

The Baseball Game

The controversy sparked by Mickey during "The Baseball Game" leads to inquiry regarding the nature of fairness and right. With players on first and third, two out, and Lisa due up to bat, Mickey decides to bat in her place. This immediately causes members of the other team to protest, citing several reasons as their justification. First, Fran claims that Mickey is being unfair in denying Lisa her turn at bat which she has a right to as a player of the game. Sandy offers two reasons, both of which regard violations of the rules of softball; Mickey is batting out of order, and he is batting twice in the same line-up. Finally, Tony insists that "rules are rules," meaning that if there are prescribed rules for a game they must be followed by all participants. Mickey retorts that, as owner of the equipment, it is his game (as well as Bill's and Sandy's) so he can make the rules. The tension is not resolved (neither side offering to come over to the other), and the game breaks up when Mickey takes his glove and walks off the field, followed by Bill with his softball and Sandy with his bat.

"The Baseball Game" parallels Rawls' concept of justice as fairness. Rawls writes about justice with regard to institutions rather than individual actions or persons. This is much like the distinction Lisa makes between fairness (which pertains to everyone) and what is right (which pertains to the individual). Although Rawls' concept equates justice with fairness, he defines justice as pertaining to those practices which one has no choice whether or not to engage in; hence questions of justice are most urgent. Fairness he perceives as pertaining to those practices in which participation is voluntary. Rawls uses the word "practice" in a special sense to mean "any form of activity specified by a system of rules which define offices, roles, moves, penalties, defenses, and so on, and which gives the activity its structure. As examples one may think of games, rituals, trials and parliaments, markets and systems of property" ("Justice As Fairness"). The game of baseball would be considered a particular practice, and it is a concrete manifestation of the hypothetical society Rawls sets up to solidify his theory.

To illustrate his concept of justice as fairness, Rawls affirms two basic principles which express this concept in terms of liberty, equality and reward for contributions to the common advantage: 1) each person engaged in a practice has a right to the most extensive liberty compatible with a like liberty for all those engaged in that practice and 2) inequalities are arbitrary unless it is reasonable to expect that they will work out for everyone's advantage and unless those offices (positions) are open to all. The first principle asserts the fundamental equality of all persons engaged in the practice. The second principle allows for inequality only where the evidence of both common sense and knowledge fosters belief that the practice with the inequality will work to the advantage of every person engaged in that practice. It is also a recognition that, on the whole, individuals are motivated by self-interest such that benefits (inequalities) that are attached to certain offices (positions) should attract the requisite talent and encourage its best efforts. Anyone involved in the practice must regard his/her position within

that practice as more acceptable with the inequality than without it.

To further clarify his position, Rawls proposes a hypothetical society. He presupposes that each member of the society is basically self-interested (their allegiance to established practices is founded upon the prospect of self-advantage) and rational (they know their interests, discern likely consequences, resist temptation of immediate gain, are content in their perception of their condition in relation to others, and have roughly similar needs and interests such that none can dominate another). Principles that are determined by this society are binding on future occasions. Therefore, each would be wary of proposing principles that would be uniquely to his advantage because he would be bound by the same in the future which is uncertain - conditions may change such that the principle would then be to his disadvantage. Restrictions that would arise would be those a person would keep in mind if he were designing a practice in which his enemy would assign him his place.

Rawls states that free persons (those with no authority over each other) engaged in joint activity among themselves acknowledge or settle upon rules which define their activity and determine respective shares in its benefits and burdens. This is the assumption that Sandy is operating under; he assumes that by engaging in a sandlot game of softball, everyone has agreed to abide by the traditional rules associated with that game. Tony's assertion that "rules are rules" parallels this position, and Rawls affirms that rights and duties which arise within a practice

... depend on previous voluntary actions - in this case on the parties having engaged in a common practice and accepted its benefits. It is not, however, an obligation which presupposes a deliberate performative act in the sense of a promise or contract and the like. It is sufficient that one has knowingly participated in a practice acknowledged to be fair and accepted the resulting benefits.

The participants in the current softball game have played softball previously under established rules; therefore, Sandy and Tony are justified (according to Rawls' position) in requesting that the established rules be followed by all participants. Fran reasons that Lisa has a right to her turn at bat as an equal participant in the game. Rawls asserts that fair play includes the recognition of the other as a person and treatment of the other accordingly:

The acceptance by participants in a common practice ... is a reflection in each of the recognition of the aspirations of the other to be realized through their joint activity.

Mickey's action essentially denies Lisa's personhood by denying her equal liberty with the rest of the participants.

Rawls' position allows for claims to be made against practices. In fact, established practices may be overridden if, when it comes one's turn to follow a rule, other considerations justify not doing so. This seems to be Mickey's standpoint; he apparently feels justified in his position because there are two out and another player is in scoring position. Rawls would object to Mickey in that one cannot be released from obligation in general by denying

the justice of the practice only when it's your turn to obey. "If a person rejects a practice he should, as far as possible, declare his intention in advance, and avoid participating in it or accepting its benefits." Mickey should have specified before the game was underway that he, Bill and Sandy would set the rules for the game because it was "their game."

"Persons engaged in a just, or fair, practice can face one another honestly and support their respective positions should they appear questionable by reference to principles which it is reasonable to expect each to accept." This is the attitude espoused by Fran, Sandy and Tony in referring to the established rules and principles of the game. The possibility of mutual acknowledgement makes fairness fundamental to justice; only with this mutual acknowledgement can there be true community between persons in their common practices. Otherwise their relations will appear to them as founded to some extent on force and violence. Mickey's "resolution to the situation clearly indicates that the practice was founded upon coercion - doing things his way or not at all. The question remains unanswered regarding the reciprocity of Mickey's action. For a practice to be fair, the principles must apply to each participant; and once a principle is enacted it must apply on all future occasions - when conditions may make it disadvantageous to the one who proposed it in the first place. Would Mickey have endorsed a like incident occurring on Sandy's team?"

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References

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"Justice as Fairness," *Political & Social Philosophy*, edited by J. Charles King and James A. McGilvray. New York: McGraw-Hill, Inc., 1975.