

Rule of law and FD countries

Purpose

- Use a case study to reflect on how rule of law relates to a fairly democratic country

1. Football international: Denmark v. Sweden

In the early summer of 2007, Denmark met Sweden in a qualifying match for the European Championship. The Swedes opened with three goals in quick succession but the Danes, playing on their home ground, recovered and managed to draw even some way into the second half. The teams – arch-rivals as far back as people could remember – both played brilliantly and the crowd of 42,000 was in a jubilant mood. Then, with only one minute to go, a Danish player was sent off for hitting a Swedish opponent in the stomach – everything was set for a decisive Swedish penalty kick.

At that point a spectator ran onto the pitch and, before he could be stopped, hit the referee. The match was cut short and the referee awarded a 3–0 win to Sweden.

2. Beehive (see Method Bank)

- Was the referee right to stop the match?

3. Discussion

- Go through and list the arguments from the Beehive.
- Do the UEFA's rules give some of the arguments added weight?
 - Article 19 § 1: If a match cannot take place or cannot be played in full, it may be awarded by default against the association or club responsible (...)
 - § 2: In serious cases, the association or club responsible may incur additional sanctions pursuant to Article 14, paragraph 1 (...)
 - Article 14 § 1: Any team against which a match is awarded by default will be deemed to have lost the match 0–3 (...)
- Opinion polls indicated that most people in both Denmark and Sweden thought that the referee had acted correctly. A columnist who wrote that the match should have been completed was showered with emails from outraged readers. How is this more or less unanimous opinion to be interpreted?

4. Review

- Football is in form and content a game played in accordance with rules but it is not democratic. The formal rules – which do not clarify what football as such is about – can be summarised in four points:
 1. Referees and other officials are impartial
 2. The rules are fixed in advance and are unchanged in the course of a match
 3. Offensive treatment of players and officials is not allowed
 4. A referee's decision can be appealed

- There are clear similarities between such a game and a constitutional system characterised by **rule of law**:
 1. The principle of *Equal consideration* applies in the judicial system. All are equal before the law (Equality)
 2. No crime without a law and the law cannot be changed arbitrarily (Legality)
 3. No one risks administrative injustice or illegal violence (Security)
 4. Anyone who is exposed to criminal action has access to legal assistance (Judicial availability)

5. Discussion

- Is it reasonable to compare a constitutional system characterised by rule of law with a rule-based football match or are the differences too great for this?
- If the comparison holds, does such a system really need to be fairly democratic when a football match clearly is not?