Is Lifetime Ban Too Harsh For Match Fixing?

PHI448 Term Paper
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Abstract

In 2000, South Africa Cricket Board banned Hansie Cronje from playing or coaching cricket for life, after he admitted being dishonest to the King Commission. He was not only barred from playing Cricket in any form, but also from coaching or doing commentary, thereby blocking all of his means of income. By this decision, the board also deterred his attempt to repent for his deeds. In a similar situation the Australian Cricket Board had fined Shane Warne and Mark Waugh a sum just above what they had received from the bookmakers and covered up the whole incident. The two Australian players continued playing cricket and had a successful career while Cronje stayed under the fear of Indian bookmakers and mafia and had a very secluded life. Two years later, he died in a mysterious plane crash. In our paper, we would discuss about the correctness of such decisions in sports from various perspectives. Being role models, a lot of fans expect sportspersons to give an authentic performance but indulging in match fixing is betraying their trust. In a lot of cases players have been banned for life. We would delve over whether such a big punishment be there or not? What can be an alternative punishment which is more suitable?

“There is in all of us a strong disposition to believe that anything lawful is also legitimate. This belief is so widespread that many persons have erroneously held that things are “just” because the law makes them so.” - Frederic Bastiat

I. Introduction

Sports have been an extremely competitive field since times immemorial. The glory of achieving something for yourself, your team and your nation has always occupied a top position in the wishlist of all players. However, as it is with humans, the desire to win sometimes dominates all moral levels and winning at all costs becomes the sole goal. The concept of victory varies among people and varies over time. In the context of sports and with respect to this paper, winning a game, winning a tournament, or winning loads of cash can all be classified as victories of sorts.

The power and fame, the status of demigods that these sportsmen strive for in their countries is every sportsman’s dream. The road for most players till the time they are selected to play international matches is ridden with rigors of hard work and extreme competitiveness. A shortcut would definitely be a welcome change. This change may be responsible to ruin the game as well as the man behind the game.

The media too is quick to encash the growing popularity of these young players who storm the world of sports. The huge amounts of payouts these sportsmen receive for their
appearance in various endorsements is enough to bring out the element of greed. Many times these players have a background where their earnings would change the outlook of their families. The immense responsibilities which come with the name, fame and power triad is unheard of to this elite class of sportsmen initially.

Treading upon these unchartered territories, the lack of mentors, role models and the desire to achieve the unachievable begins to cast a shadow over the person and his game. The unscrupulous men in this profession are quick to identify the basic element of greed. Greed may not be the only factor sometimes one may fall into a trap of these local agents. The desire to make history rather than to become history in the game may cause a few to fall from the pedestal which they had once adorned. Human values are overlooked and cricketers give in to the lure of money.

Though all players do not fall prey to this new menace of the game even the sports regulating boards are pushed into the new environs of dealing with these situations. It is these boards who are responsible for the welfare of the game, players, their sponsors and the audiences who expect a fair play. It is they who like the chosen ones are entitled to bring the culprits to book. The punishment given to these players may depend largely upon the person sitting at the helm of the affairs. His passion for the sport, his earnestness and decisiveness to bring back the lost glory to the sport shall be the deciding factors in punishing the players.

In this paper we’ll be focussing on match fixing issues in Cricket and make claims based on that. We argue four claims. First, we try to explore the primary causes of match fixing in section II and we argue that low income of players by some Cricket Board is a major factor responsible for match-fixing. In section III, we argue that it would be beneficial to have a central authority under ICC which should have the right to pass judgment on match fixing related issues and which would have a global jurisdiction. In section IV, we argue that the case of “information selling” in particular is no different than the other cases of breaching “spirit of the game” that often come up in Cricket. Finally in section V, we argue that restorative punishment is well justified for those guilty of match-fixing.

II. Causes of match fixing and rationale behind lifetime ban

The causes of match fixing can broadly be classified in two categories:-

1. Motivated by financial gain.
2. Motivated by benefits in matches (non-financial).

Motivated by financial gain

Today, there are around 8500 gambling organizations which indulge in illegal sports betting.[1]. Illegal sports betting is a raging business worldwide which is estimated to generate a gross gaming revenue of 5bn Euros.[1]. Bookmakers and illegal betting syndicates coordinating match fixing are primarily motivated by financial gain and sports is a really lucrative market for them. Players with low salaries are sometimes willing to indulge in match fixing to make a quick buck. However, players with higher salaries also sometimes, though rarely, indulge in match fixing. This can be attributed to the fact that it is a human tendency to be dissatisfied with any level of material possessions but a lot of cases have also come up when players do not know that they are doing something illegal.

Motivated by benefits in matches
Teams sometimes resort to abusing tie-break rules and fix matches so that they can have better playoff chances. There have been many such incidents involving players who abused rules by match fixing in the recent past some of which are:

- In Soccer World Cup 1982, in a match between West Germany and Austria, both teams would have advanced to the next round if Germany won by only 1 goal. They scored after 10 minutes and spent the next 80 minutes passing the ball between themselves. The result ended Algeria’s chances of qualifying.[1]

- Eight female badminton doubles players, four from South Korea and two each from China and Indonesia, were disqualified from the London Olympics after it was determined that they tried to lose matches to get favorable draws in later rounds.[2]

Rationale behind lifetime ban

It has been claimed in the past that imposing lifetime ban on players would

- Create fear among the players that the consequences can be harsh for being involved in corrupt practices like match fixing, thus severely limiting the number of future match fixing incidents.[3,4].
- Preserve and uphold the principle of justice and make sportspersons accountable for their wrongdoings.

Though we agree that fear of punishment will lessen the number of incidents of match fixing, it won’t limit them as severely as expected in [4]. We argue that the primary cause of match fixing is financial and a lifetime ban has not proven to be strong enough to end this malpractice. Even after imposing lifetime ban on Hansie Cronje in 2000, we saw cases of spot-fixing and match-fixing in international as well as domestic level. In India, match fixing cases didn’t come up after Mohd. Azharuddin’s ban in 2000 except recently in 2012 where new players were involved.[5]. However, what can be missed as an oversight is that the salaries of Indian cricket players rose sharply after 2000. We argue that this is the primary reason that match-fixing stopped in India. As a further supportive argument to our case, Pakistani cricket Saleem Malik was banned in 2000[5] but his ban did not stop others from fixing matches later and salaries of cricketers in Pakistan were not too much also.[6,7].

III. Who should have the authority to punish?

“In 1994, an Indian bookmaker gave monetary reward to Australian cricketers Mark Waugh and Shane Warne, in return for pitch and weather information. The matter was initially covered up by the Australian Cricket Board (ACB) and ACB decided that it was sufficient to privately fine the players. The ACB concluded that, since Waugh and Warne had previously accused Pakistani cricket captain Saleem Malik of attempting to bribe them to lose matches, their credibility as witnesses would be damaged if their own involvement with John was publicized.”[8]. So, Shane Warne and Mark Waugh were fined for an amount just more than what they got from bookmaker. But Hansie Cronje and Mohammad Azharuddin were not lucky like them and they were awarded life ban by their respective Cricket Boards. Not only were they restricted from playing the game but also banned from any kind of involvement in the game. Though, the ban on Mohammad Azharuddin was overturned in 2012 by the Andhra Pradesh High Court, but it took 12 years of his prime time in which he could have given much to the Cricket. The reason behind these different judgements for the same offence is that there is no clear provision in the constitution of Cricket Boards or International Cricket Council(ICC) that what kind of punishment to be awarded to those accused of match-fixing.
It can be said that different Cricket Boards have different way of functioning and just in the same way that different nations have different laws, different Cricket Boards should have different rules. But the case of Cricket is different than the matter of common laws for all nations. International Cricket Council (ICC) decides the set of game rules that should be followed in the game. Then, why should it not be the ICC who decides what kind of punishment to be given to those guilty of match-fixing. It is the ICC who has set the platform for the players of different nations to play against each other and so the ICC should only have the right to ban players, not the individual Cricket Boards. There is a central authority to decide rules of game which is accepted by each and every Cricket Boards, so, there should be a central authority set up by ICC who should have the exclusive right to pass judgement in the cases of match-fixing and their judgement.

IV. “Information selling” is just breaching “Spirit of the Game”

‘Spirit of the Game’ is said to be breached when the game is played well within the laws of game but in morally wrong way. This definition justifies that “information selling” is an instance of violating spirit of the game”. The instances of playing against the spirit of game often come up in Cricket and most of the time nothing is done to the guilty players. Even if they are fined, it is just a small portion of their match fees. Then, why the players are punished so harshly for providing pitch or team related issues to the bookmaker as it is also just breaching the “spirit of game”?

The only reason one can argue is that the information provided by the Cricket players can be used for the purpose of betting or gambling which is illegal in most of the Cricket playing countries. But the players should not be held responsible for that as it is the gambler who had offered money to the player and the player might not have anticipated for what purpose the bookmaker might be using the information passed by him. In 140 years long history of Cricket, a player had rarely been punished for breaching spirit of Cricket and not as harsh as banning him from any kind of involvement in the game . If Greg Chappell was not punished for instructing his bowler to bowl underarm(which was heavily criticised by Cricketing world) in a Cricket match against New Zealand in 1981, then why should a player be banned if he provides any kind of pitch or team related info to someone. The player is not doing anything wrong by taking money for information exchange as he may be unaware of what the bookmaker would be making use of the information. Rather, the bookmaker should be stopped from using the pitch or team related information for gambling purposes and he should only be penalised.

Even former English Cricket team captain Nasser Hussain was quoted as saying “…the ‘crime’ Shane Warne and Mark Waugh admitted…is not match-fixing at all in my book”[9] in 2004. So, we have argued that providing Cricket related information is in no way different than the other cases of breaching spirit of the game and the player should not be held guilty, instead only the bookmaker should be charged with the crime.

V. What kind of punishment is to be given?

We argue that even if International Cricket Council (ICC) or any Cricket Board gets to know that a player has made deals with bookies, they can find it extremely difficult to prove that the performance of the player was below par? How can they say that a player has not played to his full potential as even a great batsman can get out for a duck and a good bowler go for runs.
We agree that the players should be banned from playing any forms of the game for an appropriate period as he has harmed the sentiments of the Cricket fans, but we argue that restricting a player from coaching or pursuing sports journalism is not justified.

We propose that restorative punishment should be awarded to those guilty of match-fixing. “Restorative justice (also sometimes called reparative justice) is an approach to justice that focuses on the needs of the victims and the offenders, as well as the involved community, instead of satisfying abstract legal principles or punishing the offender”.[10]. John Braithwaite, one of the proponents of restorative justice says that one answer of “what is to be restored” is “whatever dimensions of restoration matter to the victims, offenders, and communities affected by the crime. Stakeholder deliberation determines what restoration means in a specific context.”.[11].

We will argue that whatever restorative justice promises, is achieved if it is implemented in the cases involving match-fixing. Usually, attacks are made to the restorative justice, for example, Stephen Garvey mentions in the context of restorative justice that “it cannot achieve the restoration of the victim it seeks without punishment it rejects” and “…bound to leave the victim un-restored.”.[12]. We now argue that how the victims of match-fixing are not bound to go un-restored.

The victim who may suffer material harm by match-fixing can only be a gambler in the betting market. The counterpart of the gambler might have pre-decided the outcome of game by offering money to the player and thus, the gambler may lose his money. But betting is illegal according to the legal system of most Cricket playing nations. So, it does not make any sense to restore the financial loss suffered by the gambler. We do not see any other victim who may suffer financial loss because of information passed by a player or deciding the match situations in advance.

The cricket fans can said to have suffered moral harm who watch the game, not to later know that the results were already decide by the bookies and players. But how can the guilty player restore the harm he has made if he is restricted from coaching junior players or from being part of sports media? If the guilty player is not restricted from Sports activities, he can pass on his skills to the next generation and can give back something to the Cricket fans, the victims of his deeds.

So, the restorative punishment in the cases of match-fixing is well justified as it does not leave a chance that the victim may go un-restored.

VI. Conclusion

The main reason behind the player getting involved in match-fixing is low income by some Cricket Boards. So, the International Cricket Council (ICC) should run some programmes to educate young players coming from financially weaker background about match-fixing and its consequences.

In the same way, we have common Cricket rules and common guidelines for the functioning of Cricket Boards, the ICC should only have the authority to pass judgements in match-fixing related issues. By providing team or pitch related information to a bookmaker, a player is just going against the spirit of the game and it is the bookmaker who is committing crime by using the information for gambling purposes. We conclude by saying that “Restorative Punishment” is justified for the players involved in match-fixing as it will give the chance to restore the moral harm done to the Cricket viewers and fans, the victims of match-fixing.
VII. References


