

# SUBVERTING THE RULES IN SPORT

SUBVERTENDO AS REGRAS NO ESPORTE 🔗

SUBVIRTIENDO LAS REGLAS EN EL DEPORTE 🙈

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Abstract: What does it mean to subvert the rules in sport? One way of doing so is to interfere with or curb the display of skill of your opponent by a) breaking the rules deliberately and openly or b) by acting contrary to the idea of sportspersonship. In both instances you violate the norm that displaying/exercising your game-related skills is central for a good contest. In the former you incorporate the penalty rules into the playing rules, i.e. you act as if breaking the rules is part of playing the game. In the latter you adopt a (new) strategy which curbs the display of skill by your opponent, a strategy about which the rules are silent. The motivation for such acts is not to make the game better, but to ensure a win. In this paper I illustrate and analyse such rule subversion, with some reflections on game rules and the good contest.

Keywords: Sport. Ethics. Sportspersonship. Sport Rules.

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#### 1 THE ART OF PUSHING IN TAEKWONDO

In 2019, at the World Taekwondo Championships in Manchester, there was a lot of booing, when the British fighter Bianca Walkden won gold. Walkden defeated her Chinese opponent Zheng Shuyin, not on points, but by forcing her opponent repeatedly to step outside of the ring, which led to Zheng's disqualification. The rules state that if you incur 10 penalty points, called "gam-jeom", you will be disqualified. Walkden won by pushing – not by kicking, punching and blocking – the traditional skills of Taekwondo. She introduced a new "skill" to Olympic Taekwondo: pushing your opponent out of the fighting area.<sup>2</sup>

In the third and final round of the bout the score was 20:11 for Zheng. Ten of Walkden's eleven points had been penalty points, awarded for pushing her opponent ten times out of the ring. During the three rounds Walkden only scored one point for a successful punch, whereas Zheng had scored twenty points for successful kicks and punches. Zheng was clearly the superior fighter - although she hadn't developed a strategy to counter Walkden's pushing.

Zheng had beaten Walkden in the previous three encounters. After the fight Walkden said<sup>3</sup>: "I went out there needing to find a different way to win and a win is a win if you disqualify someone – it's not my fault." Note the use of active voice – not passive voice. Walkden didn't say: "I beat her", she said: "I disqualified her." Normally you would use the passive voice: "Miroslav was disqualified" (by the referee), because he did something wrong. Miroslav's opponent didn't make him be disqualified - he didn't disqualify Miroslav – the referee did that.

Also note Walkden's addition: "it's not my fault." I think here Walkden admits that something went wrong or wasn't quite right in the fight: she didn't win in the traditional way: kicking and punching. To win by pushing your opponent out of the ring is unusual, unless you do Sumo wrestling. The British fighter's message was: it doesn't matter how you win, it only matters that you win.

Zheng displayed the traditional skills of punching, kicking and blocking (scoring 20 points); Walkden displayed the new "skill" of pushing your opponent out of the ring (scoring 10 penalty points), as well as a minimal display of central skills (scoring 1 point for a punch). Walkden mainly curbed the display of her own skill, and to a lesser degree that of her opponent. This match was a bad contest as well as an ugly contest, but, more importantly, it violated the tenets (its ethos) of Taekwondo.4

<sup>1</sup> See here: World Taekwondo Championships: Bianca Walkden win leaves Zheng Shuyin in tears. Available at: https://www.bbc.co.uk/sport/av/taekwondo/48318270. Accessed on: Jan. 10, 2024.

<sup>2</sup> For a comprehensive treatment of this incident see Imbrišević (2019).

<sup>3</sup> See here: Liverpool's Bianca Walkden makes history winning three Taekwondo World Golds. Available at: https:// www.itv.com/news/granada/2019-05-18/liverpools-bianca-walkden-makes-history-winning-three-taekwondo-worldcrowns. Accessed on: Jan. 10, 2024.

<sup>4</sup> Two other examples from Olympic Taekwondo come to mind: the gratuitous use of the VAR-card at the end of a match to give a tired fighter an opportunity to take a breather and, second, when being comfortably in the lead, refusing to engage with your opponent in the dying moments of the final round by running out of the contest area. Such a competitor is refusing to fight. This tactic only results in one penalty point. This fighter stops the contest, curbing her own display of skill as well as that of her opponent.

Walkden used the rules – and the referee – to do her bidding. She used her opponent and the referee as a mere means to an end - the fight/competition wasn't a mutual quest anymore.5 There was no attempt to bring out the best (performance) in herself and in her opponent. To disqualify somebody means to expel them from the contest. So Walkden, in effect, stopped Zheng from competing. She didn't just undermine the good contest, she stopped the contest.

## 2 THE UNDERARM BOWLING INCIDENT

This is another example for curbing the display of skill (in cricket) in order to gain an advantage. At the time of the incident, the rules were silent on underarm bowling, because it was contrary to the spirit of cricket:

> With New Zealand needing a six from the last ball to tie the match, Greg Chappell [the capitan of the Australian team] decided to order the underarm delivery to deny New Zealand any chance of tying the match, let alone winning.

> As a batsman, it is almost impossible to hit an underarm bowl. As a result, Australia won the match and the series 2-1.

> The underarm ball was not against the rules at the time. However, it was considered to be unsportsmanlike. (Grebert-Craig, 2018).

What is underarm bowling? Rather than bowling overarm (throwing or pitching), you roll the ball along the ground. This action effectively stopped the contest. If you use this tactic then: a) you curb your own skill, by rolling the ball along the ground, b) you curb the skill of the batsman – and the fielders who would try to catch the ball. You are replacing a central skill of cricket with something else (underarm bowling).

This incident was widely condemned because it violated the spirit of cricket (Grebert-Craig, 2018). New Zealand's prime minister at the time, Robert Muldoon, described the underarm bowl as "the most disgusting incident I can recall in the history of cricket" and "it was an act of true cowardice and I consider it appropriate that the Australian team were wearing yellow". Former Australian captain, Richie Benaud, said in his television commentary that the underarm bowl was "gutless". Subsequently, the laws of cricket were changed to prevent this from happening again.

# 3 THE BABY-FACED ASSASSIN

In this example - of strategic fouling - the rules are not silent about the practice. The rule breaker is penalised, but the penalty often fails to make the victim of the foul whole again. If you bring down a striker in front of the goal, you curb the display of their skill, as well as your own footballing skills – unless you consider fouling to be a skill in football. Just like Walkden did, you are using the penalty rules to your advantage. The same applies to stopping-the-clock in basketball.

<sup>5</sup> For Kantians: this was also a violation of the Categorical Imperative.

<sup>6</sup> See here: The Underarm Bowl that Shock the World - Greg Chappell was Guilty. Available at: https://www.youtube. <u>com/watch?app=desktop&v=WmknUVoY6ho</u>. Accessed on: Jan. 10, 2024.

<sup>7</sup> On "strategic fouling" see Imbrišević (2023).

Although the practice is wide-spread now, and there are even philosophical supporters of strategic fouling, we need to consider the genealogy of such practices. New variations of strategic fouling are introduced by a wily coach or player and only become wide-spread because other competitors don't want to be disadvantaged, rather than everyone whole-heartedly agreeing/consenting that employing this particular strategic foul is a great idea. Once the practice is introduced, and no rulechange ensues, competitors are forced to use it so as not to be disadvantaged (see Škerbić et al., 2024).

Even if the practice is part of the "ethos" of a game, it is not beyond criticism. Cesar Torres writes:

> [...] the acceptability of a practice depends on the soundness of the supporting arguments rather than only on how extensive the practice has become in the sport community. Otherwise, the members of a sport community risk capitulating to the ethos and surrendering their critical capacity to understand, value, and appreciate sport. An ethos is clearly not beyond moral scrutiny. (Torres, 2018, p. 7).

Let us look at how the ethos has changed in football. Take the former Manchester United coach, Alex Ferguson, for example. In 1998 one of his defenders, Ole Gunnar Solskjaer (then known as "the baby-faced assassin"), brought down a striker who was one-on-one with the goalkeeper in front of the Manchester goal. Solskjaer was given a red card. The fans applauded his action, but Ferguson was fuming. Later, in the dressing room, Solskjaer got Ferguson's famous "hairdryer treatment" (i.e. shouting at a player at very close range). Ferguson said to the defender: "At Manchester United we never win that way; we win by fair play." 8 Solskjaer hadn't realised that Ferguson wasn't just a pure pragmatist but also a philosopher of sport (a formalist?).

I suspect that nowadays very few coaches will reprimand a player for committing such a foul, but casting a look back reminds us how attitudes have changed. Note that a changed attitude and a more wide-spread practice do not necessarily provide a normative justification. Although, this might explain why some philosophers of sport feel the urge to provide such a justification.9

# **4 THE GOOD CONTEST**

In a good competition you bring out the best in each other. You want to beat your opponent when she is at her strongest; this is one aspect of sportspersonship. In popular games (e.g. football) we have been observing for more than a century that the

<sup>8</sup> See here: Swan, Rob. Man United news: Solskjaer's cynical foul against Newcastle in 1998 remembered. Available https://www.givemesport.com/1654121-man-united-news-solskjaers-cynical-foul-against-newcastle-in-1998remembered/. Accessed on: Jan. 5, 2024.

<sup>9</sup> In the languages of football playing nations we find metaphors, euphemisms or dysphemisms to describe strategic fouling (see Imbrišević 2020b). The expressions suggest that the attitudes towards strategic fouling vary from country to country. There is a wide spectrum between a clearly negative and a clearly positive view of the practice. In Austrian German, fouling a striker in front of the goal, who is about to score, is called "Torraub", i.e. "goalrobbery". The foul is likened to a crime. In Brazilian Portuguese it is called a "providential foul" ("falta providencial"). This suggests that it was meant to be (by God?). But it is telling that euphemisms and/or metaphors are used to make the strategic foul more palatable.

"winning attitude" (winning at all cost) has gained greater acceptance, to the detriment of the notion of sportspersonship.

When football was played by gentlemen, committing a deliberate foul was bad form. Here is a voice from 1891, discussing the novel idea of the penalty kick - and the penalty area in football:

> It is a standing insult to sportsmen to have to play under a rule which assumes that players intend to trip, hack, and push their opponents and to behave like cads of the most unscrupulous kind. I say that the lines marking the penalty area are a disgrace to the playing field of a public school.<sup>10</sup> (McIntosh, 1979, p. 80).

Gentlemen would not behave like that. But – things have changed. Players frequently fall down in the penalty area (simulation); they argue with the referee (disputing decisions), attempt to intimidate the referee (by squaring up to them), or they commit strategic fouls. For example, defenders keep kicking the star striker, to wear him down – and sometimes the striker goes off on a stretcher.

The "good contest" (Arnold, 1992, p. 233; Fraleigh, 1982, p. 42) requires a certain attitude by the athlete: embracing the idea that the contest should promote the display of skill of all competitors (within the boundaries of the rules). One function of the rules is to safeguard the display of skill. Friedrich Georg Jünger writes (1953, p. 99; similarly Fraleigh, 2003, p. 170):

> Rules are not only positive determinations which secure the beginning, continuation and end of the game, but also negative determinations which don't permit rule violations. Part of this is that the ability to display one's skill may not be intentionally interfered with by other players.11

When a competitor deliberately curbs the display of skill of an opponent, we witness a "bad contest". If this curbing of skills results in a win for the "bad contestant", it is often called an "ugly win". The contest is not just substantially impoverished, i.e. not as good as it could be, there is also an aesthetic element to suppressing the display of skill in sports - it is "ugly" to watch, because the beauty of skilful action is replaced by something else (e.g. cynical fouls, strategic fouls, or a misuse of the rules). Here, the rules are (mis-) used, i.e. contrary to their purpose, to gain an (unfair) advantage.

# **5 PLAYING WITH THE RULES**

Following Searle (1969), it is common to distinguish "constitutive" rules from "regulative" rules. However, this distinction lacks clarity, something Searle admits himself (1969, p. 33): "I am fairly confident about the distinction, but do not find it easy to clarify."12 This lack of clarity has lead to confusion in the literature. Carlson and Gleaves (2011) have shown that there are many different interpretations of the

<sup>10</sup> Note that in the UK a "public school" is a private (boarding) school.

<sup>11</sup> The original n German is: "Regeln sind nicht nur die positiven Bestimmungen, die den Anfang, den Fortgang und das Ende des Spiels sichern, sondern auch die negativen, die ein spielwidriges Verhalten nicht zulassen. Dazu gehört, daß die Geschicklichkeit eines Mitspielers nicht vorsätzlich verletzt wird." Note that "Geschicklichkeit" could also be translated as "competence in performance".

<sup>12</sup> See for example Joseph Raz'(1999, p. 110) criticism of Searle; also Christopher Cherry (1973); Fred D'Agostino (1981, p. 12); William J. Morgan (1987, p. 2) and Graham McFee (2004).

constitutive/regulative-dichotomy among theorists of games. It is also interesting to note that Suits, unlike subsequent writers, makes do with constitutive rules only; he never refers to regulative rules. This might be because he was influenced by Aurel Kolnai (1965), who relies on constitutive rules only, or Suits might have recognised that Searle's dichotomy is problematic. It is likely that Suits (and Kolnai) take the constitutive rules also to be regulating, 13 and thus there is no need to posit a separate class of regulative rules.

In order to avoid the confusion around these terms it might be useful to introduce terms which are much clearer and easier to grasp (see Imbrišević, 2018). I propose to distinguish "playing rules" (Spielregeln) from "penalty rules" (Strafregeln). There are other (auxiliary) rules of course, e.g. eligibility rules, competition rules, regulatory rules. etc., but they are not central to my argument – for an overview see Vamplew (2007).

The playing rules explain and determine how the game is to be played (e.g. a football team can field up to 11 players). They tell us what we can do and what we cannot do. My way of putting it explains how constitutive rules could create new forms of behaviour and at the same time "regulate" it. Searle should have said that constitutive rules set up the game but at the same time they "constrain" (rather than "regulate") the behaviour ex negativo: e.g. you cannot field more than 11 players, etc. And Searle's regulative rules are simply penalty invoking rules.

The penalty rules explain what is to be done if certain playing rules are broken (e.g. a foul within the penalty area results in a penalty kick).<sup>14</sup> The penalty rules are parasitic on the playing rules – they are not free-standing. My re-conceptualisation of game rules is nicely mirrored in Hart's (1997, p. 38) account of the criminal law: "the characteristic technique of the criminal law is to designate by rules certain types of behaviour as standards for the guidance either of the members of society as a whole or of special classes within it". Hart explains that "the rules requiring the courts to impose the sanctions in the event of disobedience [...] make provision for the breakdown or failure of the primary purpose of the system. They may indeed be indispensable but they are ancillary."

We need to keep in mind that only the playing rules determine the options of the players. The penalty rules do not provide (more/other) options within a game: e.g. committing a foul. The penalty rules only specify what is to be done if the playing rules have been broken. For example, rule 12 of the Laws of Football deals with Fouls and Misconduct only – it is not a playing rule. 15 So the (conceptual) mistake in a strategic foul is to incorporate the penalty rules into the playing rules. Russell (1999, p. 37) calls such a practice an "anti-game", i.e. you are not playing by the rules but rather with the rules. Such a widening of options through the inclusion of rule-breaking is something we can observe in the doctrine of "efficient breach" (see Imbrišević, 2018,

<sup>13</sup> Similarly Morgan (1987, p. 5).

<sup>14</sup> Jünger (1953, p. 99) adopts a similar classification. Meier (1985, p. 70) writes that the constitutive rules incorporate a subset of penalty rules.

<sup>15</sup> See also the competition rules of World Taekwondo: "Article 14 Prohibited acts and penalties". Available at: https://firebasestorage.googleapis.com/v0/b/sg-cbtkd.appspot.com/o/anexos%2F3d9d4f69-4447-d019-1d8e-https://firebasestorage.googleapis.com/v0/b/sg-cbtkd.appspot.com/o/anexos%2F3d9d4f69-4447-d019-1d8e-https://firebasestorage.googleapis.com/v0/b/sg-cbtkd.appspot.com/o/anexos%2F3d9d4f69-4447-d019-1d8e-https://firebasestorage.googleapis.com/v0/b/sg-cbtkd.appspot.com/o/anexos%2F3d9d4f69-4447-d019-1d8e-https://firebasestorage.googleapis.com/v0/b/sg-cbtkd.appspot.com/o/anexos%2F3d9d4f69-4447-d019-1d8e-https://firebasestorage.googleapis.com/v0/b/sg-cbtkd.appspot.com/o/anexos%2F3d9d4f69-4447-d019-1d8e-https://firebasestorage.googleapis.com/v0/b/sg-cbtkd.appspot.com/o/anexos%2F3d9d4f69-4447-d019-1d8e-https://firebasestorage.googleapis.com/v0/b/sg-cbtkd.appspot.com/o/anexos%2F3d9d4f69-4447-d019-1d8e-https://firebasestorage.googleapis.com/v0/b/sg-cbtkd.appspot.com/o/anexos%2F3d9d4f69-4447-d019-1d8e-https://firebasestorage.googleapis.com/v0/b/sg-cbtkd.appspot.com/v0/b/sg-cbtkd.a 6a03c7f681f9?alt=media&token=1c0b1199-8be2-4e12-8257-7ff247ce1db1. Accessed on: Jan. 14, 2024.

2020a)<sup>16</sup>: breaking a contract is just another option when being bound by a contract. The (playing) rules of games – normally – do not give players the option to break any rules as part of playing the game. The strategic fouler incorporates the penalty rules into the playing rules to give herself more options, i.e. options which violate the rules.

There is another - illuminating - way of describing strategic fouling by contrasting game rules with moral rules in life. Kolnai (1965, p. 121) writes:

> A game is defined by its constitutive rules (together with the equally arbitrary agonistic aims of the partners, i.e., the theme proper of the game); moral rules, however relevant they are to the conduct of life, do not define life, which can be carried on with more or less success and enjoyment in occasional or systematic defiance of some or many moral rules; what they define is the person's moral status in life, which has no analogue in [sic] game. The concern of "being moral" or "being good", no doubt intimately conjoined with many standard and focal purposes in life, itself constitutes one such paramount purpose whose service demands a great deal of thematic attention, thought, strategy and effort; whereas to abide by the rules of the game is not a thematic part of the game but merely a selfevident presupposition of playing it. The rules form an immutable set of data on which, but not for which, all planning and thought-effort in the game has to work.

Suits (2005, p. 46) had the same insight: "In morals obedience to rules makes the action right, but in games it makes the action." Thus, we can say that the person employing a strategic foul views the (penalty) rules of the game as belonging to the thematic part of the game which they wish to pursue. And this is a misconception.

## **6 TRANSCENDENTAL RULES**

One of Kant's major contributions to philosophy was to point out that there are transcendental elements to our cognition which make experience as such possible (Kant, 1998, B 197): "The conditions of the possibility for experience as such are at the same time the conditions of the possibility for objects of experience".<sup>17</sup> Similarly, games rely on certain – transcendental – presuppositions, which make games possible in the first place. One such transcendental element (or transcendental rule) is that the penalty rules cannot be made (or incorporated) into the playing rules. This has been recognised by Aurel Kolnai (1965, p. 121): "The rules form an immutable set of data on which, but not for which, all planning and thought-effort in the game has to work."

Players, of course, sometimes break the "Kolnai rule"; they use the rules to their advantage and incorporate them into their game plan. But this is a conceptual error. Kolnai explained that the rules have a transcendental function: they are the conditions of the possibility of playing a game.

I will use an analogy to illustrate this. Imagine you are a dancer. You cannot dance without a floor, this is the transcendental element, i.e. the condition of the

<sup>16</sup> If it turns out that you could maximise value or resources by breaking an existing contract, compensating the promise later, and contracting with another party, then (proponents of the Law and Economics movement claim) it is acceptable to do so. These theorists claim that in "efficient breach" (of contract) economic welfare is increased for all. 17 The original in German is: "Die Bedingungen der Möglichkeit der Erfahrung überhaupt sind zugleich Bedingungen der Möglichkeit der Gegenstände der Erfahrung".

possibility of dancing. Now, if you rip up some of the floor tiles to make your fellow competitors trip and that you may shine, this will make it difficult for them to dance - but also difficult for you. You are curbing the skills of others - and of yourself, when you use the rules as part of your performance/game plan. If you do this, then you win ugly. You incorporate something that has a transcendental function (rules safeguarding the display/exercise of skill) into your performance. This is contrary to the spirit of games – but it is also a conceptual error. Players always understood that deliberate rule-breaking, or misusing the rules, in order to gain an advantage would undermine the game. I suspect that growing commercial pressures have eroded the force of this presupposition.

Let us finish on a positive note. Sometimes rules may be broken in sport: Paulo Di Canio stopped play by intercepting the ball with his hands. 18 During a Premier League match in 2000, Di Canio was receiving a cross into the penalty box, but he caught the ball with both hands and thus stopped play. Di Canio had seen the opposite goalkeeper Paul Gerrard collapse outside the penalty box and refused to take advantage of the unguarded net. Di Canio broke the rules (handball) but not for opportunistic reasons. Perhaps this is another transcendental rule: you may break the rules, if it benefits your opponent.

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<sup>18</sup> See here: PL Moments: Di Canio catches the ball. Available at: <a href="https://www.facebook.com/premierleague/videos/">https://www.facebook.com/premierleague/videos/</a> pl-moments-di-canio-catches-the-ball/1446948868662857/. Accessed on: Jan. 5, 2024.



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Resumo: O que significa subverter as regras no esporte? Uma forma de fazer isso é interferir ou restringir a exibição das habilidades do adversário, o que pode ocorrer de duas maneiras: a) violando deliberada e abertamente as regras, ou b) agindo de forma contrária ao espírito esportivo. Em ambos os casos, ocorre uma transgressão da norma que valoriza a demonstração/exercício de habilidades como elemento essencial para uma boa competição. No primeiro caso, você integra as penalidades às regras do jogo, como se infringir as regras fosse parte da própria dinâmica do jogo. No segundo caso, adota-se uma (nova) estratégia que limita a exibição das habilidades do adversário sobre a qual as regras nada estabelecem. A motivação por trás desses atos não é o aprimoramento do jogo, mas garantir a vitória. Neste artigo, ilustro e analiso essa subversão das regras, trazendo reflexões sobre o papel das regras no jogo e uma boa competição.

Palavras-chave: Esporte. Ética. Espírito Esportivo. Regras Esportivas.

Resumen: ¿Qué significa subvertir las reglas en el deporte? Una forma de hacerlo es interferir o restringir la demostración de las habilidades del adversario, lo cual puede ocurrir de dos maneras: a) violando deliberada y abiertamente las reglas, o b) actuando de manera contraria al espíritu deportivo. En ambos os casos, se produce una transgresión de la norma que valora la demostración/ejercicio de habilidades como un elemento esencial para una buena competición. En el primer caso, se integran las penalidades a las reglas del juego, como si infringirlas fuera parte de la propia dinámica del juego. En el segundo caso, se adopta una (nueva) estrategia que limita la demostración de las habilidades del adversario, sobre la cual las reglas no establecen nada. La motivación detrás de estos actos no es el mejoramiento del juego, sino asegurar la victoria. En este artículo, ilustro y analizo esta subversión de las reglas, aportando reflexiones sobre el papel de las reglas en el juego y en una buena competición.

Palabras clave: Deporte. Ética. Espíritu Deportivo. Reglas Deportivas.



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#### **CONFLICT OF INTERESTS**

The author declare that this work involves no conflict of interest.

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#### **EDITORIAL RESPONSIBILITY**

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