has always been a harmful and painful business (see Shoemaker). However, as the WWE has become a global social phenomenon, the harms and risks have become more damaging and routine due to the pressure to be continually even more exciting and entertaining (Atkinson). The WWE is also publicly visible, while information on professional wrestling deaths is predominantly limited to high-profile wrestlers who worked for the WWE (or the WWF) at some point in their career. The lack of official data in this area means that information gathered here is primarily from Internet sources concerned with this matter.¹

The connections between sports and crime have been studied by criminologists since the 1990s (Finley), and in 2016 Nic Groombridge established a sports criminology in which he explores a critical criminology of sports and games. A critical criminology of PW&SE would build upon and further develop this branch of critical criminology. Such focus represents a timely development that is in keeping with the growing acknowledgement among philosophers, sociologists, and criminologists of the moral and ethical dilemmas of sports (Simon), sports barbarity (Perelman), and sports’ intrinsically related violences and victimizations (Anderson and White; Corteen “In Plain Sight”; Young).

Due in large part to the powerful global monopolizing phenomenon of WWE, PW&SE is a significant and influential visual/cultural spectacle (Bateman; O’Sullivan) that, for many reasons, cannot be ignored. Given the cultural relevance of PW&SE, Oliver Bateman suggests it may be “time to consider seriously how the sport works.” Additionally, interest grows in academia and beyond regarding the cultural role of PW&SE and how the WWE, in particular, operates. For example, in 2009, Jason Lee and Justin Lee discussed how Vincent K. McMahon (Chairman and Chief Executive Officer of the WWE) is a powerful

¹ See Fiona McQuarrie for an in-depth discussion of the difficulties of conducting research and accessing legitimate and valid information on the WWE. Also, for an incisive discussion of the collective intelligence and knowledges of the participatory modern wrestling fan and the achievements of pooling such insights through community sharing see Mario Dozal and Gabriela Morales (forthcoming) discussion about pro-wrestling injuries and *Botchamania*.

agent capable of improving the health and safety of his company's workers, and in so doing potentially improving the (mis)treatment and conditions of the whole of professional wrestling in North America and beyond. Furthermore, interest now focuses on the role of sports, culturally and otherwise, in terms of its athletes, fans, organizers, owners and "regulators." Therefore, the WWE could be studied criminologically and zemiologically, which is the study of social harm (Hillyard). Such a study could comprise an important dimension of professional wrestling studies.

This article first briefly discusses the key shared priorities of critical criminology including its cooptation of the concept of zemiology. It also discusses the main aspects of the very recent introduction of a critical criminology of sports. Second, the article outlines an overview of the harmful corporate activity of WWE follows, providing the justification for examining WWE as a branch of critical criminology including sports criminology. This justification enables a critical criminological and zemiological examination of the WWE's past, present, and future from 1982, when professional wrestling changed.

Critical Criminology: From Crimes on the Streets to Crimes in Corporate Suites

No agreed upon origin or definition of critical criminology exists as it is a "fluid and vast field of study" that emerged in the 1960s, signifying a departure, or "radical break," from the vogue criminologies then and now (Ugwudike 11). Due to the diversity of critical criminological branches, it is more accurate to speak of critical criminologies (Corteen "Critical Criminologies"; "State Power"). While critical criminology "comprises several perspectives that emphasize disparate themes," many shared imperatives are present (Ugwudike 1). Among critical criminologists is a collective criticism of mainstream criminology due to its preoccupation with crimes of the less powerful that result in the over-criminalization (and sometimes victimization) of marginalized, oppressed, and vulnerable individuals and identifiable groups. Also, mainstream criminology simultaneously ignores harms beyond the remit of criminal law and it decriminalizes crimes of the powerful—incidents and events that are far more damaging to the planet and its inhabitants and eco-systems than conventional crimes. For critical criminologists, the construction of "crime" and the responses

to it are rooted in an unequal social order characterized by the structural relationships of capitalism, racism, and hetero-patriarchy. Thus, critical criminologists are not concerned with a criminal justice system predicated on and implicated in social divisions and fault lines; rather, they seek a more inclusive and far-reaching agenda of radical legal change and critical social justice through academic activism comprising pedagogy, resistance, and revolution (Arrigo).

At the heart of critical criminology is an understanding and analysis of power dynamics and power inequalities. Subjects who experience coercive, regulatory, and criminalizing state practices are those with the least power (Barton et. al. *Expanding the Criminological*), while subjects who rarely feature in regulatory and law enforcement activities are those with the most power (Tombs and Whyte). Critical criminologists problematize and challenge the narrow remit of the state-defined “problem of crime” and criminal law. It advocates a social harm or zemiological approach to understanding the commission and experience of crime, victimization, and harm (Hillyard). Thus, critical criminology embodies a shift in emphasis “from conventional crimes to the crimes and harms committed by powerful actors, including agents of the state and corporate actors” (Corteen “State Power” 53), as well as institutional and green crime this includes state-corporate crime.

From the 1990s criminologists have explored the connection between sport and crime, which comprised looking at traditional street crime, tourist-related crimes, and crimes committed by fans and athletes (Finley). The first book to apply critical criminology to sport was published in 2016 (Groombridge), so this is a recent development within the discipline. Groombridge asserts that, to date, the relationship between criminology and sport has been tentative. Groombridge encourages criminologists to have a greater engagement with sports and to go beyond exploring athlete deviance and football hooliganism to an exploration of the crimes and harms committed by international sports associations, such as crime perpetrated within board rooms and in relation to mega-events in sport. This focus includes examining: crime prevention and desistance through sport; sports law; sport and justice; sport and social control; sports “scandals” involving sports celebrities and corruption; sport and violence; sport, crime, and gender; sport and social harm; and the role of sports mega-events in providing the contexts for crimes such as human trafficking. Groombridge’s overall intention is to “always see the criminological in sport and to offer to criminology examples

from sport” (15-6). The criminological can be seen in the WWE, which can provide criminology with examples of crimes and harms.

The Harmful Business of the WWE

The WWE has emerged “as the premiere force in professional wrestling” (Lee and Lee 249). Individuals working for the WWE experience a range of work-related harms. Such work-related harms continue as can be seen in the unprecedented number of professional wrestlers dying prematurely in the United States (Cohen “High Death Rate”; Corteen “Professional Wrestling”; Corteen and Corteen; Lee and Lee). Various Internet databases exist that contain statistics on the deaths of professional wrestlers. While these databases’ formats and justifications for who is, and who is not, included (if provided) may differ, one glaring consistency is the increase in untimely deaths of professional wrestlers from 1982 onwards (see for example Fandom; Cohen “High Death Rate”; Edwards; Wrestling Book; WrestlerDeaths). To date in 2017 some of the more well-known wrestlers who have died prematurely include: Timothy “Rex King” Smith, aged 55 (kidney failure); Nicole Bass, aged 52 (stroke); and Matt “Rosey” Anoai, aged 47 (heart failure).

The usual age of retirement is 65 years old but, sadly, many professional wrestlers have not reached this age. For example: Chris Von Eric died at age 21 (suicide); Andrew “Test” Martin died at age 33 (accidental overdose); Owen Hart died aged 34 (fatal accident at *Over the Edge* '99); Davey Boy Smith (British Bulldog) died at age 39 (heart attack); Rick Rude died at age 40 (heart attack); and Miss Elizabeth died at age 42 (accidental overdose). Perhaps the most disturbing was the death of Chris Benoit at age 40 from suicide, after he killed his wife Nancy and his son at their family home.² Keith Pinckard, a medical examiner who has taken an interest in the fatalities of wrestlers, contends that the death rate of wrestlers is approximately seven times higher than the US population and that their chances of dying from heart disease is 12 times higher than other Americans aged between 25 to 44 (Swartz). Research undertaken by *USA Today* found that

² For a more in-depth discussion of “noteworthy wrestler deaths” see Lee and Lee (253).

when compared to pro football players, professional wrestlers are 20 times more likely to die before age 45 (Swartz).

Since the 1980s, the relationship between the WWE's owners and workers has changed beyond recognition. This change, and the growth of this corporation, can be traced back to 1982 when Vince McMahon Jr. purchased the former WWF from his father Vince McMahon Sr. This exchange of ownership resulted in its dramatic transformation. By 1985 the marketization, commodification, and celebrification of the company had begun, and in 1989 the deregulation of the industry was initiated. Writing in 2012, McAuliff commented that the continued campaign for deregulation on the part of Linda McMahon, and the WWE resulted in the deregulation of wrestling in more than half of the country. In a monopolizing zeal, the new owner vastly expanded the company via live and televised performances that broke traditional territorial boundaries. The unstoppable new owner would "smash his adversaries" and he would either co-opt or "ruthlessly destroy his competitors" (O'Sullivan 80). Professional wrestling became reconstructed as "family entertainment" and "sports entertainment." The WWF's achievement of deregulation in many states allowed it to avoid paying taxes on their TV broadcasts as well as escaping regulatory oversight by the state athletics commission. Thus, many states had no requirement for wrestlers to take physical examinations before an event; for Dan O'Sullivan, this move was a "fateful dereliction in a business rife with injury" (82).

The work-related harms experienced by WWF professional wrestlers became more serious and routine from the late 1980s on. Such harms entail risky and injurious work demands and conditions, the misclassification of wrestlers' worker status, and an unprecedented number of work-related injuries. Writing in 2016, David Jr. Dennis observes that, the "WWE is in crisis mode and the injuries are piling up to the point where something has to be done. [...] The WWE needs to figure out how to keep their stars healthier to curb this epidemic...there has to be something the company can do."

Within the WWE the working schedule is grueling, and this has a hugely detrimental impact on their bodies, their emotions, and their psychological state. The WWE professional wrestlers are on the road for over 300 days a year, and while other athletes have an off-season, those working for the WWE do not. They also endure "constant travel from one event to another; living in (non-glamorous) hotels and being away from their home for extended periods of time; and working in pain when injured" (Corteen "Professional Wrestling" 172). This leads to

individual burn out and familial breakdown.³ While “accidents do happen and injuries occur...if wrestlers take time off, their wallets suffer significantly” (Cohen “High Death Rate”).

The relentless work schedules and having to work when in pain for financial reasons results in: “The deadly slope that many wrestlers have found themselves facing. They become addicted to painkillers. The medicine keeps them too lethargic to wrestle, so they take drugs to get high. This deadly mixture leads to illegal drug dependency that many wrestlers have to cope with even after they retire” (Cohen “High Death Rate”). Lee and Lee comment that “wrestlers commonly share portable pharmacies in the form of personal bags or fanny packs, etc.” (250). Due to the grueling schedule of PW&SE, an occupational culture of drug and alcohol use and abuse flourished (Lee and Lee). This abuse is furthered by the pressure of having “the larger-than-life size needed to be successful in the business” (Cohen “High Death Rate”). Such “super-human appearances” (Lee and Lee 249) means putting on excess weight in the form of a massive amount of muscle and/or fat—the latter of which puts additional pressure on the heart. The heart is also made to work harder due to the intake of supplements and steroids to achieve the desired (and required) larger-than-life physique. The cumulative effect can be seen in the “very high rate of premature mortality from cardiovascular disease, cancer and substance abuse” (Herman et al. 6).

To sustain ticket sales and profits, the spectacle must be maintained and on occasions increased. This requires WWE superstars to go to the edge and engage in dangerous, risky performances, as reflected in the titles of pay-per-view shows such as Elimination Chamber, Extreme Rules, Hell in a Cell, Payback, and Survivor Series. Injuries that have happened in the ring include: broken bones (including a leg, nose, back, and neck); dislocated limbs, tendons, and ligaments; temporary and permanent paralysis; and serious undetected concussion (Babcock). For example, one match that is continuously boasted about within wrestling circles is the “Hell in a Cell” match on June 28, 1998. In it Mick “Mankind” Foley wrestled Mark “The Undertaker” Calaway. Unbeknown to the both men, the cage they were wrestling on top off was not properly secured, and it gave way, hurtling them both to the floor. During the match Mark Calaway

3 See for example the depiction of Jake “The Snake” Robert’s past individual downfall and family estrangement in Blaustein’s documentary *Beyond the Mat*.

suffered a broken foot and Mick Foley suffered two critical falls or “bumps” that resulted in concussion, numerous puncture wounds, internal bleeding, a bruised kidney, a dislocated left shoulder, loss of teeth, multiple stitches below his lip and a dislocated jaw.

Finally, individual, familial, and social harms result from the misclassification of professional wrestlers’ worker status. This misclassification also impacts professional wrestlers’ financial security given their inability to unionize and claim workers’ rights and protections (Schiavone). Historically, professional wrestlers have been classified as an independent contractor rather than an employee of the company (Sonneveld), meaning they must acquire their own health and life assurance, onerously file state income tax forms in each state they wrestle in, and pay a hard-hitting self-employment tax (O’Sullivan). This classification also means the company avoids paying a range of taxes and does not have to make Social Security and Medicare contributions. Hence, this practice of worker misclassification is also known as wage theft and tax fraud.

This misclassification has several zemiological or social impacts. For example, the general public may have to subsidize wrestlers’ loss of revenue in respect to the medical care and insurance premiums because of those that misclassify their workers. Cumulatively the loss of Social Security, Medicare, unemployment contributions and income tax collection deprives federal governments and states of billions of dollars of much-needed revenue. Thus, less funding is available to hospitals, law enforcement, schools, social services, and government programs. Cowley has established as a matter of law that professional wrestlers should and must be legally classified as employees.

A Critical Criminology of Professional Wrestling and Sports Entertainment

Although some academics have become attracted to the study of PW&SE including the WWE, very little, if any, attention has been paid to it by criminologists—including critical criminologists (and zemiologists); the author may be the exception in this respect. On the one hand this is somewhat surprising, as not only is the WWE massively culturally popular, it is also an industry fraught with worker-related harms including health and safety issues, cultures of abuse (by and of workers), and an unprecedented level and severity of injury which are

committed in plain sight (Corteen “In Plain Sight”). On the other hand, this is not surprising as fun, fakery, spectacle and feigned violence serve as a smokescreen that obscures and mystifies the early deaths and shattered bodies of professional wrestlers. In the main the deaths being discussed happened to professional wrestlers who worked for the WWE (or the WWF) at some point in their wrestling career.

Also, as discussed above, the WWE continues with the harmful practices that, if not directly causing the premature death or other harms experienced by professional wrestlers, at the very least play a role or a contribution to the harms. As Cohen (“High Death Rate”) comments, “[v]ery few of the deaths on the list could be blamed 100% on the wrestling business and very few have a 0% to blame.” Thus, the WWE may not be the worst offender in terms of professional wrestlers dying prematurely while under contract to this corporation, but they are without doubt part of a larger problem. In addition, by studying the premature deaths of professional wrestlers working for the WWE and those that were former workers of the WWE or WWF, attention can also be paid to the harmful business of wrestling beyond this corporation.

Critical criminology concerns itself with non-conventional crimes and harms. Therefore, past, current, and future situations regarding these crimes of power and worker-related deaths and harms endemic to this industry lend themselves to critical criminological investigation. As has been discussed, shared, collective, and inclusive characteristics of critical criminology include attempts to expose, challenge, and change suffering and pain, power inequalities, abuses of power, and crimes and harms of the powerful including corporations. Therefore, critical criminology would be a useful lens through which to study (and teach about) the WWE within a corporate occupational culture of worker mistreatment, job insecurity, denial of worker rights and protections, and worker misclassification. A social harm or zemiological approach, as embraced by critical criminologists, could be utilized to expose, challenge, and change the individual, familial, and social harms of worker misclassification and the resultant deprivation and shifting of financial resources regarding Medicare, Social Security, and so forth.

Critical criminology is concerned with corporate and state transgressions and the economic and political systems that result in crime and harm—including the degradation of workers. Such research also focuses on regulatory regimes, or lack thereof, that undermine workers’ health, safety, and working conditions, including the rights to worker protections and the right to unionize. The ambiguous position

of the WWE as neither pure sport or pure entertainment means that “pro wrestlers—too often treated like circus animals—cannot join actors’ unions or sports unions because they are dismissed as artists on the one hand and athletes on the other” (Wrestling Scribe). It also means that in over half the states in the U.S., the WWE slips through the regulatory net as it is decoupled from the state athletic commissions on the grounds that it is more entertainment than sport (McAuliff). This has led to “relatives of some wrestlers who have died in the ring” to believe that the push for deregulation sowed the “seeds that have grown into a culture of abuse” (McAuliff).

Harmful practices do occur in states where there is no regulatory oversight. However, harmful practices also occur in states that are regulated by the athletic states commissions (Corteen “In Plain Sight”). Given the concerns regarding the potential negative impact of deregulation on the health, well-being, and safety of PW&SE it is right to examine this harmful business in this context. Yet, it is also important to acknowledge that PW&SE is still regulated in just under half of the states of the U.S. and these are not free from the harmful effects of this business (Corteen “In PlainSight”). Jim Wilson and Weldon Johnson state that where regulation exists it is minimum and that it is “primarily an exercise in tax collection” (489). Therefore, this industry needs investigation and change regarding *how it is* and *how it is not* regulated and the lack of unionization, worker protections, and its worker misclassification.

Critical criminology also concerns processes of dehumanization, humanization, and enhancing humanistic sensibilities. Through seeing past the celebrification and somewhat pantomimization of those working for the WWE, to seeing these performers and athletes as (predominantly poorly) paid workers, their human plight as vulnerable, insecure, unprotected, commodified, and exploited workers can be acknowledged, understood, critiqued, and hopefully changed. Critical criminology emphasizes hearing and valuing the “view from below,” subjugated knowledges, and alternative accounts. Individuals within and without wrestling circles, including professional wrestlers themselves, through alternative and subjugated accounts, have attempted to draw attention to the darker and more damaging side of this industry.

Critical criminologists can use their academic activism to draw further attention to and give academic support to their situation and to such testimonies and narratives. Theoretically and methodologically the potential misinformation, silences, denials and distortions regarding the harmful practices of the WWE

could be investigated. The WWE is the largest organization with the greater power, and the most publicly visible and accountable. Also, it may be the biggest perpetrator of such harms but it is by no means the only perpetrator. Therefore, critical criminology could (and should) also scrutinize, analyze, and shed light on less visible and less publicly accountable wrestling organizations or sites in which worker health, well-being, and safety are at risk or undermined.

The recognition of social agency and resistance is also crucial to critical criminology (Barton et al. “Reading the Word”). There has been resistance within and without this industry, including legal challenges—albeit with very limited success. Critical criminologists could highlight and be part of such resistance and attempts to secure positive change, justice, and redress, and they could do so beyond the publicly traded and biggest employer of professional wrestlers. Critical criminology questions and deconstructs the surface reality to extend insights into the world and to propose radical solutions. As such, they could enter the world of the WWE and shed light on the transgressive actions and inactions of the powerful corporation that predominantly continues to act in a climate of immunity and impunity. More importantly, as argued above, they could (and should) go beyond this obvious target to less visible and less publicly accountable spheres which may also be guilty of the commission of recidivist harmful practices.

Conclusions and Future Directions

To summarize, the WWE is far more than a cultural phenomenon and a “billion-dollar, publicly-held ‘mega company’” (Lee and Lee 13); it is a harmful business. The provision of “sports entertainment” entails activities that are not typically considered as criminal—but perhaps they ought to be (Corteen “In PlainSight”). Work-related harms in this industry are individual, familial, and social. They entail premature deaths (as a result of enlarged hearts, heart attacks, accidental and intended fatal drug overdoses) and non-fatal drug overdoses. They also comprise: wrestler mistreatment; short, long and permanent injuries; addictions to, and use and abuse of, painkillers, alcohol, and other drugs including heroin, anabolic steroids and human growth hormones; chronic physical ill-health and poor mental well-being; individual and familial breakdown. Bateman responds that, “McMahon has posted absurdly high profit margins on the backs of

uninsured, undercompensated bodies for too long.” Dennis discusses how currently professional wrestlers are increasingly and routinely having to endure more “bumps” than they have in the past.

The WWE is a monopoly; it is the biggest, wealthiest, most powerful and influential wrestling company with little if any competition. The WWE, as with so many corporations who commit crimes and harms, acts largely with immunity and impunity. They have little responsibility to their workers; in some states they lack regulation and in others the nature, extent, and efficiency of regulation is questionable. The WWE does what corporations ordinarily do: they pursue profit and put the economic health and well-being of their shareholders over and above the health and well-being of their workers. The company maximizes profit and the output of its workers while it misclassifies their worker status and prevents them from unionizing and securing worker’s rights and protections. I have begun to discuss how the crimes and harms discussed above may reflect the ordinary everyday practices of the corporation (see “In Plain Sight”), and I hope others will take up this call as well.

The WWE commits such harms in plain sight. Such harms are visible and condemnable because the WWE is a large powerful and public corporation. However, it may not be the worst offender, and it is not the only offender with regard to personal, familial and social harms as result of its business culture and practices. With this in mind, I conclude with the proposal that a critical criminology of PW&SE including WWE and beyond is a worthwhile and viable endeavor that would reinforce and extend sports criminology—a very new area of exploration within critical criminology. Importantly it could also form a significant branch of a legitimate and imaginative, multi- and interdisciplinary, academic professional wrestling studies.

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