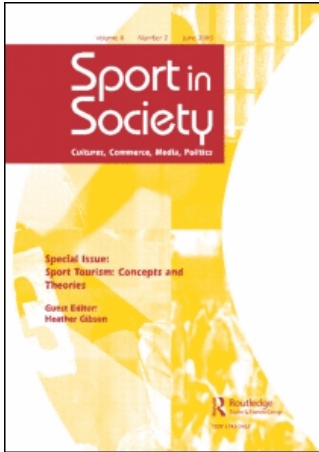


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Not Cricket

Samir Chopra & David Coady

This essay examines the ethics of a variety of on-field practices which are often thought to be unethical, including failure to walk when one knows one is out, appealing when one knows the batsman is not out, and 'Mankading'. Consequentialist, deontological, and virtue ethics perspectives are brought to bear on these practices. The essay also examines the dynamics of the relation between moral considerations and the emergence of new laws regulating cricket. An important illustration of this is the bodyline controversy of 1932, when a moral outcry led to significant changes in the Laws of Cricket. It is concluded that cricket's distinction between what is permitted by the Laws and what is morally permissible is a desirable feature of the game, although the precise way in which this distinction is drawn can and should be open to the possibility of change in response to evolving societal values.

Cricket has an ethical dimension which sets it apart from other sports. Standards of behaviour appropriate on the cricket field are often thought to be models for behaviour off the field. 'That's not cricket' is an ethical judgement which is just as applicable to behaviour in the 'real world' of business, love and war, as it is to behaviour on the cricket field. The captain of a country's cricket team is often thought of as a moral exemplar, and chosen as much on the basis of his off-field behaviour as for his cricketing ability. It is on the field, however, that the uniquely ethical nature of cricket is most apparent.

Cricket players face ethical dilemmas on a regular basis. Other sports, especially American ones, are tightly bound by rules, leaving players little room to exercise their ethical judgement. In these sports it is almost true that whatever is not forbidden is compulsory. [1] In cricket, by contrast, there are many acts and omissions which,

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although permitted by the rules of the game, are viewed with a degree of moral disapproval by spectators, commentators and other players.

We examine three specific practices, which, despite being within the Laws of cricket, are often considered to contravene its Spirit: failing to walk when one knows one is out, appealing when one knows the batsman is not out, and 'Mankading'. We argue that current ethical attitudes towards these practices are biased in favour of batsmen and recommend several changes to the ethos of the game, as well as to its rules, and how those rules are interpreted.

Not Walking

During the first semi-final of the 2003 World Cup against Sri Lanka, the Australian wicketkeeper Adam Gilchrist 'walked', despite being given not out by the umpire. Although his action was far from unprecedented, it attracted a lot of attention from other players and media commentators, because of the importance of the match, its closeness, and the fact that Gilchrist exhorted other players to follow his example, saying 'I have begun to think it is up to players to start taking each other's word and be honest with each other again'. [2] While the Australian Sports commission praised Gilchrist's 'sporting' behaviour, others were less enthusiastic. The captain of India, Saurav Ganguly told a press conference that he was not a walker and justified this policy by saying 'I have been given out a number of times when I was not, so you have got to make up at some stage'. [3] Gilchrist and Ganguly nicely summarize the most common arguments for and against walking respectively. Gilchrist argues that a batsman is morally obliged to walk when he knows he is out, because not walking in those circumstances would be dishonest. Ganguly argues that not walking is morally permissible on the basis of considerations of compensatory justice. Although Ganguly's argument is weak, his conclusion is, in general, correct.

First consider a particular decision about whether to walk from a consequentialist, roughly utilitarian, perspective. Traditional consequentialist thinkers assume that we should evaluate the consequences of alternative acts or omissions without regard to how those who may be harmed or benefited by them are related to us. This seems to lead to an absurd conclusion, which no cricket player or cricket enthusiast will accept, namely that a batsman's decision about whether to walk should at least partly be determined by the ratio between the number of fans who will be made happy by it and the number of fans who will be made unhappy by it. This seems to imply that Sachin Tendulkar, the champion Indian batsman, should never walk, because the unhappiness it would cause hundreds of millions of Indian fans would, almost certainly, outweigh the happiness it would bring to the fans of the opposing team. By contrast lesser players from smaller countries with less enthusiasm for cricket may be obliged to walk in otherwise similar circumstances. This seems to be a *reductio* of a purely consequentialist approach to the issue. [4]

It is common to contrast consequentialist ethics with deontological ethics. According to advocates of deontological ethics, acts can have moral qualities which are, at least to

some extent, independent of their consequences. Deontologists often cite deception as an example of a kind of action, which has a certain inherent wrongness, a wrongness that cannot be reduced to the bad consequences, if any, which may follow from a particular deceitful act. This is the essence of Gilchrist's criticism of not walking. A batsman who fails to walk when he knows he is out is being dishonest: he is engaged in deception. Hence, he is doing something wrong.

The most obvious objection to this argument is that by not walking the batsman is not doing anything at all, and so *a fortiori* cannot be doing anything wrong: a failure to walk is an omission, not a commission. It should be granted that deception does not necessarily entail actual lying. One can deceive without saying anything at all and hence without saying anything one knows to be false, as when a fielder throws the ball back to the keeper urgently, as if the ball is still in play, when in fact he knows that it has gone over the boundary. But although deception does not entail *saying* something, it does entail *doing* something. Of course, a batsman who fails to walk may *also* do something deceitful. For example he may rub his arm, in order to give the umpire the false impression that the deviation of the ball that the umpire saw was due to contact with something other than the bat. This is deception, but it is a far cry from simply not walking. It is a commonplace of deontological critiques of consequentialism that it fails to make any distinction between acts and mere omissions. Yet Gilchrist's deontological argument for walking can also be criticized for failing to make this distinction.

This objection is not, however, entirely convincing. There do seem to be cases in which it is clear that a failure to act can be communicative, and hence potentially deceitful. This point can be illustrated by a passage from *All the President's Men* in which Carl Bernstein is talking to an unnamed Justice Department lawyer who is refusing to either confirm or deny a story previously confirmed by three sources:

Bernstein thought for a moment and told the man they understood why he couldn't say anything. So they would do it another way: Bernstein would count to 10. If there was any reason for the reporters to hold back on the story, the lawyer should hang up before 10. If he was on the line after 10, it would mean the story was okay.

'Hang up, right?' the lawyer asked.

That was right, Bernstein instructed, and he started counting. He got to 10. Okay, Bernstein said, and thanked him effusively.

'You've got it straight now?' the lawyer asked.

Right. Bernstein thanked him again and hung up.

He told the editors and Woodward that they now had a fourth confirmation. [5]

Should we construe a batsman's failure to walk as a communicative omission, like the lawyer's failure to hang up in the above passage? If so, then a batsman who does not walk is denying that he knows he is out. [6] If not, he is simply refusing to comment on the question of whether or not he is out, leaving the issue to be decided by the umpire.

One obvious disanalogy between the lawyer's failure to hang up and a batsman's failure to walk is that there is no explicit agreement between the batsman and anyone

else, such as the umpire or the opposing captain, to interpret not walking as a form of communication. Is there an implicit agreement to this effect?

A natural way to approach this question is by examination of the game's ethos, where the game's ethos is to be understood as the informal conventions that exist amongst the game's practitioners about how behaviour in the game should be understood. [7] This approach suggests the following principle: failure to walk when one knows one is out is deceitful if and only if it is generally considered deceitful by practitioners of the game. Since this approach leaves open the possibility that the ethical status of a certain practice could vary across time and space, it seems open to the kind of objection usually directed at cultural relativism. Just because a practice is widely accepted in a particular culture does not make it in fact acceptable. This objection, however, misses the point. The ethical value at issue, honesty, is assumed to be universal. Communicative conventions, by contrast, are obviously culturally relative.

During the first Test of England's 1946–47 tour of Australia Bradman, the Australian captain, after appearing to edge the ball to slip, did not walk, and was given not out. England's captain, Hammond, was outraged by Bradman's behaviour and said tersely to him 'That's a bloody fine way to start a series.' [8] Derek Birley provides some background on this incident:

This particular refinement of 'not cricket' – 'walking' – had been developed in the English county game by the gentlemanly captains who, in true Duke of Richmond spirit, set their honour code above the authority of the humble umpires. It was never so widespread in Australia – or for that matter in the northern leagues – where different social conventions applied. [9]

This implies that Bradman was not being deceitful, even if he did know he was out, since in his culture his behaviour would not be understood to be communicative. Were Hammond to behave in the same way, by contrast, he would in effect be saying that he did not know that he was out. [10]

It is clear from the above incident that this cultural variation can lead to misunderstanding and consequent bad feeling between opponents. [11] Furthermore, it creates an unfair competitive disadvantage for honest members of a culture in which not walking is understood to be communicative. An honest Hammond would be compelled to walk in circumstances in which an honest Bradman would not. It seems to be desirable, therefore, to promulgate a convention throughout cricket playing nations, which either promotes the idea that failure to walk constitutes a denial that one knows one is out (call it the Bernstein convention) or that it is not to be understood in this way (call it the Fifth Amendment convention). [12]

Ganguly's argument, that by not walking a batsman is taking rightful compensation for having wrongly been given out in the past, suggests that considerations of justice favour the Fifth Amendment convention. Unfortunately (for we generally favour the Fifth Amendment convention) Ganguly's argument is weak. There is no doubt that all serious batsmen are sometimes wrongly given out. When this happens, unless they are recalled by the opposing captain, they will be officially out though factually

not out. [13] This is an injustice to the batsman. [14] But there can equally be no doubt that all serious batsmen will sometimes be factually out but officially not out, and when this happens it is an injustice to the bowler. [15] Furthermore, and this point seems to have been overlooked by Ganguly, this latter kind of injustice will continue to happen whether batsmen walk when they know they are out or not. Widespread adoption of the practice of walking would reduce the frequency of this form of injustice, but it would not even come close to eliminating it.

It is important to remember that a batsman only faces the dilemma of whether to walk in quite special circumstances: when he knows that he is factually out but the umpire does not. This can only plausibly occur with one kind of dismissal, a catch. Consideration of other kinds of dismissal makes it particularly obvious that batsmen are often less well placed than umpires to judge whether they are factually out. This is why no batsman could be expected to walk after an appeal for LBW, for example, even if he were strongly inclined to believe that he was factually out. [16] Even when we confine our attention to catches, batsmen are epistemically better placed than umpires with respect to one issue at most: the issue of whether the ball has made contact with the edge of the bat. Although the batsman is often in a better position than the umpire to know whether this has happened, sometimes he is not. [17] Even if the batsman does know that he has edged the ball, he is often in no position to know whether the ball has been cleanly caught.

Wrongful decisions favouring batsmen are therefore inevitable, and batsmen are often in no position to correct the decisions of umpires, even if they are so inclined. Ganguly would presumably concede this point, but insist that a batsman who walks whenever he knows that he is out will be officially out when he is factually not out more often than he will be officially not out when he is factually out. But this position is not only unsupported by evidence, it is, given the principle that any doubt should favour the batsman, manifestly implausible. In fact, it seems more likely that any batsman with a sufficiently long career, will more often be the beneficiary than the victim of factually incorrect umpiring decisions; and this will be so whether he is a 'walker' or not. So, in general batsmen do not need to adopt a policy of not walking in order to get compensation for being wrongly given out. They can expect to receive more than adequate compensation whether they adopt this policy or not.

Ganguly could respond to this argument by claiming that there is an asymmetry between factually wrong decisions that favour the batsman and those that favour the bowler. He might claim, that is, that it is more of an injustice for a batsman to be given out incorrectly, than for him to be given not out incorrectly. He might even argue that this position is implicit in the principle that any doubt should favour the batsman. Two responses should be made to this possible argument. First, the principle that doubt should always favour the batsman is not a law of cricket. The Laws of cricket only say that any doubt which remains *after consultation* has taken place between the umpires should favour the batsman (Law 27 [18]). Umpires only consult in a minority of cases in which there is doubt. Although most umpires certainly believe that they are always required to give the batsman the benefit of the doubt, this belief seems to be the

result of a widespread misunderstanding of the Laws of cricket. Second, and more important, not only does the principle that doubt should always favour the batsman lack any legal justification, it also lacks any rational justification. It appears to be based on a tenuous analogy with the principle of criminal law that doubt should always favour the defendant. [19] The flaw in this analogy is that the batsman and the bowler are equally in the position of defendants before the umpire. Why should any doubt favour one rather than the other?

It would appear then that batsmen do not in general need compensation for umpiring errors. If anyone deserves such compensation, it is those entrusted with the thankless task of bowling. One way of providing it would be the Bernstein convention. Nonetheless, we do not, in general, endorse the Bernstein convention. There are other ways of providing both compensatory justice and more entertaining cricket, by reducing the dominance of the bat over the ball in the contemporary game. A first step in this direction would be to educate umpires about what the Laws of cricket actually require of them, and encourage them, in the absence of clear instructions to the contrary, to make their decisions on the balance of probabilities. Batsmen frequently exploit the fact that umpires tend to believe they should have the benefit of any doubt by stepping down the pitch to pad away deliveries that they are reluctant to play on their merits. The current proposal would significantly limit this deplorable and tedious practice, as batsmen would discover, to their cost, that they would no longer get the benefit of an umpire's doubt.

The real problem with the Bernstein convention is that it makes dishonesty too tempting, and significant deception too likely. Suppose Gilchrist develops a reputation for being a walker, as a result of walking in the semi-final of the World Cup. Suppose further that a similar situation arises in the final of the World Cup, and that Gilchrist's dismissal would mean the difference between Australia winning and losing. We may suppose that Gilchrist, unless he is a moral saint, would be less likely to walk in these circumstances. We may also suppose that the umpire would be less likely to give him out, because of his reputation as a walker. It seems then that the Bernstein convention may have two undesirable consequences. The first is an increase in opportunities for dishonest behaviour and hence a probable increase in actual dishonest behaviour. [20] The second is an increase in erroneous umpiring decisions in precisely those situations in which correct decisions are most important.

The Fifth Amendment convention would mean that batsmen should not be criticized for failing to walk. It would not mean, however, that a batsman who does walk should not be praised for walking. He should. Walking should be seen as a supererogatory act – one that would be good to do, but not wrong not to do. A batsman who chooses to walk is behaving generously. He is going beyond the call of duty. In this way the Fifth Amendment convention leaves the moral decision up to the batsman, and protects cricket's status as a school of the virtues. Batsmen should not be allowed to avoid the necessity of making such judgements by appealing to either the conventions of the game or the decisions of umpires.

Although, in general, we recommend the Fifth Amendment convention, there is a cricketing subculture in which the Bernstein convention seems preferable. In park cricket or lower level grade cricket, members of the batting team often share the umpiring duties amongst themselves. Umpiring under such circumstances is a difficult task, since one misses out on the camaraderie of pavilion chatter and must frequently put up with the hostility of the opposing team who will often suspect the worst. A player who volunteers to umpire is resigning himself to standing out in the sunshine (possibly after a hard day in the field, or a long innings) while his team-mates relax in the shade. In these circumstances failure to walk can have several undesirable consequences. It can expose one's team-mate, who is engaged in a voluntary task, to ridicule and contempt from the opposing side. It invites an assessment of him as a cheat. It is damaging to team morale, since the umpire may be angry with his team-mates. But, worst of all, it destroys a fundamental principle on which this form of cricket is based – that the batting team can be trusted with the task of fairly adjudicating appeals against his own team-mates. In this form of cricket, walking seems to be obligatory rather than supererogatory.

Appealing, knowing the batsman is not out

A batsman's failure to walk when he knows he is out is *prima facie* analogous to a member of the fielding team appealing when he knows the batsman is not out. Just as the issue of walking only arises for a minority of dismissals – those in which a batsman is epistemically better placed than the umpire – the issue of (what we shall call for want of a better expression) 'false appealing' only arises for a minority of appeals, those in which the member of the fielding team in question is epistemically better placed than the umpire. There are three kinds of situation in which this can happen. First, a member of the fielding team (especially the wicketkeeper) may be in a better position than the umpire to know whether the ball was in the hand (or glove) with which he removed the bails during a potential run out (or stumping). Second, any member of the fielding team may be in a better position than the umpire to know whether he has taken a catch cleanly. Third, a close-in fieldsman may be in a better position than the umpire to know whether the 'catch' he has taken has struck both the bat and the pad or just the pad.

Despite the apparent similarity between not walking and false appealing, they tend to be viewed very differently. Most people who think not walking is morally permissible think false appealing is morally impermissible, and most people who think that not walking is morally impermissible think that false appealing is even worse. This attitude is apparent in the current Code of the Laws of Cricket, which was introduced in 2000. It included, for the first time, a preamble on the 'Spirit of Cricket'. This specifically identifies appealing 'knowing that the batsman is not out' as contrary to the spirit of the game (Section 5).

In 2001 this provision led to an international player being sanctioned. Ridley Jacobs was given a three-match suspension after a one-day game between the West Indies and

India after Virender Sehwag was given out stumped as a result of Jacobs removing the bails with his right hand, while the ball was in his left hand. Mukul Kesavan, in an essay that appeared in the January 2002 issue of *Wisden Asia Cricket*, has criticized Jacobs's suspension, by appealing to the analogy between failing to walk and 'false appealing': 'Morally, there's no difference between a batsman who chooses to stay, knowing that he is out, and a wicketkeeper who appeals against a batsman knowing he isn't.' It may appear that this is a poor analogy, because of the distinction, which we alluded to earlier, between omissions and commissions. A batsman who chooses to stay knowing that he is out is *merely* refraining from doing something, whereas a wicketkeeper (or any fielder) who appeals against a batsman knowing that he is not out is actively doing something. Mike Brearley, the former captain of England, reasons in precisely this way in the following passage:

Claiming a catch when you know that the ball has bounced strikes me as plain cheating, as there are solid grounds for distinguishing between this practice and staying in, as a batsman, when you know that you were out. The main difference lies in the passivity of the latter. You are, by virtue of the appeal, placed in the dock; you stand accused; it seems reasonable to wait for judgement, and not to give yourself up. It is not the case that the only alternative to a plea of guilty is one of not guilty. By contrast, the quasi-catcher has to *initiate* the process of indictment by an appeal.[21]

We have already questioned the common legal analogy that Brearley uses in this passage. There is no question of the batsman having done anything wrong. He may, or may not, have played a false stroke, but even if he did, that is not what the appeal is about. In any case, it is absurd to compare a false stroke with a crime. Furthermore, there is no reason to think, as there is in the legal case, that one of the two possible kinds of factually inaccurate decisions would be objectively worse than the other. [22]

It is true, as Brearley points out, that appealing is active, whereas not walking is passive. It is also true that appealing is indisputably a communicative act. Its form, however, is interrogative (How's that?), rather than assertoric. On the face of it, the fielder is asking the umpire whether the batsman is out, not offering his own opinion about the correct answer to this question. There is nothing intrinsically dishonest about asking a question when you already know the answer.

Brearley would presumably respond that although an appeal is not an explicit assertion, the ethos of the game includes a convention according to which it implies lack of knowledge that the batsman is not out. Furthermore, *this* convention is not culturally variable, as evidenced by the widespread condemnation of false appealing.

There is no doubt that such a convention exists. According to this convention an honest fielder may appeal without actually believing that the batsman is out. The ethos of the game does not condemn 'optimistic' appeals, unless they occur too often, are intended to intimidate the umpire, or are excessively enthusiastic. Appealing when one knows the batsman is not out, seems to be the limiting case of a more general phenomenon, condemned by the ethos of cricket, namely appealing more enthusiastically than is justified by the strength of your conviction that the batsman is out. If the fielder thinks there is an outside chance that the batsman is out, a raised

eyebrow in the direction of the umpire may be justified. If the fielder is almost certain the batsman is out, a loud enthusiastic shout is justified.

This convention may provide some justification for considering false appealing to be deceitful. This does not mean, however, that we should condemn the practice out of hand. First, it may be that the ethos of the game should be changed. If our argument for the Fifth Amendment convention is tenable, it is hard to see how any other conclusion is possible. Were it not for a quite arbitrary communicative convention Mukul Kesavan would be right that there is no moral difference between a batsman who chooses to stay, knowing that he is out, and a fielder who appeals against a batsman knowing that he isn't. Since we have argued that the former should not be interpreted as deceitful, it seems that we cannot escape the conclusion that the latter should not be interpreted as deceitful either. Let us call the hypothetical communicative convention according to which appealing does not imply lack of knowledge that the batsman is not out, the *caveat emptor* convention. [23] Propagating the *caveat emptor* convention would be a more radical project than propagating the Fifth Amendment convention, because it involves rejecting a communicative convention that is almost universally accepted. Nonetheless the case for the two conventions is entirely parallel and equally compelling. The convention that in appealing one is implicitly denying that one knows the batsman is not out, like the Bernstein convention, makes dishonesty more tempting, and significant deception more likely. A fielder with a reputation for not appealing when he knows the batsman is not out, may be tempted to make an exception when it matters most, and his appeal is more likely to be upheld when he does so. Not appealing when one knows the batsman is not out should be morally supererogatory rather than obligatory. Again we make an exception for park cricket and lower level grade cricket. In these forms of cricket false appealing is deceitful and morally impermissible, as there is generally no external, unbiased adjudicator.

The change in the ethos of cricket recommended here is a radical one, and is unlikely to occur in the short term. Hence we should also address the issue of the moral status of false appealing under the current ethos. Although, according to the current ethos, false appealing is deceitful, it does not follow that it is morally wrong. That depends, not only on one's attitude to the morality of deception in general, but also on one's attitude to the role morality of the members of the fielding side in a game of cricket.

It would be possible to argue that the role morality of the fielding side in cricket should be particularly tolerant of deception. Such an argument would start from considerations about the role morality of one particular member of the fielding side, the bowler. Deception is part of bowling. To a large extent a good bowler is a bowler who can deceive the batsman about the nature of a delivery as he is in the process of bowling it. This is particularly obvious in the case of spin bowlers. The reason the googly, which was introduced to cricket by Bernard Bosanquet, toward the end of the nineteenth century, has had such success is that it is disguised to appear to the batsman as an ordinary leg break. These days, the suggestion that deception of this kind is morally reprehensible seems ridiculous. It was not always so, as the following passage from David Frith's *The Slow Men*, reveals: 'The great Shrewsbury, being unable to

decipher him [Bosanquet], played everything as an off-break, mumbling darkly to his colleagues that the googly was “unfair”. [24] In these more enlightened times we recognize that, without deception on the part of the bowler, cricket is little more than an opportunity for batsmen to show off. To a large extent it is the batsman’s job to make an educated guess about the nature of the delivery he is about to play as early as possible, and it is the bowler’s job to make his guess wrong. Now it could be argued that since the fielders should share the aims of the bowler, his special moral licence to deceive extends to the fielding side as a whole.

While this argument should be given some weight, it is not very strong. First, it assumes that the bowler’s licence to deceive continues after he has delivered the ball, in particular that it lasts at least until an appeal is made. Second, it assumes that the shared aims of the players on the fielding side give them a shared role morality. Finally, and least plausibly, it assumes that deception of the batsman is on a par with deception of the umpire. [25]

There is one other way in which the practice of false appealing could be justified in spite of the existing convention which labels it deceptive. We have argued that the convention by which the practice of false appealing is interpreted as deceptive should be changed. One way of changing a convention of which you disapprove is to violate it. The practice of false appealing could be construed as a form of protest aimed at propagating the *caveat emptor* convention. Again, while this argument should be given some weight it has one obvious weakness. Unlike other forms of social protest, such as civil disobedience, it cannot be carried out in the light of day. A fielder who appeals, knowing the batsman is not out, cannot announce that he is violating a convention in order to bring about change. If he were to do so, he would in effect not be appealing at all.

Where does all this leave us? It is not quite right to say that, while the current ethos is widely accepted, a professional cricketer’s decision not to appeal because he knows the batsman is not out is morally obligatory. But it is also not quite right to say that it is morally supererogatory. Rather such a decision lies somewhere on a spectrum between the morally obligatory and the morally supererogatory. Those who like their moral categories clear-cut will be disappointed, but we should not be surprised that cricket, like so much of the rest of our lives, is filled with moral messiness. A fielder who is unfortunate enough to be the only person who knows that the apparent catch he has just taken was not really a catch is in a morally unenviable position. On the one hand, given the current convention, he knows that to appeal would be dishonest. On the other hand, he will be entitled to feel some reluctance to be honest in this situation, since the current convention is itself wrong.

Whether or not it was wise to include the ‘Spirit of Cricket’ preamble to the current Code of the Laws of Cricket, it does seem to have been unwise for it to single out the practice of appealing, knowing the batsman is not out. This is highlighted by the fact that although Ridley Jacobs was sanctioned for this in the case with which we began this section, he did not in fact appeal at all. Rather, he failed to say anything when his team-mates appealed. Apparently he was not punished for contravening the letter of the ‘Spirit of Cricket’ but the spirit of the ‘Spirit of Cricket’. This appears to be a good example of the futility of attempting to legislate morality.

Mankading

During India's 1947–48 tour of Australia, the Indian all-rounder Vinoo Mankad ran out Bill Brown twice: first in a state game, then in the second Test. On both occasions, Brown was backing up too far, and Mankad, after warning Brown, removed the bails at the non-striker's end as he came in to bowl his orthodox left-armers. The term 'Mankaded' was coined by the Australian media and has been used ever since. Over the years, bowlers who run out non-strikers before delivering the ball have been viewed unfavourably. The existing ethos of the game is expressed by the great English all-rounder Ian Botham in the following passage about the New Zealand bowler Ewen Chatfield's Mankading of the English batsman Derek Randall:

Sadly, Chatfield at that moment committed one of the cardinal sins of cricket. As he reached the wicket to send down a delivery, he suddenly stopped and nicked off the bails while Randall was backing up. As every schoolboy knows, this is, as they say, 'just not cricket'. It's fair enough if the batsman is seeking to gain an unfair advantage by racing out of the crease too soon, but even then the normal procedure is to issue a warning before carrying out the threat to run him out if he tries it again. [26]

The confusion inherent in the current ethos should be evident. How is the bowler to know whether a non-striker 'racing out of the crease too soon' is 'seeking an unfair advantage' or not? Furthermore, he is indisputably getting an unfair advantage, and whether he has gained that advantage intentionally or merely absent-mindedly, there should be risks associated with it. Bradman makes this point in the following passage about Mankad:

For the life of me I can't understand why [they questioned his sportsmanship]. The laws of cricket make it quite clear that the non-striker must keep within his ground until the ball has been delivered. If not, why is the provision there which enables the bowler to run him out? By backing up too far or too early the non-striker is very obviously gaining an unfair advantage. On numerous occasions he may avoid being run out at the opposite end by gaining this false start. [27]

The widespread disapproval of Mankading may be partly based on the idea that it constitutes an accusation of cheating against the non-striker: to Mankad him is to accuse him of seeking an unfair advantage. This seems to be a relic of the old class divisions between batsmen (typically amateur 'gentlemen') and bowlers (typically professional 'players'). A bowler who makes such an accusation is forgetting his station.

The irony of this is that if Mankading were not widely considered unethical, there would be nothing unfair about the advantage a non-striker gets by being out of his crease before the bowler has delivered the ball. The non-striker would be taking a calculated risk, no different from 'stealing' a base in baseball. Acceptance of Mankading should be accompanied by acceptance of intentionally trying to gain an advantage by being out of the crease before the bowler delivers the ball. This would mean that there would be no need for Law 42.16, which states that it is 'unfair for the batsmen to attempt to steal a run during the bowler's run up'. This 'law' is another example of the futile attempt to distinguish between a batsman who just happens to be out of his crease before the bowler has released the ball, and one who is trying to gain

an advantage by being out of his crease before the bowler has released the ball. It is unenforceable, and it would be unnecessary if it were not for the taboo against Mankading. We advocate conventional moral acceptance of both Mankading and attempts by non-strikers to gain an advantage by being out of their ground when the ball is delivered. Call the conventions we recommend 'the baseball conventions'.

An alternative approach is suggested by a close relative of baseball, softball. In softball, runners must remain on base until after the pitcher has released the ball. On this model, the laws of cricket could be modified in such a way that runs which begin with the non-striker out of his crease at the time of delivery are called 'short'. This would remove the incentive for the non-striker to be out of his ground before the ball has been delivered.

Although this would be an improvement on the current situation, which is morally confused and unfair to bowlers, the baseball model seems preferable to the softball one. The softball model would be difficult to enforce, requiring an umpire to closely monitor what the non-striker is doing at precisely the same moment he is also trying to pay attention to where the front foot of the bowler is landing. Furthermore, the baseball conventions would add an exciting new element to the game, as non-strikers calculate the risk of being out of their ground against the possibility of reward, and bowlers try to make them pay the price of excessive boldness.

So, Mankading is morally acceptable and should be generally acknowledged as such. Furthermore, there is no more justification for giving a warning before carrying out a Mankading, than there is for giving a warning before carrying out any other kind of run out. By leaving his crease, whether it is before the ball is delivered or not, a batsman calculates the risk of losing his wicket against the potential gain of a run. Moral considerations, about whether he is behaving fairly in taking this risk or whether the bowler (or other fielder) would be behaving fairly in making him pay the price, should have no place in this calculation. [28]

The only remaining criticism that can be made against Mankading is that of deception. That is, the bowler makes the non-striker believe that he is going to bowl, but then 'sneakily' whips the bails off. It is adequate commentary on the bias against bowlers in cricket that such a view could have any currency whatsoever. If anything, it is the non-striker, who counts on the bowler not being able to notice or react to his actions at the point of delivery, who is engaged in deception.

It is clear then that Mankading without prior warning is morally permissible. Is choosing not to Mankad then a morally supererogatory act; an act of generosity which, like walking, is deserving of praise, even though failure to do it is not deserving of blame?

We do not think so. Aristotle's account of the virtue of generosity is relevant here. For Aristotle, generosity, like all the moral virtues, is a mean between two vices, one of deficiency and one of excess. The modern parlance for the vice of excessive generosity is *being a sucker*. A sucker is not being truly generous, because he gives where there is neither need nor desert. A paradigm case of this vice occurred during the 1987 World Cup, in a pool match played between the West Indies and Pakistan. Pakistan needed two runs to win off the last ball with the tenth wicket pair of Abdul Qadir and Salim

Jaffer at the crease. Courtney Walsh was the bowler. Jaffer backed up, only to find Walsh staring at him, having halted at the bowling crease. A sheepish Jaffer walked back to his crease. Pakistan went on to win off the last ball. The West Indies failed to make it to the semi-final. An understandably delighted Pakistani President presented Walsh with a gold medal for 'sportsmanship'. Jaffer exploited Walsh's acceptance of a conventional moral principle without any rational foundation. By not running him out Walsh let down his team, and their fans.

Conclusion

Cricket traditionalists are right to value the distinctively ethical dimension of cricket. They are also right to be worried that this dimension is under threat from the increased commercialization of the game. Too often, however, they tend to identify the ethical dimension of cricket with its traditions, forgetting that traditions can be the result of prejudice or confusion as often as they are the product of genuine moral insight. We have argued that the traditional moral outlook toward the practices we have examined exhibit an unfair bias in favour of batsmen and against bowlers. This bias clearly has its origins in the traditional distinction between amateur gentlemen, who were typically batsmen, and professional players, who were typically bowlers. It should have no place in the modern game.

Cricket traditionalists are also unreasonable in expecting the same standards of behaviour from professional cricket players that they would expect from recreational cricket players. Winning should not be everything for either kind of cricketer, but it should be a great deal more for those playing first class cricket than for those playing park cricket. It is a good thing that cricket at the highest level is no longer an amateur sport. It was always unreasonable to demand that players sacrifice so much of their time without adequate financial compensation. It is also unreasonable for us to expect players whose livelihood depends on success to exhibit the same level of generosity toward their opponents that we would expect of players who are simply playing for love of the game. This does not, of course, mean that it is permissible for professional cricketers to behave immorally. Rather, it is simply a recognition of the familiar fact that behaviour which is morally impermissible in one context may be morally permissible in another.

Cricket can and should retain its traditional role as a school for moral virtues. It fails to fulfil that role, however, if it allows the content of virtuous behaviour to be determined entirely by tradition. Our proposals would leave professional and amateur players room to exercise their moral judgement about whether to walk when they know they are out or whether to appeal when they know the batsman is not out. Traditional moral thought about these issues is deeply confused, but they remain genuine moral issues. By contrast, we have tried to show that Mankading is a pseudo-moral-issue. A bowler who refrains from Mankading is not fulfilling a moral obligation, nor is he acting out of supererogatory generosity. He is allowing himself to be unjustly exploited. [29]

Notes

- [1] Note that we do not say that this is *entirely* true. In baseball, for example, ‘throwing inside’ is considered unsporting, even though it is not forbidden by the rules. Also, as Jeremy McKenna has pointed out in his Introduction, there is a concept in many American sports called *running up the score*. The idea is that it is unsportsmanlike for the stronger side to emphasize its superiority by continuing to score points when victory is already certain. This concept is entirely absent from cricket.
- [2] *Gilchrist: Honesty is the Best Policy* at, http://news.bbc.co.uk/sport3/cwc2003/hi/newsid_2860000/newsid_2863900/2863931.stm. Website last accessed July 2007.
- [3] *Gilchrist calls for return to walking* at, <http://www.abc.net.au/news/newsitems/200303/s811097.htm>. Website last accessed July 2007.
- [4] This argument may seem too glib. Many consequentialists have sought ways of reconciling their position with common-sense morality in response to examples of just this kind. The most well known such response is that of the rule utilitarian, who would criticize us for considering only the consequences of particular acts (or omissions), and ignoring the consequences of action-guiding rules. We follow J.J.C. Smart’s critique of rule utilitarianism, in Smart and Williams, *Utilitarianism: For and Against*, 111f.
- [5] Bernstein and Woodward, *All the President’s Men*, 204. Unfortunately the Justice Department lawyer seems to have found this method of communication too complicated and meant to deny the story: *ibid.*, 218.
- [6] We clearly should not construe a batsman’s failure to walk as a denial that he is out, since he may not know whether he is out.
- [7] The concept of a game’s ethos employed here is similar to that found in Tamburrini, *The ‘Hand of God’? Essays in the Philosophy of Sport*, 18–20. This is quite different from the concept employed by Fred D’Agostino, who identifies the ethos of a game as the ethos of the game’s authorities, rather than the ethos of the game’s practitioners. See, D’Agostino, ‘The Ethos of the Game’, 7–18.
- [8] *Ten Greatest Bounders in the History of the Game* at, <http://observer.guardian.co.uk/osm/story/0,,766931,00.html>. Website last accessed July 2007.
- [9] Birley, *A Social History of English Cricket*, 273.
- [10] In fact things may not be this simple. If each player knows the communicative practices of the other’s culture, it is far from clear how their behaviour should be understood when they play each other. The situation is even more complicated when there is not only mutual knowledge, but also common knowledge, of the opponent’s cultural practices. On the difference between mutual knowledge and common knowledge see Lewis, *Convention*.
- [11] We assume that it is obviously desirable that opponents respect each other.
- [12] The Bernstein convention is named after Carl Bernstein’s confirm-or-hang-up strategy which we discussed earlier. The Fifth Amendment convention is named after the Fifth Amendment to the American constitution, which guarantees the right not to be compelled to give self-incriminating testimony.
- [13] The distinction between being factually out and officially out is analogous to the distinction in criminal law between being factually guilty and legally guilty.
- [14] It is also an injustice to the batting team and its supporters. We will focus on the injustice to the batsman himself, since that is the focus of Ganguly’s argument.
- [15] It is also an injustice to the fielding team and its supporters.
- [16] An anti-realist about counterfactual conditionals would presumably be sceptical of the concept of being factually out LBW, since this form of dismissal seems to involve an irreducible appeal to considerations about what would have happened in contrary-to-fact circumstances in which the ball did not strike the batsman’s body. The point remains, however, that the umpire will usually be in a better position than the batsman to make this counterfactual judgement.

- [17] If the bat makes contact with the ball at the same time as the bat makes contact with the pads, the batsman may not know that his bat has edged the ball. The sound of the bat hitting the ball does not help, since two sounds occur simultaneously. This situation is most common when a batsman is making a forward defensive stroke.
- [18] Latest version of laws online at: http://www.lords.org/data/files/laws_of_cricket_2003-8685.pdf. Website last accessed July 2007.
- [19] We will criticize this analogy in greater detail later.
- [20] Our argument here is similar to that of Henry Sidgwick who argued that a moral code should not be beyond the moral capacities of ordinary people, lest there be a general breakdown of compliance with morality. See his *The Methods of Ethics*, 220f, 492f.
- [21] Brearley, *The Art of Captaincy*, 246.
- [22] It is commonly and plausibly argued that convicting the accused if he is innocent is much worse than acquitting him if he is guilty. See, for example, William Blackstone's claim that 'It is better that ten guilty persons escape than that one innocent suffer.' *Commentaries on the Laws of England*, vol. 4, ch. 27.
- [23] This is by analogy with the 'buyer beware' convention according to which the buyer (umpire) alone is responsible for assessing the quality of a commodity (appeal) before buying (making a decision).
- [24] Frith, *The Slow Men*, 60.
- [25] We owe this point to Jeremy McKenna.
- [26] Botham, *Botham – My Autobiography*, 86.
- [27] Bradman, *Farewell to Cricket*, 139.
- [28] This is not to say, of course, that moral considerations should not enter into cricket. We have already made it clear, for example, that they should have a role in the two issues (walking, and appealing, knowing the batsman is not out) that we discussed before this.
- [29] Thanks to C.A.J. Coady for helpful comments on earlier versions of this paper. C.A.J. Coady would like us to note, however, that he does not want to be associated with some of its conclusions. In particular, he continues to insist that Mankading is the act of a cad.

References

- Bernstein, Carl and Bob Woodward. *All the President's Men*. New York: Simon and Schuster, 1974.
- Birley, Derek. *A Social History of English Cricket*. London: Aurum Press, 1999.
- Blackstone, William. *Commentaries on the Laws of England*. vols 1–4. London: Cavendish, 2001.
- Botham, Ian. *Botham – My Autobiography*. London: Harper Collins, 1994.
- Bradman, Donald. *Farewell to Cricket*. London: Hodder and Stoughton, 1950.
- Brearley, Mike. *The Art of Captaincy*. London: Macmillan, 1985.
- Cardus, Neville. *Cardus on Cricket*, Chosen and Introduced by Rupert Hart-Davis. London: Souvenir Press, 1977.
- D'Agostino, F. "The Ethos of the Game." *Journal of the Philosophy of Sport* 8, no. 1 (1981): 7–18.
- Frith, David. *The Slow Men*. Cammeray: NSW: Richard Smart Publishing, 1984.
- Kesavan, Mukul. On Walking. *Wisden Asia Cricket*, November 2002.
- Lewis, David. *Convention*. Cambridge, MA: Harvard University Press, 1969.
- Sidgwick, Henry. *The Methods of Ethics*. London: Macmillan Publishing, 1907.
- Smart, J. J. C. and Bernard Williams. *Utilitarianism: For and Against*. Cambridge: Cambridge University Press, 1973.
- Tamburrini, Claudio. *The 'Hand of God'? Essays in the Philosophy of Sport*. Göteborg: Acta Universitatis Gothoburgensis, 2000.