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An Anthropological Approach to Understanding the Process of Legitimation: An Examination of Major League Baseball Emergence

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1. Introduction

The resource-based view of the firm has emphasized rare and valuable resources, their redeployment and capability development as a means of rent creation (Penrose, 1959). Hence, the organizational quest is to acquire and develop these resources and capabilities (Teece, Pisano, & Shuen, 1997). One such promising source is legitimacy, defined by Suchman (1995: 574) as the "generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms values, belief and definitions." Most organizational sociologists and strategy scholars treat organizational legitimacy as a valuable and rare resource (Scott, 1995; Selznick, 1949; Pfeffer & Salancik, 1978; Freeman, 1984; Mitchell, Agle, & Wood, 1997; Suddaby & Greenwood, 2005; Zimmerman & Zeitz, 2002). Moreover, legitimacy may also help appropriate value from stakeholders. Organizational legitimacy "increases the acceptance of, or reduces the resistance to" all of an organization's activities (Zelditch, 2001).

There still is little understanding, however, of the process the organizations must undergo to achieve legitimacy (Rao, 1994; Hughes, 2006). So how can organizations, or an organizational field, gain legitimacy? In this inductive paper, we address this question by examining the extreme case of an organizational field led by an illegitimate organization with deviant practices that ultimately achieved widespread acceptance, increasing its rent creation and appropriation ability. This organization ultimately became a rule setter for both its members and non-members and some of its key deviant practices became an enduring part of the institutional landscape.

Our historical anthropological analysis suggests that such a dramatic transformation is likely attributable to stakeholder management, and more specifically stakeholder-specific customization of legitimation strategies. Different types of legitimation were sought from

various stakeholders and different strategies were used that were related to anthropological and historical characteristics of the period. We also demonstrate that a restructuration of the organization field was achieved in order to clearly distinguish among stakeholders and gain legitimacy towards one of these groups. This ensuing legitimacy and the power it gave ultimately had spillover effects on other stakeholder groups. Achieving legitimation also required the loss of some of the illegitimate practices through negotiation with stakeholders.

We use the case of the establishment and legitimation of Major League Baseball (MLB) during the second half of the 19th and early 20th centuries to illustrate the process of legitimation. This process took place within a rich context of historical and anthropological changes of the American society. MLB, an initially deviant organization, demonstrated that the ability to read the historical context and to manage relationships within the organizational field were essential to gaining legitimacy and ultimately monopoly power through the Supreme Court decision of 1922.

2. Litterature review

Institutional theorists have long argued that legitimacy is an essential resource for all organizations. Legitimacy is necessary to get the support of the organization's stakeholders and to insure the organization's survival (Baum & Oliver, 1992). Legitimacy is also viewed as a form of power that helps appropriate value from other parties (Chacar &Hesterly, 2008). In fact, a long tradition in the literatures stresses how superior performance hinges upon the management and control of economic actors operating both within and outside organizational boundaries (Selznick, 1949).

In this study we will adopt Suchman's definition and draw on stakeholder theory (Freeman, 1984) adding to it a reference to the referent social group: Legitimacy is a (generalized) perception or assumption that the actions of an entity are desirable, proper, or appropriate (Suchman, 1995: 574) by one or more group of social actors, or its stakeholders. This definition allows us to consider various subgroups of actors that need to bestow legitimacy upon the organization. Indeed, many stakeholders are relevant to a firm's operation and the 'desirability' of its actions can only be examined with regard to particular stakeholders (Freeman & Gilbert, 1987). Early definitions of legitimacy stressed that an organization is legitimate when its values and actions are congruent with social actor' values and expectations (Pfeffer & Salancik, 1978) or when social actors accept or endorse 'the organization's means and ends as valid and reasonable, and rational' (Baum & Oliver, 1991; Meyer & Scott, 1983; Stinchcombe, 1965).

Stakeholders are defined as anyone who "can affect or is affected by the achievement of an organization's objectives," (Freeman, 1984: 46). Mitchell et al. (1997) suggest that three groups of stakeholders are relevant to organizations: "stakeholders who have power in relation to the firm (i.e., possess valued resources), are deemed legitimate (i.e., are socially accepted and expected), and can muster urgency (i.e., have time-sensitive or critical claims).

In addition to the source of legitimacy, Suchman's (1995) suggests that another dimension of legitimacy is the form of legitimacy, which can be one of three: pragmatic, moral, and cognitive (1995: 571). Pragmatic legitimacy rests on the self-interested calculations of an organizations' most immediate audience (Suchman, 1995: 578). The second form of

legitimacy, moral legitimacy, 'reflects a positive evaluation of the organization and its activities (e.g., Aldrich & Fiol, 1994; Parsons, 1960). The third form of legitimacy, cognitive legitimacy, is based on cognition rather than active evaluation (Suchman, 1995: 582).

3. This study

We apply an embedded case study approach (Yin, 2003) to examine the process through which the organization of interest achieved legitimacy. We especially focus on understanding the source of legitimacy (which stakeholder) and the form of legitimacy. Our setting is the creation and establishment of Major League Baseball (MLB) during the 19th and early 20th centuries. The field of cultural anthropology is especially suited for the investigation of the complicated and contradictory evolution of baseball (Lewis, 2010). Thanks to the wealth of existing research on this field, we are able to describe first the rich historical and anthropological context surrounding its inception as a deviant organization in 1876, to its merger with the American League (AL) to become the Major League Baseball (MLB). Then, we describe how the MLB dealt with stakeholder demands, dramatically reducing their power.

4. Anthropological profile

In this section we describe the anthropological and historical changes characterizing the American society in the second half of 19th and the early 20th centuries. A full account of these changes would be outside the scope of this chapter. Instead, we focus on those developments that we thought most relevant for the question in hand.

In 1889, Mark Twain said in a banquet that "Baseball is the very symbol, the outward and visible expression of the drive, and push, and rush and struggle of the raging, tearing, booming nineteenth century!" Many researchers share the same feeling and argue that the history of baseball is the story of 19th century America in microcosm (Seymour, 1960: vii; Lewis, 2010; Thorn, 2011).

While sports in general, as a window on culture "becomes a vehicle for the manifestation of those norms and values fundamental to the culture of the society within which it is performed" (Blanchard, 2000: 149), the case of baseball is unprecedented in terms of its unique position as America's pastime and also as a community in itself (Lewis, 2010). Therefore, the evolution of baseball and, in particular, the case of the establishment and legitimation of MLB is best understood in the context of social and economic changes that characterize the second half of 19th century.

This period of time is characterized by rapid *demographic* changes in the American society. The rise of the lower and middle class was reflected also in a shift in the center of gravity of baseball. Following the tradition of the English amateur cricket clubs, at the beginning baseball emerged as an upper-middle-class leisure sport, but it soon spread to the lower middle class and attracted more and more the working classes (Lewis, 2010; Szymanski & Zimbalist, 2005; Thorn, 2011). It also mirrored the immigration structure and ethnic composition of the society at that time with British, German, and Irish descendants accounting for more than 90% of the players, who constituted an inexpensive source for players as the game turned professional later (Lewis, 2010: 48-49; Seymour, 1960).

Urbanization was another demographic change that played an important role for baseball. As Seymour (1960: vii) points out baseball's development from a children's game to a professionalized sport parallels America's change from a simple, predominantly rural society into a nation of large cities and developed industries. The latter shift led to increased income and predictable wages as well as more defined discretionary and leisure time and hence emphasized consumption of entertainment (Lewis, 2010; Thorn, 2011). Baseball offered to these city dwellers a sense of pride in community that was commonplace in small town (Thorn, 2011) and combined the "mythology of traditional agrarian values with an exploitation of reality-driven urban opportunities" (Lewis, 2010: 5).

The second half of the 19th century was also characterized by important changes in the *economic domain*. The development of an American system of a laissez-faire capitalism (Szymanski & Zimbalist, 2005) coincides with the beginning of integration of mass production in order to lower costs and increase productivity through more effective administration of the processes of production and the separation of capital and labor or management/ownership from the workers/players (what Chandler, 1977 calls the "visible hand of management"). Mirroring these developments, MLB's strategy and tactics reflected the transition from a sport into as a profitable commercialized business (Lewis, 2010). This transition was characterized by trade wars among the rival leagues, conflict between owners and players within the same league, and the introduction of monopolistic practices, and ruthless competition (Seymour, 1960: viii; Szymanski & Zimbalist, 2005).

The period after the Civil War is that of an America trying to establish a *national identity* around the concepts of union and brotherhood. Baseball, like business, religion, and race relations during this period made room for such concepts (Thorn, 2011: 181-182) by reinforcing the patriotic aspect and its presence in national culture and language (Lewis, 2010: 133). It was not by chance that "the inflammatory words of the Civil War – slavery, rebellion, secession, shackles, treason, even union and brotherhood – would be invoked to describe the conduct of both business and baseball" (Thorn: 182). The aversion many Americans felt for everything that was English, including cricket (Ohio History, 2009), led to intensified efforts to invent the story of baseball as a purely American game and turn it into the national pastime (Lewis, 2010; Szymanski & Zimbalist, 2005; Thorn, 2011).

Finally, an important development for the American society and baseball was the development of *infrastructure*. It was in the period between the end of the Civil War and the launching of the National League that the U.S. railroad system grew to be world's most extensive (Chandler, 1977; Szymanski & Zimbalist, 2005) making it possible to organize baseball tours as early as 1860 (Seymour, 1960). The other important development took place in the publishing industry. The press depended on the owners' cooperation for the ever-increasing and popular coverage of baseball (Voight, 1983) and, on the other side, club owners needed to minimize the criticism to the news of their cartel (Moore, 1996). As Seymour (1960) put it, baseball sold newspapers, and newspapers sold baseball.

5. A mostly deviant organization

In 1876, professional baseball was still in its infancy and viewed as illegitimate by most. In that year, the MLB (originally the National League, or NL) was founded by William Hulbert, a man who had just ransacked mercilessly other baseball teams to build up his

own. The NL came to life through a 'coup d'etat' (Lippincott's Magazine, 1887) that siphoned the best teams from the National Association of Professional Baseball Players (NAPBP) and lead to its demise and the eventual collapse of those teams that were excluded from membership in the new league (Seymour, 1960).

The NL then instituted and followed a number of policies that were highly controversial and contested. Its attitude towards its own members was criticized as dictatorial and arbitrary (Seymour, 1960: 83). Team owners who did not respect league rules could be subject to disciplinary action and be expelled by the league (Rader, 2008; Voigt, 1973). The League's actions towards competing leagues were described as monopolistic and illegal. For example, the NL co-opted the key financial backers of the Players League leading to its collapse. The league and owners took away many of the players' freedoms and monitored all aspects of their behavior, including their bedtime. The key change concerning labor relations was the adoption of the reserve clause, instituted to curb player revolving in 1879 (Rader, 2008). Under this clause, teams could not 'contract with, engage, or negotiate' with reserved players (Seymour, 1960: 108). Breach of the leagues' rules of conduct could lead to the fining of a player, his suspension, expulsion, and even blacklisting.

6. From deviant to legitimate

The league became 'institutionalized (Seymour, 1960: 81) and its 'policies and measures ..now .. were regarded as essential to the successful operation of the business' (Seymour, 1960: 85).

Our study reveals a dramatic change in attitude towards professional baseball and the NL and MLB by the various stakeholders who went from viewing the MLB at its inception as being a deviant organization to being viewed as the 'Protector of the National Game'. Here is a brief review of how these stakeholders changed their attitudes followed in the next section by an explanation of the likely drivers of the change.

The competitors. Leagues challenging the NL were numerous until 1915. Many professional leagues were created, including the Players League, the American League, and the Federal League. However, all these competing leagues disappeared by 1915. Moreover, the remaining and non-competing leagues voluntarily came under the control of the MLB in a system of subordinated minor leagues.

The member teams. Just as competing leagues challenged the NL, the NL team also did so. Early NL teams did not take any of its rules for granted. For example, in its first year of operation, the Philadelphia Athletics and the Mutuals did not complete their playing schedules, in breach of a key league rule. This behavior is in contrast to the early 1900s when the MLB teams took the major rules and practices for granted, and even changing the more minor rules less often and in less radical ways –leaving all major rules unchanged until the 1960s (Chacar & Hesterly, 2004).

The public and the fans. We use the attitude of the press as a proxy for that of the public. In the early years, the press' attitude was mostly negative towards professional baseball. Its attitude towards the NL was mixed but quite negative regarding its labor policies. For example, the secret founding meeting was attacked as 'star-chamber' and 'anti-American' (Seymour, 1960: 94). The reserve clause was attacked as 'slavery' (e.g., The Cincinnati Enquirer 8/12/1880). The tide against the NL and its policies changed with the press

supporting the belief in owners' paternalism and turned anti-union (Burk 2001, 6; Sporting News, 11/2/1922).

The courts. Almost all early lawsuits were lost by the National League mostly for 'lack of mutuality' (Sayton, 1910). However, the attitude of the courts started shifting slowly with 1902 case of Lajoie vs. Philadelphia Ball Club (see Thornton, 2011: 83). Ultimately, the U.S. Supreme Court upheld the reserve clause in 1922 and ruled that baseball was exempt from antitrust laws because, as Justice Oliver Wendell Holmes wrote on behalf of the court, " exhibitions of baseball, … are purely state affairs." The Congress and the Supreme Court later on refused to reexamine its decision (Edelman, 2005; Lewis, 2010; Seabury, 1998; Szymanski & Zimbalist, 2005)

The players. The last group of NL stakeholders, the players showed the most dramatic change in attitude. Most notably, in 1887, John Montgomery Ward published a letter entitled "Is the Base-Ball Player a Chattel?", then founded the first labor union then organized a competing league. "There is no escape for the player" he wrote, "If he attempts to elude the operation of the rule, he becomes at once a professional outlaw, and the hand of every club is against him. … Like a fugitive-slave law, the reserve-clause denies him a harbor or a livelihood, and carries him back, bound and shackled, to the club from which he attempted to escape" (Lippincott's Magazine, 1887). The NL severely punished rule breakers in its early days and rewarded those who followed the league rules (Seymour 1960, p. 127). This direct pressure on the players was ultimately supplemented by the shift in the press and courts' opinion in favor of the owners' authority and over time, the new players came to accept without question the owners' prerogative to set and maintain the rules (Voigt 1983, p. 234) and players believed that they were fairly treated (Burk 2001, Helyar 1994) .

7. The process of legitimation

So how did the NL transform itself from a deviant organization into one that was legitimate in the eyes of all of its stakeholders? The NL was portrayed by Hulbert as a technical solution to baseball problems to other owners invited to join the NL, although its advent was a clandestine coup, which Hulbert orchestrated to protect his stake (Thorn, 2011: 159). This new and private institution was to have its own constitution which comprised a new set of formal rules and a set of enforcement mechanisms designed to directly address past problems in baseball, particularly those involving labor (Seymour, 1960: 77-78). Founders of the MLB acted as business and institutional entrepreneurs, managing stakeholders and interested parties to create a new set of cognitive frames and normatively accepted processes. Through their direct actions, the NL became progressively more legitimate as it gained legitimacy vis-à-vis an increasing number of stakeholders groups. External pressure was then exerted on the players to conform and endogenous pressure from the socialization process was also pushing the players in the same direction as detailed below.

7.1 Legitimacy building and team owners

The NL gained legitimacy first vis-à-vis its own members, the NL team owners. This internal legitimacy was achieved in large part through the use of a transactional strategy, or promises of financial gains in exchange for cooperation and participation in the NL, and the charismatic authority of the league's founder, and was also maintained via threat of

expulsion or coercion. Considering the self-interest of the owners, this legitimacy was gained on pragmatic grounds. Internal legitimacy, combined with the establishment of an authoritative vertical structure, allowed the NL to optimize its rules and expel weak teams and replace them with stronger ones, enhancing its survival prospects.

The NL dealt with non-member teams through cooptation and coercion through the formation of the National Alliance, which mandated observing exclusive territorial rights and the reserve clause in exchange for mutual respect for exclusive territorial rights and safety from raids on reserved players. It was also ultimately aided considerably in its task by the spontaneous mimetic isomorphism of other teams who adopted many of its policies; policies that were constantly promoted in highly visible and widely circulated league publications, and especially the Spalding Guides. These developments helped the NL gain pragmatic legitimacy vis-à-vis non-NL team owners. The belief in the superiority of the NL and its rules was also increased in the public eye by the clamoring of professional teams to join the NL, and by the survival of the NL where most other professional league failed.

7.2 Legitimacy building and competing leagues

Hulbert's National League with its closed membership model was a new organizational form without previous examples. Therefore, the main tactical emphasis was on illegitimating its predecessor, the National Association of Professional Base Ball Players (NAPBBP), and later other competing leagues-using it as an anti-model (Szymanski & Zimbalist, 2005). The NAPBBP was portrayed as an economically inefficient form of organization, which was too weak to react to mounting problems of drinking and betting. As such, in relation to this stakeholder, the NL was seeking pragmatic legitimacy. Interestingly, some of these problems could have been addressed within the structure of NAPBBP, but instead, as Thorn (2011: 162) put it, Hulbert used these issues as "his Reichstag fire." With regard to other leagues, NL used its power of coercion, but also when necessary sought cooptation (such as the merger with AL), also examples of pragmatic legitimacy (Suchman, 1995). Once the new model was in place, the NL started to justify its actions as seeking the best for the national pastime and its aggressive means as part of the new capitalist system. The latter was a shift meant to gaining moral legitimacy.

Later, after Hulbert has passed away, Al Spalding became the central figure of the NL. His transformation from individual entrepreneur to corporate capitalist following Taylor's new scientific management principles (Lewis, 2010) created a vertically integrated empire that included baseball products, publishing, and promotion and advertising activities. By becoming an active writer of baseball history as well as author and publisher of baseball rules, standards, and statistics, he helped give the NL and also later the MLB cognitive legitimacy.

7.3 Legitimacy building and the public

The NL owners professed to have altruistic goals and used an altruistic rhetoric as well as public relations campaigns. Moreover, as the NL tried to attract the wealthier middle class to the game, it banned the sale of alcohol on the league's premises and games on Sundays, a move that meshed well with the ideals of the Prohibitionist and Sabbatist movements. It ultimately built concrete structures emulating theatre and contributed to civic causes.

Owners also used cooptation, coercion, or collaboration with the press (Voigt, 1983: 162) resulting in increased institutional support among this important constituency (Lamont, 1987: 597). The press made the publicity and helped publish game statistics, which according to Thorn (2011: 87) together with gambling are the three essential ingredients that facilitate the growth of any localized game to national sports. The press, stimulated by baseball's popularity and the fact that the sports section was the mostly read part of the newspaper (Lewis, 2010: 55), ultimately espoused the NL rhetoric helping increase the broader public's support. By outlasting others, the NL also gained moral legitimacy. A myth of technical efficiency was created where the NL rules were viewed as the best way to handle the problems of professional baseball.

7.4 Legitimacy building and the fans

By dramatically increasing in the admission price, banning drinking, and demonstrating improved quality of the fans' experience, the league dramatically changed the fan composition in the stadiums, attracting more of the middle class. Such spectators demanded for the best players and teams (Seymour, 1960: 47) and the NL was composed of the best teams that existed at the time and that were most financially sound and had the best players. In addition the new model offered also continuity for the fans (Thorn, 2011). This allowed the league initially to gain pragmatic legitimacy with the fans. Its rhetoric as being the protector of the national game, endlessly repeated, and as encouraging higher morality among the players and in the bleachers ultimately gained it cognitive legitimacy. The NL sought also moral legitimacy by claiming that their model offered the best outcome for the sake the game and continuously how important was baseball for the young American society.

7.5 Legitimacy building and regulators

In the early days, the NL dealt with regulators over two contentious issues; the reserve clause in players' contracts, and monopolistic practices. Attempts to control regulators' actions vis-à-vis the NL were mostly unsuccessful until the league had started to gain moral legitimacy vis-à-vis the greater public and until the NL became viewed as the protector of the National Game. A new belief, also propagated by the league, of the reserve clause as necessary for the survival of the league, became taken for granted (Zucker, 1977) and influenced action. Many initial wealthy backers of baseball teams became politicians, and owners courted heavily politicians and judges. As (Seymour (1960: vii)) puts it "No president would omit the ritual of throwing out the first ball at the opening game of the season." The fruits of moral legitimacy accumulated slowly, but they led to baseball's antitrust exemption, an extremely important event in baseball history.

On May 22, 1922, the court issued a ruling (with the presiding Judge, Oliver Wendell Holmes a former amateur player) that held that baseball games were basically local events, not interstate commerce and, therefore, not subject to antitrust laws (or the Sherman and Clayton Acts) (Edelman, 2005; Lewis, 2010; Seabury, 1998; Szymanski & Zimbalist, 2005). As such, baseball is the only professional team sport in the United States (the Court ruled in 1957 that professional football was subject to antitrust laws) that is granted this type of monopoly (Lewis, 2010; Szymanski & Zimbalist, 2005). As Lewis (2010: 59) concludes,

"Apparently, each body determined that it would be politically incorrect to tamper with national pastime."

7.6 Legitimacy building and the players

The players were the last constituency to accept the legitimacy of the MLB. Direct attempt by the owners at coercion and co-optation in the early days had only short-term success as players had the most to lose by accepting the NL's authority. Eventual success was achieved both through direct actions seeking the isolation of the players, but also in great part through the new indoctrination of the players and the pressures that was put upon them from the outside. The NL gained pragmatic legitimacy of the exchange type, as it tempted the players to achieve greater job stability rather than promises of greater potential wealth and freedom. As it became the only possible source of a job, it evolved towards moral. So the players are seen as renegades and are pressured to accept the NL's legitimacy. Although the idea of labor having some degree of some control had significant resonance in the political atmosphere of the 1870s (Szymanski & Zimbalist, 2005), in general an owner controlled business was the new paradigm (Chandler, 1977). The vertical structure and the establishment of a league bureaucracy with team owners, a president, a secretary treasurer, and a board of directors (Szymanski & Zimbalist, 2005) increased the distance of the players from the decision making even further and the introduction of very strict coercive measures reduced the motivation of the players and created the "diamond-shaped version of shop floors" (Burk, 2001: xii).

8. Discussion and conclusion

While the process by which new or otherwise illegitimate practices gain legitimacy has frequently been studied, the process by which organizations gain legitimacy is less understood (see Hirsch, 1986; Suchman, 1995). This case is especially noteworthy since it illustrates the process by which the MLB transformed itself from an initially deviant organization marred by image problems into a powerful and widely legitimated element of the institutional landscape. Our inductive historical longitudinal study is the first to emphasize the important role of stakeholder management in achieving organizational legitimacy and to identify the mechanisms used in this process. Our analysis suggests that such a dramatic transformation is likely attributable to the stakeholder-specific customization in the search of legitimation. Different types of legitimation were sought from different stakeholders and different strategies were used.

The MLB case shows how the restructuring of the field can be used as an effective mechanism for stakeholder management and ultimately legitimation. MLB created a strong hierarchical and cartel-like structure that reduced the power of both the teams and the players. The legitimacy and the ensuing power that can be had vis-à-vis one stakeholder group can have spillover effects unto another which leads us to believe in the possibility of an albeit slow but bandwagon or network effect in legitimation progression. Like early adopters, early legitimators are slow in bestowing legitimacy upon an organization and are few. Later on, as the number of such legitimators increases, legitimation diffuses more rapidly leading to faster legimation and a greater number of legitimators.

It is important to note that the legitimacy achieved vis-à-vis different stakeholders did not have to have the same basis, and legitimacy enhancing strategies may differ dramatically in different arenas. As noted recently, we observed the importance of the media for legitimation even back in the 1800s (also see Carmelo and Alvarez, 2000). The case of the MLB reinforces the belief in the importance of moral conformity of an organization for the purpose of gaining moral legitimacy.

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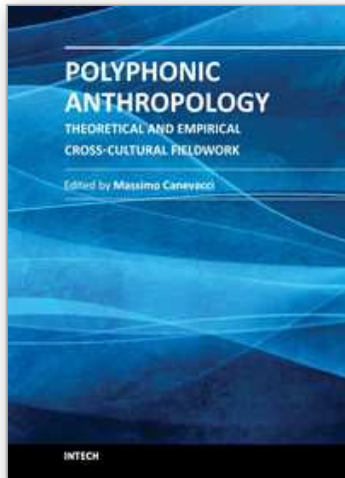
Polyphonic Anthropology - Theoretical and Empirical Cross-Cultural Fieldwork

Edited by Prof. Massimo Canevacci

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