

## We don't want Arbiters' best judgement! Or maybe we do.

Over the last few years, as chess has grown its popularity on social media, especially when important events are happening, I had to notice that we are acquiring some bad habits of the mass sports such as soccer, including starting endless public discussions on the arbiters' decisions.

Generally, the most active people on these discussions, as you'd expect, are not arbiters, nor they have any educations on arbiters' matters.

Furthermore, in some cases there are some footages (as it happens in soccer), and the comments become more and more intense as the audience believe they saw the facts better than the arbiter on the place.

Aside of the fact these debates are negative by themselves as normally people who take part in them have a very poor knowledge of the Laws of Chess or their interpretation, the most common comments I read are: "oh, in this case the Laws are wrong! Arbiters should use their sound judgement when making a decision, common sense is very important!" and, from the other side "oh, if you don't like the rules you should ring the bell to FIDE and the arbiters have just to apply them however they may sound unfair".

Normally the people who advocate for the first theory are the ones who dislike the decision and the faction rooting for the second are the ones who agree with it. Of course, the same people might 180°-change their mind at the next tournament, when their feelings on the arbiters' decision will be different, and they will have to justify their comments somehow.

This amusing turnaround reveals how poor



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the debate is, mostly focused on "what I like" and trying to box it into "some" regulations to say that the arbiter was right or wrong only if he decided according to one's personal taste.

The arbitrariness rocketboosts when the player involved in the decision is a very popular one, thus unchaining hordes of fans whose only point of view is what may benefit their favourites.

And here we come to the core: if for a moment we decide not to be fans, but to examine the matter with some sound judgement and logic, do we want the arbiters to use their best judgement and experience, or only to obey the rules, doesn't matter if they may produce paradox decisions?

The answer is that it really matters less than having clear one point: we should always wish the same and not change from a tournament to another one.

From a personal perspective, considering that in my professional life I am a Lawyer and I know that rules fail all the time because the amount of odd cases you can get in the reality, at any levels and in any legal systems, is wider than what the best and wisest lawmakers can predict, of course I would never root for a machine-arbiter who just reads blindly the rules without considering many factors.

First, no rule is a standalone. All rules shall be read combined with all the others and always considering the global picture. In many cases, the rules are contradictory, and the arbiters must choose what one better fit to the particular case.

In other cases, the paradigm designed by the rule is different than what happened in the reality: maybe it is different by one small detail, but this detail gives a completely different picture of what happened, and that makes the rule unfit to the case. Finally, it may happen that the rule itself makes a paradox effect in the decision so that the arbiter has to consider that no decision should generally produce the opposite of what the law wanted.

And I didn't mention the case, which is every day's life for an arbiter, when a case happens and there is no rule for it. So, there are some tools the arbiters have always to use: analogy, global interpretation, ratio legis, intentio legis, experience: all these tools enter in the global definition of "best judgement".

And yes, we definitely want it! What maybe we really don't want and we really don't need is to have so many people without any arbiters' education and zero mastery of these tools to comment all the time on the arbiters' decision.

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*Disclaimer: this article is not meant to criticise any actual decisions taken during recent tournaments. It just starts from the social media flame which followed some cases in the past, but it has no meaning to enter into any arbiters' decisions. Should anyone feel involved by this article, or however harmed, please consider this is completely unrelated to any particular decisions.*