

A National Character

Verna V. Gehring

Baseball is something more than a game to an American boy; it is his training field for life work. Destroy his faith in its squareness and honesty and you have destroyed something more; you have planted suspicion of all things in his heart.

—Kenesaw Mountain Landis

I'd be willing to bet you, if I was a betting man, that I have not bet on baseball.

—Pete Rose

Introduction

Baseball player and manager Pete Rose once observed about himself, "I was raised but I never grew up." That honest observation captures perhaps the most cherished aspect of baseball: its power to transform the adult who—in all other parts of his life might be considered, as Rose is by some, "not a balanced personality" and "self-absorbed"—back into the elemental and joyfully single-minded child.

A member of Cincinnati's "Big Red Machine," Pete Rose was arguably its greatest player. In nearly a quarter century with the Reds, and later with the Phillies and the Expos, Rose (nicknamed "Charlie Hustle" by Whitey Ford, who aimed to capture Rose's intense physical style) earned 4,256 hits, breaking Ty Cobb's fifty-seven year record. Maybe less from modesty than from the recognition that he batted 2,300 more times than Cobb, Rose assessed his achievement in this way: "I'm not the greatest hitter ever, I just got the most hits." Rose also set a record for the most games played (3,562) and for the most at bats (14,053). In addition to having the most hits of all time, Rose holds the record for most singles (3,215); he collected at least 100 hits in his first 23 seasons, had more than 200 hits in a season ten times, and was the most prolific switch-hitter in history. Rose is also the only player to play 500 games at each of five different positions.

He seemed to be ending his career perfectly—managing the Reds from 1984 to 1989, and was a virtual certainty for selection to the Hall of Fame—until allegations that he gambled on baseball games abruptly dashed those expectations.

Pete Rose's story is filled with bad decisions, bad habits, bad actors, and just plain bad luck. Over the years, most baseball fans—and even those not at all

interested in the game—have voiced dissatisfaction with Rose's fate. One might speculate that their dissatisfaction stems in part from the undeservedly incomplete consideration of ethical questions raised by his experience. At the heart of Pete Rose's troubles is the question of whether we should honor someone's contributions even if his or her character is deficient. How one answers *that* question depends on the ethical attitude one takes toward others—whether one has adopted an optimistic or a pessimistic stance in judging others' motives and actions.

The Power of Baseball

Before looking to such considerations, it is useful to reflect briefly on baseball's rich history, especially its tendency to both promote the ideal of spirited amateurism while at the same time putting that ideal to its greatest mercenary advantage. Examined through this lens, one can understand why Major League baseball would consider Rose's involvement in gambling so scandalous, and why the outcome, while seemingly final, has an unresolved feel to it.

From its earliest days, baseball has both reflected and influenced America's complex and often tension-filled culture, as well as the way Americans do business. It grew and flourished over a century that saw both ethnic integration and long-entrenched acceptance of practices that barred some citizens from full economic and political participation. Baseball instructed—and learned from—big business's practice of exercising strict and paternalistic control over its workers, its shrewd management tactics, and its emphasis on image. Baseball lauded individualism as it busted unions; it sung paeans to the collective spirit as it paid a talented few extra under the table and underpaid the collective. Like American business, baseball reflected prevailing attitudes—and struggled with changing practices—about rewarding talent and skill over trickery and gall, and about whether to treasure the traditional or hasten its destruction in search of the brand new. One might say that baseball has never exactly been a game for children.

Baseball encouraged—and crafted—wonderful misremembrances and the creation of fables that its fans

have willed to be true. When Kenesaw Mountain Landis, baseball's first commissioner, dedicated the Hall of Fame, in Cooperstown, NY, in 1939, the date was chosen to commemorate the hundredth anniversary of baseball's invention by Abner Doubleday and its first game in an American farmer's field. That account was a creation myth, challenged by more plausible possibilities, such as that the game evolved from the English game of "rounders." Whatever its origins, by the early 1840's baseball was recognizable as its own game, with "official" baseball games played on the spot that is now Madison Square Gardens.

The commercial side of baseball developed quickly. By 1863, the National Association of Base Ball Players defined a "professional player" as a man who "plays base ball for money, place, or emolument." Shortly thereafter baseball began crafting its status as a special kind of business. By the 1870s, each club could "reserve," or hold off the market, several players on its roster. The player who had no option of playing anywhere else could not demand a higher salary. Prior to the reserve system, salaries were about sixty percent of revenue; by the mid-1950s, and because of the reserve system, player salaries represented less than fifteen percent of revenue. Through a series of court cases—most importantly, the celebrated Curt Flood case of 1970—the reserve system was slowly dismantled in the mid-seventies, making way for the free agency system, and by the mid-90s player salaries returned to about fifty-five percent of revenue.

But the courts were not always a refuge from the economic power of baseball owners. The Supreme Court itself took a hand in creating the special status enjoyed by baseball, ruling that the 1890 Sherman Antitrust Act (which prohibits "any contract, combination or conspiracy in restraint of trade") does not apply to baseball—it is kind of cartel, a "monopsony," a labor market dominated by one employer. Memorably, Justice Oliver Wendell Holmes, writing for a unanimous Court, offered a "summary statement of the nature of the business of baseball." Because baseball relies on "personal effort, not related to production, [it] is not the subject of commerce," and Congress never intended antitrust to cover the sport. A later Court would remark that the day the he issued the Court's decision "was not one of Mr. Justice Holmes' happiest days"—though it was, as one would expect, a very happy day for organized baseball. And over the years, baseball executives, its players, and its union representatives, continue to test baseball's special status, most recently in cases involving collusion among teams in the market for free agents.

Baseball executives also saw early on the importance of controlling baseball's wholesome image among exuberant amateurs. Yet even in its early years, baseball and gambling were not a novel combination. In the

nineteenth century, game-fixing (called "hippodroming") was common; Brooklyn and Philadelphia even allowed open betting pools in their parks, just as horseracing tracks do today. In 1878 four members—the "Louisville Four"—were banned by the National League for planning to lose their league pennant race for the Louisville Grays. Baseball executives soon realized that any association with the criminal underworld would destroy baseball's image. When details emerged of the infamous "Black Sox" scandal—in which eight White Sox players met with numerous gamblers, who offered them bribes to throw the 1919 World Series—baseball owners quickly created an office of the commissioner. They selected the federal judge Kenesaw Mountain Landis, who immediately banned the eight players for life, thereby ending the career of the great hitter and nearly certain Hall of Famer, "Shoelless" Joe Jackson. More recently, Mickey Mantle and Willie Mays were briefly banned from baseball (long after their retirements and election into the Hall of Fame) because they were spokesmen for Atlantic City gambling casinos. And Yankees owner George Steinbrenner was suspended from baseball in 1990 for two years for consorting with gamblers.

Given this brief history of baseball's entwined commercial, legal, and image-building powers, one can see why allegations that Pete Rose had gambled on baseball games in which he participated as the manager of

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one team would be treated so seriously. Mindful of the sixty-year history of banishment from the game for such gambling, Commissioner Peter Ueberroth, on receiving allegations in February 1989 concerning Rose, publicly announced he would begin an investigation, and he appointed New York attorney John W. Dowd as special counsel.

Rose flatly denied the allegation, choosing these unfortunate words in response to one of the commissioner's questions: "I'd be willing to bet you, if I was a betting man, that I have not bet on baseball." Although fans, especially those in Cincinnati, were outraged at the thought that their hero was under investigation, the power to investigate rightfully resided in the commissioner's office, and Pete Rose's career was in peril.

Were it found that Pete Rose betted on baseball, he would risk a one year ban; if he betted in connection with the Cincinnati Reds, the team he managed, he



In the twelfth inning of the 1970 All-Star Game in Cincinnati, Pete Rose slams into Cleveland Indians' catcher Ray Fosse, going on to score a controversial game-winning run for the National League Team. Fosse suffered a fractured shoulder in the collision. (Looking on are the third base coach, Leo Durocher, and the next hitter, Dick Dietz.) (AP WideWorld Photos, 1970)

risked being banned from baseball for life. Not only was Rose's livelihood in peril, but also, as he would learn, his baseball legacy.

... the Friends One Keeps

By all accounts, Pete Rose is, in the words of historian James Reston, Jr., an "elemental" baseball player—and man. In a book devoted to the Rose case, Reston describes how intense Rose was about baseball, and the high life that came with it. Rose loved to spend his money on cars and women, and on almost any bet—horses, numbers, the lottery—and sometimes used his celebrity to refuse payment to his bookies. He relied on an amphetamine, "greenies," to prolong his heroic feeling. Reston also suggests that Rose increasingly used gambling to cope with age and the decline in his baseball powers.

According to Reston, Special Counsel Dowd would learn that by 1985 Rose was running with a fast crowd,

writing bad checks and hiding income—typically either by asking that checks be made out to a fictitious name and cashed by friends, or by failing to report payments from memorabilia signings and other appearances.

But the revelations that Rose may have bet on baseball games arose almost as a fluke. In 1988, when the FBI was looking into Gold's Gym as a venue for drug trafficking, Paul Janszen, a friend of Rose's, was swept up in the investigation for selling steroids and also, it seems, cocaine. Janszen began cooperating with the FBI, but it was after Rose repaid Janszen only ten thousand dollars of a forty-four thousand dollar loan that an angry Janszen began telling the agents about Rose's gambling activities. In addition to revealing that Rose failed to report cash earnings from his appearances at baseball card signings, Janszen also said that when Rose and other players appeared at casinos to sign memorabilia, the others were paid for their appearances but Rose received nothing because

Genetic Prospects: Essays on Biotechnology, Ethics, and Public Policy

(Volume II of the Institute for Philosophy and Public Policy Studies series)

While the collapse of the Soviet Union has diminished the force of George Orwell's *1984*, the other great dystopian tract of the twentieth century, Aldous Huxley's *Brave New World*, is timelier than ever. The ongoing process of genetic science may well revolutionize medicine and human reproduction, and it may end by giving us the ability to transform the human species itself. This new power has raised hopes that we will solve a range of genetically based problems that afflict us. It has also evoked fears that we are on the verge of a "post human" future in which precious but necessary norms regulating individual and social life will be set aside. Will we have the moral and political wisdom to avoid the pitfalls in using new biotechnologies?

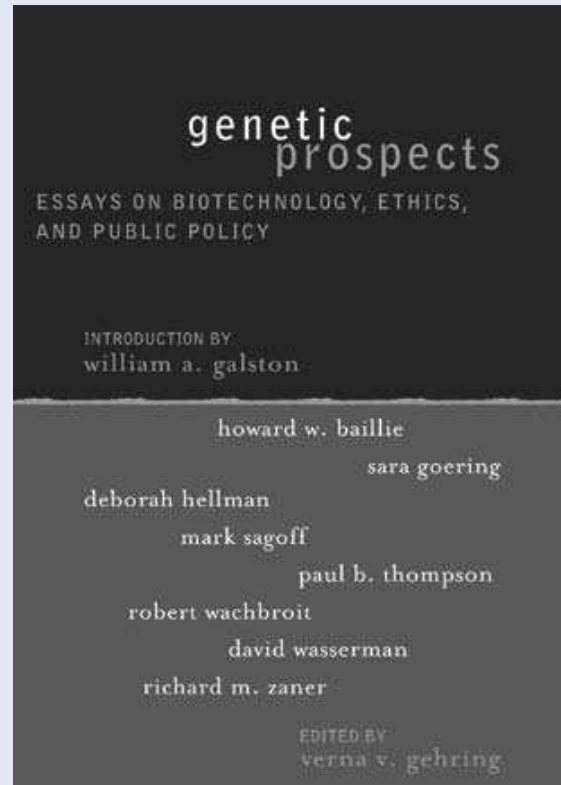
Genetic Prospects considers the resources from which the needed norms and maxims might be drawn, scrutinizing carefully the contributions of common sense, religion, and moral sentiment. Taken together, the essays in this volume apply philosophical analysis to address three kinds of questions: What are the implications of genetic science for our understanding of nature? What might it influence in our conception of human nature? What challenges does genetic science poses for specific issues of private conduct or public policy?

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he was paying off gambling debts. Eventually the government would ignore Janszen's cocaine transactions, and allowed him to plead guilty to tax evasion on steroid sales, for which he received six months in a halfway house.

Two months after his appointment in March 1989, Special Counsel Dowd submitted an over two-hundred-page report detailing Rose's betting. Dowd concluded, in part:

In order to protect his stature as one of the most famous baseball players in major league history, Pete Rose employed middlemen to place bets for him with bookmakers and at the racetrack and to pay gambling losses and collect gambling winnings, thus concealing his gambling activities.

Dowd's full report included seven volumes of evi-

dence, including betting sheets that handwriting experts determined were written by Rose, and records of telephone calls Rose made to known bookies immediately prior to baseball games. Dowd found that Rose betted on Reds games—but at least he had betted on his ball club to win, never to lose.

There were many problems with the case made against Rose, perhaps uppermost among them was the FBI's reliance on unsavory hangers'-on to Rose. Dowd relied on materials that were copies (the originals were retained by the FBI) of betting slips stolen from Rose's home by some of his "friends." The slips were said to be in Rose's own hand, yet cronies commonly signed memorabilia in Rose's name, and so were practiced in his signature.

Yet Rose's friends, not known for their general veracity, could not surpass Rose's own poor judgment and mendacity. In one conversation with Dowd, Rose told a transparent *little* lie, denying he went to racetracks in summertime, because that was when he was constantly involved in baseball. But he also told a transparent *big* lie in insisting to Dowd that he owed no one any money. Dowd had the difficult task of weighing Rose's own flimsy lies against the untrustworthy words of cronies, whose relationships with Rose had soured. Not surprisingly, John Dowd's report, and subsequent actions of the commissioner's office, also became a part of the controversy.

Commissioner Ueberroth's successor, A. Bartlett Giamatti, a former president of Yale University and a Renaissance scholar, continued the Rose investigation. In the midst of the investigation, by all accounts, Giamatti made a huge mistake: he sent a letter to Judge Carl Rubin, who was about to sentence Ron Peters, one of Rose's gambling connections, asking that Peters be treated leniently for the "candid, forthright and truthful" way Peters had conducted himself with baseball's investigators, and for his "critical sworn testimony about Mr. Rose and his associates." Judge Rubin was furious at what he interpreted as the commissioner's "vendetta against Pete Rose," and he sent a copy of the letter to Reuven Katz, Rose's attorney.

After a flurry of legal wrangling, and following intense negotiations, the matter was put to rest on August 23, 1989. Pete Rose accepted permanent suspension from baseball.

The public "Agreement and Resolution" between Rose and Giamatti related the history of the case, and stated in part that Rose had "engaged in conduct not in the best interest of baseball in violation of Major League Rule 21, including, but not limited to, betting on Major League baseball games in connection with which he had a duty to perform" as field manager of the Cincinnati Reds. In the agreement, and presumably to take back the criticism of Giamatti's letter to Judge Rubin, Rose acknowledged that the commissioner "has acted in good faith throughout the course of the investigation and proceedings," while in exchange the commissioner made no formal finding on betting allegations (although he was not prevented from making public statements on the matter). Rose agreed that he was to be "permanently ineligible in accordance with Major League Rule 15c and placed on the Ineligible List;" but "nothing in this agreement shall deprive Peter Edward Rose of the right . . . to apply for reinstatement" (although Rose agreed not to "challenge the evaluation of any application for reinstatement"). Finally, but importantly, "Nothing in this agreement shall be deemed either an admission or a denial by Peter Edward Rose of the allegation that he bet on any major league baseball game."

Civil Society, Democracy, and Civic Renewal

Robert K. Fullinwider, editor

Civic society is receiving renewed attention from academics, politicians, journalists, community leaders, and participants in the voluntary sector. *Civil Society, Democracy, and Civic Renewal* brings together several of America's leading scholars—of history, sociology, political science, and philosophy—to explore the meaning of civil society, its positive and negative effects, its relation to government, and its contribution to democracy.

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In what baseball historian and legal theorist Roger I. Abrams called the extraction of a full pound of flesh, Giamatti criticized Rose in his prepared remarks publicly announcing the settlement of this "sorry episode," pronounced that "one of the game's greatest players has engaged in a variety of acts which have stained" baseball, and fulsomely extolled the beloved place of baseball and his duty to "protect the integrity of the game."

Pete Rose did not fare well under the agreement he finally made with the commissioner—his permanent ineligibility denied him any connection to baseball. Further, because of a subsequent clarification of its rules—some say precisely to bar Pete Rose—the Hall of

Fame eliminated from consideration anyone on the ineligible list. Rose's livelihood and legacy evaporated. Bart Giamatti, who perhaps had an open mind about reinstating Rose a year after his ban, died eight days after the agreement was reached. Some contend that Giamatti's untimely death made matters worse for Rose, since rumor had it that Faye Vincent, the succeeding commissioner, blamed Rose for Giamatti's death. In July 1990, a federal district court sentenced Rose to five months in prison for tax evasion, based on failure to report \$354,986 in earnings from selling autographs.

Rose's "Sure" Place in the Hall of Fame?

One question that often arises in connection with this episode is whether Pete Rose *should be in* the baseball Hall of Fame on the basis of his achievements in the sport. If he deserves to be, and is not, then his ban is a greater harm than if his athletic contributions did not merit inclusion in any event.

Criteria for selection to the Hall of Fame are always open for debate, since from its earliest days Hall of Fame executives never established standards for identifying those players most worthy of inclusion. They casually decided to give the vote to newspaper and magazine sportswriters, who represented *the* media of baseball in 1939; there was, of course, no television, no cable outlets, and so on. Rules were sporadically changed in an attempt to address such problems as the selection of too few players—no player was elected in 1945, 1958, and 1960, for instance, and triennial elec-

tions soon were changed to yearly elections—and the over-representation of players from the nineteenth century. Eventually the system that evolved allowed two "doors" into the Hall of Fame, one controlled by the Baseball Writers Association of America (BBWAA), and the other by a select group of about twenty "veterans," or old-time baseball men. [See Inset]

Probably no one has studied more closely than baseball expert Bill James the many rational—and non-rational—ways of evaluating players' attributes and contributions. James offers several statistical and subjective methods, which, if applied in even a cursory way, show that Pete Rose's achievements warrant his inclusion among Hall of Famers. [see the inset on next page]

According to both statistical and subjective standards, Pete Rose's selection seemed reasonable, if not certain—until his gambling troubles began. Afterwards, one finds two kinds of assessments of his merits as a player. One kind is captured in the sentiments of sports writer Vinny Mallon, who insists that "there is no question that the simply staggering numbers Rose put up merit admission to the Hall on the first ballot." But one also finds a second sort of response, this articulated by Pete Palmer:

The Pete Rose case is interesting. Putting aside his suspension, let's look at how he stacks up.

Rose was a slightly above average player who played for an extraordinary length of time. Dick Allen played half as many games as Pete and produced 33 wins above average for his team, compared to 20 for Rose.

The Two Doors into the Hall of Fame

Door #1

Cut to its essentials, a player is not eligible until five years after his career has ended. The Baseball Writers Association of America (BBWAA) draws up a list each year; a committee then eliminates from that list those players obviously not viable (for instance, those who spent much of their careers on the bench). Ballots are mailed to those who have been members of the BBWAA for at least ten years, and each eligible voter can vote for up to ten men. To be selected, a player must be named on seventy-five percent of the ballots. A player is dropped from consideration after being on the ballot for fifteen years; thus, a player loses his eligibility about twenty years after he retires.

Door #2

Those not selected in their initial fifteen years of eligibility are ineligible for the next five years, after which time they have a second "door"—becoming eligible to be elected by the Veterans Committee. It falls to a "Veterans Committee," appointed by the Hall's Board of Trustees, and comprised of old players, writers, and baseball executives, to elect managers, umpires, executives, Negro League players, and others who have given "meritorious service."

Some would say that Palmer's view is crafted to justify on athletic performance grounds Rose's exclusion from Hall of Fame consideration *after the fact* of his ban. It is akin to arguing: Rose is banned from consideration—but he was a mediocre player anyway. Suspect arguments such as this raise the ethically relevant question of the moral weights we ought to give to character and contribution in appraising a player's overall stature.

Character and (versus?) Contribution

Mr. Palmer is content to exclude Rose from consideration because he was a "mediocre player" in addition to the *more important consideration* of being a bad actor. Others counter with a comparison of Rose's bad morals with those of Ty Cobb. Describing Cobb as a mean, vindictive, racist, and a psychotic does not do the man an injustice. Yet Ty Cobb is in the Hall of Fame, and so, some insist, should be Rose. But that argument is suspect as well—expressing in an extreme way the complete irrelevance of character and the supremacy of contribution.

Both arguments express one aspect of American culture: utility above all else. One side contends that Rose should be excluded from Hall of Fame consideration because the worth of his contributions is lessened by his poor character; the other side wants Rose to be in the Hall and have his life in baseball restored to him based on contribution alone. Pete Rose's case, however, raises the very question of the moral weights we should assign to contribution and character.

"Spring Training Is All Hope"

Roger Angell's lovely sentiment that spring training is "all hope" points to another dimension of the controversy about Pete Rose. The human condition demands that every person decide for him- or herself whether to view the world as an optimist or pessimist. Generally, the pessimist is one who expects the evil in life to outweigh the good, and who expects the worst possible outcome in any circumstance. The controversy over Pete Rose draws out one extreme kind of pessimist. The cynic does not just accept that the bad outweighs the good: his is an active and directed pessimism. He

Bill James' Methods, Which Assess Pete Rose's Merit for Inclusion in the Hall of Fame

Similarity scores. This evaluates the similarity of two players by measuring the distance between them; it is a method of asking, imperfectly but objectively, whether two players are truly similar. So, for instance, when a baseball writer Frank Galo, wrote: "If Pete Rose ever makes it to the Hall of Fame, so should ["Shoeless"] Joe Jackson," Galo is appealing to the similar quality of the two players, insisting that if one gets in, the other deserves to as well.

The black ink test. This method evaluates (applying a weighted point value system) the player's league-leading performance, and tries to highlight the best players from each era. Although players with big seasons are more likely voted into the Hall than players of overall accomplishment but greater consistency, the black ink test rewards a long career, high batting average, and "punch"—all essentials in a Hall of Famer, and all possessed by Rose. In addition to having the most hits of all time, Rose holds the record for most singles (3,215), at-bats (14,053) and games played (3,562). He collected at least 100 hits in his first 23 seasons, had more than 200 hits in a season ten times, was the most prolific switch-hitter in history. Rose is the only player to play 500 games at each of five different positions.

The Hall of Fame standards list. Bill James introduced this method, in which two hundred questions are answered in assessing whether a player did things that one might reasonably expect a Hall of Famer to do. (According to this method, the typical Hall of Famer meets exactly fifty percent of the standards.) Relevant here is Pete Rose's record-breaking accomplishments—most importantly, breaking Ty Cobb's hitting record.

The Hall of Fame career monitor. This method tries to predict whether a player would go into the Hall of Fame, and is used in discussing active players. Unlike the Hall of Fame standards list, which looks at career totals, the career monitor evaluates mostly seasonal accomplishments. Here too, Rose did have those seasonal accomplishments—for instance, he led the league in hits in seven seasons—and was talked about as a virtual certainty for Hall of Fame inclusion.

The Keltner list. The list is not a statistical method, but rather asks a series of subjective questions, such as: Was this man the best player of his time? Asking these questions leads one, so James contends, to see almost intuitively what the answers are, which is helpful in thinking through whether or not a player deserves Hall of Fame inclusion. Pete Rose's selection into the Hall of Fame was assumed to be certain—until his gambling troubles.

not only *believes* that everyone is motivated by selfishness and denies the sincerity of motives and actions, but he also tirelessly *pries into* motives until, with grim satisfaction, he uncovers a flaw.

Current American culture seems to offer abundant evidence of the triumph of the cynics. This was not always the case. Although baseball had a firm hand in shaping the image of the game as an ideal of boyhood—and despite life's lessons to the contrary, for most ordinary people—baseball's popularity shows that people wanted to be optimists, to believe that it was possible for even seriously flawed players to achieve a moment in which talent, skill, luck, and abandon prevail over ego and greed; a moment in which self-interest and calculation gave way to the sheer joy of the game.

But, as many have pointed out, today baseball is no longer the defining American sport, having yielded perhaps to football or basketball. Business and marketing decisions aside, one can argue that the loss of baseball's preeminent place evidences the rise of cynicism. Americans are now, more than ever, an impatient people: they don't (or can't) wile away three or four hours to watch a game. And the present moment, and its thrilling displays, is more important than the appreciation of a single, often slow, game—an appreciation which is enriched by comparison with past games. Further, some might say that Americans have come to admire too much the obvious and the ostentatious. Sheer physical power and speed are more admired than the slower, more deliberate play of ordinary physiques plying talent and guile to win. Victory is celebrated more frequently by open gloating than by gracious sportsmanship. Americans also have a diminished regard for loyalty. Although some fans will never forgive the Brooklyn Dodgers for heading west, the "branding" of teams as commercial properties—making them more mobile, as Americans themselves are more mobile—makes it harder to cultivate life-long loyalties.

Increased impatience, fixation on the moment, admiration for ostentation, and diminished loyalty all reflect the cynicism of contemporary American culture. Americans are afraid of retaining, much less cultivating, childlike wonder and joy, because if that innocence is betrayed, we fear looking foolish and becoming vulnerable to ridicule. Afraid to be optimistic, we become cynical. But cynicism corrodes under its armor. Assuming that everything, and everyone, is less good or worthy than he or she appears, the cynic chooses to live in that stable state of continual disappointment. To the cynic, Rose is to be celebrated *until* his flawed character is revealed, after which Rose deserves ignominy, with no place for him in the baseball world, much less any recognition of his achievements. To honor his contribution in the face of the revelations about his character would be to reveal ourselves as suckers or chumps—the one thing the cynic wants most to avoid.

The cynical conviction that everyone is less than he or she appears leads one to have only short-lived heroes. Truly having heroes opens one up to accepting less control, having greater faith in others, and, as every optimist knows, facing the certainty of disappointment. The cynic substitutes the possibility of heroes with the fashion of celebrity. But once the novelty wears off, when one learns of a flaw—like finding a fray in a once beloved garment—the cynic simply abandons this celebrity in favor of a new one, based not on good reasons, but on any whimsy, validating the correctness of his unyielding posture of preemptive disappointment.

Baseball has a way to reward stellar character and contributions—and punish its lapses and failures. I suggest that Pete Rose *should be in the Hall of Fame* to acknowledge his contributions to the excellence of the game, which can include not just performance but also perseverance. (One recent, noteworthy, example of this kind of achievement is that of Cal Ripkin, Jr., who in 1995 broke Lou Gehrig's record—held for nearly sixty years—for consecutive games played (2,130). While Ripkin now holds the record for *consecutive* games played, Pete Rose is the record holder for *most* games played, at 3,562.) Baseball is, after all, a comparative game. Its meaning and appreciation demand comparison—to past games, seasons, teams, one player's statistics pitted against another's. Any attempted erasure of Rose's place in that history diminishes the understanding and appreciation of the game itself.

Although Pete Rose deserves Hall of Fame election, I also suggest that he *should remain barred from participation, of any form, in baseball* to acknowledge the harm—or the risk of harm—his character brought to the game. For myself, I would prefer an eventual rapprochement between Rose and the commissioner's office—with Rose coming clean about his past activities and the commissioner's office allowing consideration for Hall of Fame selection but not allowing Rose's resumed participation in baseball. (Again, for myself, I would prefer that Rose's clean breast be made under the auspices of the commissioner's office, and not as part of a weepy and confessional talk show appearance.)

At its best, a baseball photo, observes Roger Angell, "shows a perfectly arrested moment of joy." One particularly, and deservedly, well known photo of Pete Rose captures his head-first slide onto a base. His arms are extended as far as they will reach, his cap has flown off yards ago, and he is staring at the only object in his universe: that base. As a human being, Pete Rose might not yet have cultivated many wonderful qualities—but how many of us can claim to deserve Spouse-, Parent-, or Human Being-of-the-Year awards ourselves? Yet Rose knew joy in baseball. By nature, joy is momentary and, if we are lucky, knowing that it is fleeting intensifies our joy. The Hall of Fame memorializes these

moments, allowing men such as Rose to relive them once again. Surely he deserves that, since the enjoyment of perfect moments is, after all, the gift ballplayers give to their fans.

As this article goes to press, Pete Rose has announced that a new book, My Prison Without Bars, to be released within days, will contain his admission that he betted on baseball. According to a January 6, 2004 New York Times report, Rose conceded, "My actions, which I thought were benign, call the integrity of the game into question. And there's no excuse for that, but there's also no reason to punish me forever." Rose hopes his admission will lead to the removal of his ban from baseball, clearing the way for Hall of Fame selection and renewed participation in the game. Reaction to his admission has ranged from derision to outrage. His revelation does not change my sentiments.

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Sources: Rose's quote that he "never grew up" occurs in Gorge Will: "Pete Rose's Chromosomes," in *Bunts: Curt Flood, Camden Yards, Pete Rose, and Other Reflections on Baseball* (Scribner, 1998, p. 119). In his memoir, Rose speaks about his nickname: "Hustle may be just a little downgrading, like I don't have a lot of skills, you know? I do have outstanding skills—who's had better hand-to-eye coordination?—and I got the most out of them, sure, but not so much with hustle as with enthusiasm . . . I haven't lost one damn bit of enthusiasm for baseball. That's why I've been able to work so hard. So maybe we need a new nickname. What do you say? Eddie Enthusiasm? Probably never catch on like Charlie Hustle." *My Story*, co-written with Roger Kahn (MacMillan Pub. Co., 1989). Rose's view of himself as not the greatest hitter ever occurs in Seymour R. Church, *Base Ball: The History, Statistics and Romance of the American National Game*, Volume I: 1845–1871 (The Pryne Press, facsimile of the original 1902 edition) p. 360; also, for the possible inspirations for the game of baseball, along with David Quentin Voigt, *Baseball: An Illustrated History* (The Pennsylvania State Press UP, 1987). The first organized team, the Knickerbockers, constituted in 1845, played its first match a year later, using rules that codified the symmetrical diamond, ninety-foot spaces between bases, and nine men playing for each side. The game was well on its way. For the Curt Flood case, see: *Flood v. Kuhn*, et al., 407 U.S. 258; 92 Sup. Ct. 2099, and for an example of legal action concerning collusion in the market for free agents, see: *Major League Baseball Players Association v. Steve Garvey*, 532 U.S. 1015; 121 Sup. Ct. 1724 (2001). In his famous Supreme Court decision, Oliver Wendell Holmes contended that, although teams played in different cities and states and traveled across state lines to play one another, baseball games were "purely state affairs" and traveling across state lines to play was not interstate commerce, but "a mere incident, not the essential thing." *Federal Baseball Club of Baltimore, Inc. v. National League of Professional Baseball Clubs*, et al., 259 U.S. 200; 42 Sup. Ct. 465 (1922). On the history of baseball and gambling, and on

the legal aspects of the Pete Rose case, see the very useful work: Roger I. Abrams, *Legal Bases: Baseball and the Law* (Temple Univ. Press, 1998); Landis banned the "Black Sox," even after a Chicago jury acquitted the men (even though, the pitcher, Eddie Cicotte, and "Shoeless Joe" Jackson, confessed to the fix—and their confessions were somehow lost!) Many books have recounted the history of the scandal—*Eight Men Out*, both a book (written by Eliot Asinof) and an entertaining film, details the events of the 1919 World Series scandal. The relevant section of Article 1, Section 2, of the Major League Agreement statement in full:

BETTING ON BALL GAMES. Any player, umpire or club or league official or employee who shall bet any sum whatsoever upon any baseball game in connection with which the bettor has not duty to perform, shall be declared ineligible for one year. Any player, umpire or club or league official or employee who shall bet any sum whatsoever upon any baseball game in connection with which the bettor has a duty to perform shall be declared permanently ineligible.

James Reston, Jr., *Collision at Home Plate: The Lies of Pete Rose and Bart Giamatti* (HarperCollins Publishers, 1991); according to Reston, Rose's bets were not penny ante: Reston reports that Rose typically bet between \$2,000–5,000 per game on football and basketball, and in one documented thirty-six day period, Rose bet about \$16,000 per day, or almost \$600,000 for the period. John Dowd's report can be viewed at : http://www.baseball.com/bb-data/rose/dowd/dowd_toc.html. Rose sued in Hamilton County state court, in his hometown, Cincinnati, seeking an injunction against the commissioner. Rose's attorneys argued that the commissioner's letter showed that he was biased against Rose. The judge his grant the injunction, concluding that Giamatti had "prejudged" Rose's case. In response, the commissioner's office sought to remove the case to federal court in Columbus, Ohio (it was speculated that this venue would remove Rose from his fan base, and place the case in Cleveland Indian territory). That court agreed with the commissioner that it could take jurisdiction of the case. Pete Rose's account of the accusation of gambling, and his reasons for settling with the commissioner's office are recounted in his memoir, *My Story* (co-authored with Roger Kahn), (Macmillan Pub. Co., 1989), p. 253 and following; in his disjointed explanation for why he settled with the commissioner's office—although he denies betting on baseball—Rose insists that there was *no* finding of his betting on baseball, and therefore he and his legal team held the hope of reinstatement after one year, with Commissioner Giamatti's assurance that he had an open mind. He also denied charges that some items commemorating his achievements—a World Series ring, a sports car given on the night he surpassed Ty Cobb, among them—were forfeited to pay gambling debts. For a history of the Hall of Fame, and an examination of and recommendations for selection criteria, see Bill James, *The Politics of Glory: How Baseball's Hall of Fame Really Works* (Macmillan Pub. Co., 1994) Statistical methods, Chapter 7. Vinny Mallon's view appears in *Sporting News*, August 27, 1990; Pete Palmer, "Pete Rose: An Ordinary Player for an Extraordinary Time," writing for *The Baseball Research Journal*, #20, 1991; "Spring Training is all Hope," occurs in Roger Angell's "Sunny Side of the Street," collected in *Five Seasons: A Baseball Companion* (Simon & Schuster, 1972). Among the many lovely philosophical meditations on baseball is A. Bartlett Giamatti's beauty, "The Green Fields of the Mind," reprinted variously, and found at <http://www.dodgers2001.com/multi-media/poetry/giamatti.html>, which also offers an audio reading of the piece. Frank Galo went on to observe that "Rose has never shown remorse, as Jackson did." *The Sporting News*, Feb. 10, 1992.