

Competitive team sport without external referees: the case of the flying disc sport Ultimate

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Abstract

Ultimate is a competitive team sport that is played, even at the highest level of competition, without external referees. The key to Ultimate as a self-refereed sport is the so-called ‘Spirit of the Game.’ As this paper aims to show, the Spirit of the Game closely resembles Habermas’s theory of communicative action. This suggests that Habermas’s theory might be used to spell out the philosophical presuppositions of the Spirit of the Game. Most importantly, the requirements for players to serve as referees of their own game specified in the ‘Rules of Ultimate’ turn out to be reformulations of the four validity claims of communicative action. Moreover, the Spirit of the Game can be interpreted as aiming towards facilitating real-life decision-making procedures that resemble as much as possible Habermas’s concept of an ideal speech situation. On the other hand, Ultimate might serve as a case study for exploring how Habermas’s idea of rational deliberation works in the practice of a competitive sporting environment. Most importantly, it makes manifest that self-refereeing is a trust-based system. This suggests that communicative rationality can only unfold its power – the unforced force of the better argument – within a context in which participants trust that everyone participates in good faith towards the common goal of finding the best decision. Hence, investigating the case of Ultimate allows us to draw broader conclusions about the requirements for rational deliberation to work in practice.

Keywords

Self-refereeing, Habermas, communicative action, communicative rationality, deliberation

1 Introduction

Ultimate, also known as Ultimate Frisbee,¹ is a competitive team sport. The aim of the game is to score points by catching a flying disc in the opposing team’s endzone. The team that scores more points wins the game. What makes Ultimate special among team sports is that it is played, even at the highest level of competition, without external referees.² The self-

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refereed character of the game is not undisputed though. In the USA and Canada, Ultimate is played with a set of rules that is distinct from the one used in the rest of the world (USA Ultimate, 2022). Those rules include so-called ‘observers’, who are game officials whose role is in-between those of referees and game advisors (to be discussed later).³ And the semi-professional *American Ultimate Disc League* features its own version of the game which involves regular referees (AUDL, 2021). However, all events sanctioned by the *World Flying Disc Federation* (WFDF), the global governing body for all disc sports, use the *WFDF Rules of Ultimate* which stipulate Ultimate as a self-refereed game (WFDF, 2021a). This means that at World Championships and the World Games, a multi-sport event featuring disciplines that are not included in the program of the Olympic Games, Ultimate is played in the globally dominant self-refereed version. This paper will only deal with the self-refereed version of Ultimate as outlined in WFDF’s rule book. It is the topic of follow-up research to investigate what changes in other versions of the rules, most importantly under the rules of USA Ultimate involving observers. However, one can note that concerning the description of the ‘Spirit of the Game’, which will be the focus of this paper, the rules of WFDF and USA Ultimate are very similar. This suggests that when it comes to the philosophical assumptions on which both modes of officiating are based, there is more similarity than difference between the two.

The key to the self-refereed character of Ultimate is the so-called ‘Spirit of the Game.’ This paper builds on an observation that, to my knowledge, has not been noted yet. As this paper will show, the Spirit of the Game closely resembles Habermas’s theory of communicative action. This suggests that, on the one hand, we might use Habermas’s theory of communicative action, and the discourse ethics and the model of deliberative democracy that are built on it, to spell out with conceptual clarity what is tacitly assumed in the *Rules of Ultimate*. On the other hand, Ultimate can serve as a case study for exploring how Habermas’s idea of rational deliberation works in practice. Just as a common critique of

Habermas charges his model of communicative rationality to be unrealistic (Achen & Bartels, 2016; Pennington, 2010; for a defense of deliberative ideals against such charges see, e.g., Chambers, 2018a), so is Ultimate confronted with the assumption that a self-refereed team sport cannot function on a higher level of competition. The sport of Ultimate provides ample evidence to the contrary. With the level of competition and the professionalization of Ultimate continuously progressing, it becomes less and less plausible to assume that self-refereeing in this sport has worked only because not much has been at stake. By now, it is hard to refute that the sport of Ultimate proves that self-officiating is possible, even on the highest levels of competition. However, the case of Ultimate also shows what needs to be in place for self-refereeing to be operative and sustainable. Most importantly, the culture of Ultimate embeds self-refereeing into a complex network of rules, conventions, and rituals that facilitate good communication practices and promote trust between teams. Moreover, the experience with self-officiating in Ultimate suggests that it requires extensive training of teams and players for them to become qualified referees of their own game.

The paper proceeds in the following steps. Section 2 provides a brief overview of the core elements of Habermas's theory of communicative action. Section 3 relates Habermas's theory to the *Rules of Ultimate* and especially to the Spirit of the Game. Section 4 offers general reflections on refereeing decisions and discusses some differences between self-refereeing and external refereeing. Section 5 discusses how communicative action can fail, what pitfalls this implies for self-refereeing, and how the Spirit of the Game aims to safeguard against them. Section 6 explores the institutions and rituals that help establishing the suitable communication patterns and corresponding habitual dispositions of teams and players that are the presupposition for self-refereeing to work. Section 7 looks at what it means for players to act as their own referees in a competitive sporting environment.

2 Habermas's Theory of communicative action

Habermas's theory of communicative action rests on the idea that every speech act involves a set of validity claims (*Geltungsansprüche*) that can be intersubjectively recognized. Recognizing a validity claim means to assume that good reasons for its justification can be provided when asked to do so. By emphasizing that every utterance involves claims to intersubjective validity, which can be recognized or contested by others, Habermas aims to reconstruct the rational core of communication. This shows that Habermas's theory of communicative action rest on an account of rational argumentation. The assumption is that an examination of validity claims will reveal the superiority of the better argument. Of course, Habermas is aware that this is usually not the case in real life communication, in which disputes are often not resolved based on the force of the better argument but based on power relations and other non-rational means. However, Habermas maintains that in every communication aiming at intersubjective understanding, the possibility of such an idealization needs to be tacitly assumed. In other words, communicative action presupposes the communicative reason (*kommunikative Vernunft*) which Habermas aims to explicitly reconstruct (Bohman & Rehg, 2017).

In his early works, Habermas distinguishes four validity claims which he considers to be present in all communicative actions.

I shall argue that anyone acting communicatively must, in performing any speech action, raise universal validity claims and suppose that they can be vindicated. [...] The speaker must choose a comprehensible [*verständlich*] expression so that speaker and hearer can understand one another. The speaker must have the intention of communicating a true [*wahr*] proposition (or a propositional content, the existential presupposition of which are satisfied) so that the hearer can share the knowledge of

the speaker. The speaker must want to express his intentions truthfully [*wahrhaftig*] so that the hearer can believe the utterances of the speaker (can trust him). Finally, the speaker must choose an utterance that is right [*richtig*] so that the hearer can accept the utterance and speaker and hearer can agree with one another in the utterance with respect to a recognized normative background. (Habermas, 1979, pp. 2–3)

In *The Theory of Communicative Action*, his major work on the topic, Habermas no longer holds that comprehensibility is an independent validity claim, thus only speaking of three distinct validity claims: ‘1. That the statement made is true [...]; 2. That the speech act is right with respect to the existing normative context [...]; and 3. That the manifest intention of the speaker is meant as it is expressed.’ (Habermas, 1984, p. 99) For Habermas these three validity claims correspond to three world-relations: The validity claim of *truth* stands in relation to the objective world; *rightness* relates to the social world; and *truthfulness* relates to the subjective or internal world (Habermas, 1984, p. 100). In addition, the three validity claims are taken to correspond to the general aims which speech acts might serve: ‘(a) to establish and renew interpersonal relations [...]; (b) to represent (or presuppose) states and events [...]; (c) to manifest experiences—that is, to represent oneself.’ (Habermas, 1984, p. 308) Another difference between the earlier formulation and the mature position in *The Theory of Communicative Action* concerns the following: Whereas Habermas previously maintained that every speech act has four components which can be reconstructed in terms of validity claims, he differentiates in *The Theory of Communicative Action* different kinds of speech acts depending on which validity claim is dominant. The three validity claims are now taken to constitute various ways in which an utterance can be presented. This also implies that there are three distinct ways of contesting or rejecting a speech act. Habermas uses the example of a professor asking a student to bring him a glass of water during a seminar to exemplify those modes of contestation. According to Habermas’s analysis, the student can

reject this request on three different grounds. First, he can contest the *rightness* of the request, claiming that there is no normative basis for making such a request. Second, he can contest the *truthfulness* of the request, claiming for instance that the aim of the utterance is not really to get something to drink, but to make the student look bad in front of his peers. Finally, he can challenge the *truth* of certain propositions that the professor needs to presuppose in his request; for instance, the student might point out that the closest water tap is too far away for the student to make it to the water tap and back before the end of the session (Habermas, 1984, pp. 306–307).

As we will see in the following section, the *Rules of Ultimate* correspond more closely to Habermas's original formulation, according to which each utterance implies four validity claims, than to his position in *The Theory of Communicative Action*.⁴ The Spirit of the Game, which summarizes the core principles which are meant to ensure that Ultimate can function as a self-refereed sport, seems to rest on the idea that when a discussion occurs on the field, the four validity claims of comprehensibility, truth, rightness and truthfulness need to be examined in order to settle the dispute. Thus, the Spirit of the Game shares the general thrust of Habermas's rational reconstruction of everyday communication: Most importantly, both trust that it is possible that 'the unforced force of the better argument' (Habermas, 1998, p. 37) alone can in fact determine the outcome of a discussion.

Habermas links the possibility of settling a dispute based on 'the unforced force of the better argument' to the idea of an *ideal speech situation*. Habermas does not claim that it is possible to fully achieve such a situation in real-world discussions. Rather, he understands the ideal speech situation as a linguistic idealization which presumes the possibility of truly consensual decision-making (Chambers, 2018b). However, although the ideal speech situation is a counterfactual model, Habermas argues that its presuppositions are '*operatively effective* in the behavior of the participants' (Habermas, 2003, p. 108, identical in: 2008, p. 51) of real-

world discussions. He ‘holds that the rational structure of action oriented toward reaching understanding is reflected in the presuppositions that actors must make if they are to engage in this practice at all.’ (Habermas, 2008, p. 27) Habermas names four core assumptions:

(a) publicity and inclusiveness: no one who could make a relevant contribution with regard to a controversial validity claim must be excluded; (b) equal rights to engage in communication: everyone must have the same opportunity to speak to the matter at hand; (c) exclusion of deception and illusion: participants have to mean what they say; and (d) absence of coercion: communication must be free of restrictions that prevent the better argument from being raised or from determining the outcome of the discussion. (Habermas, 2003, pp. 106–107, identical in: 2008, p. 50)

If these four conditions are met, we can assume that a discussion was resolved by the force of the better argument and not by other factors outside the domain of rational argumentation. The next section will show that the Spirit of the Game aims at facilitating a situation which allows discussions taking place within the framework of self-refereeing to be solved by way of rational argumentation, as if they took place in an ideal speech situation.

3 The Rules of Ultimate and the Spirit of the Game

Rule number 1 of the *WFDF Rules of Ultimate* outlines the Spirit of the Game as the key for Ultimate as a self-refereed sport. It begins with the following core assumptions: ‘Ultimate is a non-contact, self-officiated sport. All players are responsible for administering and adhering to the rules. Ultimate relies upon a Spirit of the Game that places the responsibility for fair play on every player.’ (WFDF, 2021a, Rule 1.1.) Most importantly, a self-refereed sport implies that players do not only have the social role of competitors, but also the social role of referees. Hence, it would be misleading to say that Ultimate is played without referees. Rather, a core idea underlying the Spirit of the Game is that there are (at

least) as many referees as there are players on the field. The rules explicitly state that players need to be mindful of that fact: ‘Players should be mindful of the fact that they are acting as referees in any arbitration between teams.’ (WFDF, 2021a, Rule 1.3.) In other words, self-officiating requires that players have a (at least tacit, but better mindful) understanding that they, among many other social roles, also must embody the role of referees within the game.

Rule 1.3. further specifies what is required from players to serve as referees of their own game. The following list highlights the similarities between the Spirit of the Game and Habermas’s theory of communicative action:

- According to 1.3.1., players must ‘know the rules.’ This relates to the validity claim of *rightness*. When players make a ‘call’ (a ‘call’ is a speech act through which players indicate that they think a breach of the rules has occurred) this implies the claim that there is a normative basis for making such a call. In the case of a rule-based game like Ultimate, the normative basis is established by the official rules. This means that every call must be based on the rules. Hence, players must know the rules and apply them correctly, otherwise they cannot properly function as referees.
- Rule 1.3.2. requires players to ‘be fair-minded and objective.’ This can be seen as a reformulation of the validity claim of *truth*. Players must aim at determining what has, in fact, occurred. The discussion (which follows a call and is meant to resolve it) must refer to the objective world with the aim of determining the actual situation and finding the correct solution based on this determination.
- Rule 1.3.3. states that players must ‘be truthful’, the third validity claim according to Habermas. In the context of self-refereeing, this validity claim requires that players provide an honest account of how they perceived a

situation. Others need to be able to trust that all players contributing to a discussion aim at determining what has truly happened, instead of, for instance, attempting to get the best outcome for their team.

- Rule 1.3.4. demands players to ‘explain their viewpoint clearly and briefly.’

This resembles the validity claim of comprehensibility and is a presupposition for a successful discussion.

So far, we have seen that the first four requirements which players are tasked with when serving as referees of their own game resemble the four validity claims in Habermas’s rational reconstruction of communication. The next three requirements show similarities with Habermas’s conditions for an ideal speech situation. Rule 1.3.5., 1.3.6., and 1.3.7. prescribe that players must ‘allow opponents a reasonable chance to speak’, ‘consider their opponent’s viewpoint’, and ‘use respectful words and body language with consideration of potential cultural differences.’ In Habermas’s (2008, p. 50) terms, what is required is ‘equal rights to engage in communication’ and ‘absence of coercion.’ Another element of the ideal speech situation is present in rule 1.10. stating that ‘calls should be discussed [...] by players who had the best perspective on the play.’ The idea is that a discussion must include those ‘who could make a relevant contribution with regard to a controversial validity claim.’ (Habermas, 2008, p. 50)

Coming back to rule 1.3., two additional clauses should be noted. First, the requirement to ‘make calls in a consistent manner throughout the game’ (WFDF, 2021a, Rule 1.3.9.). This can be seen as a rather straightforward rationality requirement, but it might also have the deeper meaning of asking players to keep the roles of competitor and referee continuously separated. In other words, players need to safeguard against the possibility that the score of the game might affect their judgment (e.g., calling more fouls when the score is tight than in a blowout win). Finally, 1.3.8. requires players to ‘resolve disputes as quickly as

possible' and 1.3.10. demands to 'only make a call where a breach is significant enough to make a difference to the outcome of the action.' These two clauses point towards the presence of time constraints within the context of competitive sports, which, as we will discuss in subsequent sections, is a major hurdle for self-refereeing in the spirit of Habermas's theory.

4 Contrasting external refereeing and self-refereeing

This section offers some general reflections on the differences between a game being officiated by a third-party and it being self-officiated. Some advantages and disadvantages of both modes of officiating will be discussed. The main purpose of this section, however, is to make explicit core assumptions underlying both modes of officiating. Before we start, it is important to note that mistakes happen in both modes. The interesting question, especially but not only from a philosophical perspective, is what it means to get a refereeing decision right or wrong. But before discussing this question, we might want to also note that 'getting it right' is not the only criterion for successful refereeing. For instance, the flow of the game is an important factor in many team sports that supersedes the criterion of getting every call right. For that reason, many sports, including Ultimate, aim for play to continue when a (minor) breach of the rules has occurred, at least in cases in which the breach did not create an advantage for the rule-breaking team. Moreover, time constraints are a major factor when considering whether a decision-making procedure is feasible or not in a sporting context.

But now, what does it mean to get a refereeing decision right? A first idea is that it means that the decision must correspond to the objective facts. For instance, a goal should be called when the disc, in fact, has been legally caught in the endzone. In other words, the correctness of a decision should be determined with reference to the external criterion of what is, in fact, the case. This first idea plays an obvious role when discussing the correctness of refereeing decisions. However, there is another idea which also plays a role in sport

officiating. Whether a ruling is considered fair or not is often determined based on the idea of *procedural justice*. The gist of this idea is that the outcome of a ruling, whatever it may be, is fair if it has been achieved via a fair procedure. Here, the criterion is not getting it right with reference to external facts but ensuring that one has properly followed a procedure that is deemed fair. An example is a (coin or disc) flip before a game to determine which team is granted the first possession (of the disc). When the flip is done correctly, the fairness of the procedure is what guarantees the fairness of the outcome – and there is no external criterion according to which one could reasonably challenge the fairness of the decision.

Following Rawls (1999, pp. 74–75), we can distinguish three types of procedural justice: Determining via a flip how a game starts is an example of *pure* procedural justice. There is no independent criterion which allows to determine the right outcome, but only a fair procedure. If this procedure is followed, we need to deem the outcome fair, whatever it may be. Compare this to Rawls's definitions of perfect and imperfect procedural justice: In contrast to pure procedural justice, those two types refer to cases in which there is an independent criterion for determining what is the right decision. The difference between the two is that in the case of *perfect* procedural justice, it is possible to design a procedure that ensures that the right decision will be achieved all the time. By contrast, we are confronted with a situation of *imperfect* procedural justice if it is not possible to establish a feasible procedure that guarantees that the correct outcome will always be reached. It seems to me that most refereeing decisions in sports fall into this last category of imperfect procedural justice.

In a sport like Ultimate, refereeing decisions might be divided into two broad categories: First, decisions which, at least from the perspective of an ideal observer, can be objectively resolved. Second, decisions regarding which even ideal observers might disagree. An example of the first type of decision is whether a disc was caught within or outside the playing field. By contrast, fouls are an example of the second kind of decision.⁵ Let us discuss

the first type of decision first. I suggest that those are obvious cases of imperfect procedural justice. There are independent criteria for determining what is the correct decision (e.g., the criteria for determine if a disc is caught in-bounds or out-of-bounds). However, it is impossible to design a procedure that is both feasible and will always lead to the correct outcome. The obvious problem is that perception is not infallible. To begin with, whoever is tasked with making the decision might not be in the perfect position. In this regard, we can identify an advantage of self-officiating. The Spirit of the Game asks players to seek the best available perspective when resolving a call. For that purpose, players are allowed to consult not only other players on the field, but also, e.g., substitutes, coaches, and even members of the audience. Thus, instead of relying on a pre-defined number of referees, the *Rules of Ultimate* request that the best available perspective is sought, regardless of who embodies that perspective. On the other hand, one can argue that a disadvantage of self-officiating – at least in cases that do not involve Game Advisors or other officials – is that there are no neutral observers. This might be an epistemic disadvantage as we need to be mindful of unconscious biases that might affect the perception of players, coaches, and fans. In subsequent sections, we will discuss how the *Rules of Ultimate* and the culture of the game try to mitigate the influence of such biases.

At this point, we can further substantiate the claim that the *Rules of Ultimate* are written in a distinctively Habermasian spirit. One might think that the Spirit of the Game also fits nicely with Rawls's theory of justice. In particular, it seems that Rawls's core idea of deliberating behind a 'veil of ignorance' is perfectly suited to safeguard against the problem of self-interested biases in decision-making which has just been identified. The gist of Rawls's approach is that for a decision to be fair, it should be made in a situation in which one does not know one's own place in the equation, so one cannot be guided by one's biases or prejudices (Rawls, 1999, pp. 11 and 17). Contrasting the Rawlsian model with the Spirit of

the Game enables us to better understand how refereeing decisions are approached in Ultimate. The theories of Habermas and Rawls can both be considered as adaptations of a broadly Kantian framework of practical reason, which aims to ensure that decisions are made in an impartial manner. However, we can highlight one important difference in how they want to achieve such impartiality: Whereas the Rawlsian model assumes that we can select one person at random and ask her to make the decision (Rawls, 1999, p. 120), the Habermasian model asserts that we need to allow different perspectives to actually compete with each other in an intersubjective exchange of reasons. Rawls's idea of a 'veil of ignorance' is meant to guarantee that the same decision will be made all the time, no matter who makes the decision. By contrast, the gist of Habermas's proposal is that an intersubjective procedure which resembles as much as possible an ideal speech situation is the best available option for reaching a decision that is both normatively acceptable and true to the facts. The Spirit of the Game is faithful to this gist of Habermas's theory of communicative action: It assumes that we need to include, at least ideally, all affected parties in the discussion and give them a chance to express how the situation presents itself from their perspective. Hence, the way in which the *Rules of Ultimate* envision officiating follows a communicative idea of rationality: It aims at facilitating a good communicative process and trusts that such a process will lead to outcomes that prove to be legitimate and fair under the scrutiny of the various validity claims. This is also the reason why the *Rules of Ultimate* say little about outcomes. Instead, they focus on outlining procedures that facilitate real-life decision-making procedures that resemble the ideal of communicative rationality.

In this context, it is interesting to discuss another wrinkle of the *Rules of Ultimate* that is not directly related to self-officiating, but also forms an integral part of the Spirit of the Game. Again, one is better equipped to understand this aspect when interpreting it against the background of the ideal of communicative rationality. If a discussion cannot be resolved

(because ‘players cannot agree’ or because ‘it is not clear and obvious’ what had occurred), the rules require that players pursue a third option. This third option is to return to the last non-disputed situation and resume play from there (WFDF, 2021a, Rule 1.12.). In short, if the communicative process does not lead to an undisputed outcome for the situation under discussion, the Spirit of the Game suggests that the best solution is to agree on the last non-disputed situation and continue from there. It is interesting to note that there is no reference to compromise. This is again consistent with a Habermasian framework. For Habermas, searching for a compromise is a sign that a discussion ‘is not conducted in the form of a rational discourse that neutralizes power and excludes strategic action.’ (Habermas, 1998, p. 245) Similarly, the Spirit of the Game prefers avoiding a decision over players bargaining for a compromise.

This is related to another general feature of the *Rules of Ultimate* which puts it as much in contrast with all other comparable sports as its self-officiated nature. In contrast to sports like basketball, handball, or football there are no penalties for breaches of the rules (e.g., free throws, time penalties, or ejections). Instead, the *Rules of Ultimate* outline ‘a method for resuming play in a manner which simulates what would most likely have occurred had there been no breach.’ (WFDF, 2021a, Rule 1.2.). For instance, if a player would have caught the disc had she not been fouled, she should be allowed to resume play as if she had caught it. This system of resuming play as if a breach had not occurred is based on the premise ‘that no player will intentionally break the rules.’ (WFDF, 2021a, Rule 1.2.) In all other comparable team sports today, at least some intentional breaches of the rules are not considered unfair but are seen as an integral part of the strategy of the game. Even if not explicitly stated in the rules, it is acceptable within the conventions of those games to strategically break the rules if one decides that the penalty is preferable to the expected alternative outcome. By contrast, in a game whose rules do not include penalties for breaches,

it is reasonable to assume that intentionally breaking the rules is not only unfair, but a potential risk for the integrity of the game as a whole. This appears to be the reason why intentional rule breaches are not only prohibited in the *Rules of Ultimate* but also condemned within the culture of the game.⁶

Let us now move to the second kind of refereeing decisions, decisions over which even ideal observers might disagree. The paradigmatic examples are fouls. Ultimate distinguishes several types of fouls, but one general idea is that a foul ‘occurs when a player initiates non-minor contact with an opponent.’ (WFDF, 2021a, e.g., Rule 17.2.) ‘Minor contact’ is defined as ‘contact that involves minimal physical force and does not alter the movements or position of another player.’ (WFDF, 2021a, Definitions) In distinction to the first kind of calls, which, at least in theory, allow for objective criteria, there are no undisputable criteria to determine who initiated contact, whether the contact involved more than minimal physical force and whether it altered the movement or position of players. That does not mean that there are no external criteria at all (the decision obviously refers to the actual contact and how it impacted the movement of players), but those criteria do not allow for an objective determination of the correct decision. Instead, they are open to conflicting judgements. In the context of this second type of refereeing decision, we might identify three advantages of self-officiating. First, regarding foul calls, the individuals who are directly involved are often in the best epistemic position. Observers only have their visual (and maybe auditive) perception of the situation. The players involved, by contrast, feel the contact and, as trained athletes with highly developed sensory-motor control over their bodies, usually know if it impacted their movement or not. Second, because an action is only a foul if it is deemed a foul by a referee, players in an externally refereed game can get away with committing fouls if they manage to hide it from the referee. By contrast, a self-refereed game enables the player who has been fouled to call the foul. Thus, it is less likely that a foul remains undetected.

Finally, self-refereeing regarding calls involving physical contact allows players to determine the level of acceptable physicality. Hence, instead of having to adjust to the level of physicality allowed by an external referee, the involved players need to negotiate among themselves how physical they want the game to be played.

To end this section, let us come back to a major factor in team sports that counteracts the ideal of rational deliberation based on the Habermasian model. Deliberation processes take time, while decision-making in sports needs to happen in a tight time frame. Hence, institutionalizing the idea of communicative rationality into the decision-making procedures of sport refereeing requires a trade-off between the ideal of communicative rationality and the time constraints of the sporting environment. Limited playing time, the restrictions of tournament schedules, but also considerations regarding live spectators and broadcasting audiences imply that discussions in Ultimate need to happen within a very tight time frame. In the *Appendix* (a document outlining additional regulations that are mostly meant for higher-level competition) the following time limit for discussions is set: ‘After forty-five (45) seconds, if the issue is not resolved, the play will be considered contested. The disc must be returned to the last non-disputed thrower.’ (WFDF, 2021b, Rule A5.7.2.) This restrictive time frame imposes a strong limit on what is possible in terms of deliberation. Considering that a discussion is supposed to last a maximum of 45 seconds, it will not always be feasible to elaborate on all relevant aspects and to hear everyone who could make a significant contribution to a discussion. This suggests that considerations about the flow of the game set strong practical limitations on how far Ultimate can go towards institutionalizing the ideal of communicative rationality.

5 How communicative action and self-refereeing can go wrong

This section returns to the four validity claims in the theory of communicative action. Based on those validity claims, we can distinguish four ways in which a decision-making procedure can fail to satisfy the standards of communicative rationality. In addition, the notion of an ideal speech situation allows outlining additional factors according to which a decision-making procedure can fail to meet those standards. In what follows, we summarize those threats and discuss how the *Rules of Ultimate* aim to mitigate them.

First, speech acts must be comprehensible so that discussants can understand each other. On the highest level of competition between teams from different nations, discussions in *Ultimate* are often significantly impeded by language barriers. A key tool addressing that difficulty are standardized hand signals which allow to communicate calls even when no common language is available. This enables players to quickly resolve non-disputed calls without the need for verbal communication. If verbal communication is required in a discussion, players or non-players may serve as translators (WFDF, 2021b, Rule A10.2.). However, the additional time required for interpreting brings this measure into conflict with the time limit outlined at the end of the previous section.

Second, a speech act must be correct with respect to the normative context. In the context of self-refereeing, this second validity claim requires players to know the rules and to apply them correctly. Thus, educating players about the rules is an important task in the context of a self-officiated game. In this context, three measures can be highlighted. First, teams are tasked to ‘take responsibility for teaching their players the rules and good Spirit.’ (WFDF, 2021a, Rule 1.7.1.) Second, the WFDF offers a rules accreditation on its website through which players can demonstrate their knowledge of the rules.⁷ Third, the *Rules of Ultimate* ask experienced players to assist novice players by explaining the rules and

supervising games (WFDF, 2021a, Rule 1.8. and 1.9.) Against the background of Habermas's theory of communicative action, the idea behind this last measure becomes fully intelligible. Whenever a validity claim comes under scrutiny, participants in a discussion need to seek the perspective of those who can make a significant contribution to solving the dispute. Accordingly, when the discussion is about the correct interpretation of the rules, the ideal of communicative rationality demands that the perspective of those is sought who have the best knowledge of the rules.

Third, a speech act must be true to the facts. This is an aspect that we have already discussed in detail in the previous section. In short, the *Rules of Ultimate* are based on the idea that the best available perspectives should be sought in a discussion as this is the most promising path to a decision which confirms to the validity claim of truth. In addition, the *Rules of Ultimate* allow for accepting that truth about a situation cannot be established and that instead of an arbitrary decision, the last non-disputed situation should be restored.

Fourth, speakers must be honest about their intentions. Moreover, their aim in a discussion must be to contribute to the goal of finding the truth within the context of the rules of the game. In addition, the idea of an ideal speech situation requires that everyone who can make a significant contribution to a discussion should get a fair amount of time to speak. Only under such conditions we can expect a discussion to be decided by the force of the better argument. However, we have already seen that time constraints set a limit on how far this ideal can be institutionalized in the sporting context. Moreover, Ultimate is not detached from the rest of society. This means that there is a risk that power relations from outside the game spill over onto the field and influence discussion. In this context, one needs to be particularly aware of non-conscious biases. For instance, prejudices about who is a trustworthy speaker, who is entitled to speak how much, and who is supposed to address whom in which way, might have an impact on discussion.

In connection with the validity claim of truthfulness, we can return to the issue of what happens when players intentionally break the rules or consciously try to stir discussions in their favour? A key premise of the *Spirit of the Game* has already been cited above: ‘It is trusted that no player will intentionally break the rules.’ (WFDF, 2021a, Rule 1.2.) Here, I want to highlight two aspects. First, the Spirit of the Game understands self-refereeing as a trust-based system. We will return to this aspect in detail in the following section. Second, it can be pointed out that the latest iteration of the rules added a sub-clause which provides captains with a kind of arbitration power in the case of intentional breaches of the rules. In such a case, the captains are allowed to take over a discussion and to ‘determine an appropriate outcome.’ (WFDF, 2021a, Rule 1.2.1.) This stands in tension with rule 1.10. stating that ‘calls should be discussed by the players directly involved in the play.’ It is reasonable to assume that 1.2.1. has been added to address situation in which the basic trust outlined in 1.2. is in doubt. Relatedly, rule 1.7. states that ‘teams are guardians of the Spirit of the Game.’ In other words, although it is trusted that no *player* will intentionally break the rules, *teams* are tasked with ensuring that this is the case. Thus, the *Rules of Ultimate* outline procedures that allow to handle situations in which individual players intentionally break the rules. In other words, if only individual players fail to comply with the Spirit of the Game, the *Rules of Ultimate* enable the rest of the players to address the situation in a way that stays within the framework of communicative rationality. This shows that a trust-based system like self-refereeing can be safeguarded against untrustworthy individuals.

However, the Spirit of the Game reaches its limit if an entire team betrays the basic trust on which self-officiating is based. There is no game-immanent measure that would allow to counter an entire team intentionally breaking the rules. This is analogous to the situation in which an external referee intentionally makes wrong decisions. Both in the context of self-refereeing and external refereeing, there are no game immanent ways to address deliberate

refereeing errors, but only retrospective measures outside the immediate context of the game. However, knowledge about such external measures likely has an effect on how referees (whether in the case of self-refereeing or third-party refereeing) behave within the context of the game.

6 Rituals, institutions, and the spirit of the game

The previous section has shown that self-refereeing is a trust-based system. I suggest that this finding can be generalized from the case of Ultimate to all real-world instantiations of decision-making procedures that follow the ideal of rational deliberation. Communicative rationality can only unfold its power – the unforced force of the better argument – within a context in which participants trust in the truthfulness and good intentions of other participants. In short, it presupposes that everyone participates in good faith towards the common goal of finding the best decision. Moreover, Habermas assumes that in order for communicative rationality to work, participants need to share a rich background of mutual understanding which he subsumes under the term ‘lifeworld’ (Habermas, 1984, ch. 6). In line with this assumption, Ultimate players share a rich subculture which involves a unique lifestyle on and off the field. In this penultimate section, I address some of the institutions and rituals within the Ultimate community, some rather formalized others more informal, that contribute to establishing this shared background. I focus on those institutions and rituals that are closely related to self-refereeing. In the final section, I return to the level of the players to discuss what it requires from players to serve as the referees of their own game.

Spirit Captains: The *Rules of Ultimate* establish that teams do not only need to designate a captain, as in other sports, but also a spirit captain (WFDF, 2021a, Rule 5.2.). The role of the spirit captain is explained in the *Appendix*: ‘The spirit captain is a team member, who is eligible to participate in the game, and has been designated to address, discuss, and

resolve spirit issues at any point throughout the competition with opponents, teammates, coaches, and game or event officials.’ (WFDF, 2021b, Rule A7.1.2.) Spirit captains do not have a role in the formal decision-making procedures as they are outlined in the rules. As the provisional WFDF manual for spirit captains describes it: ‘Their responsibilities are **off the field.**’ (WFDF, 2020, p. 2, emphasis in the original) The task of spirit captains is mainly to facilitate good communication between all parties. Given the ideal of communicative rationality on which the Spirit of the Game is based, we can understand why this is considered such a crucial task that a specific person on each team is designated for it.

Spirit Scoring: After each game, both teams are asked to rate the Spirit of the other team based on a scoring system with five categories: rules knowledge and use, fouls and body contact, fair-mindedness, positive attitude and self-control, and communication.⁸ Most tournaments feature a spirit ranking which adds up the spirit scores from all the games to create an overall ranking for the tournament. This means that in addition to tournament results based on the athletic competition, there is also a spirit ranking indicating how well teams did regarding their contribution to self-officiating.

Spirit Circle: It is common that after a game, both teams meet in a large circle to exchange their impressions of the game. This is also an opportunity to exchange thoughts about what went well in terms of self-officiating, and where the teams see room for improvement.⁹ Besides what is explicitly said during a spirit circle, I suggest that a major effect of this ritual is to remind players that they are not only part of two competing teams, but that they also form one bigger group that is together responsible for refereeing the game.

Spirit Stoppage: The rules state that teams must ‘call a Spirit Stoppage to address Spirit issues, as appropriate.’ (WFDF, 2021a, Rule 1.7.4.) In the *Appendix*, it is specified that this responsibility falls into the hands of captains and spirits captains, or officials from the

WFDF or the tournament organizers (WFDF, 2021b, Rule A13.1.). In other words, those individuals that are specifically designated to help facilitating good Spirit have the option of stopping the regular flow of the game, if they consider such an intervention necessary for ensuring that self-refereeing operates satisfactorily. During a spirit stoppage, members of both teams form a spirit circle, while captains and spirit captains meet separately to ‘discuss all current issues with adherence to SOTG, determine actions to rectify those issues, and then convey the agreement to the spirit circle.’ (WFDF, 2021b, Rule A13.3.) The duration of the spirit stoppage does not count as game time.

Game Advisors: Game Advisors are specifically trained officials that are used at certain events, usually at the highest level of competition. They do not serve as referees, as their presence does not change the basic premise of self-refereeing according to which it is the sole responsibility of the players to make and resolve calls. Instead, the task of Game Advisors is to assist players in their role as referees. Accordingly, Game Advisors may ‘provide non-binding perspective on any call’, but only ‘when asked’ (WFDF, 2021b, Rule B.6.3.2.5.), and ‘provide rule clarifications’, but again, only upon request by a player (WFDF, 2021b, Rule B.6.3.2.6.). The role of Game Advisors is outlined in the *Appendix* and further specified in a manual.¹⁰ Interestingly, most of their duties are adhering more to the flow of game than to the decision-making procedures concerning the most significant calls like fouls. The rules which game advisors are asked to ‘closely monitor’ (WFDF, 2021b, Rule B.6.3.2.2.-B.6.3.2.4.), for instance time limits, are of minor importance on lower levels of competition or in recreational play. Hence, teams might be reluctant to enforce them in those contexts. However, they are important when considering the perception of Ultimate as a spectator sport. This suggests that Game Advisors, who are by now only used on the highest levels of competition, are tasked to closely monitor those rules that usually do not have a

significant impact on the result of the game, but which are important when it comes to the appeal of Ultimate as a spectator sport.

In addition, Game Advisors offer another opportunity to make self-refereeing more appealing to spectators. When Game Advisors are equipped with microphones, this enables viewers of the broadcast to hear what is said during a discussion. In this way, self-refereeing might become part of the unique entertainment value of Ultimate as a spectator sport. In turn, the public scrutiny this entails will most likely have an impact on how self-refereeing is conducted. When functioning as referees of their own games, players are monitored by several publics, and it is reasonable to assume that the number, size, and influence of such publics increases with the level of competition. Whereas there are most likely (almost) no spectators present at recreational games, higher levels of competition usually involve on-site audiences. But arguably more importantly, it has become increasingly common that games are recorded for live broadcasting or subsequent transmission via streaming platforms. This means that self-refereeing on higher levels of competition is under the scrutiny of retrospective critique based on video recordings. It is reasonable to assume that such public scrutiny has an impact on how players comport themselves in their role as referees. With this line of thought, we transition to the last section in which I take a closer look at what it means for players to serve as referees of their own game.

7 Players as referees

As we have seen, a self-officiated sport has the consequence that players do not only embody the role of competitors. In addition, they are also tasked with embodying the role of referees. In this section, I briefly discuss what is required from players to properly function as referees. Against the background of Habermas's theory, we can say that, at its core, self-refereeing requires players to correspond to the validity claims of communicative action.

They need to know the rules, they need to express themselves comprehensively, and they need to be honest about aiming to contribute solely to the goal of establishing what has been the case and to decide how play should resume accordingly. In terms of a practical guideline, this has been summarized in the ‘BE CALM’-Strategy. BE CALM is an acronym for: ‘Breathe don’t react straight away. Explain what you think happened. Consider what they think happened. Ask other players for advice (on perspective and rules) if needed. Listen to what everyone has had to say. Make a call loudly and clearly (and use Hand Signals).’¹¹ This strategy can be seen as a practical guideline on how to comport oneself when participating in a deliberation process meant to adhere to the ideal of communicative rationality.

The first recommendation, according to which players should take a breath before reacting, points to another element that has not been discussed so far. Self-refereeing requires that players are capable of quickly transitioning between social roles with conflicting demands. Being a high-level competitor requires a high degree of ambition and a strong desire to win. Being a high-level referee, by contrast, requires a calm composure and the ability to take an impartial perspective on matters. When a call is made, players need to quickly transition from the social role of competitor to the social role of referee. This requires a strong ability of emotion regulation to allow players to find the adequate composesures for both tasks quickly and reliably (Gross, 2014).

The example of Ultimate shows that successful participation in deliberation processes is just as much about establishing suitable habits and postures as it is about explicit role understandings. Just like competing on the highest level requires years of practice, so does high-level self-refereeing. How well self-refereeing works depends on how it is embedded in the overall culture of the sporting community, how it is integrated into the routines of teams, and how it has become part of the habitualized interaction patterns of players.

8 Conclusion

Ultimate is a unique social setting for studying how deliberation processes work in the context of a highly competitive sporting environment. Investigating the case of Ultimate, I have shown that successful self-refereeing requires not only a sophisticated set of rules, but also a complex network of institutions and rituals that contribute to making teams and players capable referees of their own game. Without suitably trained players and teams who are embedded in a pertinent culture, self-officiating in a competitive team sport would be far less likely to succeed. Thus, the case of Ultimate suggests that putting the ideal of communicative rationality into action is as much about establishing suitable abilities, postures, and cultures through ongoing practice as it is about refining decision-making procedures.

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¹ The term “frisbee” is a registered trademark of the company Wham-O. For that reason, “frisbee” is not a part of the official name of the game, and the piece of equipment is officially not called a “frisbee”, but a (flying) disc. Ultimate is part of the flying disc sports, together with several other sports including Disc Golf, Guts, and Double Disc Court. These other sports are also self-refereed.

² Ultimate is not unique as a self-refereed team sport. In Curling, for instance, it is also the responsibility of the players to call breaches of the rules.

³ Observers are only allowed to actively call a limited number of issues. Otherwise, they are only allowed to resolve disputes upon the request of players. See <https://usultimate.org/observers/>.

⁴ Considering this systematic finding regarding the content of the *Rules of Ultimate*, it would be interesting to investigate their historical origin and see if Habermas’s works had an influence on their original formulation and/or further development.

⁵ In this context, one can also consider the role of technological tools in making refereeing decisions. The latest version of the Rules of Ultimate – or more precisely the Appendix to those rules that outlines additional regulations that are mostly meant for higher-level competition – explicitly allows players to consult photographic or video footage to help determine a call (WFDF, 2021b, Rule A11.). However, even with this possibility to seek technological assistance, the current situation in Ultimate is such that even those refereeing-decisions that might be objectively resolved from the perspective of an ideal observer, remain instances of imperfect procedural justice. Because, at least for now, technological assistance is limited to a few camera angles that might be just as deceiving as human perception.

⁶ I assume that having no penalties to punish rule breaches requires a framework in which strategic rule infractions are unacceptable, not only according to the rules, but also according to the conventions that govern how the game is actually played. However, one might wonder at this point if self-refereeing and a set of rules without (harsh) penalties are intrinsically related. It would be interesting to consider (a) a sport that is self-officiated but involves penalties (which arguably would lead to conventions that make intentional breaches acceptable), and (b) a sport with external referees but without penalties (would this also lead to a culture that strongly condemns intentional breaches as in the case of Ultimate?). As no such sports exist, we can only speculate if those are realistically conceivable options.

⁷ See <https://rules.wfdf.org/accreditation>.

⁸ See <https://wdf.sport/spirit-of-the-game/sotg-rules-scoring/>.

⁹ In addition, the *European Ultimate Federation* has requested for some of its recent events that teams also form a spirit circle before the game. The purpose is to prevent problems during the game by clearly communicating expectations in advance. See <https://euf.ultimatecentral.com/p/captains-information>.

¹⁰ See <https://rules.wfdf.org/documents/wfdf-game-advisor-manual/download>.

¹¹ See <https://wdf.sport/2011/05/be-calm-strategy/>.