

WHY JIM JOYCE WASN'T WRONG: BASEBALL AND THE EUTHYPHRO DILEMMA

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In 2010, pitcher Armando Galarraga was denied a perfect game when umpire Jim Joyce called Jason Donald safe at first with two outs in the bottom of the 9th. In the numerous media discussions that followed, Joyce's 'blown' call was commonly referred to as 'mistaken', 'wrong', or otherwise erroneous. However, this use of language makes some not uncontroversial ontological assumptions. It claims that the fact that a runner is safe or out has nothing to do with the ruling of the umpire himself, but rather with some state of the universe that does not depend on the umpire for its existence (e.g. the runner's reaching the base before the ball or not). In this paper, I recast the problem as a version of Plato's Euthyphro Dilemma and argue that the view implied by the above assertions is actually misguided. Instead, I hope to show that an alternative view – what I call 'restricted umpire voluntarism' – is actually more in line with the spirit of the game of baseball and is not as counterintuitive as it may appear at first glance.

KEYWORDS baseball; plato; euthyphro; voluntarism; intellectualism; umpires; officiating; Austin; rules

Umpire #1: 'I calls 'em as I sees 'em'.

Umpire #2: 'I calls 'em as they is'.

Umpire #3: 'Until I calls 'em, they ain't'. – Old baseball adage

'Gentlemen, he was out because I said he was out'.

– Bill Klem, MLB umpire from 1905–1941 and the first umpire to be inducted into the Baseball Hall of Fame

The On-Deck Circle: Jim Joyce and the Almost-Perfect Game

On 2 June 2010, with two outs in the bottom of the ninth inning, then-Detroit Tigers pitcher Armando Galarraga was just one out away from victory over the Cleveland Indians. He had retired the first 26 batters in order, without issuing a walk and without any errors resulting in base runners, and he needed only to retire one last batter to become just the 21st pitcher in Major League history to throw a perfect game.¹ Facing Indians shortstop Jason Donald, he brought the count to one ball and one strike. On the next pitch, Donald connected weakly, grounding the ball to Tigers' first baseman, Miguel Cabrera, who threw to Galarraga covering the bag at first for what appeared to be the final out of the game. It was a call that Major League Baseball (MLB) umpire of 23 years, Jim Joyce, had made a thousand times. Except this time instead of calling the runner out, he called Donald safe. The perfect game was no more, and – especially upon seeing video footage of the play – fans were outraged, calling on MLB for the expansion of instant replay (which has since been implemented – though in rather problematic ways). Nevertheless, in an exceptional display of sportsmanship on both sides, Joyce offered a heartfelt (and teary-eyed) apology to Galarraga, who graciously accepted the umpire's apology.

In the numerous television, print, and online discussions that followed, Joyce's 'blown' call was commonly referred to (even by Joyce himself) as 'mistaken', 'wrong', or otherwise *erroneous*. Indeed, this use of language is reflective of the way we often talk in baseball. 'He was out!' we are intuitively inclined to cry in response to Joyce's call. 'Get it right, ump!' we yell when we see what we take to be poor home plate officiating. Moreover, the official MLB rulebook itself makes reference to umpires' decisions as being potentially 'correct' or 'incorrect' – to the importance of 'getting it right'.² However, whether we realize it or not, these phrases are metaphysically loaded. When we make utterances like the above, we are making certain assumptions about the *ontology* of baseball. In essence, we are claiming that the *fact* that a runner is safe or out or that a pitch is a ball or strike is completely independent of the umpire – that 'safeness' or 'outness' has nothing to do with the ruling of the umpire himself, but rather with some state of the universe that does not depend on the umpire for its existence (e.g. the runner's reaching the base before the ball or not). Yet that this should be so is far from obvious. In what follows, I will employ Plato's so-called Euthyphro Dilemma to set up a similar dilemma for baseball. I will argue the view implied by the above assertions is actually much more difficult to elucidate than one might think. I intend to argue (controversially) that an alternative view – one which places significantly more weight on the 'voluntaristic' aspect of umpires' calls – might not be as counterintuitive as it may appear at first glance.³ At the very least, I hope to push proponents of what I am calling 'strict umpire intellectualism' to clarify

and expand on their views in ways responsive to the concerns raised in this paper. In our statistically driven era of Sabermetrics and fantasy baseball, talk of 'getting it [objectively] right' has dominated much of the discourse regarding umpires and officiating. Yet even though we may have pre-theoretical intuitions about what we actually mean by such phrases, when we look more closely, we may find that our notions are still rather confused. And since part of what philosophy does is to help us clarify our concepts, this paper aims at moving the discussion further in this direction.

Stepping up to the Plate: From Euthyphro to Baseball

Consider this: Is the pious being loved by the gods because it is pious, or is it pious because it is being loved by the gods?⁴

This question, posed by Socrates in Plato's dialog, *Euthyphro*, has been at the center of much philosophical debate in areas as diverse as philosophy of religion, metaethics, philosophy of law, and esthetics. However, for purposes of clarity, when I make comparisons between questions in baseball and the above dilemma, I will tend to refer to the problem as traditionally discussed in the philosophy of religion. I figure this is appropriate, given that (a) some umpires have a tendency toward God complexes and (b) many players and fans have about as much real respect for baseball officials as the average person does toward the Deity – that is, not much. All joking aside, however, it is important to note here that in the philosophical literature on sports officiating, appeal is generally made to issues in the philosophy of *law* to clarify the role of the umpire and the nature of his or her⁵ calls in sports contexts. Indeed, this seems appropriate, given that umpiring appears to be a form of 'adjudication'. Yet although there are important limits to the analogies we can draw between baseball officiating and both legal philosophy and philosophy of religion,⁶ I actually think the issue as framed within the context of the latter might help steer the discussion in a helpful direction, one only indirectly explored in the current literature on the topic.

If we thus reformulate Socrates' question as it is generally posed in the philosophy of religion, we get something like the following:

ED: Is something morally obligatory because God commands it, or does God command it because it is morally obligatory?⁷

The first horn of ED – which claims that what is morally obligatory depends in some way on God's commands or will [*voluntas*] – is known as *theological voluntarism*. The second horn of the dilemma, known as *theological intellectualism*, claims that that God exercises God's omniscient intellect [*intellectus*], thereby recognizing what is morally obligatory or non-obligatory, and directs

God's will accordingly. Assuming divine omnibenevolence, God will thereby command certain things in conformance with God's moral knowledge. But on this latter view, morality is independent of God's will. That is, according to theological intellectualism, God is *not* the author of moral obligation.

Each horn of ED as presented above has its pros and cons. Theological voluntarism is preferred by many theists because it appears to preserve the divine attributes – omnipotence, omniscience, and omnibenevolence. To admit that God is not the source of the moral law appears tantamount to admitting that there is something outside of God's control. But if there is nothing more to moral goodness than being divinely willed, then God's power is not threatened. And provided God both knows and commands what God wills, then God remains omniscient and (perhaps trivially) omnibenevolent. Yet worries arise regarding the source of God's will. Since God's goodness is goodness-by-default, the actions commanded by God appear only good by fiat. Were God appeal to external reasons to ground divine commands, there would appear to be a standard independent of God's will that establishes something as good, and we might find ourselves on the intellectualist horn of ED. Thus, it appears that according to theological voluntarism, God cannot have justifying reasons for willing as God does. This 'because-I-said-so' style of law-giving makes morality appear purely arbitrary. Were God's will other than it is (e.g. should God will that we torture puppies), then that indeed would be what it is obligatory to do, and there is no real basis on which we could criticize (or defend) God for having this will and not some other.

So why not just embrace theological intellectualism? This is, after all, the position that Socrates endorses in Plato's dialog. On this view, God can have genuine justificatory reasons for God's commands, such that we would have a way to 'make sense' of the Divine willing as it does. Further, we might have a more robust sense of omnibenevolence in play, since God would be *responsive* to goodness, thus removing the conceptual identification of God's goodness and God's will. Moreover, it makes room for the possibility of human moral knowledge that goes beyond merely having epistemic access to God's (revealed) commands. The worry on the intellectualist horn, however, is that God's role in morality is significantly diminished. While this horn of ED allows one to maintain God's omnibenevolence and omniscience (assuming God has epistemic access to all the truths of morality), it significantly restricts divine *authority*, since there is something fairly significant that does not fall under God's power. The intellectualist view appears to relegate God to the position of a kind of divine 'policeman'. God can tell us what the moral law dictates and can enforce it via reward and punishment, but that's about it. At the end of the day, we do not really need God to be moral – assuming that we have the intellectual capacities to figure out the moral law on our own and the motivational structure to be relevantly moved by it. But this is an unacceptable result

for some theists, who think that God must play some constitutive or fundamental role in grounding moral obligation.

I propose that there exists a similar dilemma for certain predicates in baseball, namely those concerned with the *judgment calls* of umpires, which the official MLB rulebook understands as including (though not limited to) 'whether a batted ball is fair or foul, whether a pitch is a strike or a ball, or whether a runner is safe or out'.⁸ So what we ultimately have is a 'Baseball Dilemma':

BD: Is a pitch a ball/strike, a batted ball fair/foul, a runner safe/out because the umpire calls it as such, or is a pitch a ball/strike, a batted ball fair/foul, a runner safe/out independently of the umpire's call?

Note that this is a question about the *ontology* of a pitch's being a ball or strike, a batted ball's being fair or foul, or a runner's being safe or out.⁹ Here, I refer the reader to the story of the three umpires that prefaces this article for three possible responses to BD. The first umpire ('I calls 'em as I sees 'em') appears to subscribe to what we might call a kind of *fallibilist umpire intellectualism* – that is, the umpire makes his call based on his assessment of the objective facts about, e.g. a pitch's being a strike, but he can get it wrong as to whether the pitch really was a strike or not. The third umpire ('Until I calls 'em, they ain't') represents a form of *strong umpire voluntarism* – that is, the 'strikeness' of a pitch is solely determined by the umpire's calling it as such. The second umpire ('I calls 'em as they is'), however, is a bit trickier. On a purely intellectualist reading, we have what might be characterized as a kind of *infallibilist umpire intellectualism* – that is, the umpire calls the objective facts as he sees them (here, that the pitch was a strike), and he never gets it wrong. However, I assume that most subscribers to umpire intellectualism are intellectualists precisely because they want to reject infallibilism. On the other hand, we might interpret the second umpire's claim in a somewhat more voluntarist vein – that is, the umpire calls the play 'as he sees [f]it', but his call is at least partially constitutive of what makes the play what it *is*. It is a version of this view – what I will call *restricted umpire voluntarism* that I will defend in what follows. But first, we would do well to look at a nuanced version of strong intellectualism, namely that espoused by J.S. Russell in various essays.

First Base: Umpire Intellectualism and Russell's Approach

On the intellectualist horn of BD, the umpire's call appears to be more or less a report of a fact. That is, calls like 'SAFE' or 'STRIKE' are abbreviations for truth-evaluable assertions (e.g. 'the runner was safe', 'that pitch was a strike') which purport to *describe* some (presumably institutional) fact independent of that umpire's call about the 'safeness' of the runner or the 'strikeness' of the

pitch. The umpire calls it 'as he sees it' and, if he gets it right, 'as it is'. To be sure, as fans and managers constantly remind us, umpires are not gods. And on the purely intellectualist horn of BD, this is reflected in the claim that they can get the call *wrong*, in the sense of uttering something *false*. Thus, on this type of view pitches can be strikes even if the umpire fails to recognize it, and runners can be out even when called safe. Indeed, 'being safe' amounts to nothing more on this view than a runner's reaching the bag before being tagged or forced out, and 'being a strike' to nothing more than meeting at least one of the conditions spelled out in the rulebook.¹⁰ If the disguised description of the umpire corresponds to these objective facts, then he has uttered something true and made a correct call. If not, he 'blew it'.

Still, we tend to think that baseball umpires (like other sports officials) are more than just skilled 'reporters'. They are also supposed to be *authoritative* in some way. So perhaps umpires' calls are, as J.S. Russell (channeling J.L. Austin) puts it, types of *performative utterances*, 'uses of language that bring particular facts, events, or states of affairs into being'.¹¹ However, Russell thinks it important to restrict the performative nature of umpires' calls by additionally characterizing the umpire as a 'witness' and his call as a necessarily 'witnessed event'.¹² Russell's view here appears to be that the umpire's utterance 'SAFE' at the same time both *describes* and *creates* a fact.¹³ Yet Russell's characterization of the dual nature of the umpire's call in his writings is less than clear. On the one hand, Russell maintains, the umpire's call is a 'witness's report or statement' of some fact. At the same time, he claims, it creates a fact. One obvious and uninteresting way of reading this passage is that the umpire's call is only performative insofar as, by reporting a runner as being safe, he creates the fact *that he has reported the runner safe*. But all of our descriptive utterances are performative in this (rather uninteresting) respect. Indeed, if this is what Russell has in mind, then it is difficult to see what an umpire's call contributes to a runner's being safe or out, other than making it the case that he has described an event out loud 'as he sees it'. This will not go far enough to get us umpire authority.

However, if Russell really wants to maintain that 'there is an important element of truth' to the idea that 'umpires [...] in some sense create the main events of baseball, the outs, safes, fair and foul balls, runs, and so forth',¹⁴ then he must have in mind a more robust account of the nature of the fact reported and that created by an umpire's call. So which event is reported and which is created? Surely it cannot be one and the same event, unless we mean by this that by calling the runner 'SAFE', the umpire is merely describing the very fact that his uttering 'SAFE' creates. Along these lines, Graham McFee characterizes umpires' calls as being more similar to Searle's *declarations*, which 'change reality by representing it as being so changed'.¹⁵ That is, in descriptively representing the play as the runner's being safe, the umpire thereby makes it the case that the runner is safe, just as when a judge utters 'You are

free to go' he may thereby also be describing the fact being brought about by his utterance. But then his utterance would be trivially true, since the truth of the description would be determined by the event created. Yet this is not what Russell seems to have in mind when he writes: 'Because [a call] is, in fact, a report or description of a state of affairs, we can intelligibly ask whether the runner was *in fact out or safe according to that state of affairs*'.¹⁶ The state of affairs Russell appears to mean here is not some state of affairs brought about by the call but rather an event logically and temporally prior to the call. Indeed, in other places, Russell writes that, in calling a runner 'SAFE', the umpire

is also reporting on an *antecedent* state of affairs, and his calling you out or safe can be either right or wrong, true or false, according to how well his report *reflects* the [antecedent] events as they actually took place.¹⁷

He further argues that the report of a witnessed event can serve as the 'basis' for an umpire's call or for that call's being performative.¹⁸ And this appears (on a charitable reading) to distinguish the event witnessed from the event brought about by the call.¹⁹

I have thus far ignored one of Russell's central claims about the calls of umpires in baseball that might be helpful here, namely that umpires' calls are more like Austinian 'verdictives' than straightforwardly performative utterances. Verdictive utterances, according to Austin, are *findings* based on evidence or reasons regarding matters of fact, such that the content of these findings can be true or false, right or wrong.²⁰ Further, a verdict is a 'judicial' (as opposed to an executive or a legislative) act,²¹ whose content is something that 'is hard to be certain about'.²² Finally, a verdictive utterance, although it *does* something (by presenting a finding on some matter of fact), need not in and of itself have any 'executive' (or to invoke another class of Austinian illocutionary acts, 'exercitive') force. It may merely present a finding on some matter of fact, as when a scientist claims that some particle he has observed is, in fact, the Higgs boson. However, verdictive utterances may sometimes *also* serve an exercitive function and thus represent an exercise of 'powers, rights, or influence', as in the case of judicial acts by judges – or, as both Russell and Austin himself claim, by umpires.²³ Yet Austin warns that in such cases, the verdictive *assessment* must be kept conceptually distinct from the executive *making-it-so*. Here, Austin writes 'The judicial act is, if you like, executive, but we must distinguish the executive utterance, "You shall have it", from the verdict, "It is yours", and must similarly distinguish the assessing from the awarding of damages'.²⁴

Still, on Russell's view, it is still unclear as to how umpires' calls are supposed to genuinely 'create the main events of baseball' like whether a runner is safe or out, if it is possible for those calls to 'express false statements *about*

whether someone is safe or out.²⁵ At the end of the day, he maintains that the umpire's call is only performative in the 'carefully qualified sense' that 'his report will stand [...] as the official determination of fact' and 'will officially determine the events of the game'.²⁶ Nevertheless, he claims that the job of an umpire is 'first and foremost [...] to try to *report* an event correctly'.²⁷ Thus, according to Russell, the fact(s) which an umpire's call purports to report is distinct from the fact(s) that it creates, insofar as an umpire's call both refers (either correctly or erroneously) to the 'real' facts about a runner's safeness or outness and creates the 'official' determination and consequences of these facts.

Still, the distinction between a player's 'really' being safe or out and this fact 'officially' obtaining is not entirely clear.²⁸ The distinction here cannot be between what Searle calls *brute* (or 'physical') and *institutional* facts, since both being 'really' safe and being 'officially' safe rely on a particular social institution, in this case, the game of baseball, for their realization.²⁹ Perhaps what Russell means by the 'official facts' is something like 'the facts as recorded in the official scorebook'. If this is right, then the umpire determines what goes into the scorebook (and thus into the annals of baseball history), but his call does not play a role in determining the 'real' events of the game.³⁰ Yet the umpire *does* seem to ground the possibility of certain 'real' facts obtaining. For example, it is the umpire's calling 'SAFE' that makes it practically permissible for the runner to stay at the base for which he was trying. Should the umpire call the runner out, the player ceases to be a runner and is obliged to leave the field of play. So if the umpire's call determines what counts as fact within a *particular* game and this exerts a causal influence on the subsequent play of that game, it does not seem that the distinction between 'real' strikes and 'official' strikes is all that helpful. For all intents and purposes relevant to the play of the game, what the umpire calls *is*, in fact, really the case, regardless of the antecedent events he purports to describe. Of course, this will not satisfy the proponent of umpire intellectualism who wants to maintain that we should be able to make a distinction between what (actually) affected the course of the game ('official facts') and what 'really' was the case ('real facts'). Nevertheless, although I agree with Russell that verdictives tend to play an important role in umpire's calls, I think the view as Russell presents it does not go far enough in distinguishing itself from strict umpire intellectualism to really be able to allow for genuine umpire authority. In what follows, I will try to sketch out a view which – although sharing some aspects of Russell's account – places less emphasis on the passive, descriptive aspect of an umpire's call and more on the active, performative aspect, a view I will call 'restricted umpire voluntarism'.

Second Base: Restricted Umpire Voluntarism

We have seen above that umpires' calls may be said to do at least one of two things – they may report on a state of affairs, or they may create a state of affairs. Or, as Russell appears to maintain, they may do both at the same time. Indeed, it is likely that more intellectualist-minded theorists will tend to prefer a dual-role account of umpires' calls, in order to maintain that such calls may be both descriptive and authoritative. I think there are several reasons to reject dual-role accounts of umpires' calls in favor of a single-function interpretation, some of which I will take up below. However, first it may be helpful to briefly sketch out the single-function voluntarist view I am endorsing here. Unlike single-function intellectualist views, on which the sole function performed by an umpire's call is to accurately report an antecedent state of affairs (e.g. *that the runner was out*), I argue that the function of the umpire's illocutionary action is, in fact, *not* descriptive. An umpire's call is not a verdictive utterance – it is purely exercitive in nature, though it may be at least partially grounded in a (logically independent) verdictive. More precisely put, an umpire's call is a *prescriptive utterance* that is generally (though not always) responsive to a *prior judgment* (which need not be articulated, verbally or otherwise) regarding what I am calling the 'umpire-independent' facts of the situation. On the view I am proposing, although it will usually be the case that an umpire will form some relevant judgment about, e.g. whether a runner reached the bag before the ball, and although this judgment may in some way inform his call of 'SAFE', his ruling the runner safe represents a separate, logically posterior illocutionary act, one which thereby places players under certain obligations or entitlements.³¹ The fact created by the umpire's call here is a *normative* fact about what it is permissible or obligatory to do in a certain baseball context, and this fact corresponds to what it is to be (actually) safe or out. To be safe is to be entitled to the base for which one was trying, and to be out is to be forbidden from said base and to be obliged to leave the field of play. Further, on this view, these obligations come to be *by virtue of the umpire's calling as he does*. Thus, on the voluntarist view I am endorsing here, the umpire's call is neither a report of antecedent events nor a description of the obligation created by the call. An umpire's call itself is neither true nor false, though it may be responsive to certain assessments which are truth-evaluable, and it certainly grounds which particular normative facts obtain. Still, there is no fact about whether a runner is safe or out, or a pitch a ball or strike without the prescriptive ruling of the umpire. In this restricted sense, then, until the umpire calls it, 'it ain't'.

But why prefer such a view to a dual-role intellectualist view? One important reason has to do with the connection between the descriptive aspect the intellectualist wants so desperately to hold onto and the normative force

needed for umpire authority. As we have seen above, if the umpire's call is to play a dual role, the distinction between these two aspects of the call must be non-trivial. The verdictive aspect of the call must, in other words, bear some relevant causal or conceptual connection to the exercitive aspect. So we still need an explanation of this authoritativeness: How it is that an umpire's call has the power that it actually does to place obligations on the players? One possible answer on behalf of the intellectualist is to maintain that umpires are not just 'reporters' but also 'rule enforcers'. That is, it follows from a runner's being (objectively) out that he must return to the dugout. If he does not do so, the umpire is allowed to take some action, e.g. to eject him from the game. But here the obligation conferred upon the player is conferred solely by the rules, not by the umpire. The runner who is objectively out would have this obligation regardless of what the umpire might call. This is because the umpire's call of 'OUT' here bears a mere *epistemic* connection to a runner's actually being out; there is no *causal* connection – and any conceptual connection has to do solely with what the rules prescribe, not with the umpire's actual report. In other words, what makes it the case that the runner is obliged to return to the dugout has nothing to do with the umpire's call. Thus, just as the theological intellectualist might maintain that we could have morality without God (assuming we can know the 'rules' of morality without God and are sufficiently motivated to abide by them), the umpire-qua-human-being on this view is wholly dispensable. His job could just as easily be performed by a robot or automated sensor system. And while this may be acceptable or even welcome to some intellectualist-minded fans, this will strike many baseball purists as objectionable. The voluntarist position sketched above, on the other hand, has less of a problem in this respect. Not only can the umpire dole out reward and punishment, but the particular obligations the fulfilling of which merits this reward or punishment also depend in a significant way on the umpire's call.³² Still, the voluntarist owes an account of the relationship between the umpire, the states of affairs he witnesses, and the rules of the game – for surely these latter two considerations play *some* role in umpires' calls. Indeed, there are some very fundamental worries looming large here, and it is to these I now explicitly turn.

Stealing Third: Responding to Worries

There are some reasonably pressing concerns that might motivate one to move away from the purely voluntaristic position, some of which mirror those we expressed above regarding theological voluntarism. As Russell writes:

[If] a call is a pure performative utterance, it cannot be true or false. This is too convenient for umpires. It means they can never make bad calls. [... It]

also means that we can never criticize an umpire for missing a call [...]. This would undermine the very idea of a contest as involving the accurate assessment of the relative skills of the competitors.³³

Here, Russell is (quite rightly) worried about the implications of adopting a voluntarist position regarding umpires' calls. Indeed, there are at least three related worries that any voluntarist account must address. First, such a view seems to imply that since umpires cannot get their calls wrong, they cannot make 'bad' calls for which we can criticize them. Second, there are worries that umpires cannot have reasons for their calls, making them appear arbitrary. And third, if umpires' calls are not descriptive assessments, then this seems to undermine at least one of the constitutive goals of the sport itself – that of evaluating the skills and actions of the players involved. However, I think there are ways for the voluntarist to respond to each of these worries, while still maintaining that umpires' calls are purely performative.

Regarding the first worry, it is important to note that just because umpires' calls are not truth-evaluable does not mean there can be no 'bad calls'. While Russell is right that on the voluntarist view 'it is never the case that an umpire ever mistakes a ball for a strike, an out for a safe, a fair for a foul ball',³⁴ it does not follow that every call is a good one. Non-assertive utterances can go wrong in various ways, as when one makes a promise one has no intention of keeping or pronounces someone guilty when one believes he has not committed the crime of which he was accused. Analogous 'infelicities' (as Austin called them³⁵) may occur when umpires make calls arbitrarily, inattentively, insincerely, or unfairly. Here, it seems both possible and fitting to criticize umpires, even if they are technically incapable of getting their calls 'wrong' (in the sense of uttering something false). And as with the false promisor or the biased judge, we can appropriately criticize umpires for making 'bad' calls, even though their calls, by definition, are, strictly speaking, incapable of being incorrect in the sense of not matching up to reality.

In fact, Russell's own view might face a greater challenge than its voluntarist counterpart regarding the disputability of calls, since in cases of what I would label 'infelicitous calls' he maintains *there is no call to be disputed*.³⁶ He claims that biased or inattentive calls are only calls in a 'merely technical and equivocal sense'³⁷ – that is, functionally speaking, they are not really calls *at all*.³⁸ But then the only disputes that seem able to arise are those regarding whether or not a call was made, not whether that call was good or bad. Now to be sure, there are some cases in which we would want to maintain that a certain baseball utterance 'misfires' and thereby does not count as a call in the first place, but these types of cases seem distinct from cases in which we are inclined to say a *bad* call was made. For example, suppose an umpire means to call a runner safe, but has an involuntary muscle spasm, resulting in his

making the traditional gesture for *out*. Or suppose that, although he intends to make the runner safe, he utters 'COLLYWOBBLES' instead. Here, we are unlikely to say the umpire made a call. Further, if a non-sanctioned person (e.g. an umpire impersonator) utters the words 'OUT', he has not thereby made a call. So Frank Drebin's yelling 'STEE-RIKE' in the 1988 film, *The Naked Gun*,³⁹ is not a genuine instance of a call, but it certainly seems like Don Denkinger's uttering 'SAFE' in Game 6 of the 1985 World Series *is* – even if it is a 'bad', 'inappropriate', or otherwise deficient call.

Still, there is a closely related question that bears heavily on the issue of umpire criticizability – namely in what sense we can say that an umpire can appeal to *reasons* for calling as he does, without resorting to a kind of intellectualism which maintains that predicates like 'strike' or 'out' are determined independently of the umpire's call. This is a form of the 'arbitrariness objection' as often levied by critics of theological voluntarism. Regarding umpire voluntarism, it claims that if all there is to a runner's being obliged to return to the dugout is the umpire calling him out, then there can be no independent standard to which the umpire can appeal to explain or justify his call, since then *this* standard would be the out- or strike-maker, not the umpire's call. Further, were an umpire, for example, to call a pitch thrown behind the batter (perhaps knocking over the mascot⁴⁰) a strike, it would in fact *be* a strike and thus carry all the consequences of a called strike. Yet this seems to make umpire's calls appear purely arbitrary.

However, the voluntarist can answer this objection by restricting her voluntarism in certain ways. Here, it might be helpful to return to theological voluntarism to see how this might work. Recent work on theological voluntarism in the philosophy of religion has argued that it is perfectly consistent to maintain that God's commands bring certain normative facts into existence – for example, facts about which actions are morally obligatory for human agents – and yet to claim that God is responsive to or even constrained by normative facts of a *different* kind (for example, facts about goodness *simpliciter*).⁴¹ That is, we can consistently say that God's will is grounded in reasons, without thereby necessarily denying voluntarism, provided that the facts brought about by God's will are of a different normative type than those in which God's will is grounded. Of course, assuming God is omniscient and omnibenevolent, we can also claim that God never wills inappropriately (especially if the standard of goodness to which God appeals is God's own, perfectly good nature) – but God could, in theory, still provide reasons (both explanatory and justificatory) for God's commands. Furthermore, as Mark Murphy points out,

the presence of such goods can provide a basis for some explanation of God's authority: it is because of God's goodness, and the way that God's will must

therefore be related to the goods the status of which as such is prior to the relevant divine willing, that God bears authority over created rational beings.⁴²

Similarly, we can say that umpires' calls can be both explained and warranted, without having to deny that their calls are completely determinative of certain facts of the matter. But what kind of reasons can an umpire have? On the intellectualist view, the only reasons that are really relevant to an umpire's call are *epistemic* reasons, since his call purports to be essentially a 'report' of the objective facts he has (hopefully) discerned. Restricted umpire voluntarism, by contrast, maintains that although umpires may (and generally ought) to have epistemic reasons that bear on their calls, a call is something other than a mere report grounded in such reasons. It is, as we have said, *prescriptive* – and this type of utterance relies not merely on epistemic reasons but also on significant *pragmatic* reasons. Indeed, I would argue that the epistemic evidence regarding what actually happened on the field, which may (and usually does appropriately) inform an umpire's call, is neither necessary nor sufficient to ground an umpire's call. There are other, more volitional factors that also enter into a call – and that do so appropriately. I shall return to this shortly.

For now, it is important to note that I agree with Russell that umpires *are* witnesses to events on the field that bear on their calls, but as I have said, I think it misleading to characterize the calls themselves as reports of those events. On the voluntarist position that I am advocating, the fact that is witnessed is distinct from the fact brought about by virtue of the umpire's call. And to be sure, an umpire can be wrong about the 'objective' (umpire-independent) facts – whether the runner reached the bag first, whether a batted ball landed on one side or another of the foul line, and so on. To maintain otherwise would be absurd. Further, the umpire can be wrong about whether a particular umpire-independent fact is consistent with the rules as he understands them (about whether, e.g. a runner reached the bag before the ball without running outside the baselines, etc.). But he cannot be wrong about the prescriptive (umpire-dependent) obligation(s) created by virtue of his call (assuming he knows what he has called) – and, importantly, his call itself is not equivalent to either of these facts. To repeat what I have asserted above, what we really have here are two distinct facts – (a) the runner's reaching the bag before the ball and (b) the runner's being safe – which are mediated by a third fact, (c) the umpire's performatively calling the runner safe. And it is this latter fact that causally links the other two. Thus, while umpires' calls can be responsive to verdictives about what happened on the field, they are not themselves verdictives.

But in what sense are umpires' verdictives about what happened on the field neither necessary nor sufficient to ground their calls? Take, for example, the runner's reaching the base before the ball. This by itself is not sufficient to

warrant the umpire's calling him safe, since he may have run outside the baseline or been batting out of turn, both of which are inconsistent with the rules. Thus, the verdictive to which an umpire is responsive must look something more like, 'the player was a legitimate runner and reached the base before the ball in a way consistent with the rules'. And this assessment – which itself requires an interpretation that may appropriately include other volitional and discretionary factors – might recommend the prescriptive call of 'SAFE'. But even here, this is not quite enough, since the umpire has more to work with than just the rules. Indeed, the rules themselves do not and cannot cover all possible cases. In another foundational article on the philosophy of officiating, Russell writes that 'rules in sports face the same indeterminacies that rules do in other contexts' and that there is thus a 'need for the exercise of discretion by umpires in ways that are not immediately settled by the rules themselves'.⁴³ There are several types of cases in which the rules cannot adequately be applied to the situation at hand. In some cases, this is because there is no rule to be applied. Here, MLB grants umpires the official authority to rule on all cases not expressly covered by the written rules of the game.⁴⁴ In other cases, a rule might be ambiguous, or the application of the letter of the rule might violate one or more principles external to the specific rules themselves – e.g. principles of fairness, competitiveness, or sportsmanship. For example, a 'legitimate runner' may reach a base in a way consistent with the letter of the rules and yet be ruled out by virtue of something else. (Perhaps the player strips down to his skivvies to run the bases or yells racial epithets at the pitcher, etc.). Here, Russell claims that an umpire can appeal to the 'spirit' of the game to ground the decision he ultimately reaches in these kinds of cases. And although the discernment of the 'true' spirit of the game might lead to a kind of intellectualism about the fundamental principles of the game, what the umpire actually does when he rules in these cases goes beyond mere reporting – he actually *makes it the case* that the rule is to apply in this way and not in some other way, and this decision is authoritative.

Thus, in making a call, the umpire must determine whether the play in question is consistent with the nature of the game itself, apart from the rules. So *if* there is a verdictive that is necessary to warrant an umpire's calls, it must be one of this sort. Yet even this need not lead us to a straightforward intellectualist view. Indeed, just as one way to slip between the horns of ED is to claim that God's reasons for God's commands are grounded in God's essentially good nature (which God is in a special position to discern), one might claim that an umpire's calls may be grounded in the nature of the game (which they, by virtue of experience and love for the game, are likewise in a special position to express via their calls). But importantly, the normative facts to which the umpire would be responsive in such a case are of a different kind than the obligations created by his call, so there is no inconsistency in

maintaining that umpires are responsive to norms about the spirit of the game while at the same time maintaining that their calls subject players to certain entitlements and obligations.

Further, this kind of 'discernment' regarding the spirit of the game need not result in a verdictive at all. In the theological case, God's commands can be grounded in God's essence, but God's knowledge of God's essence is not inferential and need not even be discursive. God's knowledge of Godself is a *knowledge by acquaintance*. Likewise, when umpires appeal to the 'spirit of the game', such an appeal need not be an appeal to propositional, discursive knowledge. Umpires know the game like few other individuals do – they are acquainted with the nature of the game in a way that is unlikely to be expressible in purely conceptual and/or propositional terms. But verdictives are truth-evaluable, and the kind of knowledge under discussion here need not result in a verdictive or a propositional judgment that, e.g. a certain play is (in)consistent with the spirit of the game. Rather the umpire may merely intuit something about the nature of the game – and this intuition may give rise to his command, or call, without the intermediary step in which he makes a judgment or issues a verdictive.

Moreover, there are cases in which umpires fail to completely witness the plays they are ruling on. Now, despite the old sports adage, 'If the umpire didn't see it, it didn't happen', in many circumstances, I agree with Russell that an umpire has 'no business making calls that he does not see'⁴⁵ – assuming we understand by this that he ought to ask his partner(s) for assistance in making the call.⁴⁶ But in some scenarios, it might not be possible (or at least practically viable) for *anyone* to make a determination on the umpire-independent facts (even via replay). In a scenario where the play really is 'too close to call' or in which no one is able to make a confident assessment of what really went down, we *trust* umpires (as opposed to 'Joe Schmo') to make a call nevertheless – perhaps one giving a player (e.g. the runner) the benefit of the doubt. Yet although these cases do not represent genuine findings regarding the question of the runner's reaching the base before the ball in a way consistent with the rules, they do result in genuine calls, the appropriateness of which may be assessed on a case by case basis.

Thus, verdictives in Russell's sense do not appear necessary in all cases for an umpire to legitimately make a call. However, even if we were to grant Russell that verdictives are in some sense necessary, they are by no means sufficient, for as I have mentioned above, umpires' calls are responsive to pragmatic and volitional reasons over and above the epistemic reasons that inform their verdictives. Indeed, I have already hinted at one way in which we think umpires' calls can and should be volitionally grounded, namely in certain character traits – what we might call 'umpire virtues'. An umpire's calls, we think, ought to stem (at least in part) from certain features about the umpire

himself. That is, we think that umpires ought to be motivated by certain virtuous traits, such as (though not limited to) sincerity, impartiality, confidence, competence, and consistency. We think umpires ought to be *sincere* – that is, we think his calls ought to be motivated by a love of the game and an appreciation of the rules that govern it. Likewise, we think the umpire should be *impartial*, not favoring one team or player over another in ways that would undermine the competitive balance of the game, and *confident*, trusting his assessments, pronouncing with a sense of authority, and setting precedents where necessary. Importantly, of course, an umpire must also be *competent*. Not only must he know and understand the rules and be able to apply them in particular circumstances, he must also have a sense for the nature and ‘spirit’ of the game as mentioned above, whether this latter sense can be expressed propositionally (e.g. in terms of principles) or not. These are all more than mere epistemic virtues, however, and what we end up with is something more similar to a kind of ‘practical wisdom’ or (to channel Aristotle) a kind of ‘baseball *phronesis*’. Yet being competent by itself is not enough; an umpire must also be *consistent* – that is, he makes similar calls in similar situations and applies the rules in a manner congruous with precedence where appropriate. Even if the strike zone may differ from umpire to umpire and from game to game, we want umpires to be consistent within their own individual strike zones. Likewise, if an umpire tends to give the benefit of the doubt to the runner in close plays, we want him to do so consistently. This example also demonstrates the interconnectedness of the umpire virtues. For example, issues of consistency and impartiality may often overlap. Yet they may still come apart, in cases in which one has to sacrifice giving the runner the benefit of the doubt because of questions of fairness. (Perhaps the call is a makeup call.⁴⁷)

If I am right, then, verdictives about what happened on the field are neither necessary nor sufficient for umpires’ calls. We can now see a few ways in which umpires’ calls are not merely arbitrary and thus how they can be disputed or criticized. Since umpires are not omniscient deities, they can get the umpire-independent facts wrong, which may then (despite good intentions and virtuous calling practices) lead to a ‘blown’ call. Further, since they (like us) are not wholly virtuous, they may fail to exemplify certain virtues we take to be important to motivating calls, leading to a different kind of ‘bad’ call. Thus, there are various ways an umpire’s call can go wrong, even if his call nevertheless determines the (normative) baseball facts of the matter. In a case like that of Jim Joyce’s blown call, we might think it was appropriate for him to apologize to Galarraga – but, importantly, *not* because his call itself was mistaken. (As a prescriptive utterance, it was incapable of being incorrect.) Perhaps, then, we might criticize Joyce for being inconsistent: In any other situation, he would likely have called the runner out. On the other hand, we might deny that there

was anything vicious in Joyce's call at all. By all accounts, he called the play sincerely and impartially – and given what he *thought* he saw, he called it competently and consistent with what he would normally call. Here, the infelicity is perhaps not rooted in character but rather in assessment. Nevertheless, we must be clear here: *Jason Donald was entitled to the base* because this is how Joyce called the play. Galarraga's 'almost-perfect game' was just that – *almost* perfect.

However, this leads us to the third worry expressed by Russell – that umpire voluntarism undermines the very notion of a (sporting) contest 'as involving the accurate assessment of the relative skills of the competitors'. As we have seen, though, umpires' calls are usually at least partially grounded in epistemic reasons and thus may reflect (without being identical or reducible to) an assessment of players' skills. Of course, since umpires are neither omniscient nor perfectly virtuous, there will be cases like the almost-perfect game, in which an umpire's call is in some way or another at odds with correct assessments of a player's skill in a particular circumstance. In some cases, of course, it might be more important to uphold ideals of fairness or competitiveness at the cost of statistics. Nevertheless, in cases where something of great (baseball) value is on the line (e.g. the outcome of a play-off game or a rare personal achievement), we need to ask ourselves what the implications of a restricted umpire voluntarist position might be for the *actual* challenging of a call in MLB and thus for related issues such as instant replay and Hawk-Eye technology. I do not have space to go into these issues here, but suffice it to say that baseball is more than just a contest between two competing teams – it is an opportunity for the demonstration of the excellences and virtues of its various participants, which include players, managers, coaches, umpires, and even fans. To remove human umpires from the game is to rob them of potentially exercising certain virtues that we value. Indeed, the 'personal element' may be crucial to baseball in ways that go beyond mere human epistemic fallibility, and we should think twice about what kinds of limits we want to place on it.⁴⁸

Bringing It Home

In this paper, I have attempted to argue that umpires' calls are best understood on a restricted voluntarist theory, according to which an umpire makes it the case via his call that a runner is safe or out, a pitch a ball or strike, or a batted ball fair or foul, where the call is understood as a prescriptive utterance which confers on players certain obligations or entitlements. While intellectualism preserves our intuitions that umpires do some sort of epistemic work and ought to be able to explain their calls by appeal to epistemic

reasons, it does not go far enough in accounting for the essentially authoritative and volitional nature of umpires' calls. I have further attempted to show how the restricted voluntarist might answer the arbitrariness objection and make room for the umpire's having reasons (both epistemic and pragmatic) without having to maintain that calls are themselves descriptions or reports of events. And while Jim Joyce may not rest any easier at night for having 'blown' the call that would have made Armando Galarraga's almost-perfect game actually perfect, we can still take comfort in the fact that the game is what it is precisely because he wasn't wrong.

ACKNOWLEDGEMENTS

I am grateful to Brett Gaul, Kristopher Phillips, Matt Drabek, Tim O'Connor, Paul Guyer, Jochen Briesen, Martin Rempe, Randy Auxier, Pam Sailors, John Russell, and countless others for their comments on earlier versions of this paper and the ideas found herein – and to Arie and Kris Griffioen for instilling in me my undying love of baseball. I would also like to take this opportunity to encourage MLB to consider hiring a professional philosopher to help clear up their conceptual ambiguities. My resumé is available upon request.

Notes

1. Major League Baseball (hereafter, MLB) defines a 'perfect game' as occurring 'when a pitcher (or pitchers) retires each batter on the opposing team during the entire course of a game, which consists of at least nine innings. In a perfect game, no batter reaches any base during the course of the game'. See http://mlb.mlb.com/mlb/official_info/about_mlb/rules_regulations.jsp for further miscellaneous rules and regulations.
2. Cf. *Official Baseball Rules* (2014), especially Rule 9.00 – 'The Umpire'. Although the 2013 edition of the MLB regulations was much more ambiguous regarding the nature of umpires' calls, the *MLB Replay Review Regulations* (2014) leave no doubt that baseball is moving in what I call below a more 'intellectualist' direction – in my opinion, much to the detriment of the sport.
3. It is important to note here, however, that I am limiting my remarks here solely to the game of baseball – and even more specifically, to MLB. I agree with Mitchell Berman that 'sport-specific practices and participant understandings bear on the values or principles that constitute the normative content of the particular sport' (Berman 2011, 187). Thus, whether the view I am putting forward here is applicable to other sports remains an open question.
4. Plato (2002), at 10a.

5. I will generally use the masculine pronoun in this paper when referring to MLB umpires. This is not meant to promote but rather only to reflect the (unfortunate) gender bias already present in MLB.
6. For some of the limits of the analogy between sport and law, cf. Russell 2011.
7. There are various ways to phrase the problem, depending on the relevant normative predicate(s), the nature of the divine willing (loving, commanding, intending, etc.), and the type of dependence relation postulated. This will become important later.
8. *Official Baseball Rules* (2014), Rule 9.02(a). Graham McFee (2004) has plausibly argued that most if not all calls by officials in sports contexts are judgment calls, and I am inclined to agree. But for purposes of simplicity, I will restrict myself here to those examples given by MLB.
9. For this reason, Collins (2010) refers to this as being a question regarding an umpire's 'ontological authority'.
10. Interestingly, Rule 2.00 of the MLB rulebook defines a 'strike' as 'a legal pitch when so called by the umpire' *and* which meets at least one of several criteria. Here, it is unclear whether it is the umpire's call or the meeting of the various criteria or some combination of the two that make a pitch a strike.
11. Russell (2004, 89).
12. Russell (2004, 91).
13. Russell shifts between talk of events, states of affairs, and facts, so for the purposes of this paper, I will take them to be roughly coextensive, despite certain controversies in metaphysics regarding the applications of these terms. In general, I find 'fact' to be the most helpful term to use, so I will primarily refer to facts in what follows.
14. Russell (2004, 89).
15. Searle, quoted in McFee (2011, 233).
16. Russell (1997, 22), my emphasis.
17. Russell (1997, 22), my emphasis.
18. Cf. Russell (1997, 24, 29).
19. It is not clear, however, whether he takes 'basis' to mean something like 'ground' or 'reason', or rather something more like 'essence'. If the latter, then we run into the same confusion as above.
20. Austin (1962, 152).
21. Austin (1962, 152).
22. Austin (1962, 150).
23. Austin (1962, 150).
24. Austin (1962, 153).
25. Russell (2004, 90), my emphasis.
26. Russell (1997, 24).
27. Russell (1997, 24).
28. The case is especially unclear with regard to strikes and the strike zone.

29. Cf. Searle (1969, 50–53).
30. Websites such as the German ‘Wahre Tabelle’ (or the ‘True Standings’, <http://www.wahretabelle.de/>) appear to endorse such a position.
31. However, as I discuss below, the prescriptive utterance by the umpire need not be grounded in a verdictive, even in cases where there is some more ‘cognitive’ element that informs the umpire’s call.
32. Of course, an umpire’s rulings *may* be overturned by MLB, as instanced by the expansion of instant replay during the 2014 season. Yet I think that the way MLB has implemented instant replay is problematic, in the sense that it does not allow for the cultivation of certain intersubjective relationships and virtues that we take to be crucial to the game of baseball. By sending the video to an off-site ‘Replay Command Center’, the play under review is taken out of the context of the game itself. Indeed, ‘singularizing’ plays out of context in these ways makes the game more about individual, discrete events than about the flow and continuity of a game that relies on context and intersubjectivity in important ways – ways that bear on how certain plays are to be understood and assessed. Giving the power of reviewing a play to umpires themselves allows them to exercise certain virtues in ways that are more strongly responsive to both epistemic and practical reasons – and this should be a welcome change to intellectualists and voluntarists alike.
33. Russell (2004, 90).
34. Russell (2004, 90).
35. Cf. Austin (1962, 14ff).
36. This way of viewing ‘calls-gone-wrong’ mirrors one in Kantian ethics often pointed to by critics – namely that morally wrong actions, by virtue of being heteronomous, are not actions *at all*.
37. Russell (1997, 32).
38. Russell also claims that ‘incompetent’ calls are non-calls. Yet it is less than clear what he means by ‘competence’, since it might turn out that any time an umpire gets a play ‘wrong’ on Russell’s view, this is due to some kind of lack of competence (attention, correct observation, concentration, etc.), in which case all ‘bad’ calls would, in fact, be non-calls.
39. In the 1988 film, Detective Frank Drebin (played by Leslie Nielsen) impersonates a MLB umpire during a game in order to figure out who among the baseball players is a ‘sleeper’ assassin. Needless to say, hilarity ensues. (The culprit, for the record, is a hypnotized Reggie Jackson.)
40. Cf. the famous scene in the film *Bull Durham*. I am grateful to Tim O’Connor for raising a version of this objection.
41. Cf., for example, Adams (1987), Alston (1990), and Quinn (1990). For a good overview of the various permutations of theological voluntarism, cf. Murphy (2012).
42. Murphy (2012, 683).

43. Russell (1999, 27).
44. Cf. *Official Baseball Rules* (2014), Rule 9.01.
45. Russell (2004, 91).
46. Note here that the mere fact that umpires (may) consult each other in such cases does not imply that voluntarism is false. First, the agreement of the umpires on a certain call – even if making reference to epistemic reasons – can still issue in a prescriptive illocutionary act. (Perhaps this might be similar to a polytheistic divine command theory.) Second, as I argue, any verdictives they might make are not sufficient for a call to be made, even if they might partially ground it. Finally, some appeals to umpires – as with the appeal to the first- or third-base umpire on a non-called third strike – are appeals to *non-calls*, not to calls. That is, it is a request that a call be made in the first place. This is also consistent with voluntarism.
47. For a detailed discussion of the morality of makeup calls, cf. Hamilton (2011).
48. Further, as I hope to develop in a future paper, there is an important relationship of *trust* established between umpires and players. Umpires trust players to conduct themselves appropriately and play fairly, and players trust umpires to make fair and balanced calls. Both of these expectations yield certain obligations – obligations which hold by virtue of the social relationship between these parties. It is this relationship of trust, perhaps, that grants the umpire the authority to be the source of the facts determined by his calls – and it provides players with reasons to fulfill the obligations that arise from those calls. Adams makes a similar claim in his defense of divine voluntarism. Cf., for example, Adams (1999, 242ff and 252ff).

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