
The Aspects Of Physical Contact In Boxing

Boxing comprises of one opponent engaging in punching the other opponent with fists. It can be said that although Boxing is a sport, it is a violent one to say the least. Boxing was previously known as Pugilism . It derives from Latin and can be translated to the sport of fighting with clenched fists. Boxing has advanced from fist fights in the streets to a calculated and precise sport in the ring which requires rigorous training and a clear-cut nutrition plan. Although there are rules and regulation in place to govern boxing , it could be said that boxing is too violent even after centuries of existence . Due to the nature of contact sports such as boxing, competitors have a high probability of injury but participation in such sports gives rise to consent to risk of injury including GBH. However, it is important to note that assault that occurs outside the rules of the sport will be an offence. This essay will begin a comprehensive analysis into the issues encompassing the compatibility of physical contact within boxing from a legal perspective, drawing upon consent and the different consequences of physical contact within the ring and outside it. In whole, the legality of boxing. This essay will also denote that consent within boxing is prima facie and will also explore the mark at which consent goes beyond the rules of boxing.

The main problem is how to justify physical contact in boxing where it is lawful, unless outside the scope of the rules , in comparison to physical contact outside the ring, where it is not only deemed as assault but could also be deemed as affray . The authority used in regard to the subject of consent of assault is *R v Coney* . The court stated in *Coney* that 'assaults that occur during bare knuckle prize fighting is subject to criminal prosecution' . It is of paramount importance to note that defendants in this case were spectators and had no participation in the fight. Regardless of this, it was stated by Stephen J that, 'consent of the parties to the blows which they mutually receive does not prevent those blows from being assaults . With regards to consent, *Coney* was a leading case and very unique due to the fact that the three defendants in this case were in fact just spectators and did not actually participate in the fight. Having said that, the court ruled that spectators present at fights are 'deemed to be guilty of assault' Therefore, it is evident that one's presence at an event such as this was enough for it to be deemed as unlawful.

Attorney General Reference No 6 of 1980 , involved two youths aged 17 and 18 respectively. They both agreed to settle their argument with a fight on a public street. Similarly to *Coney*, even though they both consented to the fight, the court held that a person cannot consent to a fight. Physical contact occurs in any fight and if one cannot consent to a fight, this therefore has an adverse effect on boxing and its compatibility with the law. One could argue that boxing is in fact unlawful. The case of *R v Brown* can be used to help understand the legality of physical contact in boxing. This involved a group of men who were involved in sadomasochistic practices in private. Each of them was convicted of 'unlawful and malicious wounding and assault occasioning actual bodily harm', even though they had each consented to the sexual acts . Lord Templeman allowed clarity in the issues regarding consent and made it clear that consent to assault that intentionally causes bodily harm is prima facie unlawful unless it is regarding '...ear piercing and violent sports including boxing', which are the only exceptions.

Notwithstanding, this exception could mean that not only boxers, but athletes in a variety of contact sports will have an assumption that consent reduces criminal accountability with assault.

If physical contact goes beyond the rules of the sport, consent is no longer present and is therefore unlawful as substantiated in the Australian case of *Pallante v Stadium Pty Ltd* which states, 'if a fight moves from being a 'test of skill' to being a 'fight', it becomes illegal'. Despite boxing causing actual bodily harm, it is considered lawful as it is regulated by rules and is in public interest as demonstrated by Lord LL.J, where he states 'nothing we have said is intended to cast doubt on the accepted legality of properly conducted games and sports... These apparent exceptions can be justified... as needed in the public interest'. Therefore, there is an implied sporting consent that the law will not get involved in injuries caused in properly conducted games and sports. Violence is allowed through boxing because boxing is also in the public interest. It is important to clarify what makes an activity one that is in the public interest as mentioned in *Brown and Coney*, which will be touched upon later on in this essay.

In order for liability to occur in sports of a competitive nature, the claimant must be able to prove that the injury is beyond the rules of the game and the defendant failed to exercise a degree of care. The general rule for competitors who take part in a sport is that there is a general presumption of consent to risk of injury. This can be defined as *volenti non fit injuria*, which simply means, the assumption of risk. Similarly, the case of *Condon v Basi* exhibits the duty of care owed by one sportsperson to another. Here, the claimant suffered a broken leg as a result of a tackle made by the defendant. Whilst the claimant had accepted the risk of injury as a participant, they did not accept the risk of injury that occurs outside the rules of the game and the defendant was in breach of duty as the tackle was reckless and therefore held liable. It was also held in this case by Sir John Donaldson MR, that 'the standard of care in competitive sports is objective in differencing sets of circumstances. A higher degree of care is required of a football player in a First Division football match than of a player in a local league football match'. Similarly, in boxing, it could be said that there is a higher degree of duty for professional boxers in comparison to amateurs due to skill, hence why rules differ. Which begs the question of why so many professional boxers die every year, despite regulations being in place. This could connote that perhaps; boxing is not in fact compatible with the law.

The case of *Watson v British Boxing Board Control* substantiated that it is viable for an injured participant in sport to seek civil compensation for injuries obtained in a sport if the injury goes beyond the rules of the game. Watson claimed compensation against the British Boxing Board Control after he suffered brain damage in a bout against Chris Eubank. It was found that had there been medical treatment at ringside as soon as possible, the injuries sustained would not have been as severe. The duty of care in this case was the duty to ensure injuries obtained in the ring were treated ringside immediately.

It is important to explore and understand how compatible physical contact within boxing and boxing as a sport is with the law. Some would say boxing should be banned as it is not compatible and therefore breaking the rules, whereas others would argue that it is a sport that promotes positivity to all participants. First of all, it can be argued that Boxing is lawful because it is in fact a 'sport' and 'properly conducted' therefore it is in the public interest and one of the public policy grounds. Another one of the public policy grounds is that boxing promotes self-discipline and encourages a healthy society whilst providing advancement for young people from deprived backgrounds. If Boxing was found to be unlawful and therefore banned, it would go underground due to the sheer popularity of it leading to even more issues because fights would operate outside governing bodies of the sport and many rules would be broken. Furthermore, if boxing was unlawful then that would render other contact sports such as Kickboxing or Karate unlawful and they too would face a ban. The impact this would have on

the sport and individuals would be endless. Although it is a report based from US research, the US based centre for Disease Control Prevention states, 'boxing provided the best mixture of exercise for people whose goal is to decrease their risk of obesity, heart disease, stroke, diabetes, osteoporosis and cancer' It is evident that Boxing produces many positives to both participant and competitor and meets public ground policies. Despite the fact that death occurs in the boxing ring frequently, it's not the only sport whereby death occurs as a result of the nature of the sport. In 2014, Australian cricketer, Philip Hughes, died from brain injury after being struck in the neck from a bowl This led to an uproar for better helmets to be provided although there was no call for cricket to be banned.

On the other hand, one could argue that boxing affects health negatively. Afterall, it is the only sport alongside with MMA that promotes intense physical contact with another human with the intention to seriously concuss them to the point where they cannot stand on their own two legs. We don't see this level of physical contact with the intention to cause another person serious harm in other contact sports such as Rugby or Judo. It is hard to see how such a sport can be lawful and it also goes against the public policy ground of a healthy society. Since the start of Boxing and present day, there have been over 1500 deaths in the sport . When partaking in Boxing, the risk of brain damage is forever present due to the nature of repeatedly getting hit in the head, especially because professional boxers do not get protected head gear like amateur boxers. The problem surrounding the compatibility of physical contact in boxing and the law lies with professional boxing and not boxing as a whole. Professional boxing rules vary from country to country, reducing clarity regarding rules and regulations whereas amateur rules are consistent with all 190 AIBA affiliated countries . Furthermore, the highest level of amateur boxing consists of 4, 2-minutes rounds as in comparison to 12, 3-minute rounds in professional boxing . Longer rounds in the ring can increase the possibility of injury and the difference in not only the quantity of rounds but the length of rounds is vast. Moreover, professional boxers use 6, 8 and 10 oz gloves depending on the jurisdiction whereas amateur boxers use 10 oz gloves in all fights to cushion the impact of contact Referees are also instructed in amateur boxing bouts to enforce rules, with their number one priority being to protect the boxers but professional referees enforce prevailing the rules further encouraging violence and endangering participants. Finally, regarding the typical terms used within the respective sports, professional boxing which uses the terms: trainer, fighter and fight in comparison to amateur boxing typically uses the terms: coach, boxer and bout. Being described as a "fighter" as opposed to a "boxer" means the "fighter" is more likely to act accordingly and behave more aggressive based on the terms associated with being a "fighter". For example, the 'fighter' is likely to deliver more powerful shots in line with what he has been described as which could be devastating to the opponent. Furthermore, the definition of a "bout" is a 'short period of intense activity of any kind' in comparison to a "fight" which is defined as 'partaking in a violent struggle involving the exchange of physical blows'. Thus, the definition of a "fight" as opposed to a "bout" is more likely to imply that the participant, or "fighter" in this case, is more likely to act in an aggressive manner. With that being said, the issue regarding the compatibility of boxing and the law is centred around professional boxing and not boxing as a whole. There is also a notion surrounding the correlation of brain damage and boxing. Although it has not been proved there is strong suggestion that it is possible In addition to this, boxing should not be lawful because it is also dangerous as there is the possibility for HIV to be transmitted if one boxers is carrying it and bleeds from trauma to the head. There needs to be a unified approach to HIV testing worldwide within boxing to ensure boxers cannot transmit such diseases and endanger other opponents.

Physical contact in boxing is compatible with the law. The problem regarding the legality of boxing lies within professional boxing. The law need not to get involved in boxing unless severe injuries during a boxing match have occurred that are deliberate, reckless and outside the rules and regulation of boxing. Where amateur boxing prevents such things occurring by limiting the number of rounds and having referees that protect the boxers, professional boxing does the complete opposite with longer rounds, protective headgear, larger size gloves and so on. As previously mentioned, when a boxer agrees to a fight and thus physical contact, they give consent to assault that falls within the rules of the game and not anything outside the rules as substantiated in *R v Coney* respectively, anything that falls out of that is assault as highlighted in *Condon v Basi*. Although hard to comprehend because boxing alongside with MMA is one of the only sports whereby actual bodily harm is the objective, there is an exception to assault with regards to physical contact in the ring and physical contact in public. It is not abnormal for athletes to injure themselves playing sport. It is in fact a regular occurrence. Especially in sport such as football. Boxing receives a lot of publicity due to the severity of the injuries and even sometimes death. With that being said, physical contact and violence will always be part of boxing but necessary steps should be taken to enforce rules and protect the boxer otherwise the law will have to play a considerably greater role in order to enforce this.

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