

Judgment!

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The batter hits a ground ball to the left side. The shortstop fields it and throws to first base. We can't tell from this information alone whether the runner will be safe or out. He might be safe if he hit a slow grounder that the shortstop has to charge, or a sharply hit ball that the shortstop has to dive after. He will probably be out if it is a routine ground ball. Either way, one thing we can be sure of is that the umpire will make the call. If it is a close play the umpire might make the call with a dramatic flourish. If it is not close, the call will likely be perfunctory. But either way, it is the umpire's duty to make the call.

Contrast this with the appeal play. Probably the best known appeal play is for a runner failing to touch a base. Others are for a runner prematurely tagging up on a fly ball, or for a player batting out of turn. What makes it an appeal play is that the umpire does not make the call unless asked to. If, for example, the umpire notes that a runner missed a base, but no defensive player notices this and no appeal is made, the umpire's duty is to keep quiet about it.

In the modern game the appeal play is the exception. The general rule is that the umpire makes calls routinely, without being asked. This was not true of the early game. Indeed, before 1857 every single play was an appeal play.

The first non-appeal play was the foul ball. Prior to 1857 the umpire only called a ball foul on appeal. We know this because in 1855 a post-match dinner of a game between two new clubs included a speech by the umpire, W.H. Van Cott. Van Cott was an experienced player and a leader of the baseball community. He took the opportunity to some pointers, including

As new clubs, he [W.H. Van Cott, the referee] would suggest to them to call for judgment oftener on foul balls. One ball went forty feet wide, and then the judges called for judgment. New York Herald September 22, 1855

This changed in 1857, when the rules were overhauled. The new rules included:

If the ball from a stroke of the bat is caught behind the range of home and the first base, or home and the third base, without having touched the ground, or first touches the ground behind those bases, it shall be termed foul, and must be so declared by the umpires, unasked.

It was important that the umpire call foul balls "unasked" because under the rules of the day a foul ball was dead, and became live again when settled in the hands of the

46 pitcher. Nowadays the ball is dead until the umpire calls it live, and he won't do this until
47 everybody is back in position. Consider a runner at first base, and the batter hits a line
48 drive down the right field line. The runner can advance at full speed, secure in the
49 knowledge that the ball isn't going to be caught, and if it is foul he can return to first at his
50 leisure. A runner in 1857 lacked that leisure. If the right fielder could retrieve the ball
51 quickly and throw it to the pitcher, the ball was once again live and the runner, if caught off
52 his base, could be thrown out. So it was important that the umpire declare a foul ball
53 promptly, without waiting to be asked.

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55 The next non-appeal play was the called strike. This was enacted in response to
56 a strategy some batters adopted of refusing to swing at a pitch when a man was on base,
57 on the theory that a passed ball would inevitably occur eventually and the runner could
58 then advance. This led to long and tedious games, so a rule building on the existing
59 concept of a swinging strike was added in 1858 allowing the umpire to call a strike as well:

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61 Should a striker stand at the bat without striking at good balls repeatedly pitched to him, for the purpose
62 of delaying the game, or of giving advantage to a player, the umpire, after warning him, shall call one
63 strike, and if he persists in such action, two, and three strikes. When three strikes called, he shall be
64 subject to the same rules as if he had struck at the three balls.

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66 The text of the rule does not explicitly state that the umpire can or should call
67 strikes on his own initiative, but game accounts never mention strikes being called on
68 appeal. It is likely that this was always understood as being a non-appeal play.

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70 The complement to the called strike is the called ball. The latter is, in retrospect, a
71 logical necessary following from the former, but this was not recognized until the rules for
72 1864:

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74 Should the pitcher repeatedly fail to deliver to the striker fair balls, for the apparent purpose of delaying
75 the game, or for any other cause, the umpire, after warning him, shall call one ball, and if the pitcher
76 persists in such action, two and three balls; when three balls shall have been called, the striker shall be
77 entitled to the first base; and should any base be occupied at that time, each player occupying them
78 shall be entitled to one base without being put out.

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80 It is even clearer than in the case of called strikes that balls were called
81 spontaneously by the umpire. This is clear because this caused problems when the
82 batter swung at, or hit, such balls. This led to much discussion of exactly when the
83 umpire was, or should be, calling balls:

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85 Last season, it frequently happened that the umpire would call a ball, and almost at the same moment
86 the batsman would strike at it. Now, in this case, either the umpire erred in his judgment of the

87 unfairness of the ball, or the batsman struck at a ball not within his reach, the result being a conflict in
88 the interpretation of the rules, and dissatisfaction. New York Sunday Mercury March 24, 1867

89
90 That called strikes and balls were non-appeal plays was implied by the ideology
91 behind them. Nowadays the duel between the pitcher and the batter is regarded and the
92 centerpiece of the game. Balls and strikes are constraints in which this duel takes place.
93 This doctrine arose gradually. The older doctrine was that the duel between the batter
94 and the fielders, and that between the fielders and the base runners, were where the
95 interest—and fun—lay. The pitcher’s job was to deliver the ball where the batter could hit
96 it, and the batter’s job was to put it in play. Called strikes or balls were necessary when
97 the pitcher or batter neglected his assigned role. They were a tool given to the umpire to
98 recall the pitcher or batter to his duty. It was not originally expected that every, or even
99 most, pitches (not swung at) would be called either a ball or a strike. This was done only
100 when the umpire judged the player remiss. It was a paternalistic remonstrance, outside
101 the scope of the players to appeal for. This is shown by a criticism of a game in which
102 some players called for judgment in this situation:

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104 [Athletics vs. Cincinnati 6/22/1870] Whatever disposition the umpire may have had to act impartially, he
105 certainly had not strength of mind enough to carry out his intention, as whenever he was appealed to by
106 Malone or McBride, and that was nearly at every ball, he called a “strike” upon the Cincinnati batsmen.
107 This system of attempting to surprise, or bully an umpire into a decision, although frequently very
108 successful, is directly contrary to the rules of the National Convention. He is the *sole judge* of fair or
109 unfair balls, or whether a man has declined to strike at a fair ball, and if he does not voluntarily call either
110 a “ball” or a “strike,” the presumption is he is satisfied as to the fairness of the play. New York Sunday
111 Dispatch June 26, 1870

112
113 The final possible non-appeal plays in the amateur era are a pitcher’s illegal
114 delivery, resulting in a balk, and a batter’s illegal swing (such as while stepping away from
115 his required spot). Balks were sometimes—perhaps most of the time—called on appeal:

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117 Mr. Pidgeon was very nervous about Tom Van Cott’s “peculiar” style of pitching, and frequently asked
118 judgment on what he conceived to be balks. New York Sunday Mercury August 14, 1859

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120 Mills being now on the third base, detected a balk on the part of the pitcher, asked judgment, and it
121 being decided in his favor, went home. New York Sunday Mercury September 11, 1859

122
123 But there are also instances where it seems to have been called on the umpire’s initiative:

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125 [Athletics vs. Unions of Morrisania 6/14/1865] Frank [Pidgeon, umpire] called strikes when any
126 evidences of “waiting” were shown, and called a “balk” on each pitcher. That 6th rule wants enforcing
127 a little and it will make the difference of an hour in a game. Brooklyn Daily Eagle June 15, 1865

128

129 ...if either foot of the pitcher be off the ground when this movement is made—it being nearly
130 simultaneous with the ball leaving the hand of the pitcher—umpires must declare a baulk without being
131 appealed to. Ball Players Chronicle July 18, 1867

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133 The vast majority of plays were only called on appeal, usually by a player calling for
134 “judgment!” This is early for the modern reader to overlook because it is only barely
135 reflected in the written rules. Nothing is easier than overlooking the single word that foul
136 balls must be called “unasked” or, should it be noted, to miss the implication that other
137 calls the umpire might make are only made if he is asked. This was an unstated
138 assumption: part of the air ball players breathed. Its ubiquity even resulted in an
139 amusing anecdote:

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141 ...the time when Mat O’Brien while acting as umpire, asked for judgment on a play on the home base,
142 forgetting he was umpire. New York Sunday Mercury June 8, 1862

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144 Just how commonplace were calls for judgment come through in game accounts, where
145 they are frequent and clearly considered normal. A tiny sampling includes:

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147 [picked nines New York vs. Brooklyn 7/20/1858] Davis struck a fine ball, and made the second base
148 with a mighty close shave, the ball having been passed up so quickly to Holder that Davis hadn’t the
149 twentieth part of a second to spare, and he only touched the base by sprawling on the ground.
150 Judgment was asked, and the umpire decided Davis “not out.” New York Sunday Mercury July 25,
151 1858

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153 Mills being now on the third base, detected a baulk on the part of the pitcher, asked judgment, and it
154 being decided in his favor, went home. New York Sunday Mercury September 11, 1859

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156 [Excelsior vs. Atlantic 8/9/1860] [Whiting] then ran to the third, where Pierce threw the ball to Peter
157 [O’Brien] to head him off, but Whiting coming into contact with him, knocked the ball out of Peter’s
158 hands, and Whiting was—on judgment being called—declared safe. New York Sunday Mercury August
159 12, 1860

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161 [Eckford vs. Eureka of Newark, 9/13/1861] By accident, he [Northrup] raised his foot from the base
162 while the ball was yet in the hands of Grum, who, of course, immediately touched him, and demanded
163 judgment, which the umpire promptly pronounced in favor of the ball, and the second hand (Northrup)
164 was declared out. New York Sunday Mercury September 15, 1861

165

166 A ball was hit so as to drop just in from of the home-base, and the striker thinking it foul, stayed on the
167 base rather than running for his first-base. The pitcher ran up, and, taking the ball, touched the striker,
168 and asked “judgment”, the umpire declaring the striker out. New York Sunday Mercury May 20, 1866

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170 [Mutual vs. Eckford 8/14/1868] The Umpire, Mr. Mills, was the choice of both clubs, his decisions in
171 contests this year winning for him the highest praise among ball-players. Although reluctantly serving

172 in this position, and never giving cause for just complaint, he was badgered almost beyond endurance
173 by the players for decisions on this or that point, and if "judgment" was asked once it was asked a
174 hundred times. New York Sunday Dispatch August 16, 1868

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176 This system seems backwards to the modern observer. The explanation for it
177 comes out of the social circumstances of early organized baseball. The vast majority of
178 games into the 1860s played by ball clubs were internal affairs. The members would
179 meet, typically twice a week during the season, for the purpose of taking their exercise
180 together in a congenial setting. Two sides would be chosen for that day, and two
181 different sides the following meeting day. The ad hoc sides undoubtedly played to win,
182 but the competitive stakes were low and social pressure to conform to standards of
183 behavior were strong.

184

185 In any given play, the persons best positioned to judge what happened are the
186 immediate participants: the second baseman, for example, and the runner from first are
187 the most likely to know whether the runner was tagged or reached the ball safely. The
188 players involved were expected to act on this knowledge on this knowledge: if they know
189 the runner was out, the runner walks off the field; if they know he is safe, he take his place
190 on the base with no demur from the baseman. Of course there are plays were the
191 participants are in honest disagreement, and so from an early date one member of the
192 club was assigned the office of umpire rather than playing in the game. If the players
193 involved could not agree on the outcome of the play, they could appeal to the umpire His
194 role was to provide an impartial ruling. Actually getting the call right would be nice, but
195 secondary. Any appeal to him would be on a close play, and he was unlikely to be well
196 positioned to see it from his station in foul territory between home and first base. The
197 point was to avoid unseemly and boyish arguments.

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199 There was obvious potential for abuse. A player might call for judgment even
200 when he knew the actual outcome of the play was against him. Rather than conceding a
201 disadvantageous result, this would turn it into an even shot at getting a favorable call.

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203 This doesn't seem to have been a problem in early internal club play. The stakes
204 were low, and the risk was of acquiring a reputation among one's club mates as being
205 ungentlemanly and boyish. This changed as match games between clubs became more
206 common, gradually displacing internal play as the point of the club's existence. Winning
207 became more important than social niceties. One's peers might admire as smart play
208 what moralists would decry as trickery:

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210 [Empire vs. Keystone 8/26/1865] Malone played well behind, though disabled with a sore hand. We
211 have one thing to censure him for and that was his unfair appeal to the umpire on the foul ball off
212 Martin's bat. Owing to the position of the players, the umpire was unable to see what was apparent to
213 all around, that the catch was a second-bound one; and supposing the appeal all right and fair, he gave

214 the striker out. There is not the slightest difference between action like this, and that of saying that you
215 have caught a ball or touched a man when you know to the contrary. It was a thoughtless act, no
216 doubt, but we trust never again to see any player guilty of it. New York Clipper September 2, 1865

217

218 Appealing for judgment, too, when baseplayers know that they have not put the player out, is poor
219 policy; and for this reason, that when umpires know that a player is up to this tricky, unfair dodge, they
220 are very apt to doubt the fairness of all appeals made by such players, unless it is plainly apparent that
221 the man was put out. New York Sunday Mercury January 10, 1869

222

223 We would say a few words by way advice... Give up that contemptible practice of wrangling with the
224 umpire, and continually asking judgment on every play. ... The sooner you discontinue it, gentlemen,
225 the better it will be, as it will eventually draw your club into great disfavor. Evening City Item May 19,
226 1871

227

228 There is also a particularly interesting case of the opposite, where a team was
229 overly reluctant to call for judgment:

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231 [Olympics vs. Pythians 9/3/1869] ...they allowed two Olympics to score, who neglected to touch the
232 home-plate on running in, and they did not observe that another Olympic did not touch his base after a
233 foul ball. Again—they did not call judgment on Mr. Lovett, whose pitching, more than half the time, was
234 a swift under-hand throw. If judgment had been called, the umpire would have ruled him out, or
235 compelled him to pitch regularly, with a straight arm. If these points had been noticed by the Pythians,
236 and judgment called on them, the score must have been very close. An umpire cannot voluntarily
237 interfere between two clubs, without being charged with partisanship; therefore, judgment should be
238 demanded. Philadelphia City Item September 11, 1869

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240 This was a historically important game: the first between a colored and a white club. The
241 colored Pythians were reluctant to call judgment because this would imply disagreeing
242 with a white man. That was the whole basis for calling for judgment: disagreement about
243 what had happened. This worked poorly in a cultural milieu in which black men were
244 trained not to dispute the opinions of white men.

245

246 The reasons for the shift to the modern system are not wholly clear, but it is
247 reasonable to speculate that it was a response to an increasing tendency for players to
248 routinely appeal plays. If they are going to be appealed anyway, the umpire might as
249 well eliminate the middle step and make a ruling unasked.

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251 It is not clear when this happened, but there is no evidence of it during the amateur
252 era. Umpires attracted close attention. Newspapers routinely discussed the umpire's
253 performance, and were not shy about criticizing them. Discussions of how umpires
254 should act were commonplace, as were annual evaluations of their performance as a
255 class. No where in these discussions is there any mention of umpires calling plays such
256 as base running absent being appealed to. Nor were frivolous calls for judgment at all

257 inevitable, even late in the 1860s:

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259 [Cincinnati vs. Eckford 6/17/1869] Mr. McMahon of the Mutuals acted as umpire. It may be well to
260 state here that, as there were no points raised, his duties were not at all difficult, and therefore general
261 satisfaction was given. New York Daily Tribune June 18, 1869

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263 Throughout the amateur era the normal expectation was for the umpire to only
264 offer a ruling when appealed to, except for a small set of plays demanding his ruling be
265 given unasked.