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## Bowled Out of the Game: Nationalism and Gender Equality in Indian Cricket

Raadhika Gupta

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# Bowled Out of the Game: Nationalism and Gender Equality in Indian Cricket

## **Cover Page Footnote**

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# BOWLED OUT OF THE GAME: NATIONALISM AND GENDER EQUALITY IN INDIAN CRICKET

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## INTRODUCTION

Sport is a major, yet largely neglected site of gender inequality today. The issue of women's participation in sports is important not only due to its benefits for individual participants, but also because of the significant social and political space that the phenomenon of sports occupies in a nation, transcending the lives of individual participants into greater relevance to society as a whole.<sup>1</sup> As professional speaker and author Mariah Burton Nelson has claimed, "[s]ports is a women's issue because female participation empowers women, thereby inexorably changing everything."<sup>2</sup>

Cricket in India exemplifies this tension because it is strongly associated with feelings of patriotism, and yet women are underrepresented. The glory and attention that cricket receives in India is limited to men's cricket. There are great disparities in opportunity and recognition between men and women in cricket. Women's cricket occupies a small and almost invisible space, while men's cricket shapes Indian nationalism in powerful ways. Given how important a role cricket plays in the lives of Indians, it is unfortunate that India has failed to significantly address inequality in Indian cricket.

This article attempts to explore the connection between Indian nationalism and cricket, and how it contributes to and flows from gender inequality. It argues that men's cricket constructs a gendered nationalism, further contributing to gender inequality in sports and in society, whereas inclusion of women in cricket can help shape a more inclusive nationalism and promote equality. The article examines the ways in which such inclusion can be achieved, focusing on elite international cricket, the primary constructor of nationalism from a sports perspective. It examines the Indian law on gender equality in sports and other approaches that may promote equality in cricket. Arguing against a single approach based on one feminist theory, the article proposes a pragmatic hybrid approach incorporating both sex segregation and integration in cricket. The final proposal extends to both elite level and lower level cricket, since changing international cricket alone is not sufficient to achieve equality.

Part I of the article gives a brief overview of the structure and history of men's and women's cricket in India. Part II examines the position of men's cricket in India to explore the many ways in which men's cricket constructs Indian nationalism. Part III presents the contrasting picture of women's cricket. It argues that the denial of equal opportunities to women in cricket has led to the construction of a gendered nationalism. Although there has been a recent increase in involvement of women in men's cricket, especially as reporters and spectators, it has not helped in shaping a more inclusive nationalism. In fact,

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1. Jan Graydon, *'But It's More Than a Game. It's an Institution.'* *Feminist Perspectives on Sport*, 13 FEMINIST REV. 5, 5 (1983).

2. MAIAH BURTON NELSON, *THE STRONGER WOMEN GET, THE MORE MEN LOVE FOOTBALL* 9 (1994).

the nature and development of such participation may have furthered the gendering of Indian nationalism. Part IV of the article examines this partial exclusion of women and construction of a gendered nationalism through a feminist lens. It uses dominance feminism and masculinities theory to argue that the exclusion of women from cricket can be both a cause and a result of the construction of Indian nationalism by men's cricket. Part V explores legal and other approaches to promote equality in cricket and shape a more inclusive nationalism.

I adopt a hybrid approach and present a range of mechanisms to promote equality in cricket: the sport should adopt a combination of sex segregation and integration. A separate women's team should be retained, but this remaining segregation should be accompanied by integration of the men's and women's cricket managing boards, proliferation of integrated teams, and integrated training opportunities. The integration of teams can be accomplished through a combination of quotas and a gender-blind selection processes. At the same time, the men's team should be formed as an integrated team, so that women are allowed to compete with men on a gender-blind basis.

#### I. CRICKET IN INDIA: AN OVERVIEW

India is a cricket-crazy nation. Cricket is often described as the common 'religion' of

Indians.<sup>3</sup> Cricket touches all parts of the country, from ordinary citizens to Parliamentarians.<sup>4</sup> Crowds get extremely excited when India plays, elevating a win to more than a sporting victory,<sup>5</sup> and condemning a loss to more than just a

3. See Sharda Ugra, *Play Together, Live Apart: Religion, Politics and Markets in Indian Cricket Since 1947*, in *CRICKET AND NATIONAL IDENTITY IN THE POSTCOLONIAL AGE: FOLLOWING ON 77*, 77 (Stephen Wagg ed., 2005).

4. For example, during India-Pakistan men's cricket match in the 2003 World Cup, the two nations playing against each other for the first time since 1999, "everything stopped in both countries." Even former US President Bill Clinton was made to wait for the delayed match to finish before giving his speech via satellite from New York, at an international conference in New Delhi to be heard by people from the Indian government, business, and the media. When India won, even the Deputy Prime Minister and Indian Army Chief Gen. called the Indian cricket team captain to congratulate him on the victory. "Civil society, government and the military. There wasn't, it seemed, a part of India cricket couldn't touch." *Id.* at 77. "Cricket had clearly touched parts that other sports in India could not reach." *Id.* at 80.

5. *Id.* at 85-86; See, e.g., *Prayers, plays, paintings for an Indian win at Mohali*, ORG. OF ASIA-PAC. NEWS AGENCIES, Mar. 29, 2011, available at Factiva, Doc. No. OANA000020110329e73t003v9 (discussing the tendency of Indian fans to conduct prayers for Indian victory in men's cricket); Sampath Kumar, *Indians pray to cricket God*, BBC SPORT (Feb. 13, 2003), [http://news.bbc.co.uk/sport3/cwc2003/hi/newsid\\_2750000/newsid\\_2756500/2756589.stm](http://news.bbc.co.uk/sport3/cwc2003/hi/newsid_2750000/newsid_2756500/2756589.stm); *India euphoric after World Cup victory*, THE INDEP. (Apr. 3, 2011), <http://www.independent.co.uk/sport/cricket/india-euphoric-after-world-cup-victory-2261087.html>; *Bollywood goes 'Jai Ho' after Team India lift World Cup*, PRESS TRUST OF INDIA, Apr. 3, 2011, available at Factiva, Doc. No. PRTRIN0020110404e7430003o (stating that the day when India won the 2011 men's cricket World Cup, people all over India were euphoric, celebrating, singing, chanting, dancing, and waving the Indian flag on streets till as late at 6 AM next morning, some people even equating it to Independence Day).

sporting defeat.<sup>6</sup> However, the glory and mass following are limited to men's cricket, and more specifically to international cricket,<sup>7</sup> while women's cricket remains under-recognized.

#### A. Structure of Cricket

The International Cricket Council (ICC) is the international governing body of cricket.<sup>8</sup> Prior to 2005, the ICC governed only men's cricket while the International Women's Cricket Council (IWCC) was responsible for the women's game. In 2005, the two bodies merged under the ICC name.<sup>9</sup>

While men's and women's cricket in India were organized at different times under different governing bodies, currently a single board, the Board of Control for Cricket in India (BCCI), manages both. In 1927, the BCCI formed to manage Indian men's cricket,<sup>10</sup> while the Women's Cricket Association of India (WCAI), which became an IWCC member in 1973, governed women's cricket.<sup>11</sup> Thus, while men's international cricket in India has been organized under the BCCI since 1927,<sup>12</sup> women only started playing organized cricket in 1973 and international cricket only in 1975.<sup>13</sup> In 2006, the two came together under the BCCI.<sup>14</sup> The players are paid by the BCCI,<sup>15</sup> the richest cricketing board in the world.<sup>16</sup> It is also an influential body in world cricket. For

6. Ugra, *supra* note 3, at 85-6; Rahul Rawat, *1996 Cup: The Lankan shocker*, INDIA TODAY (Feb. 7, 2011), <http://indiatoday.intoday.in/story/1996-unfancied-sri-lanka-win-the-world-cup/1/128962.html> (explaining that the 1996 World Cup semi-final between India and Sri Lanka in Eden Gardens Stadium had to be abandoned due to crowd disturbance as fans got angry due to poor batting performance by the Indians); *Out of Eden Gardens*, THE GUARDIAN (Feb. 22, 1999), <http://www.guardian.co.uk/sport/1999/feb/22/cricket2> (discussing a 1999 men's test match between India and Pakistan at Eden Gardens Stadium, Kolkata, where angry spectators were driven out and the final day of the match was played before empty stands); *See, e.g., Fans burn effigy after India loss*, THE INDEP. (Jun. 15, 2009), <http://www.independent.co.uk/sport/cricket/fans-burn-effigy-after-india-loss-1705554.html> (mentioning that Indian cricket fans often protest, burning posters and effigies in public places, as a reaction to terrible losses of the Indian men's cricket team).

7. Manu Joseph, *India: An Unnatural Cricketing Nation*, in CRICKETING CULTURES IN CONFLICT 116, 177 (Boria Majumdar & J.A. Mangan eds., 2004); Ugra, *supra* note 3, at 78.

8. INT'L CRICKET COUNCIL, [http://icc-cricket.yahoo.net/the-icc/about\\_the\\_organisation/history.php](http://icc-cricket.yahoo.net/the-icc/about_the_organisation/history.php) (last visited Apr. 26, 2012).

9. Ehsan Mani, *A Strong Sport Growing Stronger: A Perspective on the Growth, Development and Future of International Cricket*, in THE CHANGING FACE OF CRICKET: FROM IMPERIAL TO GLOBAL GAME 251, 258 (Dominic Malcolm, Jon Gemmell & Nalin Mehta eds., 2010).

10. THE CAMBRIDGE COMPANION TO CRICKET xx (Anthony Bateman & Jeffery Hill eds., 2011).

11. Shubangi Kulkarni, *The history of Indian women's cricket*, ESPN CRICINFO (Sept. 8, 2000), <http://www.espnricinfo.com/ci/content/story/94140.html>.

12. THE CAMBRIDGE COMPANION TO CRICKET, *supra* note 10.

13. Kulkarni, *supra* note 11.

14. Tariq Engineer, *Don't know what I'd do without cricket' – Goswami*, ESPN CRICINFO (Jan. 26, 2012), <http://www.espnricinfo.com/women/content/story/551087.html>.

15. *See India Agrees Contracts*, BBC SPORT (Aug. 17, 2004), <http://news.bbc.co.uk/sport2/hi/cricket/3565028.stm>.

16. *Has the BCCI taken our cricketers for a ride?*, REDIFF CRICKET (Feb. 10, 2012),

example, the BCCI pioneered the Indian Premier League (IPL) and the fast paced T-20 format of cricket, a format similar to those used in other sports like soccer, which gained quick and widespread popularity in international cricket.<sup>17</sup>

Cricket has remained a sex-segregated sport, despite the lack of inherent qualities lending themselves to segregation. In spite of the mergers of the respective governing bodies, cricket remains sex-segregated both internationally and nationally. India has separate national teams for men and women, both of which play internationally.<sup>18</sup> Currently, the usual path towards becoming a professional cricketer is through cricket training academies, many of which are sex segregated.<sup>19</sup> Despite being a skills-based, non-contact sport with identical rules for men and women (except for a minor difference in the dimension of the ball used),<sup>20</sup> cricket is perceived as a masculine sport.<sup>21</sup>

### *B. A Brief History of Indian Cricket*

Cricket emerged as an organized sport in the eighteenth century in Britain and its colonies.<sup>22</sup> During the colonial period, the British used cricket to symbolize a code of conduct, and as an expression of morality, often using the

<http://www.rediff.com/cricket/special/sanjay-jha-ipl-2012-has-the-bcci-taken-our-cricketers-for-a-ride/20120210.htm>.

17. Boria Majumdar, *The Indian Premier League and World Cricket*, in THE CAMBRIDGE COMPANION TO CRICKET, *supra* note 10, at 173–79. [hereinafter Majumdar, *Indian Premier League*].

18. See THE BD. OF CONTROL FOR CRICKET IN INDIA, <http://www.bcci.tv/> (last visited Apr. 26, 2012).

19. See, e.g., NAT'L CRICKET ACAD., <http://ncabcci.com/node/750> (last visited Apr. 20, 2012) (stating that the National Cricket Academy, the academy run by BCCI, has a separate women's camp with mostly women coaches); KARNATAKA INST. OF CRICKET, <http://kioc.net/node/173>, (last visited Apr. 20, 2012) (discussing the Karnataka Institute of Cricket's separate clubs for women); COACHING CAMPS IN PUNE, <http://static.espnricinfo.com/db/INTERACTIVE/COACHING/ACADEMY/PUNE.html#Aherao> (last visited Apr. 20, 2012) (stating there are many coaching camps in Pune that provide training only to boys, like New English School Cricket Academy, Deccan Gymkhana, The Club of Maharashtra Ltd., Aherao Cricket Academy, etc.); See also Shirin Sadikot, *Want to take India to No.1: Jhulan* (Jan. 31 2012), <http://www.bcci.tv/bcci/bccitv/index/viewarticle?article=/media/releases/content/4f278197a39ea.html>, where captain of Indian women's cricket team Jhulan Goswami says that the National Cricket Academy (NCA), earlier reserved only for boys, has now opened up to girls.

20. THE LAWS OF CRICKET, [http://www.lords.org/data/files/laws\\_of\\_cricket\\_2003-8685.pdf](http://www.lords.org/data/files/laws_of_cricket_2003-8685.pdf) (last visited Apr. 20, 2012) (discussing the differences between the game ball used in men and women's cricket).

21. See, e.g., Kate Russell, 'Queers, Even in Netball?' *Interpretations of the Lesbian Label Among Sportswomen*, in SPORT & GEND. IDENTITIES 106, 108-09 (Cara Carmichael Aitchison ed., 2007); Chitra Narayanan, *The Indian Spectator: A Grandstand View*, in CRICKETING CULTURES IN CONFLICT 198, 209 (Boria Majumdar & J.A. Mangan eds., 2004); Philippa Velija & Dominic Malcolm, 'Look, it's a girl': *Cricket and Gender Relations in the UK*, in THE CHANGING FACE OF CRICKET: FROM IMPERIAL TO GLOBAL GAME; *supra* note 9, at 199, 205; DAVID FRASER, CRICKET AND THE LAW: THE MAN IN WHITE IS ALWAYS RIGHT xiv, 307–08 (2005).

22. MUKUL MUDGAL, LAW & SPORTS IN INDIA: DEVELOPMENTS, ISSUES AND CHALLENGES 10 (2011).

phrase “cricket” synonymously with something ethically right.<sup>23</sup> Cricket was used to morally discipline and to inculcate the masculine ideals of stamina and vigor into the “uncivilized” and “lazy” colonized subjects.<sup>24</sup> The British deliberately excluded racial minorities and women from cricket.<sup>25</sup> Cricket was “a key element of the cultural expression of the [c]olonial establishment.”<sup>26</sup>

The importance of cricket in India grew from the top down, not emanating from the masses, but imposed from the top by elites, and spread through imitation.<sup>27</sup> The affluent Parsees were the first Indians to emulate the British and play cricket,<sup>28</sup> after which urban Indians imitated the rich by beginning to play cricket themselves. The growth of television in the 1990s further spread the game to small towns and rural India.<sup>29</sup> In short, cricket began in India as a colonial, and later upper-class, pursuit, and gradually became a sport played by all social classes nationwide.

## II. MEN’S CRICKET AND CONSTRUCTION OF INDIAN NATIONALISM

Men’s cricket has become such an integral part of everyday Indian culture that it plays a significant role in constructing Indian nationalism. In this article, I define nationalism as an idea used to construct a ‘nation’ through “feelings of pride in and belonging to a collectivity based on the belief in a common origin, common culture and/or rights of equal citizenship.”<sup>30</sup> Despite the use of terms like “nationalism” and “Indian people,” I do not wish to generalize individual experiences of cricket. There is, of course, a portion of the population not interested in cricket, and many differing perspectives among those interested.

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23. Patrick F. McDevitt, *Bodyline, Jardine and Masculinity*, in THE CAMBRIDGE COMPANION TO CRICKET, *supra* note 10, at 70, 74.

24. *Id.* at 79–80; Ashwin Desai & Goolam Vahed, *Beyond the Nation? Colour and Class in South African Cricket*, in THE RACE TO TRANSFORM: SPORT IN POST-APARTHEID S. AFR. 176, 177 (Ashwin Desai ed., 2000).

25. Andre Odendaal, *Cricket and Representations of Beauty: Newlands Cricket Ground and the Roots of Apartheid in South African Cricket*, in THE CAMBRIDGE COMPANION TO CRICKET, *supra* note 10, at 218, 228–29; *Gymkhana Ground*, ESPN CRICINFO, <http://www.espnricinfo.com/india/content/ground/58319.html> (last visited April 26, 2012) (discussing the history of segregation within cricket).

26. Jonty Winch, *‘I Could a Tale Unfold’: The Tragic Story of ‘Old Caddy’ and ‘Krom’ Hendricks*, in EMPIRE & CRICKET 3, 3 (Bruce Murray & Goolam Vahed eds., 2009). For an analysis of how sport was used to maintain ideologies of imperialism, racial segregation and apartheid in South Africa, and how sport provided a platform for protest, see CHRISTOPHER MERRETT, *SPORT, SPACE AND SEGREGATION* (2009).

27. Joseph, *supra* note 7, at 123.

28. RAMACHANDRA GUHA, *A CORNER OF A FOREIGN FIELD* 16 (2002).

29. Joseph, *supra* note 7, at 122–23. See also GUHA, *supra* note 28, at 329, who attributes the spread of cricket in India to: (1) television, taking cricket to new audiences like farmers and housewives; and (2) coming of the one-day cricket, which is a faster format compared to the traditional Test matches that usually last for five days.

30. Courtney Glass, *Gender, Sport & Nationalism: The cases of Canada and India*, GRADUATE SCH. THESES & DISSERTATIONS. 1, 6 (Oct. 27, 2008), <http://scholarcommons.usf.edu/etd/262> (citing NIRA YUVAL-DAVIS, *GENDER AND NATION* 21 (1997)).



However, nationalisms are constructed based on the common experience, and the reference is used in the same majoritarian sense.

The connection between men's cricket and nationalism helps explain how cricket forms and reinforces mainstream conceptions of gender identities at the national level, causing further exclusion of women from cricket. Therefore, in this Part, I describe some of the ways in which cricket constructs Indian nationalism, in order to examine its contribution to gender discrimination.

Firstly, India sees cricket as a symbol of the nation itself, viewing a victory in a cricket match as a "national triumph" and a defeat as a "national calamity."<sup>31</sup> Further, the fact that Indian fans follow mostly men's 'international' cricket<sup>32</sup> reflects strong ties between the men's cricket team and national identity and pride, making men's cricket a strong national focus and barometer of national pride and identity.

Additionally, cricket represents a space where Indians perform and succeed internationally. According to sportswriter Sharda Ugra, "India sees cricket—and indeed an image of itself on a global stage—through its cricket team."<sup>33</sup> Nationalism is closely related to performance on the world stage, and international cricket provides the perfect platform.<sup>34</sup> The importance of global performance is further evidenced by the popularity of field hockey, India's official national sport, when Indian nationals were succeeding at the international level.<sup>35</sup> However, during the 1980s, a period of poor field hockey performances by Indian nationals, and better cricket performances internationally, loyalties began shifting to cricket.<sup>36</sup>

Indians also look to cricket to escape from their often unsatisfactory lives. While Indians are taught to believe in a glorious and rich heritage, a large proportion of the population has a low standard of living. For these Indians, the international success of the Indian national team provides a needed hope and refuge.<sup>37</sup> Cricket has become a "barometer of national self-worth,"<sup>38</sup> and cricketers have the unfair burden of winning, as a substitute for India's other failures, such as its disappointing economy.<sup>39</sup>

Further, men's cricket often acts as a political sphere, and a site through which political actors make diplomatic gestures. For example, cricket has reflected, and been used to further, political relations and aims between India

31. Prashant Kidambi, *Hero, Celebrity and Icon: Sachin Tendulkar and Indian Public Culture*, in *THE CAMBRIDGE COMPANION TO CRICKET*, *supra* note 10, at 187, 197.

32. Joseph, *supra* note 7, at 177; Ugra, *supra* note 3, at 78.

33. Ugra, *supra* note 3, at 78.

34. Joseph, *supra* note 7, at 120.

35. Joseph, *supra* note 7, at 122.

36. Ugra, *supra* note 3, at 83.

37. Bede Scott, *Of Territorial Borders and Test Cricket: Exploring the Boundaries of the Postcolonial State*, 44 (1) *J. OF COMMONWEALTH LITER.* 23, 25 (2009).

38. Ugra, *supra* note 3, at 86.

39. Ugra, *supra* note 3, at 89 (citing Sharda Ugra, *Passion Play*, *INDIA TODAY*, Aug. 5 2002, at 39). Ugra, *supra* note 3, at 81.

and Pakistan. At times, cricket has been used strategically to build ties between the two hostile nations.<sup>40</sup> But with the India-Pakistan war in 1999, the government banned all cricket matches between the two countries, meaning that the respective national teams were able to play each other only in official, multinational tournaments such as the World Cup. Tellingly, the two nations still compete against one another in other sports, including field hockey, tennis, and soccer.<sup>41</sup> In the words of former Sports Minister Uma Bharti, “[w]e see cricket not as just a game but as a symbol of a nation’s sentiments.”<sup>42</sup> Thus, cricket is now a site of political symbolism, occupying a prominent section of the public sphere.

Cricket also constructs a feeling of “unity in diversity” among Indians. More generally, sports can serve as a platform whereby people of diverse backgrounds come together in pursuit of a common aim.<sup>43</sup> In cricket, this happens in two ways: through religious and socioeconomic diversity in the men’s cricket team, and through the unity of the diverse Indian spectators. Though cricket started off in India as a sport of the elite, today it has reached all parts of the country.<sup>44</sup> It seems that “[t]here has been a genuine democratization of Indian cricket.”<sup>45</sup> The Indian men’s team represents this diversity and inclusion, with players from various religions including Hinduism, Islam, Sikhism, and Christianity; regions;<sup>46</sup> and economic classes.<sup>47</sup> Many in the media have also caught on to the “unity in diversity” idea that men’s cricket constructs to promote harmony among the diverse populations in India.<sup>48</sup> Similarly, watching a match is often a “collective and participatory exercise”,<sup>49</sup> where people with diverse backgrounds come together before radio or television sets, forgetting their differences, and identifying with each other.<sup>50</sup>

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40. Scott, *supra* note 37, at 25, where for example, a cricket series between India and Pakistan in 1955 in Pakistan was used as an opportunity to strengthen ties between the two countries and the usually applicable visa restrictions were relaxed; Ugra, *supra* note 3, at 86 (discussing a tournament called “Friendship Cup” between the Indian and Pakistani men’s cricket teams); *India Wins 2011 Cricket World Cup*, THE ATL. (Apr. 4, 2011), <http://www.theatlantic.com/infocus/2011/04/india-wins-2011-cricket-world-cup/100038/> (mentioning that during the semi-final match between India and Pakistan in 2011 men’s cricket World Cup in Mohali, India, the Prime Ministers of the two nations sat together to watch the match in the stadium, in an act of “cricket diplomacy”).

41. Ugra, *supra* note 3, at 87.

42. Ugra, *supra* note 3, at 87.

43. MUDGAL, *supra* note 22, at 17–18.

44. Ugra, *supra* note 3, at 88.

45. Ugra, *supra* note 3, at 88.

46. Joseph, *supra* note 7, at 122–23.

47. See ‘*Indian team symbolises unity in diversity*’, THAT’S CRICKET (July 25, 2004), <http://www.thatscricket.com/news/2004/07/25/2507pranab.html>.

48. For example, in 1987, a poster showing photographs of four Indian cricketers from four different religions was used to spread the message of unity in diversity. During communal riots in Gujarat in 2002, the media used references to achievements by Muslim cricketers as an attempt to bring peace and unity. Ugra, *supra* note 3, at 90.

49. GUHA, *supra* note 28, at 339.

50. MUDGAL, *supra* note 22, at 39–40. When Indian men’s cricket team won the World

In contrast to the inclusive sentiment that embraces diversity, Indian cricket also acts as a powerful statement against colonization. Cricket provides a space for expressing anti-colonial sentiments, especially as reflected in matches against England,<sup>51</sup> which take on an “Us versus the Empire” tone.<sup>52</sup>

Today, with India considered the new “cricketing superpower,”<sup>53</sup> the colonial history has a new dimension. Dr. Boria Majumdar, who has written extensively on the history and politics of cricket in India and elsewhere, describes this new dimension as the “decolonization of Indian cricket,”<sup>54</sup> which has ushered in a nationalism tinged with racial overtones. India’s importance in today’s globalized world, reflected in part by its dominance in world cricket, has changed the notion of race from inferiority to privilege.<sup>55</sup> According to Majumdar, “[a]n aggressive hyper-jingoistic nationalist sentiment has emerged in India, and it often results in a complete overturn of the conventional racial ideology.”<sup>56</sup> Thus, cricket strongly constructs Indian nationalism in opposition to its colonial history, with the effect of negating British racial superiority, and challenging feelings of racial inferiority.

Lastly, cricket defines the “national heroes” of the country, as cricketers are the stars followed by the masses.<sup>57</sup> Indian fans are emotional both about the game and the players. Attachment to the players was starkly evident in the 2001 incident involving penalties imposed on Indian cricketers by match referee Mike Denness, a former England cricket player. He declared six Indian players guilty of various offences like ball tampering and excessive appealing. Denness’ decisions provoked protests by the Indian team. One of the players penalized for alleged ball tampering was Indian cricket maestro Sachin

Cup in 2011, all people irrespective of religion, caste, economic class, culture, or region, celebrated the country’s success.

51. Kidambi, *supra* note 31, at 197.

52. For example, when former BCCI President N.K.P. Salve was refused two extra passes for the 1983 World Cup finals in England, he resolved to bid to host the World Cup in India. According to Sharda Ugra, this was the first “Us versus Empire” pitch made by the BCCI, which continued later. Ugra, *supra* note 3, at 84-85. In a 2001 men’s cricket series between India and South Africa, when the match referee and former England cricket captain Mike Denness penalized six Indian players, this was turned into an ‘East versus West’ and ‘black versus white’ battle.” *See also* MIHIR BOSE, A HISTORY OF INDIAN CRICKET 466 (rev. ed. 2002). Popular Bollywood movie *Lagaan* is another instance of combining colonization with cricket. The movie is set in colonial India, where men from an Indian village form a cricket team and compete against the English team as a means to oppose the excessive tax (*lagaan*) imposed by the British regime. At the time of the Mike Denness incident, a news magazine called it a case of racism, analogized it to the movie, and called it an instance of imposition of *lagaan* by the English match referee. Ugra, *supra* note 3, at 92.

53. Majumdar, *Indian Premier League*, *supra* note 17, at 173. Please note that the dominance is not in terms of being the best team in the world, but in terms of fans, popularity, and cricket economy.

54. Majumdar, *Indian Premier League*, *supra* note 17, at 173.

55. Majumdar, *Indian Premier League*, *supra* note 17, at 177. More specifically, Majumdar is referring to the emergence of the Indian Premier League (IPL), a successful innovation of the BCCI in introducing to cricket a new format similar to other sports like soccer.

56. Majumdar, *Indian Premier League*, *supra* note 17, at 178.

57. Joseph, *supra* note 7, at 118.

Tendulkar, who was penalized with a one-match suspension. The incident received widespread media attention and protests from the BCCI, Indian politicians, and the general public. In particular, a number of people came out in support for Sachin Tendulkar.<sup>58</sup> According to Ramachandra Guha, it underlined the status of Tendulkar in India as “the only flawless Indian”.<sup>59</sup>

Thus, cricket is a site of political and social importance for Indians. It represents both an opportunity to nurture national pride and to undermine a legacy of colonialism and exclusion, and also a symbolism that constructs a new Indian nationalism. However, women are too often spectators to this national construction.

### III. EXCLUSION OF WOMEN AND CONSTRUCTION OF A GENDERED NATIONALISM

#### *A. Situation of Women’s Cricket*

In stark contrast to that of men’s cricket, the status of women’s cricket in India is dismal even though the women’s national cricket team has performed well of late. They play fewer cricket matches than men,<sup>60</sup> and women’s cricket associations are not often highly profitable, often running out of funding.<sup>61</sup> Women cricketers are denied due recognition in Indian society.<sup>62</sup> Women’s cricket tournaments receive substantially less media coverage than men’s tournaments.<sup>63</sup> Further, salaries for women cricketers are much lower than the salaries of their male counterparts.<sup>64</sup> While women cricketers receive a fee of around Rs 1 lakh *per international series*, their male counterparts receive

58. For example, former Indian cricketer Chetan Chauhan said, “Against a player with an unblemished record like Tendulkar, if you make a decision you have to think five times.” Former Test batsman Sanjay Manjrekar was of the same mind. “Knowing Sachin Tendulkar as I do,” he said, “while he was doing what he was doing, there was no effort to hide. I saw the television footage and he was only cleaning the seam, it did not seem any deliberate violation of the law.” *Tendulkar Ban Causes Outrage*, THE GUARDIAN (Nov. 20, 2001), <http://www.guardian.co.uk/sport/2001/nov/20/cricket.indiacricketteam>.

59. GUHA, *supra* note 28 at 354–5. See also BOSE, *supra* note 52, at 466.

60. See, e.g., *Less number of matches worries Indian women’s cricket team*, PRESS TRUST OF INDIA, Jan. 21, 2011, available at Factiva, Doc. No. PRTRIN0020110122e711000j8, where female cricketer Mithali Raj comments that the lower number of matches is causing less participation by women in cricket; Sadikot, *supra* note 19, where female cricketer Jhulan Goswami says that Indian women play much less international cricket as compared to other teams like Australia and England.

61. CRICKETING CULTURES IN CONFLICT, *supra* note 7, at 236–37.

62. CRICKETING CULTURES IN CONFLICT, *supra* note 7, at 236–37.

63. MUDGAL, *supra* note 22, at 78–79.

64. Ashley Tellis, *Do any of these cricketers swing both ways?*, DNA (Feb 20, 2011), [http://www.dnaindia.com/lifestyle/report\\_do-any-of-these-cricketers-swing-both-ways\\_1510350](http://www.dnaindia.com/lifestyle/report_do-any-of-these-cricketers-swing-both-ways_1510350); Vineeta Pandey, *Indian sportswomen: Still the second sex*, THE TIMES OF INDIA (Feb. 15, 2004), <http://timesofindia.indiatimes.com/Indian-sportswomen-Still-the-second-sex/articleshow/497363.cms>; Sreelata Yellamrazu, *No Pay for Women Cricketers But Hike for Ranji Trophy, Football*, CRICKBLOG (Aug. 13, 2009), <http://www.crickblog.com/entry/no-pay-for-women-cricketers-but-hike-for-ranji-trophy-football/>.

around Rs 7 lakh *per* international Test *match* and Rs 4 lakh *per* One Day International (ODI) *match*. Women cricketers get around Rs 2500 *per* match in a domestic series. In comparison, men's players playing for the Ranji team for the State of Tripura earn a match fee of Rs 1.5 lakh *per* domestic first-class game and Rs 35,000 for one-day matches.<sup>65</sup>

There are multiple reasons why girls and women participate in cricket less than men do. Some of the major reasons include lack of cricketing infrastructure, such as high quality cricket grounds, and other opportunities for women players; lack of parental support;<sup>66</sup> and lack of awareness of women's cricket as being an available or viable option. This situation is buttressed by the widespread social perception of cricket as a masculine sport, and the overall atmosphere of gender disparity in Indian society that reinforces stereotypes.<sup>67</sup> Women cricketers in India usually come from lower middle-class economic backgrounds, and join cricket for their livelihood due to lack of other alternatives.<sup>68</sup> In short, the current social and economic environment contributes to the relegation of women to a subordinate position in Indian cricket.

### *B. Construction of a Gendered Nationalism*

Scholars have recognized that sport, in general, acts as a site for construction of gendered nationalisms,<sup>69</sup> by acting as a masculine domain where "conceptions of hegemonic masculinity as well as the nation are developed and reinforced."<sup>70</sup>

Through this article, I do not mean to suggest that the exclusion of women from Indian nationalism is absolute. It should be noted that sport is only one of the sites where nationalism is shaped, with some of the other sites in modern India being the Bollywood film industry,<sup>71</sup> and, as some argue, Indian spiritual culture and history, rooted in ancient spiritual texts.<sup>72</sup>

65. *It's passion for game not money that drives Mithali & Co.*, THE TIMES OF INDIA (Sept. 23, 2012), [http://articles.timesofindia.indiatimes.com/2012-09-23/news/34041590\\_1\\_indian-cricketers-women-cricketers-mithali-raj](http://articles.timesofindia.indiatimes.com/2012-09-23/news/34041590_1_indian-cricketers-women-cricketers-mithali-raj).

66. See Sadikot, *supra* note 19, where captain of Indian women's cricket team Jhulan Goswami says that it was difficult for her to convince her parents to let her pursue a career in cricket.

67. See Narayanan, *supra* note 22, at 209–10, who states that cricket is commonly perceived as a masculine sport by the Indian society, and describes how change in such perceptions can affect the level of participation by girls and women in sports. See also Kalyan Ashok, 'Playing Cricket was a Taboo Then', THE HINDU (Jun. 22, 2011), <http://www.thehindu.com/news/states/karnataka/article2126067.ece>

68. CRICKETING CULTURES IN CONFLICT, *supra* note 7, at 236–37.

69. Glass, *supra* note 30, at 1.

70. Glass, *supra* note 30, at 2.

71. See Shakuntala Rao, *The Globalization of Bollywood: An Ethnography of Non-Elite Audiences In India*, 10 THE COMM. REV. 57, 69 (2007).

72. See Renuka Ghosh, *Culture and Nationalism*, IMC INDIA (July 15, 2003), <http://india.indymedia.org/en/2003/07/5715.shtml>.

However, considering the significant role men's cricket plays in shaping Indian nationalism, it is useful to understand how it also shapes and reinforces stereotyped notions of masculinity and femininity. By neglecting to grant women's cricket substantial recognition, India fails not only to provide women with an equal opportunity to participate in a sport on an equal basis with men, but also to do all those things that men are able to do through their participation in cricket. It weakens women's contributions to all that cricket represents, leading to the construction of a gendered nationalism.<sup>73</sup>

Subordination and partial exclusion of women in cricket sends strong cultural messages that women are not part of the nationalism that cricket shapes. Thus, if the nation finds national success in cricket, and cricket fails to fully recognize the contribution of women, this effectively signals that women do not significantly contribute to India's victories. Along the same lines, women are not significant contributors to India's success internationally, and are constrained in their ability to contribute to the image of glorious India. Thus, they are denied space in the public and political spheres that cricket often occupies. This is ironic because men's cricket embraces a "unity in diversity" paradigm by embracing geographic and religious diversity, and yet women are functionally excluded from the sites of exposure that generate such a paradigm.

Thus, if being a great cricketer is what defines a national hero, and if women's cricket is

marginalized, then India lacks space for female national heroines. This sends a message that men are the nation's primary leaders, and deserve to be followed. Overall, the disproportionate national importance of men's cricket creates gendered images, and the symbolic marginalization of women validates and reinforces these images, binding women in a vicious circle.

This gendered construction is buttressed by the appropriation of the lion's share of cricket's domain by men's cricket. Although men's cricket primarily shapes Indian nationalism, the dominance of men's cricket presents the image that the nationalism it constructs represents the entire nation, overlooking the fact that it represents only half the sport. This phenomenon is evident, for example, when cricket regulation bodies like ICC and BCCI and people in general use the gender qualifier only to refer to the "women's" game.<sup>74</sup> Thus,

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73. See generally EDUARDO P. ARCHETTI, *MASCULINITIES: FOOTBALL, POLO AND THE TANGO IN ARGENTINA* 15–18 (1999), who describes a similar phenomenon with football (soccer) in Argentina. He says that football is a national sport of Argentina, which cuts across classes and establishes the "national style of playing". It is an important mechanism through which male cultural power is established, acts as a "symbolic and practical male arena" for national sentiments, and is a "powerful expression of national capabilities and potentialities."

74. See, e.g., ICC CLASSIFICATION OF OFFICIAL CRICKET, [http://static.icc-cricket.yahoo.net/ugc/documents/DOC\\_FCD120A8291EE652F940541A07661A2C\\_1274949685555\\_215.pdf](http://static.icc-cricket.yahoo.net/ugc/documents/DOC_FCD120A8291EE652F940541A07661A2C_1274949685555_215.pdf) (last visited Apr. 20, 2012), which, under the heading "men's cricket", does not further use the gender qualifier "men's" when mentioning the class of cricket. However, under the heading "women's cricket", it brings in the gender qualifier to defines some classes like "Women's Twenty20 International Matches," "Competitive Women's Cricket matches," and "Other Women's Cricket Matches"; See THE BOARD OF CONTROL FOR CRICKET IN INDIA, *supra*

while the game is clearly gendered, many Indians fail to recognize that the nationalism it constructs is also gendered.

### *C. Recent Developments in Indian Cricket*

There have been some very recent, positive developments in women's cricket.<sup>75</sup> Shantha Rangaswamy, cricket commentator and former Indian woman cricketer, says that playing cricket as a woman was taboo during the 1970s, but the situation has improved of late.<sup>76</sup> Increase in the number of domestic matches, regular international exposure of Indian women cricketers, and, in particular, the extraordinary performance of the Indian women's cricket team in the 2005 World Cup, where they finished as the runners-up, have all contributed to increased recognition of women's cricket in India.<sup>77</sup>

Moreover, involvement of women in men's cricket has increased, reflected especially in a rise in the number of women cricket reporters and spectators.<sup>78</sup> However, the increased involvement may not necessarily represent a positive trend towards gender equality. For example, the increase in female spectatorship of men's cricket does not translate into greater recognition of women's cricket because women spectators do not usually follow women's cricket.<sup>79</sup> Furthermore, as Majumdar noted, "the attitude of Indian women towards sport and the accepted, and limited, parameters of women's emancipation in the country have a role to play in crippling the development of the female performer."<sup>80</sup> Female viewership of men's cricket has increased due to its connection with Indian nationalism. For example, as columnist Sheela Reddy claims, for many women spectators, "who find little to cheer about," cricket comes as a statement of what Indians can do in the world.<sup>81</sup> Some women started following the sport as a way to join in the celebration and enthusiasm of their husbands, children, or others around them, even if some of them did not initially fully understand the rules.<sup>82</sup> While large media and corporate brands have targeted female spectators, Majumdar suggests that many women spectators remain "passive consumers" of the cricket spectacle created by these sponsors.<sup>83</sup> Further, broadcast networks also tactically

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note 18, the official website of BCCI, which has a separate section demarcated "women's cricket", while the rest of the website is automatically devoted to men's cricket.

75. Narayanan, *supra* note 21, at 209 (Acceptance for female reporters has risen; many overt barriers are being reduced).

76. Ashok, *supra* note 67.

77. Ashok, *supra* note 67.

78. Narayanan, *supra* note 21, at 210; CRICKETING CULTURES IN CONFLICT, *supra* note 7, at 236.

79. CRICKETING CULTURES IN CONFLICT, *supra* note 7, at 236.

80. CRICKETING CULTURES IN CONFLICT, *supra* note 7, at 236.

81. Sheela Reddy, "Hooked: The Cricket Widow is Dead, the Game's Now a Family Soap and a Gals' Night Out", OUTLOOK (Mar. 24, 2003), <http://www.outlookindia.com/article.aspx?219509>.

82. *Id.*

83. CRICKETING CULTURES IN CONFLICT, *supra* note 7, at 237. See also MUDGAL, *supra*

employed female television actresses with non-cricket backgrounds as cricket reporters in order to attract Indian housewives.<sup>84</sup>

The recent and novel trend in men's IPL cricket of female cheerleaders represents another example of counterproductive inclusion. Paradoxically, both the inclusion of women cheerleaders and opposition to it reflect gender stereotyping. The IPL's objective is likely to use the appeal of mostly white, foreign cheerleaders<sup>85</sup> to improve IPL's brand and entertainment value.<sup>86</sup> While many women in cricket retain agency, female-only cheerleading objectifies women, detracts from women players, and reinforces gender stereotypes. Further, hiring predominantly white and foreign women reinforces Indian perceptions both of the sanctity of Indian womanhood and promiscuousness of foreign women.<sup>87</sup>

At the same time, the largest opposition to cheerleading has been based on its foreignness to cricketing culture,<sup>88</sup> being vulgar and indecent,<sup>89</sup> and contrary to the Indian culture.<sup>90</sup> Concerns include how cheerleading might negatively affect the culture of Indian men and women,<sup>91</sup> and how it projects India globally.<sup>92</sup> These objections are again based on, and reinforce, stereotypical images of the "Indian woman," and reflect a denial of women's agency by not taking into account views of either cheerleaders or women spectators. The ironies in the controversy over cheerleading, and its focus on cultural issues rather than inclusion reflect how, consciously and subconsciously, cricket constructs a gendered nationalism in India.

#### IV. FEMINIST ANALYSIS OF THE CRICKETING PHENOMENON

This section looks at the marginalization of women in cricket through a feminist lens. Using dominance feminist theory and masculinities theory, it examines how the partial exclusion of women from cricket can be both a cause and a result of the construction of Indian nationalism by men's cricket.

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note 22, at 68.

84. CRICKETING CULTURES IN CONFLICT, *supra* note 7, at 237. *See also* MUDGAL, *supra* note 22, at 68.

85. *See also* Shamik Bag, *Cheerleading goes native in India*, BBC NEWS (Apr. 23, 2012), <http://m.bbc.co.uk/news/world-asia-india-17753212>. Recently, two IPL teams opted for Indian cheerleaders, wearing traditional Indian clothes and performing Indian-style choreography.

86. *See* Kanishk Tharoor, *Cheerleaders shame Indian cricket*, THE GUARDIAN, Mar. 26, 2010, available at Factiva, Doc. No. GRULTD0020100327e63q000rt.

87. Rohini Iyer, *T20 Cricket and The Fiasco Called "Cheerleading"*, BLEACHER REPORT (Apr. 28, 2009), <http://bleacherreport.com/articles/163771-t20-cricket-and-the-fiasco-called-cheerleading>.

88. *Id.*

89. *India warns cricket cheerleaders*, BBC NEWS (Apr. 28, 2008), <http://news.bbc.co.uk/2/hi/7366516.stm>.

90. *Id.*

91. *Id.* One police officer even said that obscenity by cheerleaders does not look good since mothers and daughters at home are watching cricket matches, clearly reflecting how consciously and subconsciously sport is being used to condition women.

92. Iyer, *supra* note 87.



However, the continued importance of men's cricket to Indian nationalism makes it more difficult for women to gain recognition in cricket as compared to other sports.<sup>93</sup>

It must be noted that masculinities theory within cricket is also an application of dominance feminism. I separate the two sections not to suggest that the two theories are mutually exclusive, but to highlight how hegemonic masculinities theory in cricket explains gender subordination.

#### *A. Dominance Feminism*

Dominance feminism views discrimination not in the formal sense of treating likes alike and unalikes unlike, but as a social hierarchy with one dominant group, and one subordinate one.<sup>94</sup> To describe discrimination in labor markets and employment, philosopher Iris Marion Young identifies “five faces of oppression.”<sup>95</sup> In a recent article, law professor Deborah Brake, who has researched and written extensively on gender equality in sports, has used the five faces to examine gender subordination in sports.<sup>96</sup> She chooses Young's framework to unpack discrimination and give a fuller picture of various dimensions that interact to cause gender oppression in sports.<sup>97</sup> The two faces of oppression most relevant here are “marginalization” and “cultural imperialism.”

Young states that marginalization consists of the oppression of social groups who are not employed or are rendered unemployable, and who are thus “expelled from useful participation in the society.”<sup>98</sup> The harms of marginalization include material deprivation, and social and personal harms like low self-esteem.<sup>99</sup> Although Young uses the concept of marginalization to describe relegation of a group to a marginal position outside the labor market, the phenomenon and consequences resemble women's exclusion from full participation in cricket. In sports, women are often denied highly valued opportunities or are relegated to inferior roles, causing financial deprivation

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93. See also SARAH K. FIELDS, *FEMALE GLADIATORS: GENDER, LAW, AND CONTACT SPORT IN AMERICA* 17 (2005); DEBORAH BRAKE, *GETTING IN THE GAME: TITLE IX AND THE WOMEN'S SPORTS REVOLUTION* 30–31 (2010) [hereinafter BRAKE, *GETTING IN THE GAME*], who argue that baseball, another sport with strong associations with national identity in the US and masculinity, has seen attempts to keep women and girls out.

94. MARTHA CHAMALLAS, *INTRODUCTION TO FEMINIST LEGAL THEORY* 46 (2d ed. 2003); Catharine A. MacKinnon, *Sex Equality Under the Constitution Of India: Problems, Prospects, and “Personal Laws”*, 4 *INT'L J. CONST. L.* 181, 181–82 (2006).

95. Iris Marion Young, *Five Faces of Oppression*, in *RETHINKING POWER* 174 (Thomas E. Wartenberg ed., 1992). The five faces of oppression are exploitation, marginalization, powerlessness, cultural imperialism, and violence.

96. Deborah L. Brake, *Title IX as Pragmatic Feminism*, 55 *CLEV. ST. L. REV.* 513 (2007) [hereinafter Brake I].

97. *Id.* at 525, 529.

98. Young, *supra* note 95, at 186.

99. Young, *supra* note 95, at 186–87.

and other harms like feelings of uselessness and a lack of self-respect.<sup>100</sup> Such deprivation marginalizes women by making the status and social gains available to men unavailable to women.<sup>101</sup> Cricket in India causes marginalization of women, first by denying them equal cricketing opportunities, and second, even where women are able to participate, by denying them equal recognition.

Cultural imperialism, according to Young, consists of universalizing and establishing the culture and experiences of only one group as the norm. Through this process, the dominant group expresses its experience as representative of all groups. Accordingly, the subordination of non-dominant groups involves a paradox whereby their experiences are rendered invisible, and marked out as different, and as the “other”.<sup>102</sup> Through maintenance of dominance, the subordinated group internalizes and normalizes its inferior status.<sup>103</sup> Cultural imperialism is perpetuated by various material and ideological barriers.<sup>104</sup> Brake argues that this face of oppression has the clearest application to sports.<sup>105</sup> In the context of sports, the barriers that contribute to the “othering” of women include valuing men’s sports more highly, allocating greater funds for men’s sports, or requiring only women’s sports to use a gender qualifier.<sup>106</sup> In this framework, cricket is a vivid example of cultural imperialism. In addition to the barriers that Brake enumerates, the construction of cricket as a masculine sport itself exemplifies cultural imperialism, because it is often based on assumptions the dominant group possesses about the interests and dispositions of the subordinate group.<sup>107</sup> These assumptions, when internalized by the subordinated group, are further used for subordination.

In India, cultural imperialism in cricket has even deeper roots. Historically, the British used cricket to mark the “other” on the basis of race. The history of cricket shows that the British used the game in the colonies to express themselves as civilized and mark out colonized populations as uncivilized and deviant by following policies of gender and racial exclusion and segregation.<sup>108</sup> Today, while men’s cricket reflects religious and

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100. Brake I, *supra* note 96, at 527.

101. Brake I, *supra* note 96, at 527.

102. Young, *supra* note 95, at 191–222.

103. Velija & Malcolm, *supra* note 21, at 201–02.

104. Velija & Malcolm, *supra* note 21, at 202.

105. Brake I, *supra* note 96, at 529.

106. Brake I, *supra* note 96, at 529. *See also* FRASER, *supra* note 21, at 314, who says that “[i]n its very semiotic structure, ‘women’s cricket’ is reduced to a secondary minor and purely referential (and reverential) role vis-à-vis the main code. Real or true cricket is simply ‘cricket’, women’s cricket is demeaned by the necessary addition of the adjective and by the entire dominant socially constructed discourse which imbues ‘women’s’ with meaning in our culture.” The long history of women’s participation in sports does not stop their relegation to secondary status.

107. Velija & Malcolm, *supra* note 21, at 205.

108. *See* Jason Kaufman & Orlando Patterson, *Cross-National Cultural Diffusion: The Global Spread of Cricket*, 70 *AM. SOC. REV.* 82, 85 (2005).

geographical inclusion, women have become the “other,” the excluded “foreigners” to the game.<sup>109</sup> For example, in England, Lancashire Country Cricket Club and Marylebone Cricket Club (MCC) excluded women from becoming full members until as late as 1990 and 1998, respectively.<sup>110</sup>

The connection of cricket with Indian nationalism intensifies the marginalization of women. Marginalization in cricket is greater because of the huge disparity in the statuses of men’s and women’s cricket, which means both that social gains for male players are significant, and social harms for excluded women are greater. Further, the usurpation by men’s cricket of the cricketing universe and nationalism makes it more difficult for women to challenge its dominance, furthering their subordination.

### *B. Masculinities Theory*

According to masculinities theory, although male behavior may appear natural, it is socially constructed.<sup>111</sup> Thus, within this paradigm, there is a plurality of masculinities, fighting against each other for dominance, thereby establishing a hierarchy among them.<sup>112</sup> In any given context, the hegemonic masculinity serves as the ideal towards which all men must strive.<sup>113</sup> Sports play a key role in creating and maintaining conceptions of hegemonic masculinity.<sup>114</sup> Boys and men have long used sports as a way to achieve a hetero-masculine identity.<sup>115</sup> An important aspect of hegemonic masculinity is defining masculinity as “not feminine.”<sup>116</sup> The competing masculinities always involve repudiation of the contrast figure, women,<sup>117</sup> which leads to the subordination of women.<sup>118</sup> Moreover, once masculinities become hegemonic, they are still vulnerable to being challenged,<sup>119</sup> and are “always subject to being

109. FRASER, *supra* note 21, at 307.

110. FRASER, *supra* note 21, at 310–11.

111. Bryce Traister, *Academic Viagra: The Rise of American Masculinity Studies*, 52 AM. Q. 274, 274–76 (2000).

112. R.W. Connell & James W. Messerschmidt, *Hegemonic Masculinity: Rethinking the Concept*, 19 GENDER & SOC’Y 829, 846 (2005).

113. *Id.* at 838.

114. Glass, *supra* note 30, at 2; Deborah L. Brake, *The Struggle for Sex Equality in Sports and the Theory Behind Title IX*, 34 U. MICH. J.L. REFORM 13, 92–107 (2001) [hereinafter Brake II].

115. Brake II, *supra* note 114, at 87.

116. David S. Cohen, *Keeping Men “Men” and Women Down: Sex Segregation, Anti-Essentialism, and Masculinity*, 33 HARV. J.L. & GENDER 509, 525 (2010).

117. Frank Rudy Cooper, “Who’s the Man?”: *Masculinities Studies, Terry Stops, and Police Training*, 18 COLUM. J. GENDER & L. 671, 689–90. (2009) (citing Michael S. Kimmel, *Masculinity as Homophobia: Fear, Shame, and Silence in the Construction of Gender Identity*, in THE GENDER OF DESIRE: ESSAYS ON MALE SEXUALITY 25, 30 (2005)).

118. *Id.* at 692 n.117 (citing David S. Cohen, *No Boy Left Behind?: Single Sex Education and the Essentialist Myth of Education*, 84 IND. L.J. 135, 171–73 (2009)). For example, domination of women as a result of hegemonic masculinity occurs in verbal, physical, and sexual abuse of girls in schools.

119. *Id.* at 686 (citing R.W. Connell & James W. Messerschmidt, *supra* note 112, at 846 (2005)).

dethroned.”<sup>120</sup>

Hegemonic masculinity subordinates women as the “other” and non-masculine men by labeling them as less masculine.<sup>121</sup> Both involve a domination-subordination relationship between different groups. In this way, masculinities theory is an application of dominance feminism. Masculinities theory also demonstrates how dominance expresses itself especially in group sports. Group sports, by definition, involve a “distinctive blend of competition and cooperation.”<sup>122</sup> Since group sports reflect both masculine ideals (competition) and feminine ideals (cooperation), cultural feminism<sup>123</sup> suggests that they should form an inclusive site. But paradoxically, women are commonly excluded from group sports.<sup>124</sup> Their exclusion reflects the operation of dominance-subordination to maintain social hierarchies, irrespective of actual differences between the capacities or qualities of the two sexes.<sup>125</sup>

However, hegemonic masculinity is not the only type of masculinity that men display. They also display complicit, marginalized, and subordinated masculinities.<sup>126</sup> Men exhibiting complicit masculinity do not fit within the hegemonic masculinity, and, instead of challenging it, they ally with hegemonic masculinity. By allying with hegemonic masculinity, they take advantage of the structure of female subordination established by hegemonic masculinity, without actually exhibiting hegemonic masculinity.<sup>127</sup> Men exhibiting marginalized masculinity may exhibit hegemonic masculinity, but for some other identity characteristic, like race or disability. They may subscribe to qualities valued in hegemonic masculinity, like physical strength or aggression, but are marginalized due to their identity, as is the case with many black male athletes.<sup>128</sup> Subordinated masculinities are associated with qualities opposite to those valued in hegemonic masculinity, and are dominated by hegemonic masculinity. For example, effeminate or gay men are associated with being emotional and physically weak, thus exhibiting subordinated

120. *Id.*

121. Cohen, *supra* note 116, at 523.

122. Roger I. Abrams, *Cricket and the Cohesive Role of Sports in Society*, 15 SETON HALL J. SPORTS & ENT. L. 39, 42 (2005).

123. See CHAMALLAS, *supra* note 94, at 53–60.

124. See Riitta Pirinen, *Catching up With Men? Finnish Newspaper Coverage of Women's Entry into Traditionally Male Sports*, in Shiela 94, 96, arguing that women's sports receive most coverage in individual sports; Margaret Carlisle Duncan & Cynthia A. Hasbrook, *Denial of Power in Televised Women's Sports*, in Sheila, 83, 83–84 (citing M.A. BOUTILIER & L. SANGIOVANNI, *THE SPORTING WOMAN* 43 (1983)), stating that women's participation in individual sports is more socially acceptable than in group sports, because they “allow women to remain true to the female stereotype: glamorous, graceful, nonsweaty, and definitely *not* roughed up by contact with other women.”

125. See generally GLORIA STEINEM, *OUTRAGEOUS ACTS AND EVERYDAY REBELLIONS* 366–69 (1983), available at <http://www.haverford.edu/psych/ddavis/p109g/steinem.menstruate.html>.

126. R.W. CONNELL, *MASCULINITIES* 78–79 (2d ed. 2005).

127. *Id.* at 79–80.

128. *Id.* at 80–81.

masculinities.<sup>129</sup>

The way these masculinities operate in relation to each other is visible in cricket. In India, cricket grew in an inherently hegemonic manner wherein people placed lower on the social scale followed those placed above them, leading to the popularity of cricket among the masses today. This process started with the British introduction of cricket to India, while concurrently exhibiting a strong, hegemonic masculinity. British rulers exhibited hegemonic masculinities by defining themselves against the “effeminate” colonial other.<sup>130</sup> At the same time, the colonial “other” created its own masculine space to resist the feminization imposed by the British. In this contest between the ruler and the ruled, the ruled also incorporated some of the hegemonic values.<sup>131</sup> When the colonies were excluded from cricket, colonized people performed subordinated masculinities as they were dominated by hegemonic masculinity and excluded due to their “otherness” and “effeminacy.” But this soon changed as elite groups started participating in cricket. For example, the affluent Parsees, given their subordinated position to the British, likely exhibited marginalized masculinity when they entered the cricketing scene. Indian men, including the Parsees, exhibited complicit masculinity within this framework, because they benefitted from exclusion of women.

Converse to inculcating masculine ideals of stamina and vigor, cricket was also used to contrast the “ideal of the passive and vulnerable female.”<sup>132</sup> Being better in a game became “a synecdoche for being the better man overall.”<sup>133</sup> Victory in sports came to define an individual’s status in the social hierarchy.<sup>134</sup> Although masculinity for the ruled and rulers was different, both saw cricket as a way to perform masculinity within their own society.<sup>135</sup> Thus, all non-hegemonically situated males performed complicit masculinity.

The growth of cricket in India reflects a continuous conflict between different masculinities that have vied for access to the hegemonic role. Sport has been a way to “refute colonial stereotypes about the effeminacy of educated Indians.”<sup>136</sup> The spread of cricket in India reflects a hegemonic phenomenon whereby the masses entered into the sport by following the leaders,<sup>137</sup> and cricket gained an aspirational dimension where each subordinate class tried to gain entry into the sport to refute its effeminate stereotype and occupy a

129. *Id.*

130. Subho Basu & Sikata Banerjee, *The Quest for Manhood: Masculine Hinduism and Nation in Bengal*, 26(3) COMP. STUD. OF S. ASIA, AFR. & THE MIDDLE E. 476 (2006).

131. *Id.*

132. FRASER, *supra* note 21, at 307 (citing ERIC MIDWINTER, FAIR GAME—MYTH AND REALITY IN SPORT 31 (1986)).

133. McDevitt, *supra* note 23, at 75.

134. *See* McDevitt, *supra* note 23, at 79.

135. McDevitt, *supra* note 23, at 80.

136. Kidambi, *supra* note 31, at 188.

137. *See* Joseph, *supra* note 7, at 122.

position of dominance.<sup>138</sup> But over the years, men's cricket also witnessed democratization as it spread across the country. Development of men's cricket in India shows that subordination is not static, but takes different forms in the face of new challenges and circumstances. As historian Reva Siegel has asserted, when status regimes are challenged, they respond by temporarily taking more stable and less contested forms. But these new forms continue the subordination structure.<sup>139</sup> For example, in sport in general, concerns about women's maternal and reproductive roles justified women's official exclusion from sports. However, as feminists challenged the fixation of women's roles within the domestic sphere, justifications for exclusion of women started to focus on dominant cultural constructions of femininity, wherein women in sports were at risk of being labeled as masculine or not adequately feminine. Thus, even with relaxation in official rules warranting the exclusion of women, this cultural ideology continues to affect women's participation in sports.<sup>140</sup> Societal messages continue to privilege men's sports and assign a secondary status to women's sports.<sup>141</sup> In cricket, the structure of subordination continues in the form of gender discrimination.

Another dimension of masculinities theory analyzes the "performance" of masculinities, which can be used to analyze the dominance of masculinity over femininity, as opposed to dominance of men over women in cricket. Dr. Sally Shaw, who researches sports management and gender and sport organization, argues that gender inequity may not only involve the dominance of men over women, but also the expression of masculinities dominating the expression of femininities, irrespective of which gender performs these identities. Women may adopt masculine styles and performances to gain entry into cricket.<sup>142</sup> Such a cricket system would merely perpetuate hegemonic masculinities, instead of establishing a women's sport in its own right. At the same time, some might fear that inclusion of women in cricket could also cause men to adopt more femininity in their performance, thus breaking the existing hegemonic masculinity norms.

Subordination of women, along with its connection to Indian nationalism,

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138. Joseph, *supra* note 7, at 125.

139. Brake I, *supra* note 96, at 529–30 (citing Reva B. Siegel, *Discrimination in the Eyes of the Law: How "Color Blindness" Discourse Disrupts and Rationalizes Social Stratification*, 88 CAL. L. REV. 77, 107-08 (2000); Reva Siegel, *Why Equal Protection No Longer Protects: The Evolving Forms of Status-Enforcing State Action*, 49 STAN. L. REV. 1111, 1116-19 (1997); Reva B. Siegel, "The Rule of Love": *Wife-Beating as Prerogative and Privacy*, 105 YALE L.J. 2117, 2176, 2178 (1996)).

140. Brake I, *supra* note 96, at 530.

141. Brake I, *supra* note 96, at 530, 534.

142. Sally Shaw, *Gender in Sport Management: A Contemporary Picture and Alternative Futures*, in SPORT & GEND. IDENTITIES, *supra* note 21, at 77-78. See generally FRASER, *supra* note 21, at 313, who describes the phenomenon of sledging by both men and women Australian cricketers. In Australia, the unwritten ethical rules of cricket, or the notion of cricket being a "gentleman's game" are seen as weak female ideas, and engaging in sledging is performance of the masculine attributes of aggression.

allows men's cricket to occupy the hegemonic position, both in terms of dominance of men over women and dominance of masculinity over femininity.<sup>143</sup> A similar phenomenon is visible in sports in other countries. For example, opposition to women's soccer in Germany, England, Spain, and Norway stemmed from the characterization of soccer as a competitive masculine sport, incompatible with feminine ideals.<sup>144</sup> Exclusion of women and rejection of femininity allows soccer to remain within a masculine sphere. National sports are particularly effective in communicating the male identity of a country, because they represent the nation symbolically, while isolating the national sport as a male preserve, linked to the maintenance of gender identities.<sup>145</sup> For instance, as baseball in the U.S. gained national popularity, it became a site for gender, race and class conflict, a major reason why women were denied access to baseball.<sup>146</sup> While notions of hegemonic masculinity have contributed to the exclusion of women from full participation in sports, an increase in participation by women can help challenge these gendered notions of hegemony and construct an inclusive nationalism.

#### V. THE WAY FORWARD: BRINGING EQUALITY TO CRICKET

Inclusion of women in sports enables them to enjoy the benefits of participation,<sup>147</sup> and to challenge the dominance of men, especially in nationally popular sports like cricket. By contrast, inclusion is not intended to make women complicit in the construction of hegemonic ideals, or to promote their adoption of masculine values. Just as exclusion of women from sports has led to the construction of a gendered nationalism, it is also possible that inclusion of women can positively transform the meaning of gender and gender identities.<sup>148</sup> Not only should equality in cricket be used to change the present gendered nationalism, but the connection between cricket and nationalism should be used to defy stereotypes and promote equality.<sup>149</sup> This part examines the appropriate strategy to bring about such a transformation.

I first examine the Indian law on gender equality in sports. Then I examine other approaches that may promote equality, such as integration in cricket. A single approach based on one feminist theory might not be advisable

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143. JENNIFER RING, *STOLEN BASES: WHY AMERICAN GIRLS DON'T PLAY BASEBALL* 74 (2009).

144. Gertrud Pfister et. al., *Women and Football—A Contradiction The Beginnings of Women's Football in Four European Countries*, in *GEND. & SPORT: A READER* 66, 72–73 (Sheila Scraton & Anne Flintoff eds., 2002).

145. *Id.*

146. RING, *supra* note 143 at 74.

147. Graydon, *supra* note 1, at 8.

148. BRAKE, *GETTING IN THE GAME*, *supra* note 94, at 7; Judith Butler, *Athletic Gender: Hyperbolic Instance and/or the Overcoming of Sexual Binarism*, 6.2 *STAN. HUMAN. REV.* (1998), <http://www.stanford.edu/group/SHR/6-2/html/butler.html>.

149. See Glass, *supra* note 30, at 4, who examines how women's inclusion in sports can affect nationalisms; Glass, *supra* note 70, at 27, who says that sport is also a space where women can challenge gender identities.

in the context of inequality in sports, where discrimination takes complex and multi-dimensional forms.<sup>150</sup> Thus, I will adopt a pragmatic hybrid approach incorporating both segregation and integration, similar to that of Brake, who evaluates the success of Title IX by examining the extent to which it achieves its goals rather than measuring its success by some external standard of justice.<sup>151</sup>

#### A. Sports Law in India

India does not have a law similar to Title IX that addresses gender discrimination in school sports.<sup>152</sup> However, Article 14 of the Indian Constitution guarantees equality before law,<sup>153</sup> and Article 15 prohibits discrimination on the basis of sex, religion, race, caste, and place of birth,<sup>154</sup> but allows the state to make special provisions for women and children.<sup>155</sup> Article 16 guarantees equal opportunity in public employment.<sup>156</sup> Fundamental rights are generally enforceable only against the state and state agencies.<sup>157</sup> Although the state may enact anti-discrimination statutes enforceable against private persons under Article 15, in the absence of such a law, the fundamental right against discrimination cannot be enforced against private persons.<sup>158</sup>

In *Zee Telefilms v. Union of India*,<sup>159</sup> the Supreme Court of India held that although BCCI is a non-governmental body that performs a public function, and is thus not the “state,”<sup>160</sup> it may be subject to judicial review by the High Court under Article 226 of the Constitution.<sup>161</sup> The Court held that a body performs a “public function” when it seeks to achieve some collective benefit for the public, or a section thereof, and its authority to do so is accepted by the beneficiary.<sup>162</sup>

The Delhi High Court has exercised such jurisdiction against the BCCI in

150. Brake I, *supra* note 96, at 524.

151. Brake I, *supra* note 96, at 517.

152. 20 U.S.C. § 1681 (1972). Title IX of the Education Amendment of 1972 requires educational institutions receiving federal funding to provide equal athletic opportunities to girls. It has led to a significant increase in participation of women in sports. BRAKE, GETTING IN THE GAME, *supra* note 93, at 8; CATHARINE A. MACKINNON, SEX EQUALITY 372 (2d ed. 2007).

153. INDIA CONST. art. 14.

154. INDIA CONST. art. 15 § 1, 2.

155. INDIA CONST. art. 15 § 3.

156. INDIA CONST. art. 16.

157. INDIA CONST. art. 12. There are certain exceptions like Articles 17, 23, and 24 to the state action doctrine. *People's Union v. Union of India*, A.I.R. 1982 S.C. 1473 (India).

158. *Ramana v. IAA*, A.I.R. 1979 S.C. 1628 (India); *Gujarat State Fin. Corp. v. Lotus Hotels*, A.I.R. 1983 S.C. 848 (India).

159. 2005 (4) S.C.C. 649 (India).

160. The Court came to this conclusion in part because BCCI is not constituted under any statute; it receives practically no financial assistance from the state; its monopoly status in cricket is merely de facto and is not protected or conferred by the state; it is an autonomous body; and the state does not enjoy a deep and pervasive control over the activities of BCCI.

161. INDIA CONST. art. 226.

162. *Binny Ltd. v. V. Sadasivam*, A.I.R. 2005 S.C. 3202 (India).



the past and has subjected the BCCI to writ jurisdiction. In *Ajay Jadeja v. Union of India*,<sup>163</sup> the Delhi High Court held that the BCCI was amenable to writ jurisdiction. In that case, a cricket player sought judicial review of the BCCI's decision to impose on him a five-year ban for engaging in match-fixing. Rejecting the preliminary challenge on maintainability, the Court held that its power to entertain writ petitions against non-state actors depends upon the nature of the right infringed, and the nature of the duty implicated.<sup>164</sup> The Court held that since the case involved a violation of a fundamental right, and the duty involved dealt with activity of general public interest in furtherance of sporting activity, the writ petition against the BCCI was maintainable.<sup>165</sup> Thus, there is precedent for the High Court hearing petitions against the BCCI in its capacity as a non-state actor performing public functions.

Notably, the BCCI performs public functions in its selection of the national cricket team and in its regulation of cricket. However, the court in *Ajay Jadeja* cautioned that exercise of writ jurisdiction against non-state actors should be judicious, and the court should interfere only when there is infringement of a fundamental right or the impugned action is "so shocking and arbitrary so as to be unconscionable in addition to having wide ramifications of a public nature"<sup>166</sup>

In the absence of specific law on gender equality in sports, Indian courts may alternatively draw on international conventions to recognize such rights and to issue guidelines on the basis of which the legislature may enact a statute.<sup>167</sup> For example, in the absence of any law addressing sexual harassment in the workplace, the Supreme Court of India relied upon CEDAW to recognize sexual harassment as a violation of the right to gender equality under the Indian Constitution.<sup>168</sup> It further issued a set of guidelines to be operative until suitable legislation was passed.<sup>169</sup>

However, on the whole, Indian law does not provide significant protection against gender discrimination in sports. Article 14 forbids discrimination and class legislation, but allows for reasonable classification between groups if founded on an intelligible difference with a rational nexus to the object sought to be achieved.<sup>170</sup> Thus, even if Article 14 were applied horizontally so as to include within its ambit non-state actors like BCCI, it will likely allow sex

163. (2002) 61 D.R.J. 639 (Del.).

164. *Id.* at 653.

165. *Id.* at 653–54.

166. *Id.* at 664. This was reiterated in *Rahul Mehra v. Union of India*, 114 (2004) D.L.T. 323 (Del.).

167. For example, the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) recognizes the equal right of women to participate in physical education and sporting activities under Articles 10 and 13.

168. *Vishaka v. State of Rajasthan*, (1997) 6 S.C.C. 241, 250, 251 (India).

169. *Id.* at 252–54.

170. *See, e.g.*, *In re Special Courts Bill*, A.I.R. 1979 S.C. 478 (India); *A.P. Dairy Dev. Corp. Fed'n v. B. Narasimha Reddy*, (2011) 9 S.C.L.R. 017 (India).

segregation in sports.<sup>171</sup>

### *B. Integration versus Segregation*

A discussion of sex equality in sports inevitably involves a debate between sex segregation and integration. Sex segregation involves separate teams for men and women, as is presently the arrangement in cricket. Conversely, integration involves a liberal feminist approach where men and women play together on a mixed team.<sup>172</sup> In this segment, I will discuss these approaches and examine to what extent, if at all, an exclusive policy of sex integration in cricket is desirable. By integration, I refer to integration at all levels of cricket, including international cricket. By an exclusive policy of sex integration, I refer to a system which does not allow for separate men's and women's teams in cricket.

Although it may seem fanciful to talk about integration of cricket on the national level when cricket is internationally sex-segregated, I will still explore this option for two reasons: First, the BCCI, an influential body in world cricket, has the potential to influence cricket internationally. Second, considering that cricket lacks inherent qualities lending itself to segregation, integration is a feasible option. While the debate over the integration of cricket is multifaceted, I will analyze it in the context of nationalism.

#### *1. Integration*

An exclusive-integration policy in sports gives women the opportunity to challenge the secondary role that society and sports organizations often accord to women's teams, but it also has a number of drawbacks, especially in terms of reducing the number of women who will get the opportunity to participate at the highest levels of the sport. Integration of a cricket team can be accomplished in two ways: either through gender-blind team selection, or through quotas. Given the present sex-segregated training structures and biases responsible for hindering full inclusion of women in cricket, it is likely that gender-blind selection processes might not enable many women to secure roster spots on the men's team. They may be relegated to domestic cricket, or end up with merely nominal representation at the national level,<sup>173</sup> thus reducing the number of women able to participate at the highest levels of cricket.<sup>174</sup> It might advantage only those few women who already have access to the best of facilities, "are most 'like' men in their athletic interests and abilities" and those "able to succeed in a world of sport structured on men's terms".<sup>175</sup> While individual women who excel in cricket may benefit in such a system by being

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171. MUDGAL, *supra* note 22, at 25.

172. See BRAKE, *GETTING IN THE GAME*, *supra* note 93, at 9–10.

173. See BRAKE, *GETTING IN THE GAME*, *supra* note 93, at 16; Brake I, *supra* note 96, at 534–35.

174. Brake I, *supra* note 96, at 534–35.

175. Brake I, *supra* note 96, at 535. See also Graydon, *supra* note 1, at 13.

able to play on the renowned ‘men’s cricket team,’ the absence of separate teams for women within a system of integration would diminish opportunities for women as a whole.<sup>176</sup> Moreover, such an individualistic participation of women in cricket is unlikely to affect nationalism. The existing gendered nationalism is the result of the dominance of men’s cricket that has developed over a number of years. Participation of women on an equal footing with men in integrated teams is required to bring about an inclusive nationalism; participation of a few women in an otherwise male-dominated team is unlikely to make a substantial change to rooted gendered notions.<sup>177</sup>

Instead, using a quota system to fix a minimum number of women players on a given team could ensure adequate demographic representation. Quotas are an acceptable form of affirmative action under Indian Constitutional law.<sup>178</sup> They are recognized as a means to challenge social hierarchies and are predicated on the view that merit is socially constructed as an element of hegemonic culture.<sup>179</sup> But they may also reinforce stereotypes that women are incapable of playing cricket at a high level, and would never gain a spot on the team without the benefit of a quota.<sup>180</sup> Every time a woman on the team faltered, members of the status quo would doubt whether women deserve to compete with men, or even to play cricket at all. Such a system would not further the goal of gender equality, and such an atmosphere might place excessive pressure on women, or be disempowering to female players who might feel delegitimized by the quotas.

But whether integrated through a quota or gender-blind regime, men might take control over the game in either scenario, relegating women to “helper” roles.<sup>181</sup> This is foreshadowed by the fact that many girls in India play cricket in family matches as fielders, a less central role, when the teams are short of players.<sup>182</sup> Such integration could become another form of marginalization, since marginalization happens not only when women are excluded altogether, but also when they are relegated to less-valued roles.<sup>183</sup>

Further, there are other factors at work that might prevent integration from

176. See BRAKE, GETTING IN THE GAME, *supra* note 93, at 16, 36.

177. See generally MARTHA FINEMAN, THE NEUTERED MOTHER, THE SEXUAL FAMILY AND OTHER 20<sup>TH</sup> CENTURY TRAGEDIES 46 (1995), who says in the context of legal profession that individualistic representation of women leaves social institutions and legal ideology unchanged.

178. See INDIA CONST. art. 15 § 3, which allows state to make special provisions for women and children; art. 15 § 4, which allows state to make special provisions for advancement of socially and educationally backward classes, Scheduled Castes, and Scheduled Tribes; art. 14 § 4, which allows the state to make provisions for quotas to promote equality in employment for Scheduled Castes and Scheduled Tribes; Part IX, which provides for reservation of seats for members of Schedules Castes, members of Scheduled Tribes, and women in *panchayats*, rural self-government institutions.

179. SAGAR PREET HOODA, CONTESTING RESERVATIONS 15–16 (2001).

180. See *id.* at 16, who says that one of the arguments against the quota system is that they sharpen divisions instead of reducing them.

181. BRAKE, GETTING IN THE GAME, *supra* note 93, at 27.

182. Narayanan, *supra* note 21, at 211.

183. See Brake I, *supra* note 96, at 527.

increasing female participation by hindering intermingling of the sexes. Girls may not feel comfortable or be allowed to play on integrated teams due to problems of sexual harassment in sports, along with the commonality in India of conservative cultural values disapproving of the intermingling of the sexes.<sup>184</sup> These barriers suggest that integrated teams in India may not engender increased participation of women.

Therefore, proponents of integration may face cultural obstacles equally as challenging, or perhaps more so, than the legal ones.

## 2. *Sex segregation*

A separate women's team may be a more empowering experience for women, as a setting where they are "less likely to feel threatened, inadequate, or unwelcome."<sup>185</sup> A sex segregation approach can "increase women's control over sport, mobilize them as a group to fight for equal resources, and enable them to play free from male domination."<sup>186</sup>

On the other hand, creating separate teams for the two sexes in an existing unequal environment can further marginalization and subordination.<sup>187</sup> Indeed, the existing gross disparities between men's and women's cricket teams, even accepting that women started playing organized cricket later than men did, reflects the failure of the present system of separation in bringing equality. Segregation might also send out signals that women are lesser athletes and incapable of playing with the men, which is the "real" cricket.<sup>188</sup>

Thus, no single approach will ensure a change in existing norms. Drawing from this integration versus segregation debate, the next segment examines what combination of approaches should be applied to the context of cricket in India.

### *C. The Equality Approach*

In order to gain the merits of both integration and segregation, and to offset the demerits of each, a hybrid approach using a combination of both

184. See MUDGAL, *supra* note 22, at 67, who states that due to the problem of sexual harassment in sports, many families view male coaches with suspicion and do not allow girls to participate in competitions held away from their hometowns. Many women have to drop out to avoid sexual harassment, and feel more comfortable being trained by female coaches. See also *T20 team manager suspended for hitting on women cricketers*, THE TIMES OF INDIA (June 18, 2009), [http://articles.timesofindia.indiatimes.com/2009-06-18/india/28204085\\_1\\_women-cricketers-chamundeswaranath-andhra-cricket-association](http://articles.timesofindia.indiatimes.com/2009-06-18/india/28204085_1_women-cricketers-chamundeswaranath-andhra-cricket-association) (an example of incident of sexual harassment in cricket where Indian T20 Cricket team's manager and Andhra Cricket Association secretary was suspended for seeking sexual favors from women cricketers in return for a place in the team).

185. See BRAKE, *GETTING IN THE GAME*, *supra* note 93, at 27.

186. *Id.* at 16-17 (citing JENNIFER HARGREAVES, *SPORTING FEMALES: CRITICAL ISSUES IN THE HISTORY AND SOCIOLOGY OF WOMEN'S SPORTS* 25-34, 207, 208(1994)).

187. Brake I, *supra* note 96, at 534. See also Graydon, *supra* note 1, at 12-13.

188. See BRAKE, *GETTING IN THE GAME*, *supra* note 93, at 16.

integration and segregation should be adopted.<sup>189</sup> It is important to retain separate women's teams to retain the advantages of playing only with women. At the same time, the recent forces of democratization and integration in cricket should extend to women. This section examines how such a hybrid approach can be brought about. The hybrid approach includes continuing with the existing sex-segregation structure, with changes at three levels: (1) integration of the governing boards of men's and women's cricket with measures to bring formal equality; (2) creating integrated teams at all levels of cricket; and (3) increasing opportunities for integrated training.

### *1. Integration at the level of management*

To forge a more inclusionary nationalism, it is necessary to establish that women's cricket is important in its own right, and does not depend on competition with men.<sup>190</sup> Since women already have a separate team, equality in cricket requires measures like increasing the number of matches, ensure equal funding, and ensure equal media coverage. One of the ways to bring these equality measures is through integration at the level of management. Since the merger of men's and women's governing boards at the international level, there has been a significant increase in women's participation: While IWCC had only 15 members at the time of the merger,<sup>191</sup> today 89 of the ICC's 104 members have some form of organized cricket for women.<sup>192</sup> The ICC's support has also raised media coverage and publicity of women's cricket.<sup>193</sup> Similarly, women cricketers have supported the merger of boards in India, claiming that it has led to many benefits for women's cricket, such as access to better cricket grounds and infrastructure, and increases in pay.<sup>194</sup> Similar mergers of men's and women's boards in England<sup>195</sup> and New Zealand<sup>196</sup> have

189. BRAKE, *GETTING IN THE GAME*, *supra* note 93, at 4-5, 17, 36, (applauding the hybrid approach adopted by Title IX in addressing gender discrimination).

190. *See* BRAKE, *GETTING IN THE GAME*, *supra* note 93, at 35.

191. Ehsan Mani, *A Strong Sport Growing Stronger: A Perspective on the Growth, Development and Future of International Cricket*, in *THE CHANGING FACE OF CRICKET*, *supra* note 9, at 251.

192. INTERNATIONAL CRICKET COUNCIL: HISTORY, [http://icc-cricket.yahoo.net/match\\_zone/women\\_cricket/history.php](http://icc-cricket.yahoo.net/match_zone/women_cricket/history.php) (last visited April 27, 2012).

193. *Id.*

194. *See, e.g.*, Sadikot, *supra* note 19 (captain of Indian women's cricket team Jhulan Goswami saying that BCCI's takeover of women's cricket has led to many improvements such as access to good quality playing fields, better infrastructure, and increased pay; *'We cannot compare women's cricket to the men's game'*, REDIFF (Feb. 26, 2009), <http://www.rediff.com/cricket/2009/feb/26interview-anjum-chopra-2009-world-cup.htm> (former Indian women's team captain Anjum Chopra saying that the backing of a stable body like BCCI has led to an increase in financial and infrastructural support and has strengthened women's cricket).

195. Jack Williams, *Broadcasting and Cricket in England*, in *THE CAMBRIDGE COMPANION TO CRICKET*, *supra* note 10, at 55, 68; Velija & Malcolm, *supra* note 21, at 199-200.

196. Greg Ryan, *New Zealand Cricket and the Colonial Relationship*, in *THE CAMBRIDGE COMPANION TO CRICKET*, *supra* note 10, at 116, 128. *See* Emily Dugan, *Women cricketers fail to break through old boys' defensive block*, *THE INDEP.* (Sept. 28, 2008),

been followed by increased participation of women and girls.

With such mergers, the law can step in to bring some measure of equality. Even India's minimal law might be able to guarantee some level of formal equality. For example, Article 39(d) of the Indian Constitution, which declares that there should be "equal pay for equal work for both men and women," may be used to argue for equality in salaries of male and female cricketers.<sup>197</sup> Although this is one of the non-justiciable directive principles of state policy,<sup>198</sup> the Supreme Court has held that it is capable of enforcement.<sup>199</sup> An equality challenge against an integrated governing board paying different salaries might be easier to win than one against separate governing boards for men and women. Although the success of such actions is still uncertain, integration of governing boards might make success more plausible.

While integration has led to some benefits, there is still substantial disparity in the level of participation and recognition of men's and women's cricket. Notably, involvement of the BCCI has not led to an increase in women's participation in international cricket.<sup>200</sup> For instance, Dr. Philippa Velija and Dominic Malcolm, both of whom work in the area of sociology of sports, focus on the context of cricket board mergers in England to describe how integration of the board does not independently bring gender equality.<sup>201</sup> One of the reasons is that women are not able to challenge their subordinated statuses, for fear of losing the greater resources that they have earned through the merger.<sup>202</sup> They argue that mergers can lead to a lack of independence

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<http://www.independent.co.uk/sport/cricket/women-cricketers-fail-to-break-through-old-boys-defensive-block-944755.html> (while Marylebone Cricket Club (MCC), England's foremost cricket club, allowed women to become members in 1998, women formed only 0.3 percent of the club's membership until 2008).

197. See, e.g., *Randhir Singh v. Union of India*, (1982) 1 S.C.C. 618, 622 (India), where the Supreme Court of India read Articles 14, 16 and 39(d) together and held that the doctrine of "equal pay for equal work" is a constitutional goal and, as a directive principle, must be read into the fundamental rights; *P. Savita v. Union of India*, 1985 Supp. S.C.C. 94, 102 (India), where the Supreme Court held that the *Randhir Singh* decision "has enlarged the doctrine of equal pay for equal work, envisaged in Article 39(d) of the Constitution of India and has exalted it to the position of a fundamental right by reading it along with Article 14"; *Grih Kalyan Kendra Workers' Union v. Union of India*, (1991) 1 S.C.C. 619, 625 (India), where the Supreme Court held that "equal pay for equal work" has assumed the status of a fundamental right. See also *Harbans Lal v. State of Himachal Pradesh*, (1989) 4 S.C.C. 459, 464, where the Supreme Court held that to avail the right to "equal pay for equal work", the petitioner must show that the discrimination in wages took place within the same establishment owned by the same management. Comparison cannot be made with counterparts in other establishments with different management, or in establishments in different geographical locations owned by the same employer.

198. INDIA CONST. art. 37.

199. See, e.g., *Randhir Singh v. Union of India*, (1982) 1 S.C.C. 618 (India); *Makinnon Mackenzie & Co. Ltd. v. Audrey D'Costa*, A.I.R. 1987 S.C. 1281 (India); *P. Savita v. Union of India*, 1985 Supp. S.C.C. 94, 102 (India); *Grih Kalyan Kendra Workers' Union v. Union of India*, (1991) 1 S.C.C. 619, 625 (India).

200. 'We cannot compare women's cricket to the men's game', *supra* note 194.

201. Velija & Malcolm, *supra* note 21, at 205-06.

202. Velija & Malcolm, *supra* note 21, at 206.

because women must follow rules created by men.<sup>203</sup> Due to power imbalances, men's dominant status is taken for granted and the structure of subordination continues.<sup>204</sup> Internalization of inferiority makes women challenge material inequalities, but not power structures.<sup>205</sup> These mergers reflect "absorption of the women rather than the creation of a new, joint entity."<sup>206</sup>

Velija and Malcolm's argument can be read to suggest that creating a new management board based on equality between men and women in terms of at least equal material facilities, such as equal salaries, media coverage, access to cricket facilities, and participation opportunities, might be a better option for promoting equality in cricket. However, the new board may worsen the prospects of equality if it reflects existing structural discrimination. Moreover, considering the recent absorption of women's cricket into the BCCI, and the prominent and influential role of the BCCI in Indian and world cricket, its dissolution and the creation of a new entity seems unlikely. I will next continue to explore the hybrid approach based on an assumption of the continuation of the present management structure.

## 2. *Integrated Teams*

Along with introducing equality measures in the existing segregation structure, there should, simultaneously, be space for integrated team play. For example, the BCCI can start an official cricket series or league at all levels of cricket where integrated teams play cricket. A combination of gender-blind selection and quota systems for integrated teams can be adopted. For example, in a team of eleven, there could be mandatory quota of four males and four females, and the remaining three players could be selected on a gender-blind basis. The quota could be general or could further indicate specific quotas for batters and bowlers.

Such integrated matches should be at all levels, especially at top-level cricket. Integration of international level cricket or cricket involving international players can help create a more inclusive nationalism, which can further break through gendered stereotypes and hegemonic masculinities. Even if the BCCI is able to organize such matches nationally rather than internationally, if the matches are played with top-level cricketers, the visibility and recognition of women's cricket can change. With integration at the top, integration at other levels, like in domestic cricket in India as well as informal play among citizens, would also appear feasible. If India watches its "national heroes" playing with women cricketers as co-equals, they would have less difficulty playing integrated cricket themselves. In particular, if women in integrated teams take up prominent roles like captaincy, by quota or otherwise,

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203. Velija & Malcolm, *supra* note 21, at 206, speaking for English cricket.

204. Velija & Malcolm, *supra* note 21, at 207.

205. See Velija & Malcolm, *supra* note 21, at 207.

206. Velija & Malcolm, *supra* note 21, at 207.

such integration will further the norm of integrated play in India, and girls will be less likely to be reduced to mere helper roles. Thus, integration will provide a great opportunity to use the nationalism currently associated with men's cricket to change gender perceptions throughout the country.

Notably, these opportunities for integrated play would not entail demolition of the existing segregated structure, but would add a dimension of integrated cricket to it. Another mode of integration is allowing women to compete for the "men's" cricket team. This integration approach risks maintaining the widely-held perception of men's cricket as "real" cricket, an echelon for which even women cricketers should strive. In spite of this risk, and although not many women are likely to earn a spot on such integrated teams initially, inclusion of even one woman in the team<sup>207</sup> may generate significant interest among women and encourage their participation in cricket. For example, such positive trends have been observed with female participation in male-dominated NASCAR racing. Janet Guthrie's performance in NASCAR and IndyCar racing in 1977 gained widespread media attention and generated interest in female racers. Similar trends can be now observed with the recent entry of Danica Patrick in NASCAR racing.<sup>208</sup>

### 3. *Integrated Training*

Along with integration involving international cricket players, BCCI and local cricket bodies should take simultaneous efforts to integrate training and play in lower level cricket. To categorize sports law, Mukul Mudgal divides sports into amateur, professional, and international sports. Amateur sports are avocations where athletes do not consider playing as a vocation and are not paid. They include sports played on streets, weekend sports with friends or family, and organized, amateur sporting events in schools or universities. Professional sports involve athletes paid for participation. In international sports, athletes represent their nations.<sup>209</sup> There should be integration at all three levels. Training with boys has been successful in English women's cricket. Clare Connor, former English cricketer and head of ICC women's committee, advocates integrated training, asserting that around 80 percent of English team members that won the 2009 women's World Cup played competitive integrated cricket.<sup>210</sup>

Integration of both players and coaches can change the perception of

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207. See *Will a woman ever play for the England men's team?*, SPIN (Jan. 17, 2011), <http://www.spincricket.com/2011/01/17/will-a-woman-ever-play-for-the-england-mens-team/>, where Clare Connor, former English cricketer and head of International Cricket Council women's committee foresees the possibility of some English women cricketers making it into the men's team if given the opportunity.

208. Cary Estes, *Why all eyes will be on Danica Patrick during the Daytona 500*, SPORTS ILLUSTRATED (Feb. 21, 2012), <http://sportsillustrated.cnn.com/racing/news/20120221/danica-patrick-daytona-500/>.

209. MUDGAL, *supra* note 22, at 23–24.

210. *Will a woman ever play for the England men's team?*, *supra* note 207.



cricket as a “masculine” sport, and should thus continue at all ages. Otherwise, exclusion may begin to surface as girls enter adolescence.<sup>211</sup> Integrated training throughout all levels and areas can help change the popular notion of girls and women cricketers as the “other.” Integration from both the bottom-up and the top-down can help construct a more inclusive nationalism, which can then be used to change gendered perceptions in Indian society.

#### CONCLUSION

Cricket in India provides a strong platform for challenging mainstream conceptions of gender identities.<sup>212</sup> With measures to increase participation and visibility of women’s cricket, the gendered nationalism constructed by men’s cricket can be altered. At the same time, this altered nationalism can be used to further women’s participation in cricket and to promote gender equality in cricket and other sports, and in society in general.

This article suggests a hybrid approach of integration and segregation to promote equality. A separate women’s cricket team should be strengthened with formal equality measures, such as equal salaries and equal media coverage for men and women cricketers, in order to increase the visibility and significance of women’s cricket. At the same time, to change the perception of women as “others” in cricket, integration measures at all levels—management, teams, and training—should be initiated. Although Indian law on the subject is not sufficiently developed to require these measures, Indian law permits affirmative action: Law is not likely to prohibit or hold unconstitutional any such equality measures, including mandatory quota systems in integrated teams, thus providing a wide range of structures within which various models to promote equality can be tested.

This article presents just one facet of the issue of gender equality in cricket. The masculinity of cricket is fostered in many ways, including by media, cultural stereotypes, educational system, government agencies, and sports promoters.<sup>213</sup> By examining the issue of gendered nationalism in India, this article attempts to highlight the oft-neglected way in which the nation’s favorite sport contributes to gender inequality. By shedding light on this exclusionary phenomenon, this article seeks to locate a space where

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211. See Prishani Naidoo & Zanele Muholi, *Women’s Bodies and the World of Football in South Africa*, in *THE RACE TO TRANSFORM*, *supra* note 24, at 105, 129–30, describing how many girls in South Africa start out by playing soccer in boys’ teams, but pressures to conform to the “feminine” identity as they enter adolescence causes their exclusion because they are “different.” The opportunity to play in a separate women’s team does not eliminate this stereotyping.

212. See generally Aesha Datta, *Taking gender issues to the cricket pitch*, *THE HINDU* (May 30, 2012) <http://www.thehindubusinessline.com/features/article3473465.ece>, which describes the International Centre for Research on Women’s (ICRW) initiative for using sports to promote gender equality and changing masculinity norms in the Indian society. The project engages cricket coaches and mentors in schools and communities, who boys generally look up to, to inculcate an attitude against gender-based violence. The study noted significant change in the attitudes of the participants.

213. See Graydon, *supra* note 1, at 8.

mainstream gender conceptions can be challenged by utilizing the already existing relationship of cricket to nationalism.