

*The 'Letter' and the 'Spirit':  
Football Laws and Refereeing in the  
Twenty-First Century*

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Ferguson applauds refereeing

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This headline might strike readers as somewhat unusual. After all, Alex Ferguson, the Manchester United manager, is not known for his approval of referees. Indeed, football managers in general have a reputation for what might be termed 'referee bashing'. 'Jones Lashes Out in Ref Rage',<sup>1</sup> 'Strachan Faces £10,000 Fine Over Ref Insult',<sup>2</sup> and 'Bad Refereeing Becoming a Plague',<sup>3</sup> are the kind of headlines normally associated with reports on referees and refereeing decisions. Referees at the élite level of the game are under intense scrutiny and, more often than not, that scrutiny results in criticism rather than applause. This essay considers several issues raised in relation to football refereeing in an attempt to understand why refereeing decisions have become such a central focus in the analysis of the game. Initially, the development of the Laws of the Game will be discussed, with reference to notions of the 'spirit' of the game, and the 'spirit' and the 'letter' of the law. The wider context of the football industry will then be examined, with reference to the increasing pressure on élite-level football personnel, and the relationships between referees, players, managers, fans and other football and media personnel. These factors combine to explain why refereeing issues, and in particular criticism of referees, have achieved a relatively high profile in football discussions. Several issues raised by regularly proposed 'solutions' to refereeing problems, in terms of the introduction of various technological aids for referees, are then addressed. Finally, consideration is given to questions about the extent to which these 'solutions' may, or may not, be expected to help resolve refereeing problems as we head into the twenty-first century.

THE DEVELOPMENT OF THE LAWS OF THE GAME

The Laws of the Game may be understood in terms of the related concepts of the 'spirit' of the game, and the 'spirit' and the 'letter' of the law. The notion of the

'spirit' of the game refers to beliefs about the way the game 'should' be played, to ideas about 'fair play' and about 'gentlemanly' – or in the present non-gender specific Laws, 'sporting' – behaviour. The origins of notions about the 'spirit' of the game can be traced back to the public schools in the early to mid nineteenth century, where the game of football developed from its 'folk' or 'mob' football roots into its modern form.<sup>4</sup> The regulation of the game developed, as E. Dunning and K. Sheard argue, in line with the social attitudes of members of the middle and upper classes of Victorian England.<sup>5</sup> As J. Witty has suggested, whilst the 'possibility of damage or even casual injury to the players'<sup>6</sup> was permitted in public school football games during this period, 'It was never even thought that a player would intentionally do anything to hurt an opponent. Such conduct would be "ungentlemanly", and that was an unpardonable offence; ... the lowering of self-control to the depths of ungentlemanly conduct was something which could not be tolerated.'<sup>7</sup>

During this period the responsibility for dealing with such conduct lay in the hands of the offending player's team captain, who would decide any punishment and might order the player from the field. As the number and relative importance of competitions between and within schools increased, so too did the use of umpires. Teams nominated their own umpires, who were required to adjudicate on appeals from the respective team captains. If a decision could not be reached, the umpires then referred it to 'a third man, [the referee] who was seated outside the field; and they were bound to accept his ruling'.<sup>8</sup>

With the advent of the FA Challenge Cup in 1871, the legalization of professionalism for players in 1885, and the formation of the Football League in 1888, football played outside the public schools also became characterized by an increasing seriousness and competitiveness. This was reflected in the way the game was 'policed'. The original rules of the FA Challenge Cup in 1871 required the appointment of two *neutral* umpires and a referee, and Witty notes that 'unsportsmanlike actions of an intentional nature', such as tripping or hacking, were to be penalized with an indirect free kick.<sup>9</sup> Initially, referees were only required to decide on appeals which the umpires were unable to agree on. Gradually, however, referees were required to act autonomously; by 1880 they had the power to send off players who persistently infringed the Laws, and by 1889 they were permitted to 'award a free kick, without any appeal'.<sup>10</sup> By 1891 the referee had moved onto the pitch and had become the sole arbitrator, to be assisted by two linesmen. These changes represented a gradual shifting of power away from players, and captains in particular, to umpires and referees, and eventually to referees alone. In both the *punishment* of breaches of the Laws, and in the *interpretation* of those Laws, there was, then, a shift away from self-regulation to external regulation. Moreover, those regulating the game were also required to make decisions about the way the game was played; that is to say, in terms of the 'spirit' of the game. By the late 1890s *The Referees' Chart* included an instruction to players to 'Play a gentlemanly game. Don't allow yourself to lose

your temper; keep a still tongue in your head.’<sup>11</sup> At that time it was part of the referee’s role to interpret and, if necessary, penalize any such ‘ungentlemanly’ conduct.

The changes described above indicate that notions of ‘gentlemanly’ or sporting behaviour, and notions about ‘fair play’ and the way the game ‘should’ be played, have formed an integral part of the rules since the transformation of folk football into a form recognizable as the modern game. Whilst the power to interpret and penalize their infringement has shifted from players to referees, these concepts remain central to both contemporary football discussion, and to the philosophy of football’s international governing body, the Fédération Internationale de Football Association (FIFA). FIFA’s code of conduct states that ‘The characteristic values and norms of fairness in football were essentially those of the English middle and upper classes; they took shape and were defined in Victorian England, and they are in essence the basis of the FIFA code of conduct.’<sup>12</sup>

Included in the code are assertions that ‘a fair player accepts the Laws of the Game’ and ‘does his utmost to win within the Laws of the Game’.<sup>13</sup> Despite their longevity, however, such notions are rather problematic, and indeed are central to explaining some of the problems raised in connection with refereeing. Given the significant social change that has occurred since the early versions of the Laws were devised, and given the changes evident in what might now be described as the global football industry, it is perhaps not surprising that some problems are raised by the inclusion of Victorian ideals in the current Laws and FIFA’s philosophy. Further, notions of ‘fair play’ or the ‘spirit’ of the game and its Laws are relatively subjective and, therefore, contested concepts which are liable to change over time. What may be deemed to be fair play by one player or referee under certain circumstances may be deemed unfair by others, or by the same player or referee in a different circumstance. There is, then, room for interpretation inherent in the Laws of the Game, and in the application of those Laws by the game’s regulators on the pitch: the referees.

#### THE ‘SPIRIT’ AND THE ‘LETTER’ OF THE LAW: ROOM FOR INTERPRETATION

A central tenet of this essay is that the room for interpretation in the Laws is a key element in understanding the reasons why refereeing issues have been, and continue to be, so contentious. Whilst players are expected to play within the ‘spirit’ of the game, one consequence of the shift of power away from players to referees in regulating the game has meant that referees too are expected to interpret the Laws, and are encouraged to apply them ‘in spirit rather than too literally’. Referees are able to facilitate a flowing game by allowing play to go on when ‘minor’ offences occur, rather than stopping the game for every infringement of the Laws (something which would be required if referees applied the ‘letter’ of the law). Essentially, the Laws provide for minimum interference

from the referee. The referee may avoid continually interrupting the game's flow by striking a balance between the 'spirit' and the 'letter' of the law. This enables a fast flowing game, something which is central to football's appeal in particular in terms of generating excitement. As N. Elias has noted, in drawing up the rules or laws of a sport, 'The problem to be solved, in this case [football] as in that of other sport-games, is how to keep the risk of injuries to the players low, yet keep the enjoyable battle-excitement at a high level.'<sup>14</sup>

When referees allow incidents to go 'unpunished' in order to facilitate a flowing game, critics may argue that they are 'letting the game get out of hand', or that there is a need to start 'clamping down' on offences. Many of the decisions made during the course of a game – both to stop play, or to allow the game to continue – are based on subjective judgements that the referee is required to make. Phrases such as 'in the opinion of the referee' recur in the Laws of the Game, indicating the element of subjectivity inherent in referees' decision-making processes.<sup>15</sup> Further, a range of factors may affect the level of discretion shown by referees. These include the atmosphere and relative importance of the game, and the relationships between the opposing players, both historically or within a particular game.<sup>16</sup> As D. Elleray has suggested,

If a referee is letting the game flow, he is probably satisfied that he does not need to penalise every foul, that the players are not reacting to being fouled and, therefore, there is limited danger of retaliation ... referees can appear to be inconsistent during a game because they appear to be letting a lot go by and then suddenly bang, bang, bang, bang, bang, everything is being penalised ... People don't always see the overall context.<sup>17</sup>

Because many refereeing decisions are largely subjective, fans, players, managers, commentators and other football personnel may, whilst desiring a fast-paced game, also feel that the referee is not enforcing the Laws strictly enough. Conversely, a referee may be perceived to be applying the rules too rigidly, namely to be sticking to the 'letter' of the law, booking too many players and stopping the game too frequently for infringements which may be perceived to be relatively minor. Under these circumstances, referees are often implored by commentators, fans, players and managers to 'use some common sense', and to interpret the Laws less literally. Yet when we ask referees to demonstrate common sense, we are not really expecting them to do what they think should be done, but to do what we think should be done. In the 1997/98 season Alex Ferguson demonstrated this tendency in his assessment of referee Martin Bodenham's 'liberal' handling of the Arsenal versus Manchester United Premier League game. Bodenham ignored penalty claims when Arsenal's Nigel Winterburn appeared to foul Paul Scholes, of which Ferguson said, 'It was a clear penalty, and you just hope referees stop these type of incidents, but he is the master of not seeing these things.'<sup>18</sup> Of the same game, Ferguson said, 'I don't see why anybody needed to be booked in a game like that.'<sup>19</sup> In this example, Ferguson is insisting, firstly, on

the 'letter' of the law – demanding a strict application of the laws, and secondly on the 'spirit' of the law – calling for a more liberal interpretation.

Such calls for common sense, often voiced in discussions about football officials, provide further insight into the reasons why criticism of referees might persist; for, again, views about how appropriate referees' rulings are, and about referees' applications of the 'spirit' or the 'letter' of the Laws, are subjective. The call for common sense, then, does little to resolve the problems raised by the room for interpretation in the Laws, and whilst the desire for referees to exercise the 'spirit' of the Laws remains – in the hope of maintaining the game's flow – disputes about the appropriateness of referees' rulings will inevitably continue. Often whilst demanding a display of common sense from the referee, football personnel will also ask for consistency. As Elleray has argued, 'People in football want two things: consistency and common-sense, but to use consistency one has to reduce the margin for common-sense.'<sup>20</sup> Further, Elleray has identified the levels of consistency demanded of referees: consistency within a game; between games refereed by the same referee; and between games refereed by different referees.<sup>21</sup> To begin to achieve this consistency, referees would need to strictly apply the 'letter' of the law, rather than to interpret the 'spirit' of the law. Further, whether all referees in, for example, the Premier League, would or indeed could achieve such a level of consistency is questionable, for it would require 'referees to perform like clones'.<sup>22</sup>

In the same way that a single incident within a game may be perceived differently by different groups or individuals, the degree of importance we attribute to an incident may also vary. A greater degree of significance may be attributed to decisions that go against 'our' team – as players, fans, managers, and so on – than to those that go in 'our' favour. Again, Alex Ferguson offered some evidence of this trend in the 1998/99 season, in the context of United's European Champions' League games. After a 3–3 draw with Barcelona, during which Barcelona scored two penalties to come back from 2–0 down, Ferguson claimed, 'The first penalty decision was a disgrace and the referee had a real shocker. We have now had three major European games at home where the referee has not been fair.'<sup>23</sup> Ferguson's post-match comments after another of Manchester United's Champions League games, against Internazionale, make an interesting comparison: 'We had our lucky moments, but the referee was fantastic. He called everything correctly.'<sup>24</sup> During the game, two penalty appeals from Internazionale had been turned down by the referee. Sentiments such as those expressed here by Ferguson are familiar themes in post-match interviews. Their prevalence is largely a consequence of the room for interpretation which exists between the 'spirit' and the 'letter' of the law. Referees' decisions can always be questioned, because they do not – indeed, in order to keep the game flowing, are required not to – penalize identical fouls in an identical manner.

Many of the Laws allow little room for interpretation, and are therefore relatively uncontroversial (for example, decisions of 'fact' relating to the ball

going out of play). Others, whereby referees are required to make decisions based on 'opinion', offer scope for a wider range of interpretations, and may therefore prove more problematic and controversial. The International Football Association Board (IFAB) meets annually to discuss proposed changes to the Laws or requests for experimentation with the Laws.<sup>25</sup> If any changes are agreed, the game's administrators may, for example, issue instructions to referees to 'interpret' and punish certain incidents in particular ways, in order to achieve a greater level of refereeing consistency. In this sense, referees may, therefore, be constrained to act in certain ways by the game's administrators. The kind of constraints imposed by FIFA – and their effects – were made particularly apparent during the 1998 World Cup tournament. After 20 World Cup games, during which a total of four red cards had been shown, FIFA president Sepp Blatter announced that referees were not acting in accordance with FIFA directives, and that players tackling from behind were not being penalized. He suggested, 'They are not applying the ban on tackles from behind. It is not up to them to decide how fouls should be interpreted.'<sup>26</sup> Michel Platini, president of the French organizing committee (CFO), similarly warned, 'There are referees who do not implement the rule on tackling from behind and they will go home as soon as possible.'<sup>27</sup> In the next two matches, five red cards were shown. The response to this increase in bookings highlights the difficulties referees face in implementing such a change. For, whilst Blatter felt that the referees 'had heard and understood' his message,<sup>28</sup> Platini complained, 'One moment they don't hand out enough cards and the next they hand out too many. The referees need to be a bit more careful.'<sup>29</sup> It is somewhat ironic that the effect of the mid-tournament public criticisms of, and instructions to, referees by FIFA personnel was clearly to reduce the level of consistency between different games – in the sense that the 20 games 'pre-criticism' produced four red cards, and the next two games, 'post-criticism', produced five red cards.

#### PRESSURE ON REFEREES

Having briefly highlighted some of the problems raised by the room for interpretation in the Laws of the Game, the next section of this essay considers issues relating to the pressures on referees and others involved in the football industry. Some of the reasons why referees receive so much criticism, and why they are under pressure, may be understood if, as well as considering the difficulties connected with the interpretation of the Laws of the Game, the pressure experienced by other football personnel is taken into account. In other words, it is also necessary to examine the relationships between referees and players, managers, club owners, fans and media personnel.

The increasing level of investment in the football industry is often cited by commentators on the game as the cause of most of the problems in the industry, sometimes to the exclusion of other issues. Certainly in recent years the amount

of money invested in football clubs, particularly at the élite level, has increased dramatically. This is evident in the rising costs of transfer fees for players, in players' salaries, in the prize money for successful clubs in the Premier League, and in the sale of television rights (see, for example, the essay by C. Gratton in this collection). Whilst the financial rewards for successful clubs and their employees may be great, so too can be the costs to club personnel in their efforts to win or maintain a place in a particular league. As the Annual Reviews compiled by Deloitte & Touche indicate, the financial gap between clubs at élite level and those below them is increasing year on year.<sup>30</sup> Given the financial significance of playing success or failure, it is perhaps not surprising that football managers and players often attempt to locate the reasons for a team's failure to win in terms of a referee's decision, rather than in terms of poor play or team selection. Players' and managers' reputations, and often their jobs, may be on the line when clubs endure a losing streak.

Whilst the increased financial rewards available to clubs and players may contribute to the pressure felt by football personnel, 'money' is without doubt not a new factor. In the 1930s, for example, Arsenal manager George Allison was tagged 'Moneybags Allison' as a result of his tendency to spend relatively large amounts of money on transfers,<sup>31</sup> whilst in 1962/63 Everton were described as the 'chequebook champions'.<sup>32</sup> Nor can 'money' be viewed as the sole cause of pressure, as some commentators on the game have implied. Critics of the financial changes that the Football and Premier Leagues have undergone in recent years, in terms of changing patterns of club ownership, the rewards for success and indeed the costs of a lack of success, tend to ignore the fact that football has long been a relatively highly paid industry, and that factors other than 'money' exert pressure on football personnel. So, whilst one should not underestimate the impact of financial changes, it is also important to consider other factors.

One of the key sources of pressure on players and managers results from the fact that élite level football is essentially representative, and that the fans who are represented have expectations about 'their' team. Expectations about the game being played are bound up with histories of games past, league positions and club records. Fans dissatisfied with the performance of a player, manager, team, club owner or referee can express that dissatisfaction, and thereby exert pressure, in a variety of ways. Physical attacks are probably the most explicit display of dissatisfaction with match officials by fans. There have been a number high profile incidents in recent seasons, such as assistant referee, Edward Martin, being physically attacked by a fan during a Portsmouth–Sheffield United First Division match in 1997/98. The attack occurred after Martin's confirmation of a foul by Sheffield United's goalkeeper, Simon Tracey, resulted in his sending off. In the 1998/99 season at an Oldham–Chelsea FA Cup game, an Oldham supporter threw a hot-dog at referee Paul Durkin while he was discussing a disputed goal with his assistants. In a more serious incident, Scottish Premier

League official, Hugh Dallas, required stitches after fans threw coins at him during the last Celtic–Rangers game of the 1998/99 season, and his home was later vandalized by fans. Such incidents have led to higher security for Premier League referees, to the extent that some now have alarms installed in their homes which are relayed directly to the police.<sup>33</sup> Such attacks are, however, far rarer than they were in the early twentieth century when, as E. Dunning *et al.* note, attacks on the referee, often by scores of fans, were relatively common.<sup>34</sup>

Contemporary fans tend to make their protests in less physical ways than their predecessors.<sup>35</sup> Fans are able to voice their opinions through an expanding range of media outlets, such as football magazines, fanzines, television discussion shows, and local or national radio football ‘phone-ins’. Given this exposure, it is not surprising that incidents which are perceived to have been the turning point in a game – a match-winning or losing moment – often provide football commentators, writers and fans with interesting talking points. Radio shows such as Radio 5 Live’s *6.06* broadcast almost immediate reactions from players, managers and fans to matches and, in particular, to contentious incidents in games. Such media scrutiny is one of the key sources of pressure for referees. Increased numbers of televised games, commentaries, sports discussion shows and newspaper sports supplements mean that the sights, sounds and sentiments of player or manager turned newspaper columnist, television pundit, or commentator are also familiar. This expanding range of media outlets provides an increasing number of opportunities to discuss football in general and, given their integral role in the game, referees in particular. The current prominence of public criticism about referees may partly be explained by the changing nature of some of this media coverage, and the exposure given to players, managers and other club officials, often at moments when pressure is most keenly felt. Controversial incidents are replayed via alternative camera angles, graphics may provide additional clarity, and we can then watch, listen to, or read the post-match interview, often given within minutes of the final whistle.

Given the emotions which football can evoke, it is perhaps not surprising that such interviews are not always characterized by measured, careful exchanges about the referee’s decisions, particularly if those decisions have gone against the interviewee’s team and, further, if they have proved to be significant to a game’s outcome. So, on one level, players’ and managers’ views on referees are being sought at often highly emotional and/or tense moments, and they are increasingly required to give their views in a range of formats. On another level, fans have more public opportunities to express their feelings about clubs. One consequence of this combination of factors is that publicity focuses on referees, and therefore pressure on them increases. Further, as suggested, football personnel may well have their jobs ‘on the line’ if results are unfavourable. Managers losing their jobs in the 1998/99 season, for example, included Roy Evans from Liverpool, Roy Hodgson from Blackburn, and Kenny Dalglish from Newcastle. Clearly, in the search for explanations for a team’s defeat, a ‘mistake’ by a referee may provide



an excuse, and a verbal attack on the referee may divert attention away from a poor performance. If we consider these pressures, perhaps we can begin to understand why players, managers and club officials often criticize referees, and why we hear those criticisms so regularly.

In terms of the expanding media coverage of football and football-related issues, however, perhaps the most profound influence on our perceptions of referees has come as a result of television coverage of games. Whilst the history of televised football stretches back over 60 years, television coverage of games has rapidly expanded in recent times, to the extent that during a single season over 60 games are screened live by Sky television alone. The expansion of television coverage – which looks likely to continue given the advent of digital television – with up to 15 cameras present at Premier League games, and up to 30 cameras for each match during 1998 World Cup, has clearly meant that more controversial incidents are captured on camera. More air-time is also available to analyse and dissect them. Given the number of matches shown, and given the time and technology devoted to the scrutiny of matches, it is not surprising that refereeing mistakes are exposed. Games are often repeated, and highlights programmes often provide scope for further, more detailed scrutiny. In these circumstances a referee's decision often provides an interesting 'talking point' for the post-match analysis, and potentially generates more 'entertainment', in terms of the idea that 'controversy makes good television'. Incidents are replayed from a variety of camera angles, in slow motion, and 'expert' views on refereeing decisions from former and current players and managers are offered. More recently, BSkyB has offered its digital customers an option allowing viewers to choose which incidents they replay during games themselves.

Through these channels, refereeing mistakes are captured and given a permanence in our minds.<sup>36</sup> The former player and current television pundit Jimmy Hill has suggested that such replays benefit referees by proving, as often as not, that the referee has made the right decision. However, Hill assumes a neutrality on the part of those involved in football broadcasting, which may not be an accurate assumption. Often the 'wrong' decisions generate interest and discussion, and seem to provide the best talking point for media pundits. Further, the degree of controversy is often increased relative to the importance of the match. Controversial incidents captured on camera in relatively important games in recent seasons include the Middlesbrough–Chesterfield FA Cup semi final in the 1996/97 season, during which referee David Elleray failed to spot the ball crossing the line, and was therefore unable to award the 'goal' which would have given Chesterfield a 3–1 lead, well into the second half of the game. A similar incident in the game between Romania and Bulgaria resulted in the exit of Romania from the Euro '96 competition. Television footage has provided us with the ability to replay these kinds of incident from matches going as far back, for example, as the 1932 FA Cup final, involving Newcastle and Arsenal. In the final, Newcastle scored an equalizer moments after the ball had gone out of play. The

Arsenal players had relaxed, anticipating a goal kick. However, the referee did not see the ball crossing the line, play continued, and Newcastle scored and went on to win the match. Captured by a television camera, the incident was given a relatively permanent place in history and was recalled 66 years later, in the build-up to the 1997/98 FA Cup final between the same clubs. Such replaying and analysis of refereeing decisions and missed incidents inevitably undermine the credibility of referees, and increase the pressure on them. It is perhaps not surprising that, coupled with the expansion in the range of media outlets through which criticisms of referees may be voiced, incidents such as these have led many to question refereeing standards, and to argue for technological assistance for referees. It is these issues which are the subject of the final part of this essay.

#### THE FUTURE FOR REFEREES

Many football commentators, along with those more directly involved in the game, have come to regard technological assistance as the answer to refereeing problems; as a kind of panacea to refereeing ills. The use of technology is already being considered by the FA, which, having introduced 'three-way communication' via headsets between referees and assistant referees in the 1999/2000 season, is exploring the possibilities of using equipment to ascertain whether or not the ball has crossed the goal-line. The implications for the game, if such technology is introduced, require careful consideration.

Perhaps one of the most fundamental implications relates to the universal nature of the Laws of the Game. Currently, policing of the game at the grass-roots level is very similar in nature to that at the élite level. However, if various technological aids are introduced, it is questionable whether clubs at all levels would be able to afford the technology. In his regular column for *The Times*, Chelsea player Frank Leboeuf has suggested, 'with the amount of money in football, surely it would be possible to have cameras at all professional grounds and someone to watch replays of key moments'.<sup>37</sup> Whilst what Leboeuf suggests may be possible, given the trend towards the concentration of resources at the élite level noted earlier, such a proposal seems unrealistic. It seems that if technology were introduced, one unintended consequence might be that the Laws of the Game would be significantly different for clubs at different levels of the game.

The possible introduction of goal-line technology also raises other questions and challenges. As suggested, many commentators on the game view technology as the 'answer' to refereeing problems. For example, Bob Wilson, the former Arsenal goalkeeper and current television commentator and pundit, recently argued: 'Cricket, rugby league, American football, a host of other sports use technology. Why can't football follow suit? Offside decisions could be cleared up in five to ten seconds; so could goal-line decisions or penalty claims ... We have the technology. We should be attempting to improve the health of the game.'<sup>38</sup>

Examples from other sports indicate, however, that technology may not be the simple solution that Wilson suggests here. Cyclops, or the 'eye on the line' employed in tennis competitions since the late 1980s, demonstrates this point. During tournaments such as Wimbledon, players occasionally 'question' the umpire in relation to the electronic signal emitted by Cyclops. Umpires occasionally decide to overrule Cyclops, or to switch the machine off. Though the introduction of goal-line technology may reduce the occurrence of goals unjustly awarded and disallowed, evidence provided by the use of Cyclops suggests that technology is not infallible. Even with relatively clear-cut decisions, such as those concerning whether or not a ball has crossed a line, problems – and therefore controversy – may remain. Where decisions are less clear-cut, for example where the referee is required to make judgements about legitimate levels of physical contact in a tackle, problems of interpretation remain. As the response to several umpire-related incidents in cricket demonstrates, the use of video replays will not necessarily eliminate contentious decisions by officials. During the 1998 cricket test series between England and South Africa, for example, disputed run-out decisions – made with the aid of video replays – resulted in headlines such as 'Willey: Don't make us victims of TV replay',<sup>39</sup> and 'Ref-er-ee!',<sup>40</sup> whilst the 1999 Ashes series in Australia produced 'World Cup to Act over Ashes Camera Fiasco'<sup>41</sup> and 'Umpire's Snap Decision Points Finger at Cameras'.<sup>42</sup>

The notion of the referee, or a fourth official in the stands having access to video replays of incidents is another commonly proposed solution to refereeing problems. This proposal raises significant questions about potential changes to the way the game is played and regulated. When might referees call for use of the 'third eye'? Who will make the decision on the video replay of the incident? And what are the implications if, after a video replay, a decision still cannot be reached? If referees have access to the 'third eye' during the course of the game, decisions will have to be made about whether, and when, to stop the game and review the incident. Guidelines might be issued, for example, limiting the use of the replay to incidents occurring in the penalty area, in order to limit interruptions to the game's flow. However, often incidents outside the penalty area can prove highly significant to a game's outcome. Some obvious examples include red and yellow card decisions anywhere on the pitch, fouls on players outside the penalty area who are clean through on goal, and free kicks awarded within range of goal. If the pursuit of refereeing accuracy leads both to a greater dependence on technology and a wider range of incidents being defined as 'eligible' for appeal to the video replay, the free-flowing nature of football is likely to be compromised.<sup>43</sup> If such technology is made available, then, given the calls for greater refereeing accuracy, it would be an understandable outcome if referees began to stop the game and check the replay for every close-call decision, as has occurred with run-out decisions in cricket, in order to avoid post-match criticism. A significant unintended consequence of this proposal, therefore, might be to disrupt the fluency of the game. Not only is the need for a free-flowing game seen

by many as one of the sport's central attractions, it is also an underlying principle which has traditionally framed football's Laws.

Further questions are raised if we consider who would be viewing video replays and making decisions upon them. If examples in other sports are followed, such as cricket and rugby league, this would involve a fourth official off the pitch reviewing video replays. This may have the effect of reducing the level of refereeing consistency, which is currently achieved in football by having just one individual responsible for decision-making throughout a game. The presence of a decision-making fourth official would be likely to impair the referee's ability to use discretion in her/his application of the Laws of the Game. The referee on the pitch hears exchanges between players, and makes judgements about the need to stop the game if the situation becomes heated, or the need to, instead, 'have a quiet word' and allow play to continue. In other words, the exchanges between players are taken into consideration when the referee uses discretion, and applies the 'spirit' rather than the 'letter' of the law. The fourth official would not be in a position to hear these exchanges, or to exercise such discretion. If such an innovation were employed, we might expect a more strict, less discretionary, application of the Laws of the Game. As noted above, it is this balance between the 'spirit' and the 'letter' of the law that facilitates a free-flowing game with fewer stoppages than might be the case if officials, assisted by technology, were to stick to the 'letter' of the law and to stop play for every foul.

Other questions again relate to the extent to which technology is fallible. Often during televised games even replays of incidents do not prove conclusive. An incident during the World Cup 98 game between Brazil and Norway demonstrates this point. Television pictures appeared to show Norwegian forward Tore Andre Flo diving in the penalty box to win Norway a penalty. Several days later, however, different pictures from Swedish television showed that a Brazilian player, Junior Baiano, had, in fact, pulled the Norwegian down, eventually 'proving' the referee's decision to have been correct. Such is the complexity of the decisions which referees are required to make, it is unlikely that any of the various technological innovations mentioned here will provide the panacea to refereeing ills. Clearly technological innovations may help to increase the frequency of accurate decisions. But the way these issues are resolved may not only have a significant effect on the way the game is refereed, but also on the nature of the game itself, on the way it is played.

The notion of players diving, as shown by the incident in the Brazil-Norway game, raise one final point to be considered here. Players' attempts to deceive the referee in order to gain a greater or lesser advantage are deeply embedded in football culture. This is perhaps most often apparent in the relatively clear-cut instance of a ball going out of play and players from both sides appealing for the throw-in, goal kick or corner. The 'professional' foul by a defender, or the dive by an attacker to gain a penalty, for example, are to a large extent also accepted as part of the game. The pressure on players, described above, often means that they

will exploit the Laws of the Game and the referee in their efforts to gain an advantage. Fans, players, managers and club owners do not invariably care a great deal about the manner in which a game is won, particularly if the result sees their team through to the next round of the Cup, or avoiding relegation. During the 1998/99 season FIFA and the FA directed referees to clamp down on players feigning injury and diving. Similarly, The FA has also carried out experiments with the 'rugby-style' ten-yard penalty for encroachment at free kicks. In Jersey in the 1998/99 season this practice succeeded in reducing dissent toward the referee and encroachment during free kicks.<sup>4</sup> However, if such pressures to win remain a feature of the élite game, attempts to 'mislead' the referee will continue. Consequently, refereeing decisions will not become any easier to make.

Much of the analysis of the proposals for various technological aids in this essay has ended where it began – on a discussion about the 'spirit' of the game, and the 'spirit' and the 'letter' of the laws by which it is regulated. As we begin the twenty-first century, few refereeing problems seem to be close to resolution. Given the structural characteristics of modern, élite football it seems likely that refereeing will continue to be a contentious issue. The introduction of, for example, technological innovations are likely to alter the course of the existing debate, but are unlikely to result in its tidy conclusion, for most of the proposed 'solutions' discussed in this study simply recreate the ever-present 'spirit' and 'letter' dilemma.

#### NOTES

This essay is dedicated to the memory of Betty Kerr.

1. *Daily Mirror*, 29 November 1998.
2. *Daily Mirror*, 29 January 1998.
3. *Daily Telegraph*, 6 June 1996.
4. The transformation of the game from its folk origins to its modern form is discussed by E. Dunning and K. Sheard, *Barbarians, Gentlemen and Players* (Oxford: Martin Robertson, 1979) and J.R. Witty, 'The History of Refereeing', in A.H. Fabian and G. Green (eds.), *Association Football, Volume 1* (London: The Caxton Publishing Company Ltd., 1960), pp.180–4.
5. Dunning and Sheard, *Barbarians, Gentlemen and Players*.
6. Witty, 'History', p.180.
7. *Ibid.*, p.180.
8. *Ibid.*, p.183.
9. J.R. Witty, 'The F.A. Frames its Laws', in Fabian and Green, p.154.
10. The FA Laws of the Game, 1889, cited in J.R. Witty 'History', p.184.
11. *Ibid.*, p.183. Witty refers to a 'very early edition' of *The Referees' Chart*, possibly the second edition, published in 1896.
12. <http://www.fifa.com/fifa/pub/magazine/fm8-97.4.html>. 30 September 1999.
13. *Ibid.*
14. N. Elias, 'Introduction', in N. Elias and E. Dunning, *Quest for Excitement: Sport and Leisure in the Civilizing Process* (Oxford: Blackwell, 1986), p.51.
15. The example given appears in Law XI Offside. Other similar phrases include '...in a manner considered by the referee to be careless...' (Law XII Fouls of Misconduct), and, 'In his opinion...' (Law XII Fouls of Misconduct) (emphasis added). In the Preface to the Laws of the game, it states that the male gender is consistently used 'for simplification'.

16. D. Elleray, 'The Third Team; Patrick Murphy Interviews David Elleray, Spokesman for the Premier League Referees', in P.J. Murphy (ed.), *The Singer and Friedlander Review: 1997-98 Season* (London: Singer and Friedlander Investment Funds, 1998), p.22.
17. *Ibid.*, p.22.
18. *Daily Telegraph*, 11 November 1997. It should be noted that Alex Ferguson is not atypical of football managers in this respect; rather, the prevalence of examples involving him relates, in part, to the greater press coverage which Manchester United games receive.
19. *Ibid.*
20. *Daily Telegraph*, 2 February 1996.
21. Elleray, 'The Third Team', p.22.
22. *Ibid.*, p.22.
23. *The Times*, 15 October 1998.
24. *The Times*, 18 March 1999.
25. The IFAB is constituted of four delegates each from the Football Association (FA), in England, The FA of Wales, the Scottish FA, the Irish FA and FIFA. Proposed changes to the Laws are voted upon by the Board, and changes can only be made if threequarters of the Board agree on them.
26. *Independent*, 17 June 1998.
27. *Daily Telegraph*, 17 June 1998.
28. *Daily Telegraph*, 19 June 1998.
29. *Ibid.*
30. G. Boon (ed.), *Deloitte & Touche Annual Review of Football Finance 1996-97 Season* (Manchester: Deloitte & Touche, 1998), and G. Boon (ed.), *Deloitte & Touche Annual Review of Football Finance 1997-98 Season* (Manchester: Deloitte & Touche, 1999).
31. N. Barrett, *The Daily Telegraph Football Chronicle*, Third Edition (London: Ebury Press, 1996), p.60.
32. *Ibid.*, p.106.
33. *Daily Mirror*, 10 August 1999.
34. E. Dunning, P.J. Murphy and J. Williams, *The Roots of Football Hooliganism: An Historical and Sociological Study* (London: Routledge, 1988).
35. Other expressions of dissatisfaction with football personnel, namely club owners and directors, during the 1997/98 season included fan protests at the grounds of Stoke, Sheffield United and Newcastle United, and in 1998/99, at Portsmouth, for example.
36. The definition of what is or is not a 'mistake' by a referee is not straightforward. It is often contested, relatively subjective and subject to change over time. Some 'mistakes' are relatively clear-cut – for example, the referee does not see the whole of the ball crossing the line, and so cannot award a goal, whilst the video replay shows that the whole of the ball did, in fact, cross the line, and that a goal should have been awarded. Other incidents are much more difficult to assess in terms of whether or not a referee has made a 'mistake,' because, as noted previously, referees do not have to punish identical incidents in an identical manner. Where possible I have drawn upon examples of this rather more clear-cut nature to illustrate my argument.
37. *Times*, 30 January 1999.
38. *Daily Telegraph*, 26 December 1997.
39. *Daily Mirror*, 5 August 1998.
40. *Guardian*, 26 July 1998.
41. *The Daily Telegraph*, 17 January 1999. The article continues; 'the move follows a spate of disputed third-umpire decisions ... including the run-out reprieve for Australian Michael Slater ... which effectively killed off England's hopes of squaring the Ashes series'.
42. *The Times*, 12 December 1998.
43. The Rugby Football Union referees' development officer, Nick Bunting, reported that in trials on pre-season National (American) Football League matches in the United States, where 'television playback adjudication' was used, eight additional cameras had been required and, 'The playbacks added an average of 25 minutes to each game and confirmed 98 per cent of the judgements were correct. Just one decision in the whole trial had to be overturned.' *Times*, 21 October 1998.
44. David Davies, the then acting Chief Executive of the FA, suggested, 'Such an innovation has seen cases of dissent fall spectacularly and this is a rule which could well become more widespread in the future'. *Daily Telegraph*, 21 February 1999.