Clubhouse Controversy: A Study of Dispute Resolution Processes between Teammates in Major League Baseball

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I. INTRODUCTION

It is an article of faith that societies experience conflict.[1] While professional athletes get their fair share of ritualized conflict at a

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variety of fan-packed venues worldwide, they also experience real interpersonal disputes behind closed doors. In baseball, off-the-field interaction can be intense. Teams competing in the world's top professional baseball circuit, Major League Baseball,[2] begin practicing in February for a 162-game campaign that typically runs from April through September. During the regular season, teams generally engage in five or six games every seven days.[3] Moreover, there is extensive travel. It is conceivable that a team can compete in Seattle, Washington, one day and then travel 2,530 miles for a contest in Tampa Bay, Florida, the next. For the league's best clubs, the playoffs continue until the end of October (or, in some years, the beginning of November). According to author Ross Bernstein, baseball players are "[t]ogether for up to nine months in a row, [and] actually see more of each other than they do of their own families. They eat together, travel together, live together, socialize together, and work together. With that, like in every family dynamic, there are going to be stresses, squabbles, and disagreements along the way."[4] Add the fact that players must handle these tensions under the watchful eye of journalists who cover the teams makes Major League Baseball a challenging environment for dispute resolution.

For some noted thinkers the idea of baseball players – or any professional athletes – successfully resolving the typical type of teammate conflict that occurs during the course of a season would be unfathomable. After all, Thomas Jefferson once wrote a nephew warning the young man to avoid ball games because "[g]ames played with the ball and others of that nature, are too violent for the body and stamp no character on the mind."[5] Nearly two centuries later, George Orwell offered his own jaundiced take on professional athletes:

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1. *See generally* LOUIS KRIEGSBERG, SOCIAL CONFLICTS 1 (2d ed. 1982) ("Social conflicts are all around us" and these conflicts "are inherent in human relations.").

2. Major League Baseball is the world's pre-eminent baseball circuit. It is comprised of 30 teams based in the United States and Canada, and its players in 2008 had an average salary of $2.93 million per year. For more on salary figures, see *'08 Salary Increase the Smallest Since '04*, ASSOCIATED PRESS, Dec. 5, 2008, http://sports.espn.go.com/mlb/news/story?id=3745076.

3. *See Major League Baseball Schedule*, MLB.COM, http://mlb.mlb.com/mlb/ schedule/?tcid=mm_mlb_schedule#date=03/29/2011 (last visited Mar. 6, 2011).

4. ROSS BERNSTEIN, THE CODE: BASEBALL'S UNWRITTEN RULES AND ITS IGNORE-AT-YOUR-OWN-RISK CODE OF CONDUCT 211 (2008).

5. DAVID BLOCK, BASEBALL BEFORE WE KNEW IT: A SEARCH FOR THE ROOTS OF THE GAME 241 (2005). It is worth noting that Jefferson's quip was made in 1785, approximately 80 years before baseball and its rules were formally set, but it suggests that the politician and diplomat may not have thought highly of the sport's practitioners.

"Serious sport has nothing to do with fair play. . . . It is bound up with hatred, jealousy, boastfulness, disregard of all rules and sadistic pleasure in witnessing violence: in other words it is war minus the shooting."[6]

So do the words of these accomplished men offer a valuable indication of the difficulties today's athletes endure when attempting to solve disputes? This paper addresses that question in the context of Major League Baseball ("MLB"). The first part identifies and discusses the arena in which players deal with both conflict and dispute resolution. Then the various types of conflict players confront are analyzed, followed by an examination of the typologies of resolution that players utilize. Finally, the paper considers the approaches taken by Major Leaguers[7] in comparison to both Western societies and other cultures. Superficially, the biting words of Jefferson and Orwell relate to conflict resolution in the Major Leagues. Physical confrontation is a popular form of dispute resolution. Yet this paper also identifies more in-depth and nuanced forms of resolution used by teammates, suggesting that the great thinkers' words may not be wholly appropriate when discussing today's baseball players.

II. The Arena

The starting point for conflict resolution is usually a choice of arena. "The 'arena of negotiations' may, but need not, consist of a physical location within which face-to-face meetings take place," but, generally speaking, "an arena is constituted whenever messages pass between the parties, receive attention and elicit responses."[8]

In the case of Major League Baseball, the typical arena for conflict resolution is known as the clubhouse. The clubhouse is part locker room and part relaxation area.[9] Every Major League stadium has permanent areas for both the home and visiting teams. The size, shape, and dimension of these locations have changed dramatically over the

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6. George Orwell, Shooting an Elephant: And Other Essays 198 (1950).

7. "Major Leaguers" is a term used to describe players who compete in Major League Baseball, which is also known as the "Major Leagues;" the term "Big Leaguers" is also used, as Major League Baseball is sometimes referred to as the "Big Leagues."

8. Simon Roberts & Michael Palmer, Dispute Processes: ADR and the Primary Forms of Decision-Making 128 (2d ed. 2005).

9. *See generally* Michael Farber, *Clubhouse Confidential: When a Bunch of Alpha Males Get Together Daily in a Confined Space, Lots of Things – Good and Bad – Can Happen,* Sports Illustrated, Jan. 14, 2002, *available at* http://vault.sportsillustrated.cnn.com/vault/article/magazine/MAG1024724/2/index.htm.

years. For example, in 1959, a player named Jim Brosnan described the home team's clubhouse on a sweltering late June day as physically unbearable. "Life in the Cincinnati clubhouse in midsummer is lived in the raw. Pregame uniform is jock strap and shower clogs," wrote Brosnan in his autobiography *The Long Season*.[10] "The thought of putting on a flannel uniform over woolen socks and undershirt starts the sweat rolling. 'How many electric fans you got in here, Chesty?' I asked the clubhouse man. 'Not enough,' he said.'"[11] Beyond the poor air circulation, team ownership did not encourage lounging around in this space. There were three-legged stools for each player, fold-up chairs for a limited number of visitors, and little in the way of food and drink options. Former player and manager Jeff Torborg said that when he first made it to the Major Leagues with the Los Angeles Dodgers, "the only food in the clubhouse was crackers and a wheel of cheese. Sodas were available, but the player was expected to put a stroke next to his name on a board each time he took one so that the Dodgers could deduct the cost from his paycheck."[12]

In the past half-century, modern edifices complete with comfortable and well-provisioned clubhouses have been built by nearly all of the Major Leagues' thirty teams. The San Francisco Giants' home clubhouse at AT&T Park serves as an exemplar. Journalist Michael Farber offered this colorful description:

> The modern clubhouse is one Tattoo short of a fantasy island. It features oversized TVs, overstuffed coaches, over-the-top postgame spreads, over-the-rainbow-sized rooms. The Giants' main dressing space is 2,788 square feet, spacious enough to give the impression it demands a passport and inoculations to travel to the other side. The stalls are made from cherry wood. A cook is at the players' disposal for many games. Clubhouse manager Mike Murphy's young assistants wash the players' cars and fetch their dry cleaning, perks hardly unique to San Francisco.[13]

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10.   JIM BROSNAN, THE LONG SEASON 187 (2002). Bronsan's book was a seminal account of Major League life. His straightforward description of player relations was considered the first "insider" look at how these professionals interacted behind the scenes. Brosnan played the position of pitcher at the Major League level for nine seasons (1954, 1956-63). *Jim Brosnan*, BASEBALL-REFERENCE.COM, http://www.baseball-reference.com/players/b/brosnji01.shtml (last visited Mar. 21, 2011).

11.   *Id.*

12.   Farber, *supra* note 9. Torborg played nine seasons in the Major Leagues at the position of catcher (1964-73). *Jeff Torborg*, BASEBALL-REFERENCE.COM, http://www.baseball-reference.com/players/t/torboje01.shtml (last visited Mar. 21, 2011).

13.   *Id.*

These clubhouses have grown so large that there can even be physically determined sub-cultures. In the San Francisco clubhouse in 2002, one side of the clubhouse was comprised of 22 lockers. These spaces were occupied by only African-American and Latino players; there were no Caucasians. According to one player, this was not a source of tension. "If someone came in here who hadn't been around baseball or didn't understand what went on in a locker room, he might think it was a race thing," said Nicaraguan-born player Marvin Benard, who had his locker in the area in question.[14] "But it's not. It's a comfort thing. Guys feel more comfortable in their own environment."[15]

With more comfort and more control for socialization, players today spend increasingly more time in this luxury-laden space. On a late summer day in 2008 at the Texas Rangers' clubhouse at Rangers Ballpark in Arlington, there were approximately a dozen players lounging around a roomy clubhouse some five hours before a game. A handful of players were chatting, others were playing chess, and one was sleeping on a large sofa.[16] Echoing the Texas situation, Detroit Tigers General Manger Dave Drombrowski said in 2002, "[p]layers are getting here earlier and earlier, which is good. For a seven o'clock game, many guys are coming in around two. You want your players to be here thinking about baseball, and you want to give them an enjoyable environment."[17] With the modern-day amenities leading to players lingering in the clubhouse for long periods, the clubhouse's historic role as an arena for dispute resolution has only been enhanced.[18]

In fact, the clubhouse can be the location where conflict occurs. The reason for this dual role has much to do with the belief among players that the clubhouse is the one safe haven from the media, who are allowed in only at select times, and from the public, who are strictly

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14. *Id.* Marvin Benard was an outfielder who played in the Major Leagues for nine seasons (1995-2003). *Marvin Benard*, BASEBALL-REFERENCE.COM, http://www.baseball-reference.com/players/b/benarma01.shtml (last visited Mar. 21, 2011).

15. *Id*.

16. While working as a television journalist, the author of this paper viewed the action in Rangers clubhouse in August 2008.

17. Ferber, *supra* note 9.

18. There are stories of players settling disagreements over card games in the clubhouse dating back to the first half of the 20th century. For an example of a biographical sketch from the Society of American Baseball Research of Baseball Hall of Famer Jimmie Foxx (played 1925-1945), see John Bennett, *Jimmie Foxx*, http://bioproj.sabr.org/bioproj.cfm?a=v&v=l&pid=4658&bid=229 (last visited 2011). Foxx was "known as a gentle peacemaker, often mediating disputes in card games." *Id.*

prohibited. One common message that is put up on the wall in clubhouses is the admonishment: "What is seen in here, What is heard in here, What is said in here. . .stays here."[19]

"[The clubhouse] was our home and it was sacred," said former player Tommy John.[20] "What happened in there was no different than what happens between any husband and wife in the sanctity of their own home. What happened there stayed there."[21] This sanctity makes players feel comfortable being themselves and allows them to use the clubhouse arena as a place to confront teammates and resolve disputes. "As ballplayers, whether we were 20 years old or 40 years old, we were all kids in there," explained former player Frank Viola.[22] "And kids do stupid stuff. None of us have really grown up . . . As far as we were concerned the clubhouse was fun time and it was our time. It was our sanctuary. What we said in there definitely had to stay in there . . . no questions."[23] While the clubhouse is not the only location for both conflict and resolution – other areas include the "dugout," where players sit during an actual match, and even the field – the clubhouse arena is the focal point in large part because, as is the case with most traditional conflict resolution locales, it is a "secure area in which the parties can communicate directly with each other."[24]

III. IDENTIFYING CAUSES OF CONFLICT

A hallmark of sport is ritualized conflict. In baseball, teams compete against each other in order to *win* games.[25] Journalists and avid supporters will say one club *beat* the opposing side or, in a particularly lopsided victory, they *slaughtered* the opponent.[26] Yet, this

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19.   BERNSTEIN, *supra* note 4.

20.   *Id.* at 215. Tommy John was a pitcher and a 26-year Major League veteran (1963-89). *Tommy John*, BASEBALL-REFERENCE.COM, http://www.baseball-reference.com/players/j/johnto01.shtml (last visited Mar. 21, 2011).

21.   *Id.*

22.   *Id.* at 212. Frank Viola was a pitcher who played fifteen years in the Major Leagues (1982-96). *Frank Viola*, BASEBALL-REFERENCE.COM, http://www.baseball-reference.com/players/v/violafr01.shtml (last visited Mar. 21, 2011).

23.   *Id.*

24.   ROBERTS & PALMER, *supra* note 8, at 173.

25.   It is worth noting that in the sport of baseball – unlike, say, in most formats of soccer – there are no draws. Games are contested until a winner is decided.

26.   The use of the term "beat" is so ubiquitous that a Google search of the phrase "Red Sox beat the Yankees" yields more than 140,000 results. For an example of the use of "slaughtered," see David Lengel, *As One Door Closes, Another One Opens for Eight Hopeful Teams*, GUARDIAN, Oct. 1, 2008, http://www.guardian.co.uk/sport/blog/2008/oct/01/mlb.playoffs.preview ("Last season Philadelphia celebrated their triumph over the Mets in the NL East by getting slaughtered by a Colorado team.").

competitiveness rarely leads to actual conflict between teams. While financial livelihoods may be at stake based on performance, there are only limited examples of either intentional or unintentional physical violence – such as inter-team fights referred to as "bench-clearing brawls."[27] In contrast, the typical interaction is a friendly one between athletes on different squads. "Anyone who shows up early before a baseball game today knows that fraternizing is a common practice between opposing players these days," according to a respected website that covers American sports.[28] "Baseball is a large fraternity, made up of managers, coaches and players who will hook up with numerous organizations over their career."[29] As a result, the most common form of actual conflict in baseball occurs internally, between teammates. Players spending so much time together in close proximity – on the field and in the clubhouse – inevitably clash with varying degrees of intensity. While no two situations are alike, there are some trends in the type of "sharp disagreement or opposition"[30] that occurs. The most common points for dispute are on-field play, clubhouse etiquette, hazing teammates, and statements in the media.

A. On-field Play

While physical conflict is limited on the baseball field, that does not mean players do not take their sport seriously. "If there is a dispute," explained former player Bert Blyleven, "it's usually about what is happening on the field during a game."[31] The most common disagreement unfolds when "somebody is not playing the game well or

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27. The one main form of physical violence in baseball is a "hit by pitch," in which a player pitching the ball either intentionally or unintentionally hits an opposing team's batter. In 2008, the average Major League team had 52 "hit by pitches" (median). In other words, an average team could expect one "hit by pitch" in about every third game. *See generally Sortable Team Stats*, MLB.COM, http://mlb.mlb.com/stats/sortable_team_stats.jsp?statType=1&timeFrame=1&c_id=ml b&statSet1=2&groupByTeam=true&sitSplit=&checkBoxTotal=0&section1=1&Submit =Submit&baseballScope=mlb&timeSubFrame=2008&sortByStat=HBP (last visited Feb. 26, 2011). For an example of the use of the term "bench-clearing brawl," see *Shields' Pitch to BoSox's Crisp Sparks Bench-Clearing Brawl*, ASSOCIATED PRESS, June 6, 2008, http://sports.espn.go.com/mlb/news/story?id=3428091.

28. *See* Thom Henninger, *Should Players or Coaches Fraternize with the Enemy?*, STATS BLOG, Mar. 7, 2007, http://blog.stats.com/2007/03/should_players_or_coaches_frat.html.

29. *Id.*

30. WEBSTER'S NEW WORLD DICTIONARY: THIRD COLLEGE EDITION 292 (1988) (defining "conflict").

31. E-mail Interview with Bert Blyleven, Major League pitcher for 22 seasons, 1970-92 (Nov. 16, 2008) (on file with author).

dogging it [not giving a complete effort]," according to longtime pitcher Bruce Hurst.[32] "Simple things like not running hard to first [base] or not being out there for stretch[ing] early enough" are causes for conflict, former player Lance Painter said.[33] "The other problem that you see is when guys seem to think a [teammate] dogged a play. He didn't go after a ball because he didn't want to dive. You expect big leaguers to make every play they can, but sometimes it doesn't happen."

In his book *The Bronx Zoo*, pitcher Sparky Lyle recounted an incident that typifies this type of conflict. Outfielder Lou Piniella was displeased with the performance of fellow outfielder Mickey Rivers:

> Piniella went to Mickey and told him it didn't look like he was giving a hundred percent. Mickey told him, "When I go out there, I play the best I can. I don't give a damn what you think." Lou said, "I'm just telling you how it looks from where I'm at." Mickey said, "I don't care how it looks. I'm telling you I'm playing the best I can. My leg hurts."[34]

As illustrated by the Piniella-Rivers exchange, this form of dispute invariably includes one player criticizing the performance of a teammate. In Jim Brosnan's first-person account of his 1959 Major League season, he described a disagreement between two players on his team, the St. Louis Cardinals. In discussing how to pitch an opposing player named Smokey Burgess, pitcher Larry Jackson and outfielder Gino Cimoli had a dispute over Jackson's performance. Cimoli said Jackson needed to throw pitches to Burgess in one location, and Jackson disagreed. In an effort to diffuse the situation, Jackson said, "Listen, Gino, you let me do the pitching, and you chase my mistakes."[35] Cimoli's retort was "[t]hat's all I been doin'," suggesting that Jackson had been error-prone.[36] Cimoli's comment created so

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32. Interview with Bruce Hurst, Major League pitcher for 15 seasons, 1980-94 (Dec. 16, 2008). The term "dogging it" is a term of art in baseball (and other North American sports) for not giving a complete effort.

33. E-mail Interview with Lance Painter (Nov. 15, 2008). First base is a location on the field that batters must run to after making contact with the ball. In some instances, when it appears a player will likely not make it safely to first base, they do not give maximum effort. Painter spent 10 seasons in the Major Leagues (1993-2001, 2003).

34. Lyle Sparky & Peter Golenbock, The Bronx Zoo: The Astonishing Inside Story of the 1978 World Champion New York Yankees 87 (1979). Lyle's first-person account was written in a diary format and covered his team's experience for a full season. A pitcher, Lyle played 16 Major League seasons (1967-82).

35. Brosnan, *supra* note 10, at 112.

36. *Id.*

much discord, wrote Brosnan, that it caused "the fight to break out in the mind of every pitcher on the bus."[37]

Sometimes conflict will arise indirectly from on-field play. If a player does not handle his on-field performance once he gets off-field in a way a teammate believes is appropriate, disputes can ensue. For example, former Boston Red Sox teammates Kevin Youkilis and Manny Ramirez argued because "Ramirez was bothered by Youkilis' habit of angrily throwing equipment in the dugout" when Youkilis was disappointed with his on-field results.[38] In 2005, Minnesota Twins teammates Justin Morneau and Torii Hunter got into a fight when "Morneau objected to Hunter joking on the bench. And Hunter objected to Morneau unable to take a joke."[39] The crux of the problem was Morneau did not believe that Hunter was taking the competition seriously enough.

In some instances, these conflicts over on-field play have less to do with the team's overall success and more with the effect one player's performance can have on a teammate's career. White Sox pitcher Tom Fordham had a dispute of that nature with his team's catcher during pre-season training in the late 1990s.[40] Usually, the catcher plays an essential role in making a pitcher look good by performing well on defense, but Fordham claimed his catcher was not working hard enough, according to journalist Teddy Greenstein, who discussed the situation with Fordham. "[The] catcher . . . did a poor job of blocking

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37. *Id.*

38. *See* Bob Nightengale, *Clubhouse Feuds a Normal Part of the Game; Though Sensationalized, Most Conflicts Resolved Quickly*, USA TODAY, June 11, 2006, at C6. Both Youkilis (an infielder) and Ramirez (an outfielder) were current Major Leaguers through the 2010 season. Youkilis continues to play for the Boston Red Sox, while Ramirez played for the Los Angeles Dodgers and the Chicago White Sox in 2010 and signed for the Tampa Bay Rays for the 2011 season. *Kevin Youkilis*, BASEBALLREFENCE.COM, http://www.baseball-reference.com/players/y/youklke01.shtml (last visited Mar. 21, 2011); *Manny Ramirez*, BASEBALL-REFERENCE.COM, http://www.baseball-reference.com/players/r/ramirma02.shtml (last visited Mar. 21, 2011).

39. *Id.* As of 2011, both Morneau (an infielder) and Hunter (an outfielder) were active in the Major Leagues. Morneau is still with the Minnesota Twins, while Hunter now plays for the Los Angeles Angels of Anaheim. *Justin Morneau*, BASEBALL-REFERENCE.COM, http://www.baseball-reference.com/players/m/morneju01.shtml (last visited Mar. 21, 2011); *Torii Hunter*, BASEBALL-REFERENCE.COM, http://www.baseball-reference.com/players/h/hunteto01.shtml (last visited Mar. 21, 2011).

40. E-mail Interview with Teddy Greenstein, journalist with the *Chicago Tribune* who covered both of the city's Major League Teams – the Cubs and the White Sox (Nov. 19, 2008). Tom Fordham played in the Major Leagues in 1997 and 1998. *Tom Fordham*, BASEBALL-REFERENCE.COM, http://www.baseball-reference.com/players/f/fordhto01.shtml (last visited Mar. 21, 2011).

pitches in a game [and Fordham] felt the catcher's weak attempts had hurt his chances to make the team," Greenstein recounted.[41] As the pitcher lasted just two seasons in the Major Leagues, there might have been something to his gripe. Alternatively, maybe Fordham's talents simply did not merit inclusion on a Major League roster. Regardless, the situation suggests that, at the least, player conflict can arise based on to how one player perceives the impact another's performance might have on his career.

Fordham's concerns make sense. The inter-connected team nature of baseball means one player's disappointing results can directly impact the success of his teammates. Moreover, as winning is a team's primary objective, strong performances from all of the athletes on a club's roster are required. As a result, it is not surprising that a player's subpar performance – whether it reflects poorly on the club as a whole or a single teammate – can cause disputes.

B. *Clubhouse Etiquette – Music*

Even with the spacious expansion of clubhouses in the past few decades, they can still feel quite small for some players. This might have to do with the amount of time spent in this space. After all, even a big room can feel cramped when more than twenty players (and a host of staff and other personnel) are constantly there. As a result, inappropriate clubhouse demeanor can often lead to conflict.

In this area, "[t]he most common point of contention is music," according to one journalist.[42] As sound can impact everyone in the clubhouse, it has historically served as a stumbling block for teammate harmony. Examples of this type of conflict date back at least a half-century. Brosnan recounted in *The Long Season* an instance in 1959 where music in the Cardinal lounge, which was "an air conditioned room in the [St. Louis] Cardinal clubhouse that [was] devoted to rest and relaxation before games," was a source of conflict.[43] "Rock-and-roll rattles my nerves," said Brosnan, complaining to future baseball Hall-of-Fame player Stan Musial.[44] In this instance, the disagreement in choice of music was resolved amicably with a change to a jazz selection on the record player. But in recent years, disputes over clubhouse music choices have escalated, with more violent results.

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41. *Id.*
42. Ferber, *supra* note 9.
43. BROSNAN, *supra* note 10, at 137.
44. *Id.*

In May 1997, outfielders Chad Curtis and Kevin Mitchell physically fought over Mitchell's decision to play rap music in the Cleveland Indians' clubhouse.[45] The altercation left Curtis with a bruised thumb and caused the Indians to release Mitchell from his contract. The following season, pitcher Randy Johnson and first baseman David Segui disagreed about the volume of the music in the Seattle Mariners' clubhouse.[46] A fight ensued, with Segui suffering a sprained right wrist. Personal tastes certainly play a large role in these altercations. "Sometimes personalities are different," said former pitcher Bruce Hurst, making a general statement that certainly applies to conflict of this kind. "People don't get along for one reason or another."[47]

But these musical conflicts can be stoked by other factors as well. In 2002, two of the Chicago Cubs' team captains were outfielder Sammy Sosa and catcher Joe Girardi. While Girardi was near the end of his 15-year career, Sosa was at the height of his prowess as one of the game's most feared power hitters.[48] One result of Sosa's status was his right to serve as "unofficial dee-jay" in the clubhouse, according to *Chicago Tribune* journalist Teddy Greenstein.[49] As a result, Sosa would have an "ever-present boom box. . . . That crappy portable stereo represented power in Sosa's world."[50] One day late in the season, Sosa left the clubhouse with his stereo still on. Girardi, who had suffered from migraine headaches throughout the season, turned down the radio. "Once Sosa realized what had happened, he reacted angrily," wrote Greenstein in an article on the affair. "One witness said the

45. Ferber, *supra* note 9. Chad Curtis played 10 seasons in the Major Leagues (1992-2001). *Chad Curtis*, BASEBALL-REFERENCE.COM, http://www.baseball-reference.com/players/c/curtich01.shtml (last visited Mar. 21, 2011). Kevin Mitchell had a 13-season career (1984, 1986-94, 1996-98). *Kevin Mitchell*, BASEBALL-REFERENCE.COM, http://www.baseball-reference.com/players/m/mitchke01.shtml (last visited Mar. 21, 2011).

46. *Id.* David Segui played 15 seasons in the Major Leagues (1990-2004). *David Segui*, BASEBALL-REFERENCE.COM, http://www.baseball-reference.com/players/
s/seguida01.shtml (last visited Mar. 21, 2011). Randy Johnson played 22 years (1988-2009). *Randy Johnson*, BASEBALL-REFERENCE.COM, http://www.baseball-reference.com/players/j/johnsra05.shtml (last visited Mar. 21, 2011).

47. Interview with Hurst, *supra* note 32.

48. Sammy Sosa competed for 18 seasons in the Major Leagues (1989-2005, 2007). In 2002, he led the league in home runs. *Sammy Sosa Stats, Bio, Photos, Highlights*, MLB.COM, http://mlb.mlb.com/team/player.jsp?player_id=122544 (last visited Feb. 15, 2011).

49. E-mail Interview with Greenstein, *supra* note 40, at 10; *see also* Teddy Greenstein, *Looney Tunes at Wrigley; Girardi, Sosa Clash Over Cubs' Clubhouse Music*, CHI. TRIB., Sep. 28, 2002, at N1.

50. Greenstein, *supra* note 49.

Cubs' two team captains had to be separated to avoid a physical confrontation."[51] As Sosa's main source of anger was that someone touched his music system, Greenstein believed that this was as much a control issue as a disagreement in music tastes.

Each team has its own rules on music. During that 2002 season, for instance, the Cubs' policy was to turn off all music thirty minutes before the game.[52] If the team won, music could be played at any volume; if they lost, the clubhouse was to remain quiet. The club would also allow the starting pitcher to choose the pregame music. As another indication of the conflict that music can spark, that season the Atlanta Braves required that all players use headphones if they wanted to listen to music.[53] The fact that this was an issue worthy of rules illustrates just how contentious music can be.

C. Hazing

The systematic harassment of new or young teammates – known as hazing – is a popular rite of passage in sports. It is so prevalent that a survey by New York's Alfred University reported that 80 percent college-level athletes in the United States said they had been hazed.[54] Baseball has endured its share of hazing scandals at all levels. An ESPN.com study identified ten examples of high-profile baseball hazing controversies at the high school and college levels between 1980 and 2000.[55] Hazing encompasses both psychological to physical acts. Verbal abuse usually includes calling younger or inexperienced players names, while physical acts run the gamut from the relatively benign – dressing players up in funny outfits[56] – to the criminal – sodomizing teammates.[57]

This form of abuse does not end when players reach the Major Leagues and is often a cause of conflict. Not surprisingly, "some feel it is demoralizing and humiliating," according to Bernstein, who has written on MLB's internal code of conduct.[58] "It is all meant to remind rookies of their place on the food chart . . . just below the rodent."[59]

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51. *Id.*

52. *Id.*

53. *Id.*

54. *Sports Hazing Incidents*, ESPN.COM, June 03, 2000,
http://espn.go.com/otl/hazing/list.html.

55. *Id.*

56. BERNSTEIN, *supra* note 4, at 217.

57. *Sports Hazing Incidents*, *supra* note 54, at 14.

58. BERNSTEIN, *supra* note 4, at 216.

59. *Id.* at 217.

While Bernstein suggests that hazing mostly occurs at the end of the season when teams can expand their roster to include a number of younger, inexperienced players, some receive this treatment earlier in the season.

When Tim Teufel joined the New York Mets in 1986 following a trade with the Minnesota Twins, he entered a tight-knit clubhouse. Outfielder Darryl Strawberry, who considered himself a team leader, made life difficult on the new guy. "After being ridiculed regularly by Darryl Strawberry, Tim Teufel confronted his teammate on a team flight," wrote author Jeff Pearlman. "Sitting a couple of rows in front of Strawberry, he stood up, walked toward his teammate and pointed, 'Listen this is the last time I'm taking your bullshit!' he said. 'I'm tired of hearing that crap! Stop screwing with me!'[60] Ultimately the two players became friendly, but only after the hazing ceased.

Hazing disputes can linger in clubhouses. During the 1999 preseason, two Chicago White Sox players had a confrontation over the ritual harassment one player suffered during his rookie season. Second-year player Jeff Abbott and long-time pitcher Jaime Navarro traded heated words in the clubhouse. "Last year's over! Leave it alone," yelled Abbott at Navarro who retorted with a vulgarity and then told Abbot to "grow up."[61] In a later interview, journalist Teddy Greenstein said that Abbott's statement referred to the fact that Abbott was now a second-year player and, as a result, was not going to take any more hazing from Navarro.[62] "I'd say that rookie hazing can definitely be a source of conflict," concluded Greenstein.[63]

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60. JEFF PEARLMAN, THE BAD GUYS WON! SEASON OF BRAWLING, BOOZING, BIMBO CHASING, AND CHAMPIONSHIP BASEBALL WITH STRAW, DOC, MOOKIE, NAILS, THE KID AND THE REST OF THE 1986 METS, THE ROWDIEST TEAM EVER TO PUT ON A NEW YORK UNIFORM – AND MAYBE THE BEST 84 (2004). Outfielder Darryl Strawberry played in the Major Leagues for 17 campaigns (1983-99). *Darryl Strawberry*, BASEBALL-REFERENCE.COM, http://www.baseball-reference.com/players/s/strawda01.shtml (last visited Mar. 21, 2011). Tim Teufel, an infielder, competed for 11 seasons (1983-93). *Tim Teufel*, BASEBALL-REFERENCE.COM, http://www.baseball-reference.com/players/t/teufeti01.shtml (last visited Mar. 21, 2011).

61. E-mail Interview with Greenstein, *supra* note 40, at 10; *see also* Teddy Greenstein, *Navarro-Abbott Fight Sparks Training Camp*, CHI. TRIB., Feb. 25, 1999, at N4. Jaime Navarro was a 12-year player (1989-2000). *Jaime Navarro*, BASEBALL-REFERENCE.COM, http://www.baseball-reference.com/players/n/navarja01.shtml (last visited Mar. 21, 2011). Jeff Abbott lasted five seasons (1997-2001). *Jeff Abbott*, BASEBALL-REFERENCE.COM, http://www.baseball-reference.com/players/a/abbotje01.shtml (last visited Mar. 21, 2011).

62. Greenstein, *supra* note 61, at N4.

63. *Id*.

D. Discussing Team Affairs with the Media

Simmering tensions between players can escalate into full-blown conflict with the addition of one ingredient: the media. When players take a small gripe and share it with journalists, their actions will often lead to broader problems in the clubhouse. This is such an offense in baseball that there is a term used for committing this act: "throwing your teammate under the bus."[64] Terry Steinbach, who played in the Major Leagues for 14 seasons (1986-1999), explained:

> Whether it is a closed-door meeting or just something said in confidence, it can't leave the room. Nothing will break up the chemistry of a team more than guys talking behind other players' backs and using the media to make a point. You don't rat guys out for showing up to the ballpark hungover or for living a promiscuous lifestyle, or something like that. You might not agree with it personally or ethically but that gives you no right to talk about it to the media, either.[65]

A well-known example of a conflict that developed following media involvement occurred in 1978 between two high-profile Los Angeles Dodgers players, Don Sutton and Steve Garvey. Sutton, a pitcher who would be inducted into baseball's Hall of Fame following a 23-year career (1966-1988), used the media to disparage teammate Garvey, who would be named an All Star ten times in his 19 seasons.[66] Sutton told the *Washington Post* that while Garvey received the most positive publicity on the Dodgers, he did not deserve it. "The best player on this team for the last two years – and we all know it – has been Reggie Smith. . .Reggie doesn't go out and publicize himself," said Sutton. "He doesn't smile at the right people or say the right things . . . Reggie's not a façade or a Madison Avenue image. He's a real person."[67] Incensed by the public embarrassment, Garvey confronted Sutton in the visitors' clubhouse at Shea Stadium in New York. The dispute escalated, and the two began physically fighting after Sutton made a "vulgar remark" about Garvey's wife.[68]

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64.   BERNSTEIN, *supra* note 4, at 214.

65.   *Id.* at 215.

66.   An "All Star" is a player who is chosen to compete in a select-side exhibition mid-season referred to as the "All Star Game." Players picked for this event are generally considered the best players in the game at that time.

67.   *See* Ron Firmrite, *His Old Self is on the Shelf*, SPORTS ILLUSTRATED, Oct. 2, 1978, at 38, *available at* http://vault.sportsillustrated.cnn.com/vault/article/magazine/MAG1094130/index.htm; *see also* BERNSTEIN, *supra* note 4, at 213.

68.   BERNSTEIN, *supra* note 4, at 213.

It is worth noting that the depth of the damage created by media involvement can depend on the popularity and, in some cases, the performance, of both the player disclosing the information and the one who is the target of public criticism. For players who are disliked by teammates or do not have a track record of excellent on-field performance, bringing the media into a dispute can be damning in the clubhouse. In 1991, Greg Jefferies was a young player who was having difficulty fitting in with his teammates on the New York Mets. He exacerbated the problem when he penned an open letter to a sports-talk radio station, WFAN, complaining about his relationships in the clubhouse.[69] "I can only hope that one day those teammates who have found it convenient to criticize me will realize that we are all in this together," Jeffries wrote.[70] "If only we can concentrate more on the games than complaining and bickering and pointing fingers, we would all be better off."[71] The result of this public airing was catastrophic for Jeffries. "The letter went against one of baseball's oldest, most important rules (What's said in the clubhouse stays in the clubhouse), and it backfired miserably," explained author Jeff Pearlman.[72] "Jefferies turned into even more of a team leper."[73] Jeffries played a total of 14 seasons (1987-2000), but 1991 was his last with the Mets. As a dispensable member of the team, Jefferies, who put up less-than-stellar statistics in 1991, could be further marginalized by his teammates, allowing their dispute with Jeffries to fester.

On the other hand, media involvement can have limited impact on disputes when the target of the press discussion is a widely disliked player. In 2004, A.J. Pierzynski joined the San Francisco Giants and did not make a good impression. A number of players were quick to brand him a "clubhouse cancer" in the media.[74] Although Pierzynski defended himself to reporters and the Giants held at least one team meeting to discuss the situation,[75] Pierzynski was released from his contract at the end of the season. Pierzynski's lack of support in the clubhouse meant that, while his teammates' decision to go to the media would usually be considered taboo, it was accepted in this instance.

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69. Greenstein, *supra* note 61, at 268.

70. *Id.*

71. *Id.*

72. *Id.*

73. *Id.*

74. *Giants Teammates Label Pierzynski as Cancer*, NBC Sports (May 1, 2004), http://nbcsports.msnbc.com/id/4875331/.

75. Andrew Baggarly, *Giants Downplaying Pierzynski Incident*, Marin Indep. J., May 1, 2004.

IV. TYPOLOGIES OF RESPONSE TO DISPUTES

How players reacted to conflict in the situations discussed above represent examples of the various "typologies of response" or "responses to trouble" taken in the baseball world.[76] Legal theorists have identified a spectrum of options for dealing with disputes, including avoidance, self-help, negotiation, mediation, and adjudication.[77] This section examines the typologies most commonly utilized in baseball clubhouses.

A. Avoidance and 'Lumping it'

Avoidance is a common reaction to conflict in clubhouses. Avoidance does not necessarily mean ending relations with the offending party, but it is an approach that limits "the relationship with the other disputant sufficiently so that the dispute no longer remains salient."[78] In other words, there is not a termination, but rather "[a] withdrawal from or contraction of the dispute-producing relationship."[79] A subset of the avoidance strategy is the concept of "lumping it", an approach by which "the dispute is reduced not so much by limiting the contacts between the disputants, but by ignoring the dispute, by declining to take any or much action in response to the controversy."[80]

As it is difficult for players to limit interaction with teammates due to their intensely intimate work environment, avoidance will often take the form of lumping it when disputes occur. This can be an unsettling option for players, but longtime New York Yankees pitcher Sparky Lyle provided one rationale for why teammates might use this type of avoidance in the face of conflict. Fellow Yankee Reggie Jackson had a penchant for causing disputes by talking negatively about teammates with the media. Still, teammates did nothing in response. Lyle described the situation:

> [Jackson] can tell a writer that you're the biggest moron and the worst ballplayer who ever lived, and the writer will come over and tell you this, and the next day Reggie will come over and smile at

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76. ROBERTS & PALMER, *supra* note 8, at 81.

77. These categories are widely discussed in dispute resolution literature. *See, e.g.*, William L.F. Felstiner, *Avoidance as Dispute Processing: An Elaboration*, 9 LAW & SOC'Y REV. 695, 695 (1974-75).

78. William L.F. Felstiner, *Influences of Social Organization on Dispute Processing*, 9 LAW & SOC'Y REV. 63, 70 (1974).

79. *Id*.

80. *Id*. at 81.

you and say, "Hey, how're you doing, buddy?" as if to say, "I wasn't serious about the stuff I said. I was just doing my thing for the writers." Well, he's not entitled to get away with bull like that. And the thing is, not many guys rip Reggie as hard as he should be ripped because they don't want to be like he is. They don't want to do what he does. Instead of confronting him and telling him, "You asshole," and putting an end to that crap, they figure, "Screw it. I don't want to be like him."[81]

Some of Lyle's teammates appear to have avoided Jackson as much as possible as a result of his indiscretions; others, like Lyle, took a lump it approach – ignoring the statements Jackson was making, yet maintaining a relationship with the star. One wonders whether players rationalized away Jackson's actions because the outfielder was the team's biggest star. Players may have feared that more direct resolution – particularly one that required outside parties – would have led to a result in favor of Jackson because of his importance within the group. As a result, teammates opted for varying degrees of avoidance.

This "lesser player" penchant for avoidance or lumping it certainly seems present when rookies or new players are involved. The New York Mets' Tim Teufel is an example of this fact. As discussed above, Teufel was a new member of the Mets in 1986 and was the subject of abuse from teammates. Although he eventually confronted one of his biggest tormentors, Darryl Strawberry, he lumped it for most of the season. Mets pitcher Roger McDowell offered insight on why Teufel might have taken the avoidance approach.[82] McDowell played a joke on Teufel, who was upset at the prank, yet Teufel did nothing. "It's how we handled things," McDowell said. "When everybody's laughing and one guy's pissed, you have a choice: Either join in, or we'll keep laughing because you're pissed."[83]

Teufel also served as a cautionary tale for a common cost for avoidance: transference. "Use of avoidance as a technique where the disputants . . . live and work and conduct other important activities together, is logistically difficult and psychologically dangerous – the repressed hostility felt toward the other disputant is likely to be shifted to someone or something else."[84] Before Teufel finally confronted Strawberry, he lashed out at others. One evening while out with his

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81.   SPARKY & GOLENBOCK, *supra* note 34, at 33.

82.   Roger McDowell was a 12-year Major League veteran (1985-96). *Roger McDowell*, BASEBALL-REFERENCE.COM, http://www.baseball-reference.com/players/m/mcdowro01.shtml (last visited Mar. 21, 2011).

83.   Greenstein, *supra* note 61, at 123.

84.   Felstiner, *supra* note 78, at 80.

teammates, Teufel engaged in a brawl with a nightclub security guard. Though he was described by one teammate as "the most innocent guy on [the] club"[85] and referred to by a writer covering the team as a "softie,"[86] Teufel took a swing at the guard when the man attempted to take a beer away from him in the parking lot. While Teufel had been drinking that evening – a factor that probably contributed to his belligerence – it is also likely that the cumulative effect of his decision to avoid confrontation prompted his actions.

Despite the quantity of time players interact, avoidance and lumping it are popular strategies for dealing with conflict. The status of the teammate with whom a disgruntled player is angry will figure into this decision making process. The greater that teammate's star quality on the field – or, alternatively, the more limited the amount of time the other player has served on the team – may lead to a decision to lump it. Unfortunately, in baseball the cost of that decision may be high if transference of hostilities occurs.

B. *Physical Altercations / Self-help*

As Teufel's inability to repress his anger illustrates, avoidance often cannot be sustained for an entire season. A common alternative form of resolution is a physical altercation or self-help. This choice entails making "a direct physical attack on the other party."[87] In its most refined state, this approach can come in the form of a duel, which is "the institutionalized, organized contest or fight between disputants . . . in which the winner supposedly proves the rightness or superiority of his case."[88] Alternatively, there is violent self-help. This relatively unstructured form of physical altercation often transpires in social structures where there "are no obvious means for the peaceful resolution of those disputes."[89] Alternatively, in instances where "groups are more dependent on each other, where their individual members have valuable, persisting relationships with each other (e.g., through marriage, kinship, or economic exchange) [and] hostilities cannot long be tolerated," the use of self-help can serve another purpose.[90] The violence can serve as "a regular means not only to

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85. Greenstein, *supra* note 61, at 117.

86. *Id.* at 119.

87. Roberts & Palmer, *supra* note 8, at 81.

88. P. H. Gulliver, Disputes and Negotiations: A Cross-Cultural Perspective 1-3 (1979).

89. *Id.*

90. *Id.*

express the strength of dissatisfaction and determination but also to precipitate a crisis so that other procedures can be initiated or resumed."[91]

In baseball, physical altercations are common. For example, there were two physical altercations in a single week during the 2008 season. On one June evening, Boston Red Sox outfielder Manny Ramirez slapped teammate Kevin Youkilis. Four days later, Tampa Bay Rays catcher Dioner Navarro and pitcher Matt Garza scuffled. These incidents are neither isolated nor new.[92] Despite their persistent nature, these fights lack the ritualized characteristics of duels. They are rarely organized, tend not to have rules, and occur in various unplanned locations. While the clubhouse is a popular location for a tussle, they can also happen in the dugout or even outside of the baseball setting.

As a result, teammate altercations are a form of violent self-help. While other avenues of conflict resolution are available, fighting is utilized in a way similar to how it is used in family relationships. As discussed above, in very close relationships violent self-help is employed as a speedy tool for terminating lingering hostilities. Indeed, many players have articulated their belief that physical confrontation between teammates is akin to a family row. "It's really no different than fighting with your brothers," said longtime Minnesota Twins player Torii Hunter after a fight with teammate Justin Morneau.[93] "We're around one another more than our own family, so you're always going to have your disputes and disagreements . . . It's not about egos, or this or that, it's just about family business."[94]

The common result of physical altercations in baseball is a quick resolution of the conflict. This can sometimes come in the form of the combatants reaching *détente* after punches are thrown. Such was the case with Minnesota Twins teammates Dan Gladden and Steve

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91. *Id*.

92. Examples of teammates physically fighting date back more than 100 years. In the first decade of the 20th Century a talented player named Ty Cobb was infamous for getting into fistfights with his teammates. He allegedly engaged in three such altercations with fellow Detroit Tiger Charles Schmidt alone. *See* Bill Burgess, III, *Did All of Ty Cobb's Teammates Hate Him?*, BASEBALLGURU.COM, http://baseballguru.com/bburgess/analysisbburgess04.html (last visited Feb. 15, 2011). Both Garza and Navarro are currently Major Leaguers. *Matt Garza*, BASEBALL-REFERENCE.COM, http://www.baseball-reference.com/players/g/garzama01.shtml (last visited Mar. 21, 2011); *Dioner Navarro*, BASEBALL-REFERENCE.COM, http://www.baseball-reference.com/players/n/navardi01.shtml (last visited Mar. 21, 2011).

93. Nightengale, *supra* note 38.

94. *Id.*

Lombardozzi.[95] The pair argued during the final game of the 1987 regular season in Texas. The disagreement escalated on the team plane back to Minneapolis. Upon their return, Lombardozzi drove to Gladden's home to settle matters with violence. "[Gladden] beat the shit out of him," recalled teammate Al Newman.[96] "[Gladden] even broke his finger while punching [Lombardozzi]. But from there, it was over. In fact, if you watch the highlight film of the World Series victory just two weeks later, Danny [Gladden] is holding Lombo up in the air celebrating. Those guys settled their differences, made up, and went back to being teammates during the most important stretch of the year."[97]

When players cannot diffuse the conflict through violence, the team may step in. In 2007, Chicago Cubs pitcher Carlos Zambrano and catcher Michael Barrett exchanged punches after Zambrano criticized Barrett's defensive performance in a game.[98] It is unclear what sort of resolution occurred after the melee, but it was unlikely satisfactory. Although Barrett had signed a lucrative $12 million, three-year deal just two years earlier, he was traded to the San Diego Padres within three weeks of the altercation.[99]

As discussed in the introduction, some respected thinkers like George Orwell and Thomas Jefferson might attribute this choice of conflict resolution to players having underdeveloped psyches. But the results of this form of resolution suggest that self-help can play an important clarifying role for a team because it offers a way to for players to end a dispute quickly and refocus their energies. In some cases, teams have enjoyed a boost in performance following a fight between teammates. For example, the New York Mets' Roger Cedeno and Roberto Alomar fought in the clubhouse before a particularly

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95. Outfielder Dan Gladden played in the Major Leagues for 11 seasons (1983-93). *Dan Gladden*, BASEBALL-REFERENCE.COM, http://www.baseball-reference.com/players/g/gladdda01.shtml (last visited Mar. 21, 2011).   Steve Lombardozzi, an infielder, spent six seasons at that level (1985-90). *Steve Lombardozzi*, BASEBALL-REFERENCE.COM, http://www.baseball-reference.com/players/l/lombast01.shtml (last visited Mar. 21, 2011).

96. BERNSTEIN, *supra* note 4, at 215

97. *Id*.

98. Zambrano still plays for the Cubs. *Carlos Zambrano*, BASEBALL-REFERENCE.COM, http://www.baseball-reference.com/players/z/zambrca01.shtml (last visited Mar. 21, 2011). Barrett was traded shortly after the altercation and most recently played on a Minor League team in the New York Mets organization. *Michael Barrett*, BASEBALL-REFERENCE.COM, http://www.baseball-reference.com/players/b/barremi01.shtml (last visited Mar. 21, 2011).

99. *See Barrett Traded to Padres for Two Players*, ASSOCIATED PRESS, June 20, 2007, http://sports.espn.go.com/mlb/news/story?id=2910079.

important game in 2002. Each player was instrumental in the team's win that day, leading Mets general manager Steve Phillips to quip, "I might instigate something, kind of a team brawl before . . . game[s]."[100] This type of result is not uncommon after a fight. In 1974, Oakland A's pitchers Rollie Fingers and Johnny "Blue Moon" Odom fought just before the start of the World Series. After the tussle, each pitcher went on to earn an important win in the Series.[101] Quite possibly the immediate release of tension leads teammates who engage in violent self-help to play better following a fight. Regardless, while self-help does have its costs – whether it is injury from fighting or one player being traded if immediate resolution does not occur – physical altercation often does play a positive role in teammate dispute resolution.

C. Negotiation

While self-help is a popular form of dispute resolution in the clubhouse, many baseball players take a less violent approach. Negotiation is one non-physical solution. Theoretically, this approach is "a cyclical process" involving "the repetitive exchange of information between the parties" and, ultimately, "resulting [in the] adjustment of expectations."[102] Resolution comes from a joint decision between parties and can lead to a convergence of perspectives. Nevertheless, it is important to note that "[a]lthough there may be a compromise of some sort, this is not inevitable since one party may be induced to move altogether to his opponent's position or, alternatively, there can

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100.   *See* Mark Bechtel, *Feud For Thought: Baseball Chemistry is Complex Science: As Some Recent Lapses of Team Spirit Show, a Good Dugout Dustup or Clubhouse Clash Can be a Catalyst for Success*, SPORTS ILLUSTRATED, July 8, 2002, *available at* http://vault.sportsillustrated.cnn.com/vau lt/article/magazine/MAG1026171/index.htm. Outfielder Roger Cedeno logged 11 seasons in the Majors (1995-2005). *Roger Cedeno*, BASEBALL-REFERENCE.COM, http://www.baseball-reference.com/players/ c/cedenro01.shtml (last visited Mar. 21, 2005). Infielder Roberto Alomar played 17 years (1988-2004). *Roberto Alomar*, BASEBALL-REFERENCE.COM, http://www.baseball-reference.com/players/a/alomaro01.shtml (last visited Mar. 21, 2005).

101.   A "win" is a statistical designation given to the pitcher who has contributed the most to his team's victory based on a series of criteria. *Official Rules*, MAJOR LEAGUE BASEBALL,   http://mlb.mlb.com/mlb/official_info/official_rules/official_scorer_10.jsp (last visited Feb. 15, 2011). Fingers played for 17 campaigns (1968-85). *Rollie Fingers*, BASEBALL-REFERENCE.COM, http://www.baseball-reference.com/players/ f/fingero01.shtml (last visited Mar. 21, 2011). Odom had a 13-year career (1964-76). *Blue   Moon   Odom*,   BASEBALL-REFERENCE.COM,   http://www.baseball-reference.com/players/o/odombl01.shtml (last visited Mar. 21, 2011).

102.   GULLIVER, *supra* note 88, at 82.

be the joint, integrative creation of something new that is acceptable to both parties."[103]

Academics – most notably anthropologist Philip Gulliver – have outlined models for the development process of negotiation. Gulliver's model is comprised of eight phases:

> (1) the search for an arena for the negotiations; (2) the formulation of an agenda and working definitions of the issues in dispute; (3) preliminary statements of demands and offers and the exploration of the dimensions and limits of the issues, with an emphasis on the differences between the parties; (4) the narrowing of differences, agreements on some issues, and the identification of the more obdurate ones; (5) preliminaries to final bargaining; (6) final bargaining; (7) ritual confirmation of outcome; and in many cases, (8) the implementation of the outcome or arrangements for that.[104]

While Gulliver's goal, according to one critic, was to show that "negotiation, being quite distinct from other modes of confrontation and adjudication, is a generic phenomenon with a universal processual logic,"[105] some have argued that "cultural difference makes it difficult to delineate a universal processual shape for negotiations."[106] The use of negotiation in baseball supports the contention that there are limitations to Gulliver's model.

In the case of the clubhouse, players do use elements of the processual structure, but the procedures are truncated. Based on interviews with former players, the most common characteristic for one-on-one negotiation is a speedy process. As former pitcher Bert Blyleven explained, "[i]f I had a beef with one of my teammates, I would confront him face-to-face and try to resolve that beef quickly."[107] As a result, to the extent that the eight phases come into play, they overlap greatly. While the clubhouse is a preferable arena for negotiation, players tend to confront teammates at the first available location, which can be the dugout or the field. The agenda and the opening statements are usually one and the same, with the narrowing of issues and any bargaining happening almost immediately. When negotiation is employed, there are almost never multiple meetings. One

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103. ROBERTS & PALMER, *supra* note 8, at 116.

104. GULLIVER, *supra* note 88, at 82.

105. John Comaroff, *Untitled review of* GULLIVER'S DISPUTES AND NEGOTIATIONS: A CROSS-CULTURAL PERSPECTIVE, 15 MAN 744 (1980).

106. ROBERTS & PALMER, *supra* note 8, at 130. *See also* Sonia Nourin Shah-Kazemi, *Cross-Cultural Mediation: A Critical View of the Dynamics of Culture in Family Disputes*, 14 INT'L J.L. POL. & FAM. 302 (2000).

107. Interview with Hurst, *supra* note 32.

reason for the expedient nature of baseball negotiation is that this approach is most often used by players who disagree about tactics during a game. Blyleven, who used negotiation when he had a dispute with the way a teammate was playing, explained, "[i]f I was pitching in the game and something came up, I would address our differences right there; either during the game on the field or in the dugout between innings."[108] Even in these short negotiations, players expressed that there was always an exchange of sentiments. "Both players have a chance to explain his side of things," said former pitcher Lance Painter.[109]

One-on-one negotiation is not commonly used to resolve disputes among teammates. While some players do use it in the tactical situations mentioned above, it is less common than the other typologies. Former player Bruce Hurst bluntly suggested that it is the nature of players that limits this style of resolution. "Very few guys [who] have an issue have the ability to talk one-on-one," Hurst said. "One would be willing but one wouldn't. The one person could have talked one-on-one, but the other person would want to fight. [To avoid a fight, resolution] had to be done in a team or group setting."[110] Based on players' comments, it seems that negotiation is implemented only when there is a relatively small point of contention. In those instances, players look for a quick resolution. If that is not available, then they move on to another form or resolution – which can be either violent self-help or some form of mediated resolution.

D. Mediation

Mediation is a more common resolution typology than negotiation in clubhouses – albeit in a structure very different from the classical "mediator" formulation. A mediator is broadly defined as a "non-aligned facilitator, distinguished from the partisan supporter on the one hand and the arbitrator with determinative authority on the other."[111] In his defining analysis, sociologist Georg Simmel elaborated on the characteristics of the mediator. He described the mediator as "stand[ing] above the contrasting interests and opinions . . . [the mediator] is actually not concerned with them, or if he is equally

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108. *Id.*
109. Email Interview with Painter, *supra* note 33.
110. Interview with Hurst, *supra* note 32.
111. ROBERTS & PALMER, *supra* note 8, at 153.

concerned with both."[112] Simmel continued to write that the ideal mediator "is not attached by personal interest to the objective aspects of either party position. Rather, both come to be weighed by him as by a pure, impersonal intellect; without touching the subjective sphere."[113]

Since Simmel's seminal work, other writers have described the role of the mediator somewhat differently. Unlike Simmel, Gulliver argued that mediators could show preference to one of the parties involved in a dispute or could take on the mediator role even if he or she had a significant stake in the outcome. "[The] truly disinterested and impartial mediator is rather rare," concluded Gulliver.[114] He wrote that the "mediators' roles can conveniently be described on a continuum representing the range of strengths of intervention."[115] This spectrum ranged from a "passive mediator," whose goal is strictly to facilitate dialogue between parties, to a "leader," who asserts his own opinions and recommendations. In many instances, the latter "can be in some sense a representative of a community to which both disputing parties belong . . . he is most likely a person of prestige, even a recognized leader in that community."[116]

Other commentators have opted for a less linear explanation of the role a mediator can play and have chosen to offer categories. Leonard Riskin placed mediators in two "orientations": "evaluative" and "facilitative." A mediator who practices the evaluative orientation "assumes that the participants want and need the mediator to provide some direction as to the appropriate direction and grounds for settlement."[117] In contrast, the facilitative mediator "assumes that his principal mission is to enhance and clarify communications between the parties in order to help them decide what to do."[118] Each of these approaches can be construed either narrowly or broadly depending on how hands-on the parties want the mediator to be.

In clubhouses, the mediator is universally a team leader who has obtained the type of prestige amongst his teammates discussed by

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112. GEORG SIMMEL, THE SOCIOLOGY OF GEORG SIMMEL 149-50 (1950), *reprinted in* ROBERTS & PALMER, *supra* note 8, at 159.

113. *Id*.

114. GULLIVER, *supra* note 88, at 214.

115. *Id.* at 200.

116. *Id.* at 214-17.

117. Leonard L. Riskin, *Mediator Orientations, Strategies and Techniques*, 12 ALT'S. TO HIGH COST LITIG. 111, 111-13 (1994); *see also* Leonard L. Riskin, *Understanding Mediators' Orientations, Strategies, and Techniques: A Grid for the Perplexed*, 1 HARV. NEGOT. L. REV. 7, 7-52 (1996) [hereinafter *Understanding Mediators' Orientations*].

118. *Understanding Mediators' Orientations*, *supra* note 117, at 24.

Gulliver. In many instances, these mediators will receive the formal designation of captain. Leaders earn this label through a number of avenues. Former player Bruce Hurst described the process of choosing a team mediator/captain in the following way:

> I played on teams where it was a no-brainer who the captain was. There were teams where a player was chosen by the organization and he wasn't really a leader and he was a figurehead. Every good team there was one or two or three guys at the most and they had the voice and they had the hammer. In baseball it has to do with the way you play the game and when a person plays hard and makes no excuses and plays through injury and lifts people . . . he will command respect in every clubhouse.[119]

On some occasions veteran status can lead to a player earning a leadership role. In 2006, Julio Franco was dubbed the New York Mets' "mediator, peacemaker and elder statesman" despite the fact that he rarely played.[120] He earned this role because the 47-year-old was the league's oldest player and had 29 years of experience in professional baseball. More often than not, though, earning a leadership position has little to do with age. In 1969, for example, Sal Bando was named captain of the Oakland A's at age 25, in only his second full season. His teammate Jim "Catfish" Hunter said Bando deserved the role at such a young age because he "always played with such a controlled fury, with so much heart, that he just naturally evolved into the team leader."[121] Likewise, in 2005, 26-year-old Adrian Beltre was identified as the Seattle Mariners team leader after breaking up an altercation between members of the club. The organization's manager Mike Hargrove explained that Beltre was a leader "because he's so professional, because he plays his butt off and because of his character."[122]

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119.   Interview with Hurst, *supra* note 32.

120.   Ben Shpigel, *Mets' Peacekeeper Shows He Can Still Play Ball*, N.Y. TIMES, Apr. 22, 2006, http://www.nytimes.com/2006/04/22/sports/baseball/22franco.html?fta=y.

121.   *See* Peter Handrinos, *Baseball Men – The Captain*, SCOUT.COM (Oct. 29, 2006), http://stlcardinals.scout.com/2/584716.html. Bando played 16 Major League seasons (1966-81).   *Sal Bando*, BASEBALL-REFERENCE.COM, http://www.baseball-reference.com/players/b/bandosa01.shtml (last visited Mar. 6, 2011). Hunter participated for 15 years (1965-79). *Catfish Hunter*, BASEBALL-REFERENCE.COM, http://www.baseball-reference.com/players/h/hunteca01.shtml (last visited Mar. 6, 2011).

122.   *See* John Hickey, *Beltre Earning Respect as M's New Clubhouse Leader*, SEATTLE POST-INTELLIGENCER, Aug. 23, 2005, http://www.seattlepi.com/baseball/237585_mari23.html. Beltre is a current Major Leaguer and remains a member of the Mariners. *Adrian Belter*, BASEBALL-REFERENCE.COM,

How these leaders preside as mediators can differ. In some instances, they will attempt to take the dispassionate approach described by Simmel. Los Angeles Dodgers' outfielder Reggie Smith took that tact in mediating a dispute between teammates Don Sutton and Steve Garvey during the 1978 season. Sutton and Garvey got into a fistfight after Sutton, among other things, compared Garvey unfavorably to Smith in the media. Although Sutton had bolstered Smith's reputation, Smith did not take sides in the argument. Instead, he met with each player individually, "explaining that he was a friend of each, that he wished them to be friends with each other and that, while he appreciated the one's compliments, he regretted that those compliments had embarrassed the other player."[123] Smith then suggested the two players further discuss their differences. The approach proved fruitful as the players made up; the team won 21 of its next 32 games.

In other instances, the whole team becomes engaged in a player controversy with the captain overseeing the process. In these situations, an aggrieved player will call a team meeting and he will "call out" the person with whom he has a problem. Usually only a few players would be familiar with the controversy, and the rest of the team would be forced to take sides. The team captain would attempt to control the meeting, allowing the players to vent – often by screaming at each other until they "cooled down." Most times this approach solved the problem.[124]

Despite the success of Smith's middle ground mediation or team meetings, captains tend to take a more one-sided strategy to facilitating resolution. The phrase commonly used for the method these leaders employ is "policing the clubhouse." Strictly speaking, a captain is attempting to resolve conflict between a player and the rest of the team in these situations. In Gulliver's model, this would be a "leader" approach to conflict resolution; under Riskin's rubric, it might be described as "evaluative-broad."[125] In 2005, Los Angeles Dodger Jeff Kent engaged in a policing the clubhouse situation with teammate Milton Bradley after Bradley did not appear to give complete effort in a game. Kent explained the process this way:

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http://www.baseball-reference.com/players/b/beltrad01.shtml (last visited Mar. 21, 2011).

123.   BERNSTEIN, *supra* note 4, at 213.

124.   Interview with Hurst, *supra* note 32. The description throughout this paragraph is taken from author's interview with Hurst.

125.   *See Understanding Mediators' Orientations*, *supra* note 117, at 29-32 (describing the "evaluative-broad" mediator orientation).

> Being one of the veteran players, sometimes things happen and sometimes things need to be said. . . . I expect ballplayers on any team to be on the same page, and if they're not on the same page and not playing the game for the right reasons, that's where a veteran player needs to step in and make a statement and make the adjustment to motivate and to drive and to push. If you don't have that player, then you've got guys shooting from the hip and not playing for a championship.[126]

It is unclear whether Kent or other team leaders are always explicitly sanctioned to facilitate change or whether their mandate is implicit when policing the clubhouse. Still, it is important to emphasize that a captain's efforts are not binding and a player does not have to adhere to the wishes of his teammates. That said, captains often perceive their policing role as an important step to help teammates avoid suffering official sanctions from the club's manager or ownership. Rick Aguilera, one of the Chicago Cubs' captains in 2000, said an important part of his role was to "stop a problem before it reaches [manager] Don [Baylor] or [pitching coach] Oscar [Acosta]."[127] While policing could be considered more of a counseling approach, the fact that players not involved in the confrontation are usually aware of their captain's actions – ostensibly brokering peace for the rest of the team – suggests this is a type of mediation. For instance, a group of veterans on the Kansas City Royals were charged with policing the clubhouse on behalf of the team as a whole in 2005. All the members of the club were aware of this designation, and one younger player said it helped the team's "atmosphere and chemistry."[128]

Whether it is policing the clubhouse, one-on-one interaction, or directing team meetings to resolve conflict, the captain plays an

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126. *See* Ken Gurnick, *Kent Tells His Side of Incident: Veteran Says Exchange With Bradley Was Not a Personal Attack*, MLB.COM (Aug. 21, 2005), http://losangeles.dodgers.mlb.com/news/article.jsp?ymd=20050821&content_id=1178572&vkey=news_la&fext=.jsp&c_id=la. Infielder Jeff Kent played 17 seasons in the Major Leagues (1992-2008). *Jeff Kent,* BASEBALL-REFERENCE.COM, http://www.baseball-reference.com/players/k/kentje01.shtml (last visited Mar. 6, 2011). Outfielder Milton Bradley is a current player and is a member of the Seattle Mariners. *Milton Bradley*, BASEBALL-REFERENCE.COM, http://www.baseball-reference.com/players/b/bradlmi01.shtml (last visited Mar. 6, 2011).

127. *See* Teddy Greenstein, *Baylor Picks 4 Veterans for Leadership Positions*, CHI. TRIB., Feb. 23, 2000, http://articles.chicagotribune.com/2000-02-23/sports/0002230022_1_captains-ruben-quevedo-cubs. Pitcher Rick Aguilera was a Major Leaguer for 16 seasons (1985-2000). *Rick Aguilera*, BASEBALL-REFERENCE.COM, http://www.baseball-reference.com/players/a/aguilri01.shtml (last visited Mar. 6, 2011).

128. *See* Paul Hoynes, *Leaving Quite an Impression: Astros Biggio Closing in on Record of Pain and Perseverance*, CLEVELAND PLAIN DEALER, June 19, 2005, at C6.

essential role in clubhouse harmony. Team leaders are expected to prevent conflicts from escalating into a problem that coaches and managers must solve through definitive action.

E. *Adjudication/Umpiring*

The primary difference between adjudication or umpiring and mediation is that a third party determines the outcome of a dispute. In baseball's culture, a player can disregard a captain's recommendations no matter how insistent the leader might be. In contrast, a coach, manager, or member of the club's administrative staff (i.e., front office personnel) can insist that players conform to rules. These figures have sweeping power to make decisions about the fate of players and can apply sanctions when players do not follow organization rules.

Managers and front office executives will make assessments on a regular basis about which players should stay on the club and which should be released. While a player may argue for his spot, the team officials' decisions are final. Besides deciding which players should be members of the squad based on skill, penalties can also be handed out based on off-field actions. The standard contract for every Major League Baseball player includes a morals clause, paragraph 3(a), which requires each player "to keep himself in first-class physical condition and to obey the Club's training rules, and pledges himself to the American public and to the Club to conform to high standards of personal conduct, fair play and good sportsmanship."[129] On rare occasions, teams have attempted to use this clause to void contracts. Examples include a player who was caught soliciting a prostitute and another player who, among other actions, spent time in jail after hitting a judge in the face on a beach in Aruba.[130] More often, the clause is a justification for fining players for inappropriate behavior. This unsuitable conduct can vary from getting into a physical altercation to missing practice.[131]

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129. *See Orioles Put Troubled Ponson on Release Waivers*, ASSOCIATED PRESS, Sept. 2, 2005, *available at* http://sports.espn.go.com/mlb/news/story?id=2148842.

130. *Id*. It is worth noting that, in both the examples given, the teams ended up settling with the players, giving them large portions of their otherwise guaranteed contracts.

131. For examples of fines for fighting, see Jason Reid, *19 Dodgers Suspended, Fined for Brawl with Fans*, L.A. TIMES, May 25, 2000, http://articles.latimes.com/2000/may/25/news/mn-33894. For examples of fines for missing practice, see the discussion of player Alex Johnson in MARVIN MILLER, A WHOLE DIFFERENT BALL GAME: THE INSIDE STORY OF BASEBALL'S NEW DEAL 132 (1991).

There is no *stare decisis* or formalized procedure for adjudication employed by team officials in the clubhouse. Each manager has his own style. Some will chafe at certain actions that competing managers might overlook while liberally allowing other seeming transgressions. Still, a common refrain from club officials is that they want the players to sort out any conflict internally whenever possible. In announcing team captains for the 2000 campaign, Chicago Cubs manager Don Baylor explained that those leaders would "take care of [the] little fires," so that the manager "could do other things."[132] Former Major League Baseball executive Mike Veeck, whose father Bill was a longtime team owner, explained that management should give players a lot of space to work out problems. "I have never been privy to what goes on in the clubhouse, nor was my father," he said. "That was [the players'] domain, and we respected that immensely. . . . That is for the players and for the players alone."[133] The result is that managers and front office personnel will adjudicate when necessary, but for most clubhouse conflicts they rely on the players to resolve problems as best they can.

V. COMPARING BASEBALL'S DISPUTE RESOLUTION MECHANISMS WITH OTHER APPROACHES

For more than a century, baseball has been referred to as America's "national pastime."[134]   The sport is intrinsically tied to American culture, so much so that critic Jacque Barzun once said famously, "[w]hoever wants to know the heart and mind of America had better learn baseball."[135] And, yet, when one peers inside the clubhouses of the sport's preeminent league, its conflict resolution process does not take a very Western approach. Historically, in common law jurisdictions like the United States, formal justice is a central part of conflict resolution. Some in the West would go as far as to argue that informal forms of resolution favor the more powerful party and deny the disadvantaged essential formal substantive and procedural due process rights.[136] In the context of baseball clubhouses, an effort to mirror the American judicial system would mean creating a

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132. *See* Greenstein, *supra* note 127.

133. BERNSTEIN, *supra* note 4, at 212.

134. For history of baseball receiving the "national game" moniker, see generally BLOCK, *supra* note 5; JULES TYGIEL, PAST TIME: BASEBALL AS HISTORY (2005).

135. BARZUN, JACQUES, GOD'S COUNTRY AND MINE: A DECLARATION OF LOVE SPICED WITH A FEW HARSH WORDS 159 (1954).

136. *See* Richard Abel, *The Contradictions of Informal Justice*, *in* THE POLITICS OF INFORMAL JUSTICE: THE AMERICAN EXPERIENCE 295 (Richard Abel ed., 1982).

structure in which determinative conflict resolution decision-making would rest with a third party. This would either be a team official – like a coach, manager, or front office administrator – or some other non-aligned third party judge. Neither the players interviewed nor anyone affiliated with Major League Baseball who has discussed the topic in available literature has endorsed such an approach. The situation is quite the opposite: parties in baseball believe adjudication should be a last-resort.

Clubhouses are also characterized by their fluidity in resolving conflict. Players are not required to follow specific steps to solve disputes and, as a result, everything from violent self-help to mediation is accepted. Baseball organizations are big businesses, yet their conflict resolution is not emblematic of how most large U.S. companies approach these issues.[137] Mary Schweitzer's ethnographic study of Rock Hill Printing and Finishing, a manufacturing plant in Fort Mill, South Carolina, that generates approximately $2 billion in sales annually, offers a more typical American example. The company uses a "top-down style of management."[138] Officials operate with a very rigid hierarchy of steps for conflict (known as a "grievance process"), beginning with alerting a supervisor verbally and escalating to written and verbal complaints to various higher levels in the company hierarchy.[139] Schweitzer pointed out that the company focuses on non-judicial means of resolution, but the organization's procedures – while representative of corporate America – lack the fluidity of the clubhouse.

In fact, baseball's conflict resolution structures are far more similar to those used in non-Western countries. In China, the role of the mediator is "not only to resolve disputes but also to prevent their occurrence."[140] The mediator must be aware of all the potential tensions in his village and is expected to step in and make sure simmering conflict is "nipped in the bud." In addition, these powerful figures are expected to disseminate legal information so that the less-

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137. While baseball players merely play a game, it is big business. For example, the New York Yankees annual revenue is $302 million. Arianne Cohen, *A Baseball Team: New York Yankees*, N.Y. MAG., June 3, 2007,
http://nymag.com/news/features/2007/profit/32903/.

138. *See* Mary Schweitzer, *Harmony Ideology Works at Mill*, *in* ANTHROPOLOGICAL CONTRIBUTIONS TO CONFLICT RESOLUTION 119-30 (Alvin Wolf & Honggang Yang eds., 1996).

139. *Id*.

140. Michael Palmer, *The Revival of Mediation in the People's Republic of China: Extra-Judicial Mediation*, *in* YEARBOOK ON SOCIALIST LEGAL SYSTEMS 244-52 (W. E. Butler ed., 1988), *reprinted in* ROBERTS & PALMER, *supra* note 8, at 162-63.

educated – particularly in rural communities – are aware of what conduct is expected. Mediators are supposed to have a "symbiotic" relationship with the formal courts, which encourage families to settle disputes internally or with the assistance of the mediator before relying on courts. This structure is not too different from the process set up in baseball clubhouses. The team captain takes on a powerful evaluative role. He is expected to police the clubhouse both to educate players about clubhouse etiquette and to prevent any players from misbehaving. In addition, management tries to stay out of the resolution process as much as possible, expecting the team captain to keep the peace.

Likewise, the South African Tswana kingdoms of the Kalahari also emphasize that "negotiation should first be attempted at the lowest level before resort is made successively to mediation and adjudication at the higher ones."[141] Again, this mirrors the baseball clubhouse approach that aims to avoid adjudication. In some respects, the baseball clubhouse has similarities to the Ndendeuli of Southern Tanzania as well. Although that tribe tends to seek out impartial mediators, their community-based resolution discussions have much in common with clubhouse team meetings. At Ndendeuli meetings, community members

> [M]ay join either disputants as supporters, or seek to perform a mediatory function . . . [e]ach disputant will try to secure as members of his action-set people who are influential in the community and who are listened to with respect in a meeting: sheer numbers, while important, may be matched by quality.[142]

As described by former player Bruce Hurst, clubhouse meetings have a similar dynamic. Most of the players who attend a team meeting to solve a conflict between other teammates do not have a strong perspective on the disagreement. But players on either side attempt to woo teammates to their side. Hurst said that the "two-thirds" of the team who initially did not have an opinion would ultimately end up "weigh[ing] in" with their perspectives based on the debate.[143] In the end, much like the Ndendeuli, everyone takes sides in these confrontations.

It is unclear why clubhouse resolution is not more "American." It is worth noting that the Western world has embraced more non-judicial

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141. *See* JOHN L. COMAROFF & SIMON ROBERTS, RULES AND PROCESSES: THE CULTURAL LOGIC OF DISPUTE IN AN AFRICAN CONTEXT 110 (1986).

142. ROBERTS & PALMER, *supra* note 8, at 93.

143. Interview with Hurst, *supra* note 32.

forms of conflict resolution in the past half-century. But baseball's clubhouse traditions predate this move toward resolution and negotiation outside the legal sphere. It is unlikely that players and officials have been influenced by approaches abroad. Possibly, the development has more to do with the intimacy of a baseball team, which mirrors closely-knit cultures that embrace non-judicial forms of conflict resolution. That said, some smaller groups with no connection to the United States opt for a more hierarchical, determinative form of resolution.

Alternatively, clubhouse dispute resolution may be explained by the libertarian strain in American culture. The Libertarian Party, which espouses a minimal state role in everyday activity, is the United States' third largest political party.[144] Indeed, the structure of baseball includes an individualistic approach in the context of a team sport. "[B]aseball is an individual sport masquerading as a team sport," wrote American sports columnist Bill Simmons. "Yeah, it's always better to get along, but couldn't you say that about any work situation? Ultimately, it's you. You're the one pitching, you're the one hitting, you're the one fielding."[145] This singular nature could have led to players eschewing more structured forms of dispute resolution. Regardless of the reason, baseball has developed conflict resolution mechanisms that are quite different from many other American business environments.

VI. CONCLUSION

Professional baseball is more than 130 years old.[146] During that time, the sport has advanced in many ways – from improvements in the equipment used by players to a significant increase in the size of the stadiums they compete in. In terms of conflict resolution, baseball has also developed a complex – yet fluid – set of processes. There is not necessarily efficiency on the path to resolution. Some players may attempt negotiation before launching into violent self-help, while others will seek a captain to mediate a dispute before appealing to ownership to provide a third-party determination. Still, one overriding characteristic appears to persist in baseball's typologies of responses:

144. *See Our History,* LIBERTARIAN PARTY, http://www.lp.org/our-history (last visited Feb. 19, 2011).

145. Bill Simmons, *A-Rod is a Clubhouse Guy? In a Manner of Speaking, Yes*, ESPN THE MAGAZINE, Apr. 20, 2009, at 14.

146. Major League Baseball was founded in 1903, but its predecessor the National League began in 1876. *See World Series History*, BASEBALL-ALMANAC.COM, http://www.baseball-almanac.com/ws/wsmenu.shtml (last visited Mar. 23, 2011).

an emphasis on quickly deflecting any problems that can impact team performance or *esprit de corps*. Thus, when a team leader is policing the clubhouse, he is doing so make sure that, as former Los Angeles Dodgers veteran Jeff Kent put it, the team "is on the same page" when they get on the field.[147] Or, when two players fight, it is a way to expediently resolve a potentially festering dispute so that the team can focus on baseball. It may not be elegant, but it can yield results. And, in the end, it also provides a persuasive rejoinder to Thomas Jefferson and George Orwell's missives about the intellect and attitude of athletes. Baseball players may actually know what they're doing.

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147.   Gurnick, *supra* note 126.