

Rules Without Principles: Dworkin, VAR, and FIFA's Obligation to Consistency

Growing up watching soccer in the 2010s, my sense of what made a player great was shaped in large part by Neymar. He was, more often than not, unstoppable within the rules of the game, capable of beating a defender through footwork and pace that left no legal means of stopping him, precisely why defenders so often didn't bother trying to and fouled him instead. Data from BeSoccer Pro shows that from 2016 onward, Neymar suffered more fouls across Europe's top leagues than any other player, and over 200 more than the next closest player, Lionel Messi, in addition to holding the Champions League record for most fouls drawn outright. The foul, for Neymar, was a structural feature of his game, not some occasional cost of it. It was ultimately the price defenders paid for their inadequacy in the face of his greatness.

This is the framework I have inescapably thought about since England's 2026 World Cup quarterfinal against Norway. In extra time, with England up 2-1, substitute Djed Spence drove into the Norway box and went down under contact from Oscar Bobb. Referee Clément Turpin pointed to the spot, then reversed himself after going to the monitor, ruling that Spence had put his leg in front of Bobb and manufactured the contact rather than having been fouled.

The reversal was controversial because the same five seconds support two readings that are both, on their own terms, defensible. Spence may have initiated the contact himself as he positioned his leg into Bobb's path rather than sprinting toward a ball, which is the kind of manufactured contact referees are told to punish and fans hate to see. Alternatively, Spence had already beaten Bobb off the dribble, and an attacker who has won that footrace is entitled to shield the ball with his body no matter how clean his last touch was. Alan Shearer, on The Rest Is Football podcast after the match, argued the second reading directly, saying "it's not for the ref to decide where he puts his leg." Both readings hold up, which is what makes the decision hard to just call wrong.

What the Spence call really shows is that football has no real mechanism for adjudicating this specific shape of incident inconsistently. Days earlier, at the same World Cup, Belgium got a stoppage-time penalty in extra time when Youri Tielemans went down under Senegal's Lamine Camara, sending Senegal home. The analysis site Archivo VAR concluded it was Tielemans, not Camara, who put his leg into the defender's path, the same reasoning Turpin used against Spence, applied to the opposite result. In the semifinal, Spain's Lamine Yamal got half a step ahead of France's Lucas Digne on a fifty-fifty ball near the goal line, Digne swung through him without ever seeing him coming, and the referee gave the penalty on the spot, no review, no overturn even though Yamal had put his body across Digne's line somewhat similarly to the way Spence had put his across Bobb's.

And this isn't new to this World Cup either. In possibly the most famous game in Champions League history, Barcelona's 6-1 win over PSG in 2017, the game still called La Remontada, Luis Suárez won a stoppage-time penalty running across Marquinhos toward a ball he had no clean path to on minimal

contact, ultimately converted by Neymar to make it 5-1, a call PSG's own manager complained about afterward.

This is four separate incidents of the same essential shape: an attacker cutting into a defender's space in a way that produces contact the defender arguably couldn't avoid. Three of the four stood and decided the match while one didn't. And herein lies the problem because it is not that officials got the Spence call wrong, but that there's no requirement anywhere in the system that this call be decided the same way twice.

Ronald Dworkin's essay *The Model of Rules* gives me a better way to say what's actually broken here than "the refs are inconsistent" does. Dworkin distinguishes between two kinds of standards a legal system can run on: rules and principles. Rules apply in an all-or-nothing way — either the stipulated facts are present and the rule dictates the outcome, or they aren't and the rule has nothing to say. Principles don't work like that. A principle points a decision in a direction without forcing it there, and when two principles pull against each other, whoever is deciding has to weigh them against one another rather than just check whether a condition is met.

Offside is a rule. A player's furthest-forward body part either is or isn't level with the second-to-last defender when the ball is played, and that's exactly the kind of question a frozen frame can settle, because a rule is what a mechanical test is built for. But "did the attacker initiate this contact, or did the defender's own momentum cause it" is not that kind of question. It's a principle being weighed against a genuinely new configuration of bodies and momentum every time, closer to the reasoning in *Riggs v. Palmer*, where a court had to weigh the principle that no man may profit from his own wrong against a statute of wills that never even mentioned murder. Principles don't hand down an answer automatically the way rules do. They lean on a decision, and two reasonable officials leaning on the same principle can come out in opposite places — which is precisely what happened to Spence and Yamal.

FIFA's Laws of the Game, and the VAR protocol that enforces them, are set up as if the whole system were a closed set of rules. That's the same positivist mistake Dworkin spends the essay arguing against: the idea that law is nothing but its rules, so that any case a rule doesn't clearly cover has to be settled not by "applying the law" but by an official reaching outside the rules and improvising an answer on their own authority. VAR is built on exactly this assumption. It treats "clear and obvious error" as though it were a rule you can check against a frame of video, and when the frame can't actually answer the question, because the question was never a line-drawing question to begin with, the referee is left to invent an answer with nothing binding him to it. Turpin wasn't applying a rule when he reversed the Spence call. He was making one up on the spot, no differently than the referee who made up the opposite one for Digne half a match later.

If principles really do bind decision-makers the way Dworkin argues rules do — and his point is that without principles binding judges, it's hard to say rules bind them either — then this argument carries over to FIFA fairly directly. An institution running the most-watched sport on earth, deciding outcomes that affect players' careers and enormous amounts of money, has a moral obligation to impose a principle of consistency on the people making these calls: like cases decided alike, and once a genuinely new fact

pattern comes up, whatever standard gets applied should bind the next case with the same facts, the way precedent binds a court.

But I want to be precise that the obligation here is moral, not societal. There's no social contract between FIFA and the watching public the way there is between a state and its citizens, which is what actually grounds a government's authority to punish people. Nobody goes to jail over a penalty call. FIFA doesn't have a monopoly on legitimate force, and the "law" it runs is a voluntary set of rules people accept by choosing to play or watch, not an involuntary system of social control. So this isn't an argument that FIFA has failed some duty it owes to society at large, the way a state fails when its courts apply the law arbitrarily. It's narrower than that — a duty owed to the people who actually play under FIFA's rules and whose outcomes it decides, the kind of duty any adjudicator takes on the moment it claims the authority to decide something, which is simply to decide like cases alike. That's closer to what a judge owes a contestant than what a government owes a citizen.

The instinctive fix is more video, more angles, more review, and I think that's the wrong diagnosis entirely. VAR doesn't produce consistency. It produces scrutiny, and those are not the same thing.

VAR re-examines a moment against increasingly precise footage, hunting for a "clear and obvious error" the same way a rule-based system checks whether stipulated facts are present. But because a case like Spence's is a principle-question, not a rule-question, more scrutiny doesn't resolve the ambiguity, it just relocates it somewhere else. Turpin wasn't missing information when he overturned the penalty — he had the exact same footage available as the referee who gave Yamal a penalty with zero review. What changed wasn't the facts, it was how much weight got put on one principle over the other, and no camera angle touches that, because the disagreement was never really about what happened on the pitch. It was about how much weight to give one defensible principle — an attacker who's beaten his man can shield the ball — against another — a defender shouldn't be punished for contact he had no way of avoiding. Throwing more video at that disagreement just makes a judgment call look more rigorous than it actually is.

There's a deeper problem underneath that one, though. What heightened scrutiny does to conduct that has always just been a normal part of the game. Every sport tolerates a band of contact that's technically foulable but never actually treated as wrongdoing in practice — shirt tugs at corners, a trailing leg an attacker leaves out after he's already won the physical battle. VAR's ability to re-examine every contested moment frame by frame doesn't distinguish between contact that actually violates the spirit of the game and contact that has simply always been part of it. It treats every contestable moment as a candidate for punishment, because that's what a system built to maximize scrutiny does by design. The result is something close to over-criminalization of the ordinary texture of the sport, and the comparison to drug policy isn't a stretch. Prohibition regimes that go after drug use embedded in a given culture don't actually distinguish between the harm the law claims to target and the ordinary behavior of people doing something their own community treats as normal — the law just expands to catch everything technically inside its wording, punishing conduct that was never really the threat it claims to be preventing. VAR does the same thing to football. Neymar's trailing leg, Suárez's run across Marquinhos, Yamal's half-step across Digne aren't aberrations from good attacking play, they are good attacking play, the calculated risk-taking that separates a great forward from a merely fast one. Subjecting every one of those moments to forensic,

frame-frozen scrutiny doesn't make the game more lawful, it just redefines ordinary play as a violation because the technology to catch it finally exists. That's a shift in who holds enforcement power, not a vindication of any actual principle — closer, in the way Dworkin means it when he's needling Austin's sovereign, to totalitarian than principled, since the contact gets punished not because a coherent standard was broken but because a camera happened to be pointed at it.

If FIFA's officials are exercising exactly the kind of unconstrained discretion Dworkin worries about — deciding principle-level questions from scratch, with nothing binding them to the last decision, one official's snap judgment standing in for any real collective reasoning — the fix has to actually address that, and VAR doesn't, because VAR is built to answer rule-questions, not principle-questions. What the sport actually needs isn't more video. It's more deliberation: some mechanism that forces the kind of weighed, collective judgment principles require instead of a single unreviewable call made in isolation.

The better fix, I think, is replacing VAR's video-review setup with a panel of human referees. When a genuinely principle-level call comes up — contact-initiation, not an offside line a rule can settle on its own — a room of officials, given access to a single live-speed replay rather than an arsenal of slow-motion angles, votes on it. This keeps the human judgment the question actually requires, since a call like this depends on weighing factors the way a panel of judges weighs precedent and policy together, not on running a test. But it also adds the redundancy a single referee's discretion doesn't currently have. A panel won't eliminate disagreement, reasonable panels split on hard questions too, but it forces the disagreement out into the open, makes it get reasoned through collectively, and leaves behind a record of how the panel handled this shape of incident the last time it came up. That record is the thing football doesn't currently have and a rules-only system can't ever produce on its own. A panel that's already ruled once on "attacker crosses into defender's path, defender's own momentum causes the contact" has something to be consistent with the next time it happens, which is really the whole point of doing this at all.

It's worth adding that this is a restriction on technology, not an expansion of it, and that's deliberate. Keeping the panel limited to one live-speed replay, the view a spectator or a coach on the sideline would actually have, instead of VAR's multi-angle reconstruction, isn't a compromise, it's what keeps the panel focused on the actual question being asked. Whether an attacker manufactured contact doesn't get answered better by watching it eleven times at quarter speed from an angle no player on the pitch could have possibly seen in real time. It gets answered worse, because slow motion manufactures a false sense of clarity, the same forensic illusion that turns ordinary, always-tolerated contact into apparent wrongdoing once you stretch it out past the speed the game is actually played and judged at by literally everyone involved in it. A panel working off what the players themselves could see restores the actual standard the game has used all along, and just adds several trained judgments to it instead of relying on one.

None of this is hard to defend if principles really do bind decision-makers the way Dworkin says rules do. His response to the objection that principles are too vague to count as real, binding standards is that this doesn't distinguish a judge from any other official without discretion — a boxing referee weighing which fighter was more aggressive has no litmus test either, and is still bound to reach an answer and act on it. A

panel of referees, reasoning together toward a weighed judgment and building precedent as they go, doesn't get rid of the judgment principles demand. It disciplines that judgment the way any developed legal system disciplines judgment: not by pretending a hard case is secretly a rule case, and not by putting every marginal moment through a level of scrutiny the game was never designed to survive, but by making the people exercising discretion reason it through together, and answer, over time, to what they decided last.

Works Cited

- BeSoccer Pro. Foul statistics, Europe's top five leagues, 2016–present.
- Dworkin, Ronald. "The Model of Rules." *University of Chicago Law Review*, vol. 35, no. 1, 1967.
- Riggs v. Palmer, 115 N.Y. 506 (1889).
- "Djed Spence May Have Changed Roberto De Zerbi's Mind as Alan Shearer Reacts to England 'Nonsense.'" *Tottenham Hotspur News*, 2026.
- "Norway 1-2 England: Why VAR Denied Djed Spence a Penalty in Extra-Time." *Yen.com.gh*, 2026.
- Archivo VAR. Analysis of Tielemans-Camara penalty, Belgium v. Senegal, World Cup 2026.
- "Why Did Spain Get a Penalty Against France in World Cup Semifinal?" *Heavy.com*, 2026.
- "Did Lamine Yamal Commit a Handball as He Won a Penalty for Spain vs France?" *Yahoo Sports*, 2026.
- "FC Barcelona 6–1 Paris Saint-Germain FC." *Wikipedia*.
- "Gianni Infantino Calls for Caution After Luis Suarez Penalty Decision." *beIN Sports*, 2017.