

Kluwer Mediation Blog

It's not cricket! – But it is a lesson about why apologies matter.

Rosemary Howell (University of New South Wales) · Tuesday, January 22nd, 2019



We Australians love sport in general and cricket in particular.

Unless you have been living in a cave, with no access to any media reporting whatsoever, you will know that the Australian cricket team is under a cloud.

Saturday March 24th 2018 was the third day of the third cricket test between Australia and South Africa. Australia was being pummeled.

In an event that shocked the cricketing world and most Australians too, the decision was taken to use sandpaper to tamper with the ball to seek an unfair advantage and claw back the match. The deceit was observed by the umpire and recorded on international television.

Punishment was swift and the team returned to Australia in disgrace.

Cricketers are well rewarded and have access to spin doctors and PR advisors in droves. How surprising then that the trio of players who were complicit in the decision to cheat have, in their failed attempts to apologise, made many of us even more reluctant to bestow forgiveness.

The former Vice-Captain, **Dave Warner**, seemed to begin well, expressing regret and remorse.

But then, facing further questioning he refused to provide details of how the plot was hatched and accepting responsibility only for what he called, (but refused to explain) **‘my part’**.

The team **Captain, Steve Smith**, did better.

“To all of my teammates, to fans of cricket all over the world and to all Australians who are disappointed and angry: I’m sorry,” ...”Tonight I want to make it clear as captain of the Australian cricket team, I take full responsibility. ...”I made a serious error of judgement and I now understand the consequences. It was a failure of leadership. I’ll do everything I can to make up for my mistake and the damage it’s caused.”

Cameron Bancroft, the young bowler who applied the sandpaper, seemed genuinely remorseful:

“I’ve had time to reflect on the events in Cape Town and the punishments handed down to me by the ICC (International Cricket Council) and Cricket Australia and I want to say I’m very sorry,” “I love the game of cricket and playing for my nation and my state, there is no greater pride to me” ...”I am extremely disappointed and regret my actions”.

Substantial suspensions were announced and there was some move to forgiveness as the cricketers worked on their image in local matches and community work. However, there was lingering community disappointment – not just for what had happened but for the ongoing refusal to give the detailed explanation we needed.

And then ...

The wound was reopened months later by a foolhardy Bancroft who was unwise enough to engage in a public interview about the scandal during the Boxing Day test on 26th December 2018.

Placing the blame squarely on his Vice Captain for directing him to tamper with the ball, he sought to minimise his own responsibility.

“I didn’t know any better because **I just wanted to fit in and feel valued** really. As simple as that. The decision was based around my values, what I valued at the time and I valued fitting in ... you hope that fitting in earns you respect and with that, I guess, there came a pretty big cost for the mistake.”

It was a bombshell that reopened the whole sorry mess and made forgiveness less likely.

So now we are left with a set of dismal apologies that are textbook examples of **what not to do**:

- Lots of remorse, but even more self-pity;
- Refusal to explain; and
- Elements of ‘it wasn’t really all my fault’ and (unspoken) others should really carry the blame especially Cricket Australia for a toxic culture of winning at all costs.

We know apologies matter.

Indeed, in Australia almost every jurisdiction has legislation giving some protection from civil liability for apologies containing admissions of wrong-doing. This legislation reflects the strong evidence that well-crafted and timely apologies reduce the likelihood of a suit for damages and allow parties to move on with their lives without costly litigation.

So what do we need to remember about making effective apologies?

There are lots of different apology models we could use when working with parties. . The **RESPECT model** gets a lot of airtime, however in my experience parties see this model as unduly cumbersome and confusing and give up.

More useful is the work of **Slocum** and her fellow researchers which, after exploring why there is no universal agreement about what constitutes an apology, concludes that this lack of agreement reveals an underlying requirement – an effective apology needs to be **situation specific**.

Their work proposed a three-category approach, with each having an element of self-focus and external focus. In my cricketing case study, the three category apology might look like this:

CATEGORY	SELF-FOCUS	EXTERNAL FOCUS
Affect	<p>Regret I am truly sorry for my behaviour and my failure to live up to the ethical standards Australia has every right to expect of me.</p>	<p>Remorse I recognise that my behaviour has had terrible consequences and destroyed the trust of the Australian people in the integrity of those who play test cricket.</p>
Affirmation	<p>Admission Here are the details of exactly what was planned, how it was executed and who was involved.</p>	<p>Acknowledgement I acknowledge that this amounted to cheating and that it is not in keeping with the respect and dignity expected of a team that represents Australia.</p>
Action	<p>Restitution I have scrutinised my actions and I am determined to find a way to make amends for what I have done. I hope to be able to demonstrate that I am truly sorry and that I can find a way to make a positive contribution to my community to restore my reputation.</p>	<p>Reparation I recognise that I need to be punished for my wrongdoing and I will accept whatever Cricket Australia and the Australian public requires of me in order for them to feel I have paid for my mistakes.</p>

In the opportunity provided by an intake process or in a caucus called during the heat of conflict, I find these tools are simple to follow and helpful for parties who genuinely want to make things better, not worse.

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