violated, the reform process should be a consultative one which includes all stakeholders. Otherwise, it is quite likely the reforms will not gain the support of the community and will be defeated in Parliament. It is therefore imperative the reform process is inclusive and consultative and advances the rights of women while respecting group/community rights.

Notes

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2 Ayelat..S., "Family Law & the Construction of Collective Identity" *Multicultural Jurisdictions: Cultural Differences and Women's Rights,* Cambridge University Press, 2001. p. 46.
3 Supra n.1., p. 123.
4 Supra n..2, p.3.
5 Supra.n. 1, p. 135.
6 Supra n..2.p.56
7 Goonesekere.S., *Family Law*, Open University , 1987, p.2.
8 Section 38, Matrimonial Rights and Inheritance Act No. 58 of 1947.
9 (1913) 16 NLR 321.
10 (1910) 13 NLR 74.
11 Supra n.9.
12 [1988] 1 SLR 86.
13 Sri Ramanathan, "The Law of Property", *Tesawalamain, The Laws & Customs of the Inhabitants of the Province of Jaffna,* The Nadarajah Press, 1972, p.44.
14 Ibid, p.45.
15 Ibid, p.47.
16 Ibid.
17 Ibid.
18 [1986] 2 S.L.R. 8
19 Supra n.7.p.65
20 (1954) 56 N.L.R. 44.
21 Ibid. 47.
22 18 N.L.R. 435.
23 Sharvananda.S., " Matrimonial Rights of Tamils Governed by Tesawalamai", *Bar Association Law Journal,* [1993]Vol.V Part I, 44.
24 Ponnupillai v. Cumaravetpillai 65 N.L.R, 241.
25 *Seelachchy* v. *Visuvanathan Chetty* 23 N.L.R, 97.
26 Supra n 13, p. 24.
27 Supra n.7, 93. ■

Ambika Satkunanathan is a researcher at the ICES.

GEORGE ORWELL TO RULE BOWLING ACTIONS?

Michael Roberts

Murali in the 1990s

When Murali was no-balled by Darrell Hair on 26th December 1995 and then again by Emerson and McQuillan a week or so later, Dr. Quintus de Zylwa, the BCCSL Representative in Australia, went into action and secured a technical report from Dr, Buddy Reid and organised more medical tests at the Department of Human Movement and Exercise Science at the University of Western Australia and another specialist body in Hong Kong.

I have a copy of Reid's report. Though Buddy is a friend with whom I played cricket in our halcyon days, I must say that for a layman his specialist's report is as clear as, well, the Kalu Ganga [Black River]. As a first step, therefore, let me lean on an analysis of Murali's bowling action three years later (after the Emerson's attempt at the guillotine) provided by Ken Moncrieff in a letter to the newspaper *Australian* on 28 January 1999.

> All the fuss being made over "chucking" in cricket misses the point. This rule was made to prevent a fast bowler gaining the same advantage over the batsman that a pitcher has over the batter in baseball.

An understanding of the bio-mechanics of throwing shows that in a true throwing action, the elbow leads the arm movement followed by elbow extension then wrist and finger flexion as the ball is delivered. By the time elbow extension begins to occur, the palm of the hand is facing the target to gain maximum leverage, and thus greatest advantage.

Rule makers in cricket could consider the above when judging the Sri Lankan's "suspect" action. They might then see that his action does not constitute throwing in the conventional sense at all but is only a part of a complex spin action which his physique and co-ordination have evolved.

How many other spin bowlers have some elbow extension prior to delivery and do gain a "throwing advantage" yet are never called because the elbow extension is only minor and not obvious?

Before the powers that be make a final ruling they should do a thorough bio-mechanical analysis of many slow and

fast bowlers' actions, then revise the rule for it to apply only where an advantage is gained by "chucking".

Ken Moncrieff
Stafford Hts, Qld.

I have no idea who this bloke Moncrieff is. But his prose is lucid and meaningful to laymen. He is, in brief, the epitome of the quintessential Aussie: a pragmatic person with common sense who speaks clearly and to the point. He is in fact pointing towards the conclusions taken by the bio-medical teams who, to quote Bruce Elliot, said "When we tested Murali **some years back**, we tested him on three deliveries ... **his top spin, off spin and leg spin are all OK, there's no question about that in my mind**" (report from *Sydney Morning Herald* repeated in *Daily Mirror* 14 March 2004). So, hey, Bedi, Jenner and other dogmatics, take note! Be more open-minded, less fanatic.

Ignorance

Though the technical reports were available from the mid-1990s, for some strange reason they were not released to the media or made use of till recent times. Strange that: a conspiracy of silence? A failure on the part of the Sri Lankan authorities? Perhaps a mixture of both. However, though the details were not available to the general public, the thrust of these findings was public knowledge (I knew) and it was known that the ICC Committee that cleared Murali in 1998, one that included such cricketers as Holding and Gavaskar, had access to them.

Yet, during the 2002/03 season in Australia Ian Healy, speaking in his capacity as TV commentator to Simon O'Donnell on the lunchtime "Cricket Show" during Test Matches, admitted that "the cricketers" [read as "Australian cricketers" – others do not count in the typical Aussie perspective except when on tour] were totally unaware of these medical/technical reports. That is not surprising: the world of most international cricketers is extremely limited. But it is quite astounding that sports writers in Australia were, for the most part, ignorant of these findings. Ignorance and parochiality is bliss: on such foundations one could hold on to cherished condemnations -- such as "Murali chucks."

Ostrich-Heads in the Sand

The fact that these technical analyses by reputed scholarly institutes were not widely known for so long in cricket circles may be due in part to a refusal among the latter to see beyond their own eyes. Metaphorically speaking, it appears that some blokes chose to bury their heads in the sand like the proverbial ostrich. Since so many of them were (are) Australians – moving, for instance, from Barry Jarman to Terry Jenner to Ashley Mallett to Jim Maxwell – the metaphoric image has to be remodelled as the head of an emu.

On this foundation these blokes are happy to evaluate Muralitharan's bowling action on the strength of their own eyes – watching him live as well as slow-mo on television. What the eye sees is good enough. There is no allowance for the possibility of optical illusions. Therefore, adamantine opinions are voiced in dogmatic fashion. Sometimes it is in your face: "Murali chucks." Sometimes it is elliptical or indirect and elliptical: "the bowling action is not pure" (Jenner); "lots of people think he is illegal" (Smith etc). Insidious commentary of this kind extends even to non-specialists at the peak of political power. Questioned on talkback radio in Adelaide on 16 March 2004 about Warne's chances of breaking Courtney Walsh's record first, that famous sports groupie, John Howard, said: "I won't comment on the other candidate's form of operation." Whatever the wrapping, Muralitharan stands condemned.

These strands of opinion are also encouraged by the force of evangelical opposition to "chucking," a stream of thinking that, in fact, inspired the initial Australian 'campaigns' against Muralitharan, Shoaib Akthar and Harbhajan Singh.[1] Bob Simpson was one of the point men, a behind-the-scenes shaker and mover, for this movement. But he was not alone and there were many powerful men in Australian cricket circles, including a few umpires or ex-umpires, who were part of this "fundamentalist club." As with all fundamentalists, their motives were pure and their opinions expressed earnestly. They were seeking to cleanse an evil from the world of cricket, namely, illegal bowlers. As I have argued elsewhere, they believed that they were digging a trench in the sand in the interest of cricket.[2] My counter-argument, then and now, is that these blokes, like fundamentalists in other fields, are endangering cricket by their intolerance and lack of flexibility.

A few of those who argue for cleaning up cricket may also have other agendas. Rather naively perhaps I had not considered this *possibility* till a dinky-die Australian lady, who, alas, must remain unnamed, brought it to my attention one year ago. The brouhaha against Muralitharan now in 2003/04, she said, was developing as he approaches the 500-figure mark and competes with Warne. The "white world," she contended, "is not happy with all this." They would do all they could to undermine Murali. She went further: there were umpires who remained convinced that he chucked. Unable to call him, they deny as many lbw's or bat-pad catches as feasible. Wow! Pow!

I am wary of conspiracy theories in my fields of academic endeavour. But they also have their place when moderated by attention to empirical evidence and analytical possibility. This Anglo-Celtic lady's suggestions have remained in my mind ever since as **a possibility that could have directed some interventions aimed at Murali** without necessarily condemning all those who express the view that Murali chucks. Since her opinion was expressed before the England team visited Sri Lanka in late 2003, anyone who followed that series may well give this theory greater weight now. Indeed, one could even begin to wonder if jealousies among ex-spinners have a bearing on the whole turn of events. As any social scientist would tell you today, we all have our subjectivities and it is not everyone who is clinical or self-analytical enough to identify his/her own biases.

However, such possibilities remain in the realm of speculation. The present ICC policy, fortunately, has a more reasoned and systematic basis. Let me clarify this situation before proceeding to raise the caution that even their systematic and rational approach is not without its dangers.

ICC Reviews

I was lucky to catch a recent interview on radio from the Australian Broadcasting Corporation with Malcolm Speed, the CEO of ICC. Speed observed that the ICC had been pursuing a systematic and scientific investigation of bowling actions beginning with fast bowlers. That sphere of investigation was now complete and they were proceeding to examine the actions of spin bowlers.

This clarification places some remarks late in 2003 attributed to David Richardson, another ICC official, in proper and better perspective. Taken out of context, his remarks seemed strange and almost as if Murali, and his new *doosra*, were being especially targeted. That does not appear to be the case. Not quite anyway.

Moreover, this investigation has Dr Bruce Elliot of UWA as one of its team. This ensures that there is a scientifically qualified person to guide the evaluation. Indeed, part of his brief was to work with Bob Woolmer and Waqar Younis during the recent Under 19 World Cup in Bangladesh to identify potential throwers among the young lads taking part. Their review identified "bowlers from a range of countries, though **primarily from the subcontinent**" (to quote David Richardson).

So there's the rub: most of them are from Asia. Surprise, surprise? Well, not really. Alerted by Dr Ravindran I am now aware that, as a broad generalisation, Asians have greater hyper-extension of the joints and are likely to have greater flexibility. As Kamran Abbasi from the *British Medical Journal* described two famous bowlers recently: "Shoaib [has] hyper-extensible joints and wide carry angle (elbow) that place[s] him outside the letter of the law but within the spirit of it, and Murali [has] a fixed-flexion elbow deformity that means he is not an outlaw technically speaking, but just an unusual human being."[3]

Guided by the UWA personnel, the ICC seems to be tackling the issue in systematic and considered fashion. But there is often a catch, perhaps even a contradiction, in science. Where Elliot is adamant that Murali's normal repertoire of balls are kosher and within the law, he is not so sure about the *doosra*.

> "With the *doosra*, what I'm suggesting is that when a finger spinner wants to rotate the wrist to come over the top of the ball -- I won't say it's impossible - but it seems difficult not to straighten the arm. The *doosra* fits into that category that just says 'danger'. I'd certainly like to look at any finger spinner's *doosra* or wrong-un because there's no question that as you push up with your wrist to turn over the ball there is a danger of straightening the arm."

Cleared on broad general grounds, Muralitharan is now threatened on a specific ground: one particular ball. In one sense this threat is greater: it has the authority of science, not just opinionated fundamentalism. The threat is compounded further. Murali is deemed to have been a role model for numerous other young Asian bowlers whose illegal actions are allegedly inspired by the sight of Murali bowling.

> "There's no doubt that children on the subcontinent are trying to emulate [Muralitharan]," says Elliott. "They're watching a lot of cricket on television and if you're watching a successful bowler - and it's more than just Murali who is bowling with a bent arm -- it's hard to resist copying it."

A very definitive statement this on Elliot's part – in the positivistic style favoured by both historians (I'm one let me add) and physical scientists.

But in fact, he is presenting a mere speculation as definite. Maybe a reasonable, or arguable surmise, but no different from the conjectures presented by the Australian lady paraphrased earlier in my article. Yet Elliot sees fit to present this surmise as a positive verdict of the same sort as the conclusions about Murali after a series of field-lab tests. There must surely be doubts around such opinions, especially as Elliot himself refers to Murali's unusual deformity of a plasticine wrist. Without plasticine wrists can others emulate Murali?

Problems with Uniformity

The ICC investigation nevertheless seems welcome insofar as it seems to be leading towards adjustments of the law or its judicial/evaluative procedures. Thus, its technical advisers are arguing for a minor amendment of the scales of evaluation to allow for 15% flexibility in the elbow when assessing fast bowlers. Says Dr. Elliott at this stage: "My gut feeling is that we will recommend to the ICC a rule amendment to allow a bent arm of 15 degrees for fast bowlers. At the conclusion of our analysis of spin bowlers, we could well be suggesting the same about them."

What concerns me however is the paradox attached to science and modern bureaucratic rationality. The danger arises from the blend of two principles. First, that the slide rule of measurement reigns supreme. Secondly, that rules and laws have to be standardised, uniform. Let me elaborate.

The best illustrative example of the indiscriminate power of science, of course comes from modern warfare. But that may be an extreme case. Let me take more normal examples of well meaning modernist reformers. One: an agronomist who wanted Asians to get rid of their water buffaloes and rely on tractors. Two: engineers who draw up blueprints to dam rivers, generate umpteen megawatts of electricity, etc etc and forget that they are displacing many thousands of human beings from land that is loaded with emotional capital.

It is when the measuring tools of science enforce uniform standards to arenas that cannot always bear such a weight that the Orwellian potentiality of science, allied as it is with statutory power, wield most awful force. In the cricket world it would seem that **the outcome of the present ICC investigation is going to consolidate the present state of inequality.**

With the exception of peoples inhabiting the north western regions of the Indian subcontinent, the physiognomy of the Asian males is such that it would be rare for a Brett Lee, Andy Roberts or Harmison to emerge from their ranks. One has only to study the speeds recorded by the best thousand men in such countries with the best thousand from Jamaica, England and Australia to draw a conclusive verdict. Power of thigh muscle and pace of foot amplified by shoulder frame and rhythm account for the fastest speeds in pace bowling. Height helps, but Malcolm Marshall and Lindwall proved that it is not essential.

So, in this arena Asians will be permanently disadvantaged – as indeed they (with the exception of Pakistan) have been for decades. Tough: they have to live with that. But now, aided by science, it would seem that more of their spinners are going to be under the microscope because of special physical attributes (hyperextension) connected with Asian physiognomy. This in circumstances where science allied with bureaucratic uniformity cannot bend rules for deformities. So even *doosras* are now an endangered species (flippers are manifestly okay, right?). No new inventions please.

I reiterate here my warnings about the dangers of uniformity.[4] I am grateful that Abbasi has added his voice to this refrain: "Secondly, do the laws properly consider that there are as many definitions of normality as there are human beings? Cricket should be inclusive not discriminate on the basis of anatomy or physiology. Ironically, the current law is simple, but too ill-defined. It allows too much scope for arguing over minutiae. A new law with greater definition would remove many of the subjective analyses that spawn accusations of racial bias."[5]

I do not entirely agree with his suggestions. One cannot do away with attention to minutiae. Indeed, the distinction made between spinners and pacemen by the ICC should point to a radical change in the No Ball Law. In my view one cannot adhere to one rule. Rather **there should be two rules, one for spinners and one for medium pacemen**. That for spinners should cater its specifics to the hyperextension of joint so common in Asia. This is a radical proposal and I press it in full knowledge that I am bucking the system. But I do so in the pragmatic and commonsensical spirit of a Moncrieff, that unknown Australian. In effect, this means that Symonds (or Sobers) the medium pacer can be evaluated on a different scale from Symonds the offspinner (or Sobers the tweaker).

Without such adjustments the present imbalance in bowling stocks will continue and deepen the existing disadvantages of Bangladesh, Sri Lanka and India. **The problem with uniformity**, sometimes, **is that it generates inequality**. The playing field is not level even before the game begins. To secure balance and to constrain the awesome power and 'blindness' of science, a person with Abbasi's type of background must complement Elliot as part of the ICC reform team.

End Notes

[1] See my "Fundamentalism in Cricket: Crucifying Muralitharan" in M. Roberts and A. James, *Crosscurrents. Australia and Sri Lanka at Cricket*, Sydney: Walla Walla Press, 1998 and "Moral Crusaders as Menace to Cricket," written in September 2000 and available in www.ozlanka.com

[2] Besides "Moral Crusaders ..." above, also see "Media Culpability in the Branding of Murali" written on 29 January 1999 after the no-balling of Murali in Adelaide by Emerson and specifically directed at Malcolm Conn's version of events in the *Australian*.

[3] See Abbasi's article entitled "Wanted a Radical Rethink on Suspect Bowling Actions," dated 24 February 2004 and publicized in none other than *Wisdencricinfo*.

[4] See my "Uniformity & Difference in Cricketing Rules" in www.ozlanka.com (written circa 1999).

[5] See fn. 3 above. ■