

# The Ethics of Pitcher Retaliation in Baseball

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In this essay, I discuss whether it is ever permissible for pitchers to retaliate against hitters by trying to hit them. I begin by discussing Socrates' argument in the *Crito* that retaliation is never justified. I consider alternatives to Socratic pacifism and then suggest that retaliation is permissible only if someone on the retaliator's team has been wrongfully harmed by someone on the other team. I then examine three scenarios (1): a pitcher retaliates because the batter (or a teammate) has recently had great success against him (2); a pitcher retaliates because the batter has dishonored (a) the pitcher or (b) the game of baseball; and (3) a pitcher retaliates because a member of the pitcher's team has been hit by the opposing team's pitcher. I argue that retaliation is impermissible in (1) and (2), but permissible in (3). My conclusions regarding (1) and (2) are at odds with the prevailing practice of the game; my conclusion regarding (3) is at odds with rule 8.02(d) of major league baseball: "The pitcher shall not intentionally pitch at the batter."

## 1. The Ethics of Retaliation: Socratic Considerations

Many people agree with this passage from the book of *Leviticus*:

Anyone who inflicts an injury on his neighbor shall receive the same in return. Limb for limb, eye for eye, tooth for tooth! The same injury that a man gives another shall be inflicted on him in return. (24:\*19-20)

The principle expressed here—the *lex talionis* or the law of returning like for like—permits the injured party to retaliate and imposes a proportionality constraint on the retaliation. But the *lex talionis* is not without its critics. Pacifists such as Martin Luther King, Jr. and Mohandas Gandhi reject not only the *lex talionis* but reject retaliation itself. More surprisingly, perhaps, we find Socrates arguing against the permissibility of retaliation in the *Crito*:

[Since] one must never willingly do wrong (*hekontas adikêton*) . . . one must not even do wrong when one is wronged (*antadikein*), which most people (*hoi polloi*) regard as the natural course. . . [It is not] right to do an injury in retaliation (*antaikakourgein*), as most people believe . . . [b]ecause . . . there is

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no difference between injuring people (*kakôs poiein*) and wronging (*adikein*) them. So one ought not to return a wrong or an injury to any person, whatever the provocation is. . . [I]t is never right to do a wrong or return a wrong or defend oneself against injury by retaliation (13:pp. 34-5 (49a-d))

Socrates' pacifistic conclusions are striking, and, if Gregory Vlastos is correct, revolutionary, since "[h]arming one's enemy to the full extent permitted by public law is not only tolerated, but glorified, in Greek moralizing" (18:p. 180). Socrates' argument for this startling view can be recast as follows:

P1 *A*'s retaliating against *B* requires that *A* willingly harm *B*.

P2 If *A* willingly harms *B*, *A* wrongs *B*.

P3 It is never permissible for *A* to wrong *B*.

C Therefore, it is never permissible for *A* to retaliate against *B*.

If this argument is sound, then pitcher retaliation would be impermissible. But we have good reason to doubt its soundness. P2 is problematically ambiguous, given the moral and neutral senses of 'harm', which can be distinguished in the following way. *A* harms *B* in the neutral sense when *A* sets back, thwarts, etc., *B*'s interests. For example, Tonya outskates Nancy and wins the gold medal fair-and-square, thus thwarting Nancy's desire for and interest in Olympic glory. *A* harms *B* in the moral sense when *A* *wrongfully* sets back *B*'s interests, by violating a claim-right of *B*'s with respect to that interest. For example, Tonya hires a goon to batter Nancy's kneecaps with a lead pipe and thus wins the gold medal by violating Nancy's rights to bodily integrity and to fair competition. Thus P2 fails to distinguish clearly between *harming*, which involves *interests*, and *wronging*, which involves *rights*. But perhaps, following Terence Irwin's lead (8:p. 46), we might take Socrates to be arguing not for the strong conclusion that retaliation is *never* justified, but rather for the weaker claim that having suffered an injustice is not sufficient to justify retaliation. On this weaker view, there may be cases in which retaliation is permissible, but further conditions must be met.

Let us distinguish among some principles governing retaliation. At one end of the spectrum is the pacifistic principle for which Socrates appears to argue:

(*Pacifism*) *A* is never justified in retaliating against *B*.

At the other end of the spectrum is a strong principle of retaliation:

(*Strong*) *A* is justified in retaliating against *B* if *B* has harmed *A*.

Given the distinction between harming and wronging, there are many possibilities between these two principles, but rather than trudge through every one, I offer the following as a plausible principle governing the ethics of retaliation:

(*Moderate*) *A* is justified in retaliating against *B* only if (a teammate of) *B* has wrongfully harmed (a teammate of) *A*.

Three features of the moderate principle are especially noteworthy. First, it governs *when* retaliation is permissible but not the form it must take. You might be

justified in retaliating against me but do so disproportionately and thus impermissibly. For example, it is widely, if not unanimously, agreed that pitchers should not throw at a hitter's head; even a pitcher who is justified in retaliating does so wrongly if he retaliates in that way. Second, the moderate principle requires wrongful or moral harm, rather than merely neutral harm. Nancy would not be justified in retaliating against Tonya if Tonya won the gold medal fair-and-square, because Tonya at most neutrally harmed Nancy. Nancy might be disappointed in losing, but she has no moral ground for complaint. Third, couched as it is in terms of *wrongful harm*, the moderate principle precludes cycles of justified retaliation. If you are justified in retaliating for my wrongfully harming you then I would not be justified in retaliating against you, for I suffered no *wrongful* harm.

## 2. Retaliating Against Success

Here is typical example. In the bottom of the third inning of a game between the Yankees and Orioles on June 27, 2005, Orioles leftfielder Larry Bigbie hit a homerun off Yankees pitcher Carl Pavano. Pavano then hit the next Orioles batter, Brian Roberts, apparently in retaliation for Bigbie's homerun. If we apply the moderate principle to this case, we get the correct result: Pavano was not justified in hitting Roberts, because Roberts did not harm Pavano in either the moral or neutral sense. And while Bigbie harmed Pavano neutrally (by thwarting Pavano's interest in getting him out), he did not do so wrongfully. However common Pavano's behavior might be, it is not justified.

There are at least two objections to my argument: the first is that the argument ignores the role that *consent* plays in legitimizing retaliation; the second is that the argument illegitimately draws on values external to the game of baseball in assessing conduct within the game. The objections are different, especially in their levels of generality, but they're closely related. I shall take each in turn.

The *consent objection* holds that there are informal conventions governing pitcher's retaliation in professional baseball to which players consent when they voluntarily play professional baseball; this consent justifies these conventions, so the moderate principle is irrelevant. So if Pavano's hitting Roberts is customary or conventional, it is justified, and any external principles (here we see a connection to the next objection) are irrelevant. In response, it must be stressed that to be valid, consent must be uncoerced, and it is not clear that those who consent to the retaliation conventions by consenting to play professional baseball do so without coercion. Consider former Chicago White Sox pitcher Sean Tracey who, in a game on June 14, 2006, was apparently told by manager Ozzie Guillen to hit Texas Rangers player Hank Blalock with a pitch in retaliation for Rangers pitcher Vicente Padilla's twice hitting White Sox catcher A. J. Pierzynski earlier in the game (1). Tracey did not hit Blalock but did succeed in getting him out—much to Guillen's obvious displeasure. Tracey's fate? He was demoted to the minor leagues the next day. If a condition of playing big league baseball is a willingness to violate an explicit rule of the game, any consent to the retaliation conventions is not freely, voluntarily given. The Guillen-Tracey case makes explicit what is usually implicit: that compliance with baseball's retaliation conventions is a condition of play.

On a standard way of understanding coercion—its roots are in Nozick’s seminal paper, “Coercion” (12)—*A* coerces *B* into doing *x* just in case (1) *A* wants *B* to do *x*, (2) *A* credibly threatens *B* with undesirable consequences should *B* fail to do *x*, and (assuming the coercion is successful) (3) *B* does *x* at least partially because *B* wishes to avoid the undesirable consequences *A* threatens her with. This is a good start, but it’s missing something crucial, as the following example indicates. Suppose a teacher desires that her students not cheat, threatens them with failing the class should they be caught cheating, and that her students do not cheat, at least in part because they fear failing the course. On the above account, the teacher has coerced her students into not cheating. But this doesn’t sound right, for to call an act or threat ‘coercive’ typically (but not always) is not just to describe it, but to evaluate it as well—and the teacher has done nothing wrong in this case. The defect of the above account emerges if we consider a teacher who threatens to fail a student who won’t have sex with her. The second teacher lacks what the first teacher has: the right to make the threat. This is why the former case seems improperly described, and the latter case properly described, as a case of coercion. The above account needs to be supplemented with a *normative* condition, e.g., (4) *A* has no right to threaten *B* with undesired consequences for not doing *x*.

Back to baseball. Compare (a) a manager’s telling a pitcher that he’ll be benched or even sent down to the minors if he misses another team meeting with (b) a manager’s telling a pitcher that he’ll be benched or even sent down to the minors unless he hits the next batter with a pitch. If the manager indeed has the authority and thus the right to send the player down, then his threatening demotion in (a) is noncoercive if the normative account of coercion just sketched is correct: the manager has the right to threaten the player with undesirable consequences for noncompliance because he has the underlying right to demand that the player attend team meetings. If the manager lacks the right to make the demand, then he lacks the right to threaten sanctions for noncompliance—though of course he could have the right to make the underlying demand but lack the right to threaten sanctions for noncompliance, perhaps because only his superior has the right to demote players, or perhaps because the sanctions are unreasonably harsh. Matters are less clear in (b). Whether the manager may threaten to bench or demote a pitcher for not throwing at a batter turns on whether the manager has the right to demand that the pitcher throw at a hitter in the first place. But this is the very question at issue here. The consent objection holds that players consent to baseball’s retaliation conventions when they consent to play baseball, and this consent legitimizes the conventions. But this consent must be noncoerced to legitimize the conventions, and the consent can be noncoerced only if the conventions are legitimate—for only then would Guillen or any manager have the right to demand compliance with them, just as a teacher has the right to threaten a student with failure to comply with a demand or request only if the teacher has the right to make the demand in the first place. Guillen has the right to threaten Tracey with demotion only if he has the right to demand compliance with the retaliation conventions. But he has the right to demand compliance only if the conventions are legitimate. Since the conventions must be legitimate for consent to them to be voluntary, consent doesn’t have the legitimating function the consent objection imagines. Thus I conclude that the consent objection fails to undermine my argument.

The second objection is that my evaluating conduct within the game of baseball by the moderate principle is illegitimately externalist, as it appeals to a standard external to the game to evaluate it. One quick response to this objection is that every human activity is evaluable by the relevant moral principles or theories to which the evaluator subscribes and (hopefully) can justify. But this response is perhaps too quick, for it sidesteps important questions at the center of philosophical thinking about sport. The objection is grounded in what J. S. Russell calls *the separation thesis*, the view (which Russell does not himself endorse) that a sport's values are not reflections of, or derived from, the values of the cultures in which the sport is embedded; instead, "sport supports, stands for, or expresses a set of moral values that are uniquely its own" (15:p. 52). Thus criticisms, such as mine, which appeal to values external to baseball, are simply irrelevant. To fully answer this objection would require a defense of what Russell calls *the continuity thesis*, according to which "[the] moral values that are most fundamental to sport—namely, those that are constitutive elements of sport—are expressions or reflections of more basic values found outside of sport" (15:p. 52). Moreover, Russell argues that Robert Simon's *broad internalism*—the view that "in addition to the constitutive rules of sport, there are other resources connected closely, perhaps conceptually, to sport that are neither social conventions nor moral principles imported from outside" (17:p. 41)—embraces the continuity thesis.

A full-fledged defense of the continuity thesis is beyond the ambit of this essay, so I will merely point out that the very plausible kind of internalism defended by Russell and Simon rules out retaliation for success, for baseball is not made better, nor are "its distinctive excellences ... better portrayed" (14:p. 38), by permitting retaliation against success. Instead, a batter's succeeding against a pitcher—a relatively rare thing, after all: even excellent hitters fail to reach base most of the time—is just such a distinctive excellence. As such, it should be appreciated and encouraged—not retaliated against. Moreover, the objection that my argument is problematically externalist is not fully coherent, given that retaliation is expressly forbidden by rule 8.02(d) of Major League Baseball. Moreover, if we look at the comment attached to this rule, we see a moral value that is internal to the game of baseball—or, at least, is embedded in its formal rules—namely, *sportsmanship*: "To pitch at a batter's head is unsportsmanlike and highly dangerous. It should be—and is—condemned by everybody. Umpires should act without hesitation in enforcement of this rule." I won't offer an account, original or otherwise, of sportsmanship here, for on no reasonable account of sportsmanship would a pitcher's intentionally throwing at a batter's head be permissible. Similarly, I think, no reasonable account of sportsmanship will tolerate retaliating against an opponent for his or her legitimate success. Certainly one aspect of sportsmanship is being a good loser, and, as James Keating, in one of the earliest forays on the matter, observes, "being a good loser is demonstrating self-control in the face of adversity" (10:p. 32). We can certainly understand a pitcher's being frustrated at having been bested by a hitter, but this cannot alone justify retaliation against the hitter or his teammates.

Thus I conclude that neither objection to my argument that retaliating against success is unjustified succeeds.

### 3. Retaliating Against Dishonor

In this section, I consider two kinds of honor-related cases of pitcher's retaliation: first, retaliation for (a teammate of) the hitter's having dishonored the pitcher or his team; second, retaliation for (a teammate of) the hitter's having dishonored the game. I argue that in neither is retaliation justified.

#### a. Personal and Team Honor

These cases typically involve the pitcher's thinking that the hitter has "shown him up" by excessive celebration for having hit a homerun. These cases differ from those discussed in §2, for here the putative ground for retaliation is not the hitter's success per se but his excessive delight in it. There are at least two difficulties with justifying retaliation in such cases. The first is that the notion of honor on which such retaliations rest seems indistinguishable from mere vanity. It seems that the pitcher's ego, rather than his honor, has been wounded when a player admires his homerun for too long or trots around the bases too slowly; retaliation in those circumstances seems merely a petulant tantrum. A second, related, problem is that while a pitcher may be annoyed and perhaps even offended at a batter's celebrating his success, it is hard to see how he as been harmed, let alone wronged, by the batter's exuberance. The pitcher might prefer that the batter not enjoy his success, but does he have a right against the batter that he not do so? And even if the batter *insults* the pitcher with excessive celebration aimed at the pitcher—e.g., vaunting or taunting as he runs the bases—he doesn't add insult to injury because he does no real injury (i.e., wrongful harm) to the pitcher in the first place. A batter who taunts the pitcher as he rounds the bases displays a failure of sportsmanship, but it's hard to see what actual harm this does to the pitcher, or how the batter's acting dishonorably diminishes the pitcher's honor. So, since the pitcher has been neither harmed nor wronged by the hitter's celebrating his success, the moderate principle rules out retaliation in such cases.

A related issue is when the pitcher retaliates because his team's honor has been besmirched, typically by the opposing team's having run up the score when already comfortably ahead. Interests of space preclude me from fully entering the lively debate engendered by Nicholas Dixon's "On Sportsmanship and 'Running up the Score'" (4), but a word or two is appropriate. Dixon argues against what he calls the Anti-Blowout thesis—the thesis that it is wrong to seek to maximize the margin of victory after victory is secured—by rebutting two grounds that might be thought to justify it: first, that since winning is all that matters in competitive sporting contests, once victory is assured the presumptive victor should "ease up"; second, that "players who suffer lopsided defeats have been humiliated and diminished as human beings" (4:p. 3). Dixon argues that while it is true that players may *feel* humiliated by blow-outs, and indeed have been humiliated in the weak sense of having been reduced to a lower position (4:p. 4), for which they might experience a loss of self-esteem, they have not been humiliated in the strong sense of their having been disgraced or shamed by the blow-out. If they have been disgraced, it is due to factors other than the lopsided outcome, e.g., the lack of proper

preparation that causally contributed to the loss and the poor character this shows. In a response to Dixon, Alun Hardman et al. argue that blowouts *are* strongly humiliating, but not, I think, compellingly—largely because they fail to distinguish the descriptive and predictive from the normative dimensions of the question. For example, they focus on the “empirical likelihood” of the loser’s experiencing a loss of self-esteem (5:pp. 60, 62), when the salient issues are whether players are disgraced or shamed by being on the wrong end of a blowout and whether those feelings are *justified* rather than likely. I cannot give this fascinating discussion the space it merits and can do little more than signal my conviction that Dixon is correct in rejecting the Anti-Blowout thesis. If he is correct, then blowout victims are not wrongfully harmed merely in virtue of the blowout, so by the moderate principle, a pitcher would not be justified in retaliating for his team’s being dishonored by such a loss—since the team has *not* in fact been dishonored. Even when the opposing team’s intention is to humiliate its opponent—certainly a breach of any plausible norms of sportsmanship—it is far from clear that the vanquished opponents *are* humiliated. They may have been *wronged* by the attempt to humiliate them, on the not implausible view that they have a right that their opponent not behave in an unsporting way. But being merely wronged does not satisfy the moderate principle.

## b. The Honor of the Game

As an example, consider the following. In the 7th inning of a game on July 29, 2001 in which his San Diego Padres were winning 12–5, Rickey Henderson attempted to steal second base.<sup>1</sup> Milwaukee Brewers manager Davey Lopes—who himself twice led the National League in stolen bases and indeed is a former teammate of Henderson’s—came to the pitcher’s mound not to visit with his pitcher but to chastise Henderson for violating one of baseball’s unwritten rules. “Stay in the game,” Lopes yelled at Henderson. “You’re going down.” At the time, Henderson needed to score 22 runs to tie Ty Cobb’s all-time record for runs scored, having already broken Lou Brock’s record for stolen bases. “There are unwritten rules in baseball,” Lopes said after the game. “They were there before I was born. They’re there while I’m here and they’ll be there after I’m long gone.” (6) Henderson violated the unwritten rule—helpfully spelled out in (7)—against trying to steal a base late in a game when one’s team is significantly ahead. The threatened retaliation was never carried out, as Henderson was removed from the game before his next at-bat, so the Brewers could not retaliate; for his part, Lopes was suspended for two games and fined an undisclosed amount.

This kind of case is importantly different from cases of retaliation against success and affronts to personal or team honor, for here the claimed justification is the integrity or honor of the game itself. In seeking to defend the honor of the game, rather than his own or his team’s honor—in being outraged on behalf of a principle rather than on behalf of wounded pride—Lopes offers a different and indeed a higher justification. But though his justification is elevated, we might wonder whether it rises to the level of the moral. In an insightful passage in which she discusses Kant’s comparison of the inclination to benevolence with the inclination to honor, Christine Korsgaard suggests that Kant

regards honor as . . . a sort of proto-moral motive . . . [in] that the motive of honor approximates the motive of moral autonomy insofar as the person governed by it follows, for its own sake, a strict law of conduct which represents an ideal of character. Yet motives of honor fall short of the full-fledged moral motive because the laws of honor are not derived from autonomy itself (11:p. 73)

Appeals to honor, if genuine, should transcend self-interest, as indeed Lopes' appeal seems to. A problem with justifications of retaliation in terms of personal honor is that they so often are really self-interest dressed up in more presentable garb. Lopes' complaint is not, as the shown-up pitcher's is, that someone has made *me* look bad; it's that someone is acting in a way that dishonors something that transcends my particular ego-needs. We should note that from a Kantian perspective, Lopes' acceptance of the unwritten rules is heteronomous: he accepts their existence and normative force as given; they are not the product of his (or anyone's, it would appear) autonomous will, and he does not appear to have subjected them to much critical reflection. For example, Lopes might have reflected that a seven-run lead is not insurmountable. On the previous day, the Pittsburgh Pirates were trailing the Houston Astros 8–2 with two outs in the ninth inning but scored seven runs to win the game 9–8; a week later, on August 5th, the Seattle Mariners were beating the Cleveland Indians 14–2 after six innings, yet the Indians came back to win 15–14. The quickness with which Lopes threatened retaliation suggests not only a lack of critical reflection on his part about the safety of late-inning leads but also that it may not really be the game's honor he sought to defend, but his own (or his team's).

Suppose that we accept the unwritten rule in question; had Henderson not been removed from the game, would Lopes have been justified in ordering his pitcher to throw at Henderson in his next at-bat? Not according to the moderate principle, since no teammate of Lopes' was wrongfully harmed by Henderson's action. The important, if obvious, structural difference is that the Lopes-Henderson case involves retaliating for harm done to a third party—here, the game of baseball. Even if we revise the moderate principle to permit *A* to retaliate against *B* for wrongfully harming *C*, there's little reason to think that Lopes, or any similarly circumstanced manager or player, would be justified in retaliating for actions that dishonor the game.

First off, a nominalist of a certain sort might be skeptical about the reality of the game of baseball. This isn't skepticism that there are games of baseball, played by baseball players, watched by baseball fans, but rather skepticism that there is such a thing as *the game of baseball* as an entity existing in its own right, over and above the games individuals play and watch. By analogy, consider the nominalist who believes that white-tailed deer exist but does not also believe that the species *white-tailed deer* (*odocoileus virginianus*) exists over and above its members; she takes any claims about the interests of the species or type *white-tailed deer* to be fully reducible to claims about the interests of individual or token white-tailed deer. Against this nominalist it might be urged that the game of baseball is a practice, and that, as Butcher and Schneider argue, "practices are the sorts of things that can have interests" (2:p. 127). In the interest of space I will not pursue this



interesting line of thought in any depth, but I note briefly that while Butcher and Schneider may be correct that “practices have histories and traditions,” it is less plausible that they “form *living* . . . entities” (2:p. 129; my emphasis). Moreover, while it may be “natural and helpful to talk of the interests of a practice” (2:p. 139n2), such pragmatic considerations do not settle the ontological question of whether practices *do* have interests that aren’t reducible to the interests of their participants.

Perhaps this talk of “the honor of baseball” should be taken obliquely rather than literally, without the ontological commitments so unsettling to our nominalist. By analogy, claiming that David Duncan dishonored the profession of accounting by his actions in the Enron scandal need not commit one to the view that the profession of accounting is an entity in its own right, having interests, capable of being benefited and harmed, and honored and dishonored; it need only commit one to the view that Duncan’s actions caused people to be less trusting of accountants in general and to think them less worthy of esteem and respect. Similarly, regarding Henderson as having dishonored the game need commit us only to the view that Henderson’s actions led people to regard baseball players as less worthy of esteem and respect. But is this plausible? There certainly are cases in which the actions of a player may bring “the game” into disrepute—the controversy over Barry Bonds’ and others’ alleged steroid use is a prime example. At best (or, rather, at worst) Henderson’s actions might cause people to regard *Henderson* as less worthy of esteem and respect, but then Henderson is dishonoring himself, not the game of baseball. And if Henderson brings dishonor only (or primarily) to himself, why should Lopes not regard that as sufficient penalty? If you dishonor me, we can understand, even if we do not approve of, my retaliating. But if I have dishonored myself, why would you need to retaliate, or be justified in doing so? Moreover, even if Henderson has dishonored baseball, Lopes would not seem to be justified in retaliating on its behalf, as he lacks any institutional authority to do so.

Another worry is that it’s not clear whether Henderson really dishonored the game. Lopes thought he did, but there was little consensus on the issue, as a quick perusal of the relevant sports pages and websites indicates. Part of the problem is that actions that dishonor the game, as Henderson’s were said to do, are often violations of the *unwritten* rules of the game. The problem is not merely the epistemological difficulties of knowing what the unwritten rules are and what the circumstances of their application are, but that this uncertainty is all too likely to be used to camouflage the retaliator’s true motives. Perhaps Lopes was just irked that Henderson stole a base when he didn’t really need to, thus making his team look bad. One can dress up disliked outcomes as insults to the game’s honor, but then appointing oneself defender of that honor seems a hollow, unjustified charade. In such cases, the appeal to honor not only fails to rise to the level of morality (this was Kant’s point), it does not even rise above mere self-interest; to act as if it does seems either cynical or self-deceived.

By way of contrast, consider a case in which there is less dispute about whether a player’s actions dishonored the game (ontological scruples aside): Delmon Young’s throwing a bat at an umpire who had just ejected him from the game after Young argued about having been called out on strikes. Young, then the

top minor league prospect in the Tampa Bay Devil Rays organization, was suspended without pay for 50 games. I take it to be beyond dispute that, in addition to wrongfully harming the umpire, Young dishonored himself, giving people good reason to hold him in lower esteem and respect than they otherwise would have. And let's suppose that he dishonored the game as well. In Young's first major league at-bat on August 26, 2006, Chicago White Sox pitcher Freddy Garcia hit him with a pitch, apparently on orders from Sox manager Ozzie Guillen. Though Garcia claimed that he hadn't intentionally hit Young, let us suppose for the sake of argument that he did. Since Young's actions had no direct effect on the White Sox, if the retaliation was justified it must be because Young dishonored the game. Now even though this situation lacks the epistemological uncertainty of the Lopes-Henderson situation, the question of authority to retaliate arises: why would Guillen be justified in retaliating for an affront to the honor of the game? The International League had authority to punish Young for his actions—and it did so only after a thorough investigation. Neither Lopes' nor Guillen's decisions were the result of procedurally and substantively fair investigations.

There are at least three problems, then, with honor-of-the-game justifications. First are the ontological problems that arise when we take such talk literally. Second are the epistemological problems of knowing when the game's honor has been impugned, given the murkiness shrouding the game's unwritten rules. Third is the problem of the self-appointed enforcer, assuming the previous problems have been solved.

#### 4. Retaliation for Wrongful Harm to a Teammate

The last kind of case I consider concerns pitchers retaliating for harm done to teammates, typically retaliation for their having been intentionally hit by the opposing pitcher. I argue, with some hesitation, that such retaliation *is* permissible in certain circumstances. Let us return to an example from §2, in which Carl Pavano intentionally (we have assumed) hit Brian Roberts with a pitch in retaliation for Larry Bigbie's having hit a home run. Would Daniel Cabrera, Roberts' teammate, be justified in retaliating against Pavano or one of his teammates? Given that the Orioles and the Yankees play in the American League, any retaliation would be against a teammate of Pavano's, rather than Pavano himself.<sup>2</sup> Now, straightaway some will object to retaliating against anyone other than the perpetrator; why should the sins of Pavano be visited, say, upon Hideki Matsui, the first Yankees hitter to bat in the next inning? Surely this objection has some bite, even for those who think retaliation for beaming Roberts would or could be justified. I want to set this concern aside for the moment, for it turns on the underlying permissibility of retaliation. Before settling on *who* may be the object of retaliation, we should determine *whether* the retaliation is permissible.

The main consideration in favor of the retaliation's being justified is grounded in the importance of team unity. Cabrera's retaliating for Pavano's intentionally hitting Roberts suggests to Roberts and his teammates that they are being looked out for *by other members of the team*. The italicized clause is crucial. Major League Baseball might look out for the interests of players by ejecting, fining, and suspending pitchers who intentionally throw at batters, but this third-party

dispensation of justice will not promote unity among the Orioles to anywhere nearly the same degree (if indeed it promotes it at all) as Cabrera's retaliating will. Indeed, since Cabrera would risk being ejected from the game for retaliating, his doing so anyway suggests that he values team unity, which is necessary for long-term success, over short-term success.

I should make it clear that I am not arguing that *promoting team unity* by itself justifies retaliation; it comes into play only when the necessary condition specified in the moderate principle is satisfied, as it has been in this case, since Pavano wrongfully harmed Roberts in retaliating against Bigbie's success. Another proviso may be apropos here: *if* Cabrera were justified in retaliating, the Yankees would *not* be justified in retaliating against Cabrera's retaliating, for though Cabrera might inflict harm on, say, Matsui, it would not, *ex hypothesi*, be *wrongful* harm, so the moderate principle would not be satisfied. I discussed this feature of the moderate principle in §1; its precluding cycles of justified retaliation strongly recommends it over a more permissive principle in which the harm need not be wrongful.

The plausibility of this justification depends upon the importance of team unity to *successfully* competing at the major league level. While *team unity* may not be metaphysically or conceptually necessary, it does seem pragmatically necessary. A team whose members do not subordinate their desires for individual success to a shared desire to win, who are unwilling to sacrifice their individual goals and desires when doing so is necessary for the team's success (e.g., laying down a sacrifice bunt), is unlikely to have much long-term success. Being a good team member involves taking on the team's good as one's own good, regarding the team's good as a good that trumps or replaces one's own individual good.

Let us suppose that team unity is necessary for success—that baseball teams play better baseball when unified. And let us suppose that retaliation for wrongful harm promotes team unity. It might be plausibly argued that threatening to eject pitchers for retaliating for wrongful harm to a teammate makes pitchers reluctant to pitch inside to hitters, for fear of losing control of an inside pitch and inadvertently hitting a batter and thus being ejected; this tips the advantage to the hitter—as Todd Jones, relief pitcher for the Detroit Tigers put it in an article in *The Sporting News*,

When the ump issues a warning, the hitter has a tremendous advantage for the rest of the game. In essence, the hitter doesn't have to worry about the inside of the plate because the pitcher has a dilemma. Does he continue to pitch his usual game? He should, but if he hits someone, he knows he's gone. . . . When [hitters] don't have to worry about inside pitches, they will be just licking their lips (9).<sup>3</sup>

If Jones is correct then the confrontation between pitcher and hitter, so crucial to the game of baseball, is compromised. Note the lengths to which Major League Baseball has gone to maintain what it deems the proper balance between batter and pitcher; as just one example, consider baseball's lowering the height of the pitcher's mound after the 1968 season—known as “the year of the pitcher”—in which Bob Gibson of the St. Louis Cardinals had a 1.12 Earned Run Average (compared with a National League average of 2.99) while winning 22 games and

Denny McLain of the Detroit Tigers won 31 games with an ERA of 1.96. To these two assumptions let us add a third and assume the correctness of the “broad internalism” that Robert Simon (16,17) and J. S. Russell (14,15) have so persuasively argued for, discussed above in §2, which is grounded in a Dworkinian, interpretive understanding of sport in which “the aim [is] allowing a game’s distinctive excellences to be exercised” (14:p. 40). If these plausible assumptions are correct, it follows that “[t]he game of baseball is better, and its distinctive excellences are better portrayed” (14:p. 38) if pitchers retaliate for wrongful harm to teammates. Thus pitcher’s retaliation for wrongful harm to a teammate could be justified, despite its being expressly prohibited by the rules of Major League Baseball. And note that Russell argues that “we tend to tolerate or may even expect or require systematic disregard . . . of certain rules to the extent that it usefully helps create the context for the exercise of sport-related excellences” (14:p. 40).

Some readers will be wary of this line of argument. First off, it may prove too much, for there are activities that may promote team unity but which are clearly not permissible. For example, rather than have their pitcher retaliate, a team could mug the offender in the parking lot after the game.<sup>4</sup> Requiring on-field retaliation would exclude such examples, but the restriction may appear *ad hoc*, lacking a principled motivation, since the promotion of team unity carries the bulk of the justificatory weight. In response, a friend of retaliation might argue that successful pitcher retaliation itself exhibits a “distinctive excellence” of baseball, in displaying the control and skill a pitcher must possess and demonstrate to hit a batter *appropriately* (e.g., “below his belt in a big muscle, so no bones get broken” (9)). The claim is not that hitting a batter with a pitch is a distinctive excellence of baseball, but that to do this the pitcher must display some of baseball’s distinctive excellences.

A second problem concerns the value of team unity itself. It seems plausible that unity is a necessary (but of course not itself sufficient) condition of success. Jones, for example, articulates this commonsense view when he claims that “[t]o be successful, a team needs chemistry; without it, a team probably won’t win” (9). But it is not clear, as a matter of empirical social psychology, that the commonsense view is correct. Sociologist Calvin Morrill argues that “Baseball is . . . an ideal example of where a diffuse team with weak ties to one another may help the overall functionality of the group” (quoted in 3). Former Yankees manager Joe Torre may well be correct in asserting that winning is more likely to create team unity than the reverse (3). Also perhaps team unity would be better promoted by a team’s “taking the high road” by letting its actions on the field be its response.<sup>5</sup> Needless to say, this is not the venue to settle this empirical controversy, fascinating though it is. But to the extent that the argument leaves unquestioned what is eminently questionable, it is vulnerable. Still, the friend of retaliation might reply that the empirical truth of the value of team unity is less relevant than are players’ *beliefs* about it. By way of analogy, if someone offered a partial explanation of grade inflation at American universities by arguing that faculty grade more leniently in order to receive better evaluations, what matters is not whether there is *in fact* a connection between high grades and favorable student evaluations of faculty but rather whether faculty *believe* there is a connection (and, of course, how they act on it). Similarly, the response goes, even if the unity-skeptics are correct that “[w]hen a common purpose is shared, loosely tied groups can function better

than strongly bonded ones" (3), so long as players highly, even if mistakenly, value team unity, actions that fail to promote and express it will be problematic.

Despite these empirical worries about the value of team unity, I trust that there is at least a whiff of plausibility in grounding permissible retaliation in it. While rule 8.02(d) empowers an umpire to immediately eject a pitcher whom he believes intentionally hit a batter, in practice he is more likely to opt for the second option allowed him, to "warn the pitcher and the manager of both teams that another such pitch will result in the immediate expulsion of that pitcher (or a replacement) and the manager." In addition, Major League Baseball may fine and suspend pitchers who are found to have intentionally hit a batter with a pitch. But neither baseball's nor the umpire's punishing a transgressor is likely to promote team unity to the extent that a teammate's retaliating will, since by definition a nonteammate metes out the justice.

As this line of thought accords justifying force to what players in fact expect it might seem to illegitimately take us from an *is* to an *ought*. But that players do expect such retaliation is not completely separable from the question of whether they are entitled to expect it. Consider a parallel in jurisprudential thinking about privacy: whether an expectation about privacy is reasonable turns to a large extent on whether it is realistic: if it is unrealistic to expect no one to have access to my cordless telephone conversation, it is unreasonable for me to expect it, and I have no claim of action for violation of privacy against a nosy neighbor with a scanner. Now, *that* it is the case that the gap between what is realistic, which is a factual notion, and what is reasonable (which is a normative notion) is narrowing cannot itself justify the claim that it *ought* to be the case that the gap is narrowing. Ditto for the ballplayer's expectation that his pitcher will retaliate on his behalf: from the fact that the expectation is realistic it does not follow that it is reasonable. But the issue is complicated by the role team unity plays in a team's success. If rationally intending an end entails willing the conditions necessary for achieving the end, and if team unity is necessary to success, then the fact that players expect their pitchers to retaliate does have a normative force it might otherwise lack.

Now if retaliation for wrongful harm is justified by its promoting team unity, we have an implicit solution to the problem raised above—how Matsui, merely a teammate of the offender, could be a proper object of retaliation since he did not inflict the harm for which Cabrera would be retaliating. Just as Cabrera's retaliating for Pavano's wrongfully harming Roberts is grounded in team unity, so too is his retaliating against Pavano's teammate grounded in team unity—though with this important difference: in the first instance the retaliation is supposed to *promote* the value, *team unity*; in the second instance, it *expresses* this value by treating the Yankees as a unified whole in which the parts (teammates) are substitutable. So the same value is functioning in different ways.

I suspect that some will not be persuaded by the *promotes team unity* justification, but even these, I hope, will see how this proposed justification distinguishes Cabrera's would-be retaliation for Pavano's wrongfully harming Roberts with Pavano's, Lopes', and Guillen's retaliations, for only in the Cabrera case is the plausible, moderate principle satisfied. Perhaps, though, the proposal still smacks of the sort of vigilantism I earlier condemned. I think the presence of a value that is arguably necessary to the realization of some of baseball's distinctive excellences should blunt this objection, but I acknowledge that in practice it may be

difficult to distinguish putatively permissible cases of retaliation to promote team unity from retaliation as the bare desire to return harm for harm.

A weaker justification in the same spirit might go as follows: when a team does not retaliate for wrongful harm but allows the league to sanction the offending pitcher, and the offending pitcher later repeats a similar offense, at this point the team is justified in retaliating, for the official, institutional response has failed it, and it is now entitled to self-help. Considering—without necessarily endorsing—a Hobbesian story about the formation of civil societies can shed some light here. Individuals are willing to trade the complete freedom they enjoy in the state of nature for the security provided by civil society. As part of the bargain, individuals cede to the state the right to use violence—hence the imminence requirement in self-defense: a necessary condition on my using lethal force is that it be necessary to avert an imminent threat to my life. If a threat is not imminent, I have time to avail myself of the protection of the state. But where an attack *is* imminent, I cannot wait for help from the state without losing my life: the bargain by which I cede to the state the authority to use violence is not absolute. Now, though the issue with respect to retaliating against repeated wrongful harm is not a perfect fit, I trust that the analogy holds sufficiently: teams cede to the league the authority to punish wrongful harm, but if the harm continues, the team may reclaim its right to violent self-help.

There are several ends a pitcher might seek to realize by retaliating in these circumstances, and the permissibility of his actions might depend upon the end for which he acts. A pitcher might retaliate in order to (a) punish the opposing team, (b) promote team unity, (c) deter future attacks, and (d) some combination of these. Some readers will intuitively reject (a) as little more than Wild West vigilantism,<sup>6</sup> and those who are skeptical about the justificatory force (not to mention the pragmatic necessity) of (b) in the above circumstances are perhaps unlikely to be any more hospitable to it in these circumstances. But in these circumstances, in which the institutional resources have been tried and found wanting, (c) seems eminently plausible—and should seem plausible even to those who would reject it when employed *as an alternative* to the available institutional resources. I recognize that there are practical problems with this justification of retaliation (e.g., worries about partialistic implementation) but in principle it seems beyond reproach.

Even the more liberal justification offered above, that retaliation for wrongful harm is justified when retaliating will promote team unity, is more restrictive than justifications grounded in convention and custom. That justification, of course, depends for its cogency on the empirical question of whether team unity *is* necessary for the realization of baseball's distinctive excellences.

## 5. Conclusion

I began by articulating and defending a plausible principle governing justified retaliation. I then argued that pitcher's retaliation is unjustified when it is retaliation for success and when it is retaliation for an affront to the honor of the pitcher or the game. I have argued that pitcher's retaliation for wrongful harm is justified when it promotes team unity, and tried to defend this view against very plausible objections. There are other kinds of cases I have not explicitly addressed—e.g.,

retaliation for an player's too aggressively breaking up a double play—but I hope that the discussion here lays a framework in which a fruitful discussion of such cases can take place. Moreover, while I fear that the paper is too baseball-centric, my desire to expand the discussion to other sports is hampered both by interests of space as well as by my being insufficiently familiar with nuances and practices of other sports to speak intelligently on the matter. Baseball is unique in many ways. It is a sport that can be quite dangerous—the ball often comes at the hitter at speeds close to and sometimes in excess of 100 mph—though only one major league player (Ray Chapman, in 1920) has ever died from injuries received on the field. It is certainly physical, but it is not itself intrinsically violent in the way that American football and hockey and some other sports are. Thus its retaliatory practices more obviously stand out from the ordinary rhythm of the game. I hope that the general framework developed here might be fruitfully applied to thinking about retaliation in other sports.<sup>7</sup>

## Notes

1. Even though Henderson advanced to second base, he was not credited with a steal, due to “defensive indifference”: the Brewers did not attempt to prevent his advancing to second base. (So one can imagine Lopes’ feeling taken advantage of.) For those less familiar with baseball, a player who has reached base safely may attempt to advance while the pitcher faces another batter. A runner on second base is typically able to score on a well hit single and is thus said to be “in scoring position”—hence Henderson’s desire to advance from first to second base.
2. An interesting issue that I’ll raise only to set aside is that American League pitchers do not bat, unless they are playing an interleague or postseason game in a National League ballpark, so they will rarely face retaliation for throwing at opposing batters.
3. Not pitching inside—the part of the plate close to the hitter—effectively reduces the strike zone (as the ball must pass over the plate, between the hitter’s knees and armpits, to count as a strike), and gives a great advantage to the hitter.
4. I thank an anonymous referee for the example, and to this referee and the editor for pressing me to think more fully about the shortcomings of the team unity justification.
5. I thank the editor for suggesting this plausible alternative means to promoting team unity.
6. I thank an anonymous referee for this image, though I do not necessarily attribute the position described here to this referee.
7. I thank the *Journal*’s editor and referees for extraordinarily helpful comments that significantly improved the article—though I know that I have not answered all objections to their satisfaction. I also thank my friends and colleagues Erica Benson, Mary Novaria, and Stuart Rachels for their very helpful comments on earlier versions of this paper. I also thank John Pollitz, Director of UW-Eau Claire’s McIntyre Library, and Peggy Govan, Office Associate, for providing the quiet, comfortable space in which to do the bulk of the research for and writing of this article.

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