

Diary of a Philosophical Fútbol Referee

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In memory of Killian Doherty, aficionado

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Dear Diary, I can handle it no longer! Yes, forgive the pun. Three years ago today, the International Football Association Board's putative clarifications regarding "handling the ball," or in popular terminology handballs, went into effect. For more than two years, the world as it is prevented me from confiding to you my strong feelings about these "clarifications." The subject did not feel appropriate to the times. Yet, while the pandemic raged and fury and discord once more breached the gates of war, fútbol has gone on—and confusion regarding handballs has been rampant, among both my fellow referees and the fútbol-watching masses (soccer fans, as North Americans say). So, forgive me: I must beg your attention.

Quoting selectively from the 2019-2020 *Laws of the Game* (which have been modified in the meantime, but in the relevant respects remain the same):

It is an offence if a player:
deliberately touches the ball with their hand/arm, including moving the hand/arm towards the ball

It is usually an offence if a player:
touches the ball with their hand/arm when:
the hand/arm has made their body unnaturally bigger

[I]t is not usually an offence if the ball touches a player's hand/arm:
if the hand/arm is close to the body and does not make the body unnaturally bigger
when a player falls and the hand/arm is between the body and the ground to support the body, but not extended laterally or vertically away from the body¹

Diary, I submit that a key distinction in determining whether a handball is an offense is that between what Saint Thomas Aquinas called *actus hominis*, or actions of man, and what he called *actus humanus*, that is, human actions or actions of the human person. See *Summa theologiae*, first part of the second part, question 1, article 1. An action is properly a human action or action of a human person (*actus humanus*) if and only if it proceeds from a deliberate will—in other words, on the condition that it is done freely, for a reason. By contrast, an action of man (*actus hominis*) is simply an event that happens to a human being or involves her qua physical entity, without implicating her as a rational agent.

Examples: 1) The ball touches a player's hand/arm when either she or an opponent in close proximity to her plays the ball against her hand/arm in circumstances when "the hand/arm is close to the body and does not make the body unnaturally bigger." (The French edition of the *Lois du jeu* phrases that final circumstance: when the player's body has not been "artificiellement augmenté."²) In that instance, there is no offense, since what is in question is a mere *actus hominis*. 2) But now recall the late, great Diego Maradona's infamous "Hand of God" goal in the 1986 World Cup quarterfinal match between Argentina and England. There the handball was an *actus humanus* and should have led to the goal's being disallowed and Maradona's being carded. In the language of the *Laws*, Maradona "deliberately" touched the ball. He was implicated qua rational agent, not merely qua physical entity.

Alas, all that is but child's play. It is rare that a handball is as evidently deliberate as the great Maradona's was. Most handling offenses are best described not as "deliberate," inasmuch as the term suggests premeditation, however brief, but as "intentional." The IFAB's separately published summary of the changes to the laws of the game suggests as much when it comments that a goalkeeper who tries but fails to clear the ball "shows no intention to handle the ball" and thus is permitted to pick it up after failing to clear it.³ Yet here we must be on guard. The formidable philosopher G.E.M. Anscombe distinguished three senses of "intention." A person may have an intention to do this or that at some point in the future (say, to write a book). A person may act with an intention that this or that come to pass (say, conceiving a child). And a person may act intentionally, sometimes without even giving any or much thought to what she is doing (say, brushing her teeth). See *Intention*, §1.⁴

Is it not clear that most handling offenses are intentional in the third sense? A player extends her hand/arm in such a way that her body is made "unnaturally bigger," and the ball is subsequently played off said hand/arm. The player has committed an offense, not because she deliberately or

purposefully handled the ball, but because she *intentionally* extended her arm/hand laterally or vertically and thereby interfered with the ball's path. In such a case, the handball may be deemed accidental or "non-deliberate," as the IFAB acknowledges, but it is nonetheless an offense inasmuch as the action in question was performed intentionally, though we would not say the player either thereby realized an intention to handle the ball (the first sense) or acted with the intention to do so (the second sense). Instead, the action in question was "intentional" in the sense in which the phenomenologists use the term: in extending her arm, the player was "about" something—she was actively engaged in the world, whether she gave what she was doing any thought or not.

Diary, I fear that these precisions will elude the grasp of my fellow referees and the fútbol-watching masses. But there is, I also recognize, a deeper danger. The video assistant referee system—VAR, as it is called—has already diminished the authority of the referee on the field. She or he is now subject to "data." The difficulties presented by the new *Laws of the Game* will only speed this process. Inconsistencies will be found intolerable.⁵ The goal will be to tame and rationalize Pelé's *jogo bonito*. In this new order, no "Hand of God" goal must ever be scored again. I am reminded of some recent reading. The legal scholar Michael Madison has written, "Augmented refereeing is here. Algorithmic refereeing is at the door." See "Fair Play: Notes on the Algorithmic Soccer Referee," *Vanderbilt Journal of Entertainment and Technology Law* 341/23 (2021); 341–432, at 401. Dear Diary—what rough beast slouches toward us to be born...?

¹ International Football Association Board, *Laws of the Game 2019/20* (Zurich: IFAB, 2019), 104–5, available online at theifab.com. Choose "Documents," then "Laws of the Game," and finally the year.

² International Football Association Board, *Lois du Jeu 2019/20* (Zurich: IFAB, 2019), 108.

³ International Football Association Board, *Laws of the Game 2019/20 at a Glance: Summary of the Main Changes* (Zurich: IFAB, 2019), 7.

⁴ Elizabeth Anscombe, *Intention*, 2nd ed. (Cambridge, MA: Harvard University Press, 1963), §1, p. 1.

⁵ See further Alva Noë, "Nobody's Perfect," NPR, October 26, 2011, online at <https://www.npr.org/sections/13.7/2011/10/26/141681382/-nobody-s-perfect>.