

## On “Legal Moves Only”

As a professional Philosopher and Ethicist---my day job---as well as an avid amateur Backgammon player and Director of the Baltimore Backgammon Club, I wish to weigh-in on the proposed new rule change known as “Legal Moves Only.” It is my hope that some of my reflections here will serve as food for thought for other club directors and players around the nation as they consider possible adoption of this new rule in their own clubs.

I wish particularly to address the claim of Legal Moves Only proponents that adoption of the new rule will lead to a more ethical game and better sportsmanship among players. I will argue that there is no legitimate basis for this claim and that, in adopting the new rule we shall not only fail to improve the game’s atmosphere ethically but may in fact end up doing just the opposite.

First, I would like to bring players unfamiliar with the issue up-to-speed on this debate. For years, the official rule on correcting a player’s illegal moves has left the matter entirely up to the discretion of the player’s opponent, as is reflected in the current ABT rule: “ILLEGAL PLAYS. A player may condone his opponent’s illegal play by rolling his dice or turning the cube. Otherwise, he must require the opponent to replay the entire roll legally.” And, until recently, the USBGF rule was essentially the same.

Some of the game’s advocates have thought it ethically problematic that the traditional rule allows a player to let stand an illegal move by his or her opponent if that player deems it to be in his or her best interest to do so. “Wouldn’t it be more consistent with good sportsmanship as well as ethically preferable for a player to point out an opponent’s misplayed illegal move even if it is not in that player’s best interest to do so?” they in effect ask. And isn’t it only ethically-objectionable selfishness on a player’s part not to do so? Additionally, it is noted that a rule change requiring such disclosure would bring live play more in line with internet play and play against the bots, where illegal moves are never countenanced by the software. Shouldn’t the guiding principle here, maintains the USBGF, be that if a computer would not allow the play, then neither should you? All illegal moves should be pointed out and corrected and, it is now part of official USBGF policy, that we should view ourselves as having an ethical obligation to do so.

These insights are now incorporated into the USBGF’s newly adopted “Legal Moves Only” Rule:

### **Illegal Moves**

Players participating in the game (“Players”) are ethically obligated to immediately point out any play made by themselves or their opponent that does not conform to the rules of backgammon; this is not a choice. Except as specifically noted, Illegal Moves must be corrected before the offending Player’s opponent has legally rolled (not cocked) the dice. Otherwise, the Illegal Move will stand.

<http://us5.campaign-archive1.com/?u=6869fd66bfcba2dc5faa5f5fd&id=79f0a90af8>

My first qualm with the rule is its claim that players should now consider themselves “ethically obligated” to point out all instances of illegal play by themselves or their opponent. Why, I would ask, should I consider myself to be ethically obligated to point out my opponent’s instances of illegal play even when doing so is to my disadvantage, when I am not considered to be similarly obligated to do so for instances of my opponent’s legal play? What makes one case different from the other? If through a momentary mental lapse or instance of inattention, my opponent makes a particularly bad legal play, why am I not considered to be ethically obligated to point this out as well, even if doing so is to my disadvantage? Why do I abandon good sportsmanship and ethical play if I fail to do the former and yet do not do so for the latter? Those supporting “Legal Moves Only” owe us an account of the difference.

So what gives me my supposed moral obligation to correct my opponent's illegal play even when this may not be to my advantage? Is it something like the Golden Rule---a universally recognized ethical principle found in nearly every major religion and endorsed by most secular ethicists as well? If we should really treat others as we would want to be treated, could we not ask: Wouldn't you want someone else to point out your bad illegal play? If that is the case then why shouldn't you be required ethically to do so for them?

But ethicists have long noted that the Golden Rule does not confer a moral obligation on me with regard to any want another person may have. An extreme example often used to illustrate this point is that I have no moral obligation via the Golden Rule to treat the Masochist as he would want to be treated. Now I may secretly wish or want in my heart-of-hearts that someone would swoop in in the nick of time and save me from the negative consequences of any bad play I might make in a game. Yet I have no expectation of this happening, and should not have. But under "Legal Moves Only" I now have such an expectation if that bad play also happens to be illegal. But I would then ask, "Why should my want to have my bad illegal play corrected confer a moral obligation on my opponent to do so when it does not seem to confer such an obligation in other instances of my bad play?" Again, what makes this case unique? Defenders of "Legal Moves Only" owe us an answer.

And what is it about my failure to point out my opponent's illegal play that makes this failure to do so morally objectionable? Well, if you benefit from the illegal play isn't your failure to point it out merely selfish? Aren't you simply thinking only of yourself, acting only to further your own self-interest? And aren't such selfish actions immoral and examples of poor sportsmanship? Yet if I am genuinely out to win the game, ideally shouldn't every action I perform in it relating to checker play and cube decisions be one that furthers my own self-interest? Why is acting in my own self-interest morally acceptable for other game actions and not for the action of sanctioning my opponent's illegal play by rolling the dice? What justifies uniquely singling out this action for moral criticism and letting other actions go?

As for the USBGF's claim that the new Rule will make "live tournament play consistent with on-line play" I ask, "Why is it so important that this be done?" What is wrong with just accepting the fact that there are differences between live play and play in computer-governed environments, the occurrence of illegal plays being one of them, and that this is something that new initiates to live play will have to get used to much as they have to get used to picking up their dice to signal the end of their move?

Relatedly, why is it so important that I follow the principle, "if you know that a computer program would not have allowed the situation to occur, neither should you?" Is this only meant to be a practical guideline or is the 'should' meant to denote a player's ethical obligation to do so? If the latter, then the USBGF would be trying to reinforce its ethical case for the Rule by using an analogy that does not come close to holding. If we are being told now that we shall all play a more ethical game if we can all just learn to act a little more like computers and a little less like human beings, this would be a strange claim indeed. For a computer which cannot act other than as it is programmed to act is the paradigm case of an entity that lacks moral responsibility because it lacks the capacity for free choice. As it cannot act other than it does, what it does cannot be praised or blamed morally. If it cannot but move legally, that it does fails to make it worthy of our ethical commendation. That a computer will never allow an illegal move does not, of itself, make the principle "Never allow an illegal move." a universal ethical ideal.

The USBGF cannot really mean what it says when it states that, "A single, uniform rule on this issue...is requisite." For, if it did it would not now be invading the established rule structure of Backgammon with a Rule like "Legal Moves Only." Before they and other organizations like the WBF stepped into the arena on this issue there was a "single, uniform rule" which has served the backgammon community well for decades, as Bill Davis has noted. In nearly every field of endeavor, the burden of proof is on the person or organization

who wants to be the “new kid on the block” to show why the new is better than the old. The burden of proof is clearly on the USBGF to show why “Legal Moves Only” is better than the existing rule and this, in my opinion, they have not done.

Consequently, I reject “Legal Moves Only” and recommend keeping in place the traditional Rule and the concept of “Responsible Moves” which supports it, elegantly stated by Bill Davis: **“You are responsible for your illegal misplays and can be penalized accordingly. If you carelessly put your checker on the bar and pick up your dice, the director will rule that you are on the bar.”**

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