Stealing Signs:
How Broken Rules Structure Identity

by

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A dissertation submitted in partial fulfillment
of the requirements for the degree of
Doctor of Philosophy
(Political Science)
in the University of Michigan
2014

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Dedication

For my parents,

who have always told me that I could do whatever I set my mind to,

who have supported me at every step of my long journey to this point,

without whom I could never have become the scholar I am – much less the person –

and whom I love with all my heart.

Acknowledgements

Nothing like this is ever accomplished by oneself; in fact, more often than not the number of people who have helped along the way is far too high to list them all. For instance, I have had countless conversations with dozens of friends over the four years I have worked on this project, some substantive, some merely an opportunity for me to vent. I can't thank each friend for each conversation, so let me just issue a blanket but heartfelt "thank you" to each of you who allowed me to prattle on about baseball and social norms.

My parents, my brother, and my sister, however, bore much of my monologic tendency, and never failed to greet it with interest and support. Without the four of you, I cannot imagine that I would have gotten through this in one piece. My godmother also deserves a special "thank you"; not only did she listen to and help sharpen my many ideas over two summers of fieldwork, but that fieldwork might never have been possible without her kindness and generosity. Aunt Joan, I will always treasure those two magical summers we shared on the Cape.

Many people gave helpful comments on many versions of this project and its subcomponents. I had the opportunity to present several times at the University of Michigan Political Theory Workshop, the participants of which I owe a considerable intellectual debt. I also benefitted enormously from comments given at several Law and Society Annual Meetings, which always succeeded in achieving that rare combination of improving my work and my spirits at the same time.

Pam Brandwein and Mika Lavaque-Manty were incredibly helpful in pushing me early on to sharpen my analytical frame and find a way to approach the work in a sound, interesting, and unique way. Though they are not listed as members of my committee on this dissertation's title page, their impact on the project was substantial, and is appreciated more than they know.

Sandy Levitsky, too, helped to sharpen my focus while providing a sociological perspective on work that plays with the boundary between my discipline and hers in

of the players featured in the pages that follow are out of baseball, many others are working their way through the minor leagues – perhaps towards a chance at the Bigs, perhaps not. But wherever you are now, guys, and whatever you are doing, thank you. Without you, I would have nothing to say.

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Abstract

  I investigate how individuals' identities and social networks shape not only their knowledge of the law, but their tendencies to obey or disobey it. Using elite amateur baseball players and their illicit relationships with agents as a case study, I reveal a complex social structure that ties agent use to elite status, while at the same time hiding the NCAA rules violations associated with it. I create a dialog between political heuristics (cue theory) and legal consciousness to examine the ways that cultural structures create the conditions for individual cognitive shortcuts to replicate their social world.

  Many players mimic rational behavior by elites despite differing incentive structures. This dissertation argues that players' narrative identities shape who they think of as relative peers and encourage them to act in ways that replicate the norm of agent use despite a cost to those who perpetuate it. Baseball's embedded practices of self-confidence and self-deception affect both the existence of cues and the ways those cues are taken. The cultural roles that players and coaches perform with each other abjure the business of baseball, forcing players into the pattern of agent use and hiding from them alternative ways of playing their social role.

  Legal consciousness and cue theory offer each other ways to enrich their inquiries. Cue theory gives legal consciousness a new, productive way to think about how people navigate social structures and act in ways that replicate them, while in return getting a way to think about how cues are constructed in the first place, and how identity and culture can shape how we take them. What happens in amateur baseball shines a light on the ways we all try to find our way through complex rule-bound systems, and on how those systems push us along predefined paths.

Chapter 1

The Playing Field: Puzzle and Theory

Steve Mott's Dilemma

Steve Mott[1] has played baseball for literally as long as he can remember; he has dreamed of playing professionally for nearly as long. However, unlike so many of our childhood imaginings, Steve's still have a firm basis in reality. He was the best player on his Little League teams and the best player on his high school teams. He was drafted to play professional baseball during his senior year of high school, but chose instead to accept a scholarship at a university with a consistently excellent Division 1 baseball team – on which he is <u>still</u> one of the best players. In fact, until the summer of 2010, Steve Mott had been one of the two best players on every team for which he had ever played. Steve's lifelong dream may well come true.

During the summers of 2010 and 2011, Steve played for the Cape Crusaders, one of ten teams in the prestigious Cape Cod Baseball League, widely considered to be the best amateur league in the country. Summer leagues like the Cape's are an enormous opportunity for college players like Steve. The packed schedule of games, the use of wooden bats,[2] and the extraordinary top-to-bottom talent make the Cape Cod League one of the best places to evaluate professional prospects. By midsummer, twenty to thirty professional scouts aim their radar guns from behind the backstop, and it's not unusual to see a Major League general manager checking out a game. Steve and his teammates are playing in front of decision-makers in professional baseball, as their pitching coach Billy Jameson tells them.

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[1] All names of interview subjects are pseudonyms. The name "Cape Crusaders," too, is pseudonymous.

[2] Wood bats make for a fundamentally different game than is played in college with aluminum, a style of game far closer to that played in professional baseball. If a pitcher throws to the side of the plate on which a batter stands – "inside" – a wooden bat will most likely break if the batter makes contact. Aluminum won't break; a batter may well be able to bloop the ball just out of the infield for a hit. As a result, college pitchers rarely pitch inside, which can radically change strategy for both pitcher and batter.

Scouts and general managers aren't the only signs of looming professionalism that lurk around the ballparks among Cape Cod vacation-goers. Agents, too, frequent the stands at Cape Cod summer games. Agents – often themselves former players – are professional representatives who serve as a go-between for players and Major League franchises for a cut of player contracts as their fee. Players are still amateurs under the purview of the National Collegiate Athletic Association (NCAA), which prohibits them from having an agent; an agent is considered a hallmark of professionalism. The relevant NCAA rule – Bylaw 12.3.2.1 – defines an agent as anyone making contact with a professional team on a player's behalf.[3] Getting caught can have serious repercussions: in 2011 Logan Ehlers was suspended for 60% of his college season because his "advisor"[4] made contact with the Toronto Blue Jays (while at a game in the Cape League).[5]

Having an agent is illegal, but a vast majority of players taken in Major League Baseball's enormous amateur draft – more than 1,500 players are taken over 50 rounds – illicitly retain the services of an agent while still amateurs. Some coaches estimate that as many as 98% of such players have broken this rule.[6] Our eyebrows ought to arch a little when we see such a substantial portion of a population breaking a rule,[7] especially in a group like baseball players where conformity is the norm. Players are used to rule-bound practice schedules, strict team guidelines, and detailed eligibility

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[3] This includes players' parents; players are allowed to contact and discuss terms with professional teams on their own. It is exceedingly common for players with one remaining year of college to be drafted to negotiate with a professional club on contract terms (either by themselves or with the illicit use of an agent), and to turn down the offer and return for a senior season.

[4] Players don't call the professional agents with whom they develop relationships "agents" while they are still amateurs; they call them "advisors." This is a practice born of the prohibition against agents, but players know changing the nomenclature won't help them if they get caught. As sophomore pitcher Mark Beloit put it: "An advisor is an agent that you call an 'advisor.'"

[5] See also, *inter alia*, Crasnick 2009, Fitt 2008, 2009a, b, c, 2010a, b, c., and *Oliver v. NCAA.*

[6] This is the highest of the estimates that various players, coaches, scouts, and agents gave me, which ranged from 75% up. I did not conduct a systematic survey of players, but it's worth noting that of the many estimates I asked for, the lowest was 75% and, at most, 20% of the players in a given draft see monetary benefit from agent use.

[7] Of course, some legal literature – most notably positivist theories of law – would hold that rules that fail to guide behavior are not rules or laws at all. See, for example, Hart 1961, and text below on page 6.

requirements, all under public scrutiny. They know well and scrupulously follow other NCAA provisions such as the prohibition against accepting gifts. This is not a situation where rule-following in general has broken down. Nor, to reemphasize the point, is it one of minor "slap-on-the-wrist" sanctions. The revocation of NCAA eligibility not only rips a player from a lifelong practice, but it can have serious financial implications; not playing the year before a draft can cripple a player's attractiveness to a professional team. In such a compliant group and with such high stakes, what explanation might there be for this puzzling behavior?

It would be nothing new to suggest that perhaps players are simply rationally breaking a rule because the expected benefits of breaking it exceed the expected costs of getting caught.[8] But the complicated economics of agent use deepen rather than ameliorate the complexities of the puzzle. The most highly touted picks have significant leverage and can extract higher dollar values and other contractual perks from the teams that draft them, but these material benefits accrue to only a small percentage of the players drafted each year. Once a player falls out of the first five rounds or so – certainly out of the top ten – the monetary benefits of having an agent evaporate completely.[9] Players in the later rounds are far more easily replaced or discarded, and as a result are almost always offered take-it-or-leave-it contracts with dollar amounts based exclusively on the round and pick used to take the player, so-called "slot money" contracts.[10] For players who are offered slot money, there will be no negotiation of perks or higher signing bonuses, agent or not. Scout Tim Smalls puts it bluntly:

> There is NOTHING an agent can do to get a player drafted, and
> NOTHING an agent can do to get that player drafted any higher,

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[8] E.g., Becker 1968; Cornish & Clark 1986.

[9] According to Michael Lewis, sometimes teams don't even know who they're drafting in the late rounds. Most people I spoke to agreed that this representation in *Moneyball* (the book) was spot on. Lewis 2004.

[10] Teams are under pressure to sign contracts with their top picks; if a third round pick walks away (to play a final year in college, perhaps), the team loses not only the rights to sign him that year, but the opportunity cost of a very high pick in the draft. By contrast, a team loses much less if its thirty-fifth round pick decides to go back to school; such a player has virtually no walkaway power, no leverage. As player financial advisor Andy Erickson puts it: "In the first three rounds, teams take guys they assume will play in the big leagues. In rounds four through ten, they take guys they hope will play in the big leagues. In rounds eleven through fifty, they take guys for those first ten guys to play with in the minors."

and NOTHING an agent can do to get any more money for that player!!!!!!!![11]

Though material benefits dissipate,[12] an agent will still take four to ten percent of the money a player was going to get anyway, and the signing bonus amounts decrease radically outside the top ten rounds. By the thirtieth round, they've dropped from the millions to the thousands, and those thousands must sustain a player for a long time.[13]

Why do so many players have agents? It's against the rules, at least a little risky, and it's costly to the tune of four to ten percent of a player's bonus. The material benefits realized by a few are not realized by most. It could be that players are misinformed or mistaken about the benefits an agent can provide, or to whom they can be provided. No doubt some are so misinformed, but my research reveals that players are, by and large, knowledgeable and sophisticated actors who understand draft dynamics, slot money, their likely place in the draft, and the relationship between agents and draft economics. It <u>could</u> be that players just act irrationally, but it hardly seems that widespread intellectual hysteria is the most likely explanation. It's certainly not one we can accept without doing pretty serious violence to Ockham's Razor.

Steve Mott doesn't appear to be in the grips of wild irrationality when we sit down on a warm Cape Cod summer's day, but his outlook does represent the puzzle. He knows roughly where he's likely to go in next year's draft,[14] he knows having an agent is against the rules, he knows that an agent won't be able to negotiate more money for him when he's drafted next year, but he also knows that an agent will take his cut of the

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[11] All emphasis is from the original email from Tim Smalls.

[12] As I will discuss later, this is not exactly the same as saying agents hold no benefit for players whatsoever. Having someone to talk to about an unfamiliar process – from amateur to professional – should certainly count as a benefit, but the question then becomes why players pay 4% to 10% for something they could easily get from coaches or former players.

[13] Players make little money in minor league baseball. At the top of the minors it is only about $50,000 a year, but for most players it is measured in the hundreds per week, and for only five or six months a year. In the lower tiers, many players work menial jobs in the offseason just to make ends meet. The glamour seen on television masks the distinct lack of glamour that marks the lives of the vast majority of professional players, very few of whom will ever see even a glimmer of the limelight.

[14] Such information is remarkably easy to come by. A lightning-quick search of www.perfectgame.com readily discloses where scouts, sportswriters, and other talking heads currently have any top-tier college player slotted to go in the next draft.

money anyway. Steve ultimately has to cut our interview short to have lunch with a potential agent/advisor.

Most players in the draft know what Steve knows, but will end up with an agent anyway. Again, unless mass insanity has stricken the ranks of elite college baseball, there must be other reasons players have agents. They readily enumerate some of them: it's a confidence booster, it lets someone else deal with the business so you can focus on baseball, it makes you feel more like a professional (or like you're on your way to being one). It may not be a status symbol in the classical sense of something shown to others to demonstrate your own rank or position; the risk of being found out recommends against such public displays, and locker room culture eschews business for "the game" and the standard camaraderies of young athletes. Nor do professional teams draw inferences from whether or not a player has an agent – it is not operating as a signaling mechanism for them; it is not a "stolen sign."[15] Public or not, though, players seem to like having agents.

But Steve doesn't sound like someone weighing potential costs and benefits.[16] He hasn't researched pros and cons much, certainly not exhaustively. He seems – almost reflexively – to be doing something because it's simply what one does. One thing he does know, however, is that it's what elite players do. His Crusaders teammate Peter Wrass describes his reaction to knowing that the top players have agents: "It makes me believe that [agents] are helpful, more helpful, just because if guys of this caliber have them, I feel like they wouldn't have them for no reason." Though Peter skates over the fact (or seems not to know) that agents can't do for everyone what they can do for the guys at the top, his response opens a window onto the fascinating process by which players learn about the complex interplay between NCAA rules and baseball's cultural practices. Agents are established as something baseball players simply have as a matter of course; the cream of the crop establishes the practice and other draft-eligible

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[15] "Stealing signs," for the less-than-avid baseball fan, is the practice of one team employing on-field espionage to read and decode the signs coaches and catchers give to tell batters and pitchers what to pitch, or what pitch might be coming.

[16] The fact that almost nobody ever sounds or acts like the utility maximizers that populate cost-benefit analyses is, of course, one of the long-standing and well-trod criticisms of that paradigm. See, for example, Bronsteen, Buccafusco, & Masur 2009.

players take notice, taking their cue as to how elite players behave from others. In other words, the cultural norms and attitudes surrounding the official rules affect how people interact with them. If individuals learn how to interact with laws by looking to peers for cues rather than experts, how might that affect their propensities to follow or break them?

The NCAA is a formal institution purporting to govern the behavior of those under its purview, with its own set of promulgated rules and procedures.[17] Infractions of the rules set forth in the NCAA Bylaws are either self-reported (minor infractions are relatively common and schools tend to be fastidious about reporting them)[18] or independently discovered by the NCAA's enforcement staff (commonly attorneys). If the infraction is determined to be a "major violation" (as illicit agent us always is), the enforcement staff issues a Notice of Allegations. If the offending school agrees with the underlying facts, the school and the enforcement staff issue a joint report to the Committee on Infractions with agreed upon self-imposed sanctions. If the infraction is especially egregious or, more commonly, if the school and the enforcement staff cannot agree on the underlying facts, both sides present evidence at a hearing before the Committee on Infractions. After the Committee rules and issues sanctions the school has an opportunity to appeal to the Infractions Appeal Committee, though the grounds are fairly narrow.

The NCAA has rules, a fact-finding process, and sanctioning procedures agreed upon by both the governing body and the schools it governs. As such, it should be considered as a legalistic or "law-like" institution from which we can learn lessons about legal institutions more generally. While legal positivism might claim that rules like Bylaw 12.3.2.1 that fail to guide behavior aren't really rules at all (Hart, 1961), sociology of law and law and society more generally have generated new, rich veins of research and analysis by expanding the scope of what is considered law. The increasingly expansive view of what law is has allowed for more creative investigations of how formal rules and

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[17] See both the NCAA Bylaws themselves and Stu Brown's work on the aid attorneys can provide to schools going though the process, "The NCAA Infractions Enforcement Process - Role of Counsel," available at http://www.americanbar.org/content/dam/aba/administrative/young_lawyers/yld_annual_demystifying_the_ncaa_materials.authcheckdam.pdf (Accessed January 11, 2014).

[18] This according to a Big Ten faculty representative to the NCAA.

the informal norms that surround and interact with them orchestrate our daily lives. As Austin Sarat put it, the task for law and society is "regularly to challenge its own doggedly conventional assumptions about what is worth studying, about theories and methods that we use, and about what counts as sociolegal scholarship" (2000: 41). Treating the NCAA rules as a formal legal structure (and baseball culture as legal consciousness constituting the lived experience and reality of those rules) engages my inquiry with two of the broad questions with which public law scholarship grapples.

For one, the NCAA regulations are just one of several overlapping institutions with which players grapple. The occasionally conflicting dictates of the NCAA and the informal rules that guide players' social behavior are a form of legal pluralism from which lessons about the conflict of legalistic systems can be drawn. The NCAA rules also provide insight to public law's longstanding curiosity about the role of law as a system of social control. Both the formal rules and the informal practices that surround them make demands of player behavior and, as such, are a form of social control. By examining the result when these two systems clash, we learn about conflict in a legally pluralistic culture as well as about the efficacy (or lack thereof) of official rules in attempts at social control.

Public law's interest in legal pluralism has most often focused on the intersection of two competing legal systems, whether between indigenous Hawaiian law and colonially imposed Anglo-American Law (Merry 1999), a national legal system and international human rights law (Merry 2006), or an ascendent national system and traditional authority structures (de Sousa Santos 2006). Henrysson and Joireman, too, look closely at how the interplay between formal structures and traditional modes of dispute resolution in Kenya conspire to exclude women from the protections of law (2009).

Increasingly, however, scholarship in the field is examining the intersection of formal legal institutions with informal means of dispute resolution. Van Gelder's study of informal land tenure arrangements in Buenos Aires explores the outcome when such agreements collide with formal law (2010); it does not make sense to cast such arrangements as either compliant or non-compliant, he argues, but to conceptualize the system as overlapping with formal law and coinciding or conflicting with it to varying

degrees. Messner, Baumer, and Rosenfeld interrogate the overlaps between a state-sponsored death penalty and a cultural tradition of vigilantism – which is itself a structured system of sanctions and control (2006). Slade's study of the mafia in post-Soviet Georgia treats the internal rules of the mob as one set of rules that overlap with formal state institutions (2012); in fact, it is through intersection with and disruption of the mob's rules that the state was able to exert control over the mafia. Similarly, Varese argues that mafias emerge as quasi-state actors – a parallel system of rules and sanctions in modernizing economies to fill in gaps in the formal law's ability to protect property rights or resolve business disputes (2006). Both Thornton, Kagan, and Gunningham (2009) and Perez, Amichai-Hamburger, and Shterental (2009) explore the overlap between the formal structures of a regulatory regime and the informal cultural rules of individual firms, finding that the dictates of the latter influence conformity with the former. Even Macauley's pioneering study of non-contractual relationships among businessmen could be considered one of a legally plural environment, with contract law playing the role of the formal structure, business norms the role of an alternative, informal system of dispute resolution (1963).

Macauley's study also points us to another of the field's big, overarching questions: the role of law in social control. Pound's 1942 work may have first articulated the question solely in terms of how individual, social, and public interests combine to shape state-sanctioned legal structures, but public law now takes a broader view of exactly what legalistic structures count as law, writ large. Gunningham and Sinclair's study of internal corporate regulation combines questions of legal pluralism and social control (2009). The authors contrast the law-like structures of formal, internal corporate regulation with the informal subcultures of individual offices, finding that the conflict between the two often complicates or negates hierarchical imposition of corporate control. In fact, the explication of organizational rules and culture as private law has been an exceptionally rich vein for sociolegal analysis (Edelman 1992, 1995; Edelman & Suchman 1999; Fuller, Edelman & Matusik 2000).

Hoffman takes a similarly capacious view of "law" as a mode of social control in her study of dispute resolution procedures in a cooperative workplace (2005). Even within formal institutions, among the "agents of social control" like police officers,

internal cultural norms can affect actors' tendencies to adhere to the institution's official rules and regulations (which, in the case of police, are the same as formal legal rules and regulations; Tyler, Callahan, & Frost 2007). Emerson has looked outside of formal rules altogether in his work on informal control among roommate pairs, arguing that it teaches us much about legal reactions beyond the typical acts of naming and claiming,[19] and about the vagueness and breadth of the concept of a legal "injury" (2008). Ellickson, too, has recently made the case that careful study of domestic, household norms, controls, and institutions has broader application to the efficiency of informal, legalistic agreements (2010).[20]

While sociology of law and law and society have, as I noted above, opened rich veins of analysis by expanding the scope of what counts as law or legal research, political science has been somewhat slower to embrace this expansion. But this is a opportunity the field should seize. The informal rules and norms that guide our everyday decision-making have implications for political behavior and how we interact with more formal or traditional rule structures. The gains made in other fields by widening the definition of "the legal" could readily pay dividends in political science; part of my objective in this work is to demonstrate the power this research has to explain political behavior (here, broadly understood as relationships to rules and rule-structures). Both the subject matter and this qualitative sociolegal approach can provide important insights for the field.

The NCAA rules, as formal institutional controls, intersect with baseball's cultural norms and practices in ways that implicate both legal pluralism and social control. The conflict between official rules and informal norms pulls players in different directions, creating a discrepancy between two systems, a form of legal pluralism. How the conflict resolves itself, in turn, speaks to questions of how or why formal and informal systems are efficient or inefficient at controlling social behavior.

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[19] See Felstiner, Abel, & Sarat (1981).

[20] We needn't even necessarily constrain ourselves to real-world norms or institutions. Kamir persuasively argues that the norms of honor and dignity in the film *Unforgiven* have far-reaching lessons for contemporary western legal systems (2006).

I reach these questions through the twin frames of heuristics literature – cue theory – and legal consciousness. Agents are part of a cultural framework that players replicate through the choices they make participating in the system, even though they reproduce a system of norms that seems not to serve their material interests; a risk of NCAA sanctions and a monetary cost attach to the perpetuation of agent relationships. Cast in these terms, the practice raises the same questions Silbey does about the tendency for legal consciousness to reproduce hegemonic legal structures (1992; 2005). If we consider NCAA rules as a form of law,[21] the norms of amateur baseball are not simply behavioral guides, but rather "conceptual categories and schema that help construct, compose, communicate, and interpret social relations" (Silbey 2005: 327; see also Edelman & Suchman 1997). Agent relationships are a way of <u>participating</u> in culture, part of a durable set of predispositions that allow players to construct meaning in the world around them, thereby reproducing hegemonic ideologies while keeping those they may harm from confronting them.

But what exactly <u>are</u> these predispositions that lead players to reproduce cultural frameworks without confronting them? By what cultural mechanisms are they transmitted? How do they embed themselves in a player's consciousness and affect his decision-making? Players certainly don't carefully examine the details of NCAA rules, nor do they take the time to exhaustively research the pros and cons (economic or otherwise) of having an agent. Rather, they learn about the rules that constrain them and the informal practices surrounding them by observing the behavior of others. We learn from others how to act in relation to the rules around us, which themselves weave in and out of individual identity formation and how we determine who is relevantly "like us." Personal narrative and the vagaries of self-deception impact how actors interpret information, and the roles and norms of a culture can channel, limit, and inflect that information in the first place. I will show how looking to others in their sub-culture – and to that culture itself – shapes how players think about their relationship to a rule and impacts their tendency to behave in ways that break it.

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[21] I will use "rules" throughout to describe the official regulations and "norms" to describe the informal practices around them that invade and interpret them.

Asking questions about how we use observations of others to learn about the surrounding culture, our role in it, and how to best navigate it inches us up to the edge of another intellectual framework. Cue theory, perhaps most systematically advocated in *The Democratic Dilemma*, theorizes, models, and experimentally verifies that democratic citizens can reach reasoned political decisions despite their lack of political knowledge (Lupia & McCubbins 1998). By using high-quality cues from others as proxies, citizens can sometimes reach reasoned decisions without the knowledge that many have assumed they would require. Some schematic similarity to the amateur baseball players at this work's heart is immediately apparent: where the actors in Lupia and McCubbins use shortcuts to make political decisions without researching the relevant topic, baseball players make career decisions they know are tangled up with NCAA rules and sanctions without carefully examining the attendant pros and cons. The mere fact that they make their decisions based on the observation of others mirrors the logic of a cue, and the fact that they use these cues to navigate a complex framework of rules, sanctions, and informal norms ought to suggest that the root logic of cue theory can apply more broadly than it does in *The Democratic Dilemma*.

The richness of cue theory itself (or at least our understanding of it) can be enhanced if we are able to apply it outside of the binary political decisions to which it has limited itself. A broad but I hope trenchant question emerges: how do we use cues from others to learn about and navigate complex socio-legal situations? This question, at least as I will try to answer it, puts legal consciousness and cue theory into conversation with each other. Cue theory can offer legal consciousness literatures a way to examine specific mechanisms and cognitive structures by which individuals replicate the cultural structures in which they participate. Legal consciousness, in return, broadens the analytic possibilities open to cue theory, offering ways to address not simply binary political decisions, but complex multi-dimensional decisions as well. Furthermore, it opens up questions that are analytically prior to an actor's taking a cue. How does a cue come to have a particular place in a social structure? How do individuals come to think of some cues as applying to people "like them," while rejecting others? How and when do the cultural frameworks in which we operate affect how we

interpret informational cues? In what ways do our social roles channel and block information before it ever reaches us in the first place?

These are, as I say, analytically related – even prior – questions, but they fit awkwardly within the constraints that cue theory's leading proponents have tightened around it. To put cue theory into rigorous conversation with broader socio-legal questions, these constraints will have to be shed (or at least loosened). Before doing that, however, a critical examination of cue theory itself is in order.

Cue Theory Unmodified

Cue theory explains how and when we can get the information we need through the observation and words of others rather than through extensive research and data-gathering ourselves. To best understand the structure of a cue as Lupia and McCubbins elucidate the concept (and to understand why they place on them the constraints that they do), consider the long-standing problem in democratic theory that the authors aim to overcome: can democracy function if the people making democratic decisions seem to have little idea what they're talking about? (And how does a legal system function if individuals' reactions to laws are embedded in their subculture and identity, rather than the law itself?)

Democratic theorists have worried about common people's paucity of wisdom for longer than there have been common voters. Cicero said the common people had "no wisdom, no penetration, no power of judgment." Two millennia passed, but still Dahl worried that widespread political ignorance would lead voters to over-delegate to a "tyranny of experts" (1967: 21). Schumpeter fretted that the average citizen's "infantile" analytical depth "may prove fatal to the nation" (1942: 262). Abramson's narrower concern that a juror's abject legal illiteracy leads to "trial by ignorance" is certainly related (1994: 3).[22]

Such wailing relies on the assumption that citizens cannot make a reasoned choice without the comprehensive knowledge they lack. And since Berelson, Lazarfeld, and McPhee discovered that voters in the 1948 presidential election did poorly when

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[22] Posner is similarly vexed: 1995: 52.

asked factual political questions (1954), scholar after scholar has found new ways to measure the American voter's ignorance. Some have continued to measure factual (un)awareness (Barber 1969; Nunnally 1978; Thorndike 1982; Neuman 1986), while others take that unawareness as a proxy for engagement, sophistication, or exposure (Luskin 1987; Lodge, McGraw, & Stroh 1989; Smith 1989; Fiske, Lau, & Smith 1990; Krosnick & Milburn 1990; McGraw & Pinney 1990; Price & Zaller 1990; Zaller 1990, 1992; see also Carpini & Keeter 1993, 1996).

But is this necessarily true? If "the common voter" could reach reasoned and reasonable decisions without weighing all the evidence as an expert would, then perhaps much of the fretting over the future of democracy has been overwrought. And in fact, Lupia and McCubbins conclude exactly that: in certain contexts citizens <u>are</u> capable of making the same reasoned decisions they would if they <u>were</u> experts by using cues from others as information shortcuts (though cues can fail, as well). The authors hasten to add that the idea of shortcuts is not new. The same 1954 work that first quantified voter ignorance revealed that they use party identification as a proxy for a "correct" vote (Berelson, Lazerfeld, & McPhee 1954). Since then, many authors have shown that voters can use simple cues on topics ranging from nuclear energy (Kuklinski, Metlay, & May 1982) to insurance reform (Lupia 1994a).[23] Lupia and McCubbins want push this established line of thinking further; they aim to show the specific conditions under which a citizen can make reasoned choices despite limited information, which requires determining the particular circumstances under which simple cues are sufficient (1998: 5).

For Person 1 to rely on Person 2 for information about a political choice, it is axiomatic that Person 1 must believe that Person 2 knows what he or she is talking about (at least when it comes to a particular topic). Perceived knowledge is a necessary condition – though certainly not a sufficient one – for Person 2's viewpoints to be persuasive (Lupia & McCubbbins 1998: 50-51).[24] Person 1 must also believe that what

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[23] See also Downs 1957; Fiorina 1981; Calvert 1985; Grofman & Norrander 1990; Popkin 1991; Sniderman, Brody, & Tetlock 1991; Lupia 1992, 1994b.

[24] Note that <u>actual</u> knowledge is not necessary for Person 2 to be persuasive, just the <u>belief</u> that Person 2 is knowledgeable.

Person 2 is saying is true, which is to say that he or she must be perceived as trustworthy. Trustworthiness can be achieved through the perception of common interests, or through the influence of external forces such as observable costly effort or a penalty for lying (Lupia & McCubbins 1998: 53-59, 90). When Person 1 believes Person 2 to be more knowledgeable on a particular topic and believes he has reasons to trust what Person 2 says, Person 2 is persuasive to Person 1.

However, the conditions for persuasion are not sufficient for what Lupia and McCubbins call "enlightenment," roughly defined as the ability for Person 1 to <u>actually</u> learn from Person 2. Two additional conditions must apply. First, Person 1 must not simply perceive Person 2 as knowledgeable; Person 2 must <u>actually</u> be knowledgeable in order to impart accurate information. Second, either external forces – again, such as penalties for lying – or actual common interests must induce the speaker to reveal what he or she knows (1998: 69-71). When they have conflicting interests and external forces do not force honesty, conditions are ripe for deception (1998: 70-74). To clarify:

1) IF external forces act on a speaker OR the listener perceives common interests with the speaker, THEN the speaker is perceived as trustworthy.
2) IF the speaker is perceived as trustworthy AND perceived as knowledgeable, THEN the speaker is persuasive.
3) IF the speaker is persuasive AND knowledgeable AND the speaker either has actual common interests with the listener OR external forces motivate the speaker to reveal his knowledge, THEN the conditions for enlightenment are met.
4) IF the speaker is persuasive AND knowledgeable AND the speaker neither has actual common interests with the listener NOR external forces motivate him to reveal his knowledge, THEN the conditions for deception are met.[25]

The authors use the logic of their model to generate testable hypotheses and demonstrate the validity of their theory through a series of experiments. They find, for example, that when the conditions for both persuasion and enlightenment are met, there is a high incidence of reasoned choice (1998: 144); conversely, when the conditions for persuasion were met but the conditions of enlightenment were <u>not</u>, there was a high

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[25] These propositions are illustrated in very helpful graphic form in *The Democratic Dilemma*; Lupia & McCubbins 1994: 90.

incidence of deception, but low incidence of reasoned choice (1988:148).[26] Lupia and McCubbins also use survey experiments to test hypotheses about how people choose whether or not to follow a public figure's advice or cue. Unsurprisingly, the authors determine that respondents are much more likely to follow the advice of someone they believe to be both knowledgeable and trustworthy (1998: 192-194, 201). Somewhat more unusually, they find that people do not necessarily ignore advice from figures they believe ignorant or whose trustworthiness they find suspect (1998: 192-194). Rather than dismissing such persons' beliefs out of hand as so much nonsense, respondents occasionally used them as cues – granted, as a cue that they should do the opposite of whatever the speaker suggested.

      For cue theory as these authors articulate it to answer the specific question they ask, they must hem in the idea of a cue with fairly strict boundaries. A true/false distinction is needed to empirically measure knowledge versus deception, so actors in this model make binary choices. Candidate A or Candidate B? Policy 1 or Policy 2? More complicated, multivariable decisions are excluded. Lupia and McCubbins also require that actors are in fact able to gather correct information, leaving largely unturned stones covering reasons we think we're getting good information when we're not. A third requirement the authors impose (and a related one) is that actors make the same choice by using a cue that they would if they had encyclopedic information. These constraints help Lupia and McCubbins achieve their particular goal – knowing the conditions under which voters may reliably use cues from others to reach "reasoned" decisions – but they starkly limit the range available to cues considered more abstractly.

      The basic logic of a cue as a shortcut, however, needn't be so limited. The idea that we might learn what actions to take by looking to the behavior or beliefs of others can apply whether we are trying to maximize our preferences, learn how to navigate a social or political structure, or simply gather information. I leave behind questions about

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[26] The authors define a choice as reasoned "when it is based upon an accurate prediction about a choice's consequences" (1998: 18). The word "accurate" does an immense amount of work here. A person who is being deceived may think he has good reasons for making a particular choice, but since his prediction about the outcomes is inaccurate, he cannot be making a "reasoned" choice. Strange as it seems to me to exclude a thought process that rationally follows premises to logical conclusions from a "reasoned" category because the thinker is mistaken about the premises, this is the definition Lupia and McCubbins operationalize.

whether an individual would reach the <u>same</u> conclusion by using shortcuts as he would through exhaustive research. I leave undisturbed, however, the basic idea that we use such shortcuts to make decisions. I'm interested less in the results of cue-taking than in the <u>processes</u> by which we come upon, understand, and take cues. To the extent that cues result in agent use, the outcomes frame the puzzle, but I will focus on how cues are culturally framed and articulated, interpreted, and (mis)understood.

Focusing on the results of cue-taking lead the socio-legal questions I articulated above to all but bounce off of *The Democratic Dilemma*. As one reviewer put it, "Those who work within this paradigm and are comfortable with its taken-for-granted assumptions should find the Lupia and McCubbins effort a useful extension. For the rest of us, there are nagging, unaddressed questions" (Gamson, 1998: 1580). Some of these broader questions bubble to the surface even among those who study voter acquisition of political information. Huckfeldt, Mendez, and Osborn analyze the 2004 National Election Survey data with an eye to the effect that one's social circles have on political knowledge (2004). They find that citizens who, for example, interacted primarily with Bush supporters could well articulate reasons to like Bush and reasons to dislike Gore (the converse being true for Gore supporters); citizens with heterogenous networks, however, could far better articulate reasons for liking <u>and</u> disliking both Bush and Gore (2004: 91-92). The types of cues that were socially available to the different populations affected what they were able to learn.

Lupia and McCubbins focus on the conditions of knowledge, trustworthiness, and deception that enable cues, but Huckfeldt, Mendez, and Osborn point to the fact that our social circles can be the source of our information and can inflect and block the information we receive (or don't) from others; even among heterogenous circles, some topics are off limits. We try to keep things within the confines of decorum to prevent disagreements or discussions from escalating too far. These conversations are bounded and governed by all the little norms and niceties that constrain and constitute our conversations with friends and acquaintances.[27] The same is true of political environments: they not only influence what information we receive, but impact what we

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[27] I will spend far more time on this below, and ask the reader's patience with this gloss of an enormous topic.

<u>do</u> with our information (see Kuklinski, Quirk, Jerit, & Rich, 2001). As we investigate the processes by which cues are constructed, interpreted, and taken, these influences will have the potential to shape cues and how people understand them.

Lupia and McCubbins' actors know what their ideal positions are; they are static givens, not subject to change or alteration. But new information has the potential to change what we think, or at least this is what Luskin, Fishkin, and Jowell argue (2002). By asking participants repeated questions while exposing them to more and more information and discussion, the authors find "on average, our participants emerge looking *more* like ideal citizens than they did beforehand" (2002: 484; emphasis in the original). Sturgis, Roberts, and Allum are less convinced that deliberative polling's findings truly represent informational advantages of deliberation (2005), and Lupia is quite skeptical himself (2007a, 2007b). Lupia's work suggests that people are not only unlikely to take the time to educate themselves, but that there is limited reason to do so because they can reach the same decisions with significantly less effort (1992: 398). Whether some version of the Athenian ideal is obtainable or not,[28] these debates raise questions about the role of new information, about whether new or better cues can overcome potential bias towards existing ones. More information, even better information, doesn't always mean we change our minds. As Sniderman and Theriault put it, "When citizens are able to hear opposing sides of a political argument, rather than falling into confusion or succumbing to uncertainty, or inner conflict, or muddle-headedness, they are more likely 'to go home,' that is, to pick out the side of the issue that fits their general view of the matter" (1999: 23). Again, I seek to complicate the standard account of cue theory by directing attention towards the cultural processes that produce and replicate them, rather than at outcomes.

These debates about whether new, different information will change voters' preferences, commitments, or behavior are related to more recent discussions about

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[28] Elsewhere, Ackerman and Fishkin suggest a national Deliberation Day, where citizens could gather to educate themselves on and debate contemporary issues (2004). Writing in a symposium on the idea in *Legal Affairs*, Lupia argues that education won't make an enormous difference because citizens could reach the same endpoints with shortcuts, and could better use their time doing other things (2004). Posner chimes in to reject even Lupia's heuristic approach as hopeless (2004). In his view, the American electorate is more or less <u>irredeemably</u> ignorant and we should just make our peace with it; neither cues nor one Deliberation Day a year will save us (2004; see also Luskin & Fishkin 2007)

the factors that distinguish high-quality cues and about the relationship between cues, ideological identity, and motivated cognition. Levendusky's research suggests, for instance, that as party elites become more polarized, elite cues will be clearer and more easily distinguished, which in turn will make voter behavior more predictable (2009). Malka and Lekles (2010) find that that voters' existing ideological identifications not only influence what cues they take, but can actually construct preferences on issues about which they know nothing (2010). Specifically, the authors discovered that when voters did not have pre-existing knowledge about farm subsidies, their party ideology and identity helped them determine what their preferences "should be."

Goren, Federico, and Kittleson (2009) plumb a different relationship between party identification and cues; their study found that parties can prime recipients to take cues along partisan lines by controlling the partisan identity of the source of the cue. Cues from more recognizably partisan sources are more likely to be interpreted in partisan fashion – which is to say they are more likely to be supported along party identification alone (806; see also Zaller 1992). However, the study also finds a relationship between party cues and preference formation: at least over the short term, party cues were able to move a voter's preferences, not simply align votes with them (818). These studies advance a much deeper and more difficult question: "What is the direction of causality between beliefs and preferences?" (Kuklinski, et al, 2000: 812) Is what we want always a product of what we believe? Or can what we want turn around and change what we think? Lupia and McCubbins' model assumes an actor's preferences are stable and given rather than fluid, unsettled, sometimes fickle creatures of interactions with our social world and those who populate it. Our given beliefs lead to given preferences that are outside their model. But what if we construct our belief system to justify our pre-existing preferences? This would dramatically reduce the ability of new facts or information to change minds. "If people already know their policy opinions, why should they bother to consider the facts?" (Kuklinski, et al, 2000: 812)

A recursive relationship between preferences and beliefs seems likely, or at least plausible.[29] Peterson, Skov, Serrtizlew, and Ramsøy (forthcoming) argue that scholarly focus on the availability and reliability of cues has obscured inquiry into the psychological processes behind cue-taking. They posit that most literature has assumed that cues are heuristic tools that minimize voters' cognitive effort. Their work, on the other hand, suggests that party cues may actually motivate voters to "*invest* cognitive efforts in defending pre-commitments... (e.g., by spending effort to produce convincing arguments for giving into the motivational pull of one's [party] identification)." (4) Cues, in other words, can not only tell us what we should do given what we want, but tell us what we want and force us to expend cognitive effort to try to justify it.

Peterson, et al, offer an exciting expansion of the theory, and one that opens up inquiry into the sorts of social, cultural, and cognitive processes that affect not only what cues we take, but how we take them. They explore how cues actually construct what we believe and want (and how we justify those beliefs and desires). But what if we are wrong about how to get what we want, or even self-deceived about who we want? Particularly in situations where cultural practices or patterns encourage particular deceptions, cues may be marshaled in perpetuation of those deceptions. I will argue that in baseball, a cultural framework encourages particular forms of self-deception in which the social cue of agent use plays an integral role.

The role that agents play in fomenting players' self-deceptions about their professional chances raises another interesting question about the relationship between cues and internal cognitive processes. Players, I suggest, are not cueing others with their agent use, but rather themselves; while the meaning of the cue is still socially constructed, it is often deployed for players' internal benefit. Here, too, the reasons players find the cue-as-self-signal to be beneficial are interwoven with the pressures and patterns of baseball culture. There is rich interplay between baseball's culture, the identities it prescribes, who players understand themselves as being and what they think they want, and how they "ought" to act to get it. Understanding this interplay helps

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[29] Lupia, with Druckman, has explored the world of preference formation, but does so from a cognitive science perspective that keeps the causal arrow firmly pointed from belief ---> preference, and still does not engage the possibilities opened up by social inflection of individual beliefs or preferences. Nonetheless, see Druckman & Lupia, 2000.

us to investigate how illicit agent use as a cue comes to exist, why players think it applies to them, the role in plays in their confidence and self-deceptions, and how their cultural rules channel them towards this cue rather than others.The cultural frames in which this cue operates construct its meaning, the goals for which it is deployed, and the social and psychological processes in which it is involved.

I think Gamson words it a bit strongly, but one of his questions does put a pleasantly fine point on it: "Is it really meaningful to talk about facts as if they are divorced from the larger frames and scenarios in which they are embedded?" (1998: 1580) Kuklinski, et al, identify this as a problem that plagues researchers seeking to determine citizens' familiarity with political facts: "Political facts are in large part politically determined, and the researcher often cannot identify precisely what the true and relevant facts are" (1998: 143). Regardless of whether it makes sense to talk about cues "divorced from the larger frames and scenarios" in which they are embedded,[30] a lot can be done by taking the logic of cues as shortcuts, removing them from that constrained environment, and putting them somewhere where we needn't immediately exclude any messy sociological questions that thrust themselves forward. The actors in Lupia and McCubbins may "live in a world where facts are true or false, clearly distinguishable from interpretations, and independent of the frames in which they are embedded" (Gamson, 1998: 1581), but cues don't have to.

Legal Consciousness and Socio-Legal Cues

For cues to guide us in complex situations, we need them to be of service to multivariate choices, such as the complicated path from amateur baseball player to professional, not just binary ones. Focusing on the processes of cue-taking rather than the outcomes means I needn't look just to cues that result in the same outcome as exhaustive research, but simply for patterned behavior that is used as a shortcut. To put cue theory and legal consciousness into conversation, we need to remove these three ties that bind cues in Lupia and McCubbins' model without doing undue violence to the underlying concept. These are not exactly the constraints that worry Gamson (he frets

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[30] Given Lupia and McCubbins' aims, I'd say it makes perfect sense.

on a grander scale) but by removing these more basic schematic constraints, we can put cues back into the social and political "frames and scenarios" where Gamson would prefer to see them.

There's nothing in the basic logic of a cue that requires the decision at hand to be between only two alternatives. That the decision-maker <u>happens</u> to be choosing between two possibilities is a basic assumption dictated by the problem that Lupia and McCubbins are trying to address. But the concepts of trustworthiness, knowledgeability, external forces, and "enlightenment" can apply equally well in situations where an actor is faced with a wide variety of options. Evidence shows that environmental stimuli can not only trigger desires, but activate complex behaviors, and even raise the utility of consumption (Laibson: 2001). In fact, Laibson also explains that environmental stimuli can do much to explain complicated human behavior that seems otherwise random; they condition, structure, and precipitate decisions in complex situations (2001: 82).

Laibson imagines a dessert tray inducing a sugary order from a patron who had previously been dedicated to his diet (2001: 81), but it could just as easily be a friend saying, "I've eaten here before and you have to order the torte! I know you're on a diet, but it's light and delicious." Such a friend would meet the conditions of persuasion (trustworthiness and knowledgeability) and would help us choose from among myriad dessert options. We can complicate the situation more, even while sticking with gustatory examples. Imagine how you might mold your behavior at a fancy dinner party where you were unfamiliar with the complicated etiquette. Faced with too many knives, forks, glasses, and assorted unknown paraphernalia, you would likely follow the lead of someone you assumed knew what they were doing. Outside fork first? You wash your fingers in this bowl of water with a lemon wheel? Verbal communication would be unnecessary; merely noting the behavioral cues from your dinner companions would enable you to successfully navigate the complexities of the formal table (and save you perhaps no small degree of embarrassment).

Proper manners seems a far cry from the facts that Lupia and McCubbins' actors seek, but I think the two are closer than they appear. Appropriate dinner table behavior is a socially determined fact, and while some facts about the world are objective, many

are themselves socially or culturally framed or mitigated. Even stipulating that one policy position is, as a matter of fact, closer to a person's preferences than another, those preferences are in the first place socially constituted in much the same way "appropriate" manners are. This is close to the critique Gamson articulates (1998), and that Kuklinski, et al (1998) are after when they write that many political facts are politically determined (1998: 143).

To say that a cue is something we use as a shortcut is helpful, but an incomplete articulation of exactly what a cue is – especially after removing Lupia and McCubbins' analytical clarity. Some of how a cue comes to be a cue for a particular person will be more thoroughly analyzed in Chapters 3 and 4, but some explication here will be instructive. To begin, I want to distinguish two different categories: social cues and informational cues. Social cues are cultural markers that we use to situate ourselves and others within a cultural framework. They are hints, aspects of performed social identities that allow us to place the performer. To borrow an example from Bourdieu (one that will resurface in Chapter 3), attendance at the opera is indicative of a high social status. Opera has a particular set of meanings in a culture, and someone's attendance at the opera is a shortcut by which others can make assumptions about status. Note that these assumptions may not <u>necessarily</u> be correct, but that we still believe that a person's attendance at or enjoyment of the opera tells us something about their place in the social world.

To return to the dinner party, imagine arriving at a pre-dinner cocktail hour and endeavoring to distinguish guests from caterers. Carrying a tray would be a rather obvious hint, but more subtle cues of dress and manner would likely be sufficient to know from whom you could order a drink without embarrassment. They would enable you to situate fellow guests and waiters within the social context and would dictate what sorts of behavior toward them would or would not be appropriate, which is to say that you could not only fix them in the proper social place, but your proper relationship to or with them as well. Social cues, then, perform two analytically distinct functions. First, they are shortcuts by which we locate ourselves and others in a particular place within a social or cultural frame. In so doing, they <u>also</u> tell us who in the frame is relevantly like us and who is relevantly <u>unlike</u> us. At the cocktail party, you and other guests are alike

in ways relevant to the social discourse, while you and the waiters are relevantly un-alike.

This grouping function provides a segue from social cues to informational cues. By informational cues, I mean something much closer to cues in the way that Lupia and McCubbins characterize them – shortcuts by which we can determine what decision or course of action is best for us to make or take. In multi-variable socio-legal scenarios, this will mean imitating the behavior of those we perceive to be similarly situated. By observing how similar others navigate complex situations with which we are unfamiliar, we can navigate them ourselves through mimicry. Note that this sets up social cues as prior to informational cues; social cues place us with or apart from others, which is required in order to know <u>which</u> others we can look to for informational cues. Chapters 3 and 4 will deal with how social cues emerge as such, and how we go about determining who we are like and unlike within a cultural frame; Chapters 5 and 6 will tackle how cultural predispositions affect our receptivity to <u>informational</u> cues.

There are many social theories and theories of identity formation that could inform the ways that social cues emerge against and in relationship to other cultural markers, and many psychological constructs and phenomena that would be helpful in understanding how informational cues get molded and inflected by the culture that undergirds and surrounds them. Many of these will be examined in specific situations in the coming chapters, but this project's central inquiry suggests a particular theoretical approach to supplement cue theory. Because I examine individuals' relationships to a rule, the cultural influences that substantiate its widespread violation, and the replication of that norm despite costs to those who perpetuate it, legal consciousness is a natural framework for us to examine the ways in which a culture gives meaning to social cues and influences the interpretation of informational cues.

Organizational cultures construe and constitute legal meanings that reflect their interests and demands (Edelman 1992, 2005) and are themselves private legal systems that create meaning for their employees (Edelman & Suchman 1999). Fuller, Edelman, and Matusik note that "the words of law may take a strong meaning that produces serious substantive change in one organization while taking on a weak meaning that produces sham responses in another" (2000: 211). Even different social networks within

an organization can create different perceptions of organizational justice among employees, and even affect how those perceptions are transmitted (Umphress, et al 2003). When the Atlanta Symphony Orchestra went on strike, the same information was received and interpreted very differently by the musicians than it was by the administrators; the differences in each group's perceptions could be traced back to different feelings about the groups' roles within the larger organization (Glynn 2000). Here, materialist and cultural perspectives on the relationship between law and organizations diverge. Materialist approaches, while acknowledging an organization's power to influence the law through litigation,[31] tend to view law as external to individuals and organizations – as something to which they react – with an understandable emphasis on incentives and the rational pursuit of organizational goals within a set of constraints. Compare this to a cultural view that emphasizes both the ways that law provides the institutional signs and signals that organizations internalize and the ways that organizational behavior determines what law is (Edelman 1992, 2005; Edelman & Suchman 1996).

What both approaches have in common is the notion that an organizational culture influences the way those within an organization perceive information, which is to say that it can determine what emerges as a cue within the organization. From here, it is an easy cognitive step to ask how these cultures structure individual participation within them. Law and rules are not just for lawyers, nor simply an influence on social relations and relationships, but to reiterate Silbey's point, "conceptual categories and schema that help construct, compose, communicate, and interpret social relations" (Silbey 2005: 327; see also Edelman & Suchman 1997). The durable predispositions that law helps create – legal consciousness – are products of law as culture, and influence how individuals approach and relate to law. Studying the phenomenon requires careful attention to how individuals and local cultures accept and inflect those categories and

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[31] See Edelman & Suchman 1997 for a helpful summary of materialist approaches.

schema (Silbey 1992: 37; 2005: 327).[32] Silbey, in the sociological tradition, calls for the study of legal consciousness to return to an explication of how legal structures and attitudes are reproduced despite the inequalities they create and perpetuate (2005: 358). Legal consciousness as Silbey articulates it attempts to explain how an individual's consciousness is not only produced by cultural structures, but is a form of participating in culture in a way that tends to reproduce it.

Attention to individuals' relationships to the rules and norms that guide their participation in a culture provides a theoretical counterpoint to cue theory's investigation of how individuals gather and process information when making decisions. A dialog between these two frameworks generates four questions around which I will structure my analysis. First, how does a culture construct rule-breaking as a social cue? By what processes does a particular sign or symbol attain the ability to stand in as a shortcut for social position? Second, how do individuals come to think of themselves as recipients of some cues rather than others? How do baseball players determine who is relevantly "like them" and who is not when determining whether or not breaking a rule is something they "should" do?

Having examined how amateur baseball can help answer these two questions about the origin of social cues, we can turn to two questions about how cultural predispositions inflect how we receive informational cues. For one, how do baseball culture and identity affect how players interpret facts and signals about their relative positions? When we receive information, we do not consume it unfiltered; it is inflected by the situation in which we come across it, by our own prior beliefs and preferences, and by our self-identity. It is interpreted and used in light of the information we already (think we) have. Nor is it simply a matter of information being refracted through personal and cultural lenses; information can be channeled or blocked all together through the cultural roles that we and others inhabit. A fourth question, then: how do cultural roles close off and channel the flow of information and the accessibility of informational cues?

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[32] Within the study of legal consciousness, too, different goals have led to different conclusions and agendas. Disparate findings as to whether Americans were litigious (e.g., Lieberman 1981) or not (Haltom and McCann 2004), or preferred to settle things on their own (Ellickson 1991), led to an emphasis on the production of law and legal process, rather than – as Silbey would prefer – the (re)production of legal ideologies (2005: 341).

These four questions, each a product of the creative tension between cue theory and legal consciousness, form the backbones of the four chapters in which I use amateur baseball as a case study to try to leverage some answers. Each question, though, comes with its own array of background literature warranting more elaboration.

How Does a Cue Become a Cue?

Cues emerge from the dizzying background of signs, symbols, and other information as signposts for particular actors. Stellar navigation requires one to find a star and compare it to other known points in order to strike off confidently in directions unknown without needing comprehensive knowledge of what else might be on the map. We use cues to find our way through unknown legal, political, and social spaces, and, just like stars, we need to know where a cue is in relation to its surroundings before we can use it to navigate. But how does a particular cue become a cue? Various strands of socio-legal literature suggest different approaches for behavior that becomes "typical" in a culture or subculture, but each leaves different stones unturned. Ellickson gives an account of how a behavior might emerge and come to be associated with a particular group or identity (1991), but does not (as Bourdieu does) tell a story of how that group's behavior might be taken up or aspired to by others (1968, 1977, 1984). Bourdieu's cultural analysis gives us a method by which elite habits come to be reproduced through the aspirational behavior of others. Finally, heuristics literature in political science shows how social and political networks give meaning and texture to a cue; which is to say they make a cue a cue (Fuhse 2005; Calfano & Djupe 2009). They do not, however, tend to tie in accounts of how a cue originates or comes to be reproduced. Cue theory and legal consciousness taken together allow us to use these varied literatures to construct a narrative of how a behavior emerges in culture and forms the associations necessary to substantiate a social cue, and how it is replicated by virtue of its place in that culture.

Ellickson gives a lucid and plausible account of how a particular norm might originate. He tells a story of Shasta County cattle ranchers who believe that they incur liability for motor vehicle accidents with their loose cattle only when their property is fenced; "The motorist buys the cow on the open range" (1991: 83-103). In fact, the

formal law resolves claims according to simple negligence principles, rather than the strict liability that ranchers believe legally applies (1991: 88). Ellickson hypothesizes that "members of a close-knit group develop and maintain norms whose content serves to maximize the aggregate welfare that members obtain in their workaday affairs with one another" (1991: 167). For the ranchers, there had long been no economic incentive to fence in cattle. It was expensive, and there was little risk of accident in the early, empty days of northern California. At such a time, it would have made little economic sense to pay the possible exorbitant costs of fencing cattle with such limited risk, so a norm arose favoring different liability determination. Ellickson's insight is that in small systems where communication isn't overly costly, informal but complex systems of norms emerge to maximize the welfare of the group even if – perhaps especially if – they contravene the "official" rules that purport to govern those groups.

The economic situation has changed, and the law has changed too, but the ranchers' beliefs have proven quite sticky despite consistent judicial opinions that ought to undermine them; ranchers seem to think that legal professionals are the ones getting it wrong (Ellickson 1991: 103). As the norm assimilated into the set of cultural patterns that constitute rancher practice and identity, it seems to have propagated and reproduced itself over the years. Ranchers come to their beliefs about accident liability on the open range not through consultation with official sources or through discussion with legal experts or insurance adjusters. Their source of information is the set of cultural beliefs and practices that constitute traditionalist ranching, including the belief that a rancher who does not fence in his cattle does not incur liability for accidents with motorists, or damage done to crops. Counterintuitive as it might seem now, or to outsiders, Ellickson theorizes that when the norm developed in frontier culture, there was little risk to the few crops grown in the area, and motorists were few and far between (1991: 186-88).

Any set of cultural structures, whether for ranchers or baseball players, might be described as Bourdieu does his concept of *habitus*: "systems of durable, transposable dispositions, structured structures predisposed to act as structuring structures" (1977: 72). Methodological and disciplinary boundaries aside, behind Bourdieu's distinctive phraseology lies a helpful extension of Ellickson's insight, and cues and cue theory are

a helpful pivot point between the two. The markers of elite behavior come to provide the standard by which behavior is structured more broadly. The "pure gaze," for example, is the aesthetic elite's learned practice of subconsciously deciphering a piece of art's cultural code (1984: 3-4, 31). Only when the cultural context that produced a work of art is congruent with the code as understood by the aesthetic observer can the act of de-coding art be done effortlessly and "naturally" (Bourdieu 1968: 510, 589).

The ability to participate in haute culture depends on an individual's ability to appropriately pick up on and display cues about art's position in a cultural matrix, and about the participant's position as well. An intellectual's ability to effortlessly join a discussion of Goya's work depends on her ability to instantaneously situate Goya appropriately in social space – here, his name or the name of one of his paintings playing the role of a cue – and to say the right things and react in the right ways. There are degrees; it is easier to fake enjoyment of opera than knowledge of opera. One requires enough money to buy tickets and dress appropriately (and at least enough cultural knowledge to know how to do that; see Bourdieu 1984: 272); the other requires some degree of actual cultural fluency.[33] These behaviors become affiliated with elite cultural status and are reproduced through aspirational behavior by others. That a certain person or class of persons acts in a particular way already tells an observer something about that behavior. Both individual and group identities (elite and otherwise) are inextricably intertwined with what behavior tells others about the actor.

Cues depend on the cultural matrices that surround them for their meaning, and for their reproduction. Though advocates of heuristic approaches to political behavior argue about the efficacy of cues, they tend not to connect them to patterns of social hierarchy and reproduction, which influence what becomes a cue and can help explain a cue's propagation even by those it might appear to harm. Nonetheless, cue theory

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[33] The "pure gaze" may be impossible to imitate, but other aspirational behaviors are not. Veblen first isolated the phenomenon of conspicuous consumption to display one's wealth (1899), while Bagwell and Bernheim have more recently found that purchasing ostentatiously expensive goods creates more customer satisfaction than lower-priced but otherwise identical goods (1996). This satisfaction surely comes from the perception that one cements one's status through an expensive purchase, but the psychic value is embedded in a social context where the purchases of the rich elite constitute and cement the behavior to which others aspire. Consider, too, Atukeren and Seçken's attempt to statistically quantify the psychic benefits of owning fine art (2007).

does offer examples of cultures and subcultures providing meaning for a cue. It's been argued since 1952 that voters can use party identification as a proxy (Berelson 1952), but even simple partisan cues can be understood only in the context of preexisting partisan positions, values, and stereotypes. Nelson and Garst find that voters are less likely to use political statements as cues when they cut against the speaker's assumed political positions: speeches on individualism are more readily accepted when given by Republicans than Democrats, the reverse being true for speeches on egalitarianism (2005: 510).[34] Arceneaux's experiment finds that while candidates are punished by their partisans for stepping off the party line on a high salience issue (abortion), they were not when it was an issue less firmly identified with partisan politics (federalism) (2008: 152). The background assumptions and stereotypes about Republicans and Democrats are what give meaning to the political cues we use.

Commonly held signs and symbols give meaning in smaller social or political networks as well. Calfano and Djupe show that Republican candidates use phrases that signal particular values to evangelical Christians without impacting others (2009). A statement like, "There is power, wonder-working power, in the goodness and idealism and faith of the American people"[35] draws on biblical passages and hymns common to evangelical Christians and loaded with connections to GOP politics. However, understanding those references and their political overtones requires familiarity with the culture of evangelical Christianity. The cultural context in which the utterance is heard determines whether it is taken as a proxy for a candidate's religious-political affinities or

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[34] See also Druckman, et al, 2010, on a frame's general ability to mitigate the power of a cue.

[35] Calfano and Djupe take their coded statements from Kuo 2006.

not.[36] What one person says is "shaped by symbols, scripts, and schemata" available within a subculture (Fuhse 2009: 67).[37]

Ellickson gives an account of how an instrumental rule-breaking behavior might arise and become embedded in a small group, but cannot explain how that behavior might reproduce itself outside of a group for which it was intended. Conversely, Bourdieu tells a story about how elite and/or hegemonic practices and ideologies come to be reproduced by both elites and by others, but does not analytically connect such reproduction to the origins of behaviors or ideologies. Various empirical attempts in cue theory itself show how symbols in a particular culture – evangelical Christianity, for example – give meaning to the cues that emerge within it and illustrate some of the ways that legal or political consciousness might, as Silbey theorizes, help participate in constructing and reproducing "meaning-making." They have not, however, connected those meanings to the ways that a culture either creates or reproduces a cue.

My empirical investigation and analysis of amateur baseball will use the conceptual foundations of cue theory to connect these literatures and to fill in a few of the gaps between them. I will show how agent use could have emerged as an instrumental economic behavior and subsequently become culturally attached to elite status. Once part of the cultural matrix, agent use becomes a social cue, a shortcut signifying things about players who have agents, and the behavior is reproduced by those outside the group for which it was intended (and for whom it serves no economic

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[36] Turner takes it a step further, showing that stories from CNN and FoxNews are taken as partisan cues (liberal for the former, conservative the latter) "irrespective of the actual content of the stories" (2007: 455; emphasis added). The surrounding signals, stereotypes, and assumptions that themselves serve as cues not only create the environment that gives the content possible political meaning, but they give particular meaning to the content regardless of what that content is. A CNN story recounting a decrease in attacks against American troops against Iraq but an uptick in their sophistication, for example, was perceived as liberally slanted when attributed to CNN, and conservatively slanted when attributed to FoxNews.

[37] Bartholow and Heinz give a somewhat more playful example of such "symbols, scripts, and schemata," showing that the "association between alcohol and aggression is automatically activated upon exposure to alcohol-related images, and that activation of this link has consequences for social perception;" behavior is more likely to be considered aggressive or licentious if there are alcohol-related cues present (2006: 35). Other contextual assumptions create other social cues: we use our perceptions of customer service quality as a cue for the risk of investing with a company (Chen & Chang 2005); toddlers use cues from others to more readily decipher the semi-stable framework of language (Hall, et al 2003: 1557); ads comparing a product to a well-known brand are more effective than comparisons to lesser-known brands because well-known brands function as cues for more people (Grewal, et al, 1997; see also Roggeveen, Grewal, & Gotlieb 2006).

purpose). Though players are not public about their relationships with agents while they are still in college, once out of college they no longer have any reason to hide their formerly illicit agreements. Elite players – those taken in the first few rounds – are the most vocal, often having their agents make announcements about their contract agreements. So while current players remain secretive about their relationship with agents, former players cement agents as elite accoutrements. As baseball players learn what it means to be a baseball player, and especially what it means to be an <u>elite</u> baseball player, they come to know the behaviors and markers of that status. Agent use takes a place alongside the habitual use of black athletic socks, the ubiquity of chewing tobacco, and imitation of Albert Pujols' batting stance as learned behavior marking elite identity. Further, it is not merely elite status that perpetuates the use of agents year to year; the <u>aspiration</u> to elite identity is a powerful cultural force as well.

The story to this point shows how a social cue can emerge and become part of the way individuals make sense of the cultural space around them, but will not yet have explained why baseball players who see neither monetary returns nor publicity advantages from having an agent (recall that such information is rarely spoken about) would <u>choose</u> to participate in the reproduction of a social cue. To better understand how these social cues not only help them make sense of the culture, but to <u>participate</u> in it, we need a story of how people come to understand themselves as proper recipients of particular social cues.

How Do We Know When a Cue Applies to People "Like Us"?

There are few limits on what <u>could</u> become a cue – if, indeed, there are any. But a constitutive element of a social cue is a place in the social framework from which individuals can draw reliable inferences about the roles they and others are to play. As a behavior becomes standard, as a practice becomes a pattern, it comes to have particular social meanings. We can learn about our social place through observation of those who we deem to be "like us" in the relevant ways. But questions about how we group ourselves with others or how we distinguish ourselves from others presuppose answers about how we conceptualize our identities. Determining who we think is like us requires some account of who we think we are.

Cue theory imagines given, stable preferences and beliefs. But what if the identities those preferences and beliefs help to constitute influence what cues we think apply to us and how we interpret them? Our identities are a crucial component of cue-taking: who we find trustworthy, whose preferences we accept as proxies for our own, and what we find persuasive are all impacted by who we think of ourselves as being. Legal consciousness and its relationship with narrative identity theory can provide the background that explains identity's effect on cue-taking. On the other hand, cue theory can provide some explanation as to how identity facilitates the reproduction of social structures. When we make decisions that perpetuate social cues, it is in part because taking and acting upon social cues reproduces the social framework that produced them.

Cue theory at least gestures at the ways identity provides a backdrop against which cues are taken. "Strongly held affective predispositions are triggered automatically by attitude objects with relevant symbolic meaning" (Sears 2001: 30). In other words, cues, which have symbolic meaning garnered from cultural patterns in which they are embedded, are most salient when they trigger the facets of our identity we hold close. This process can be either conscious or subconscious. McAdam and Paulsen conclude that "prior ties would appear to encourage activism only when they (a) reinforce the potential recruit's identification with a particular identity and (b) help to establish a strong linkage between that identity and the movement in question" (1993:

663).[38] The suggestion would be that actively fostering connections to recruit's sense of identity would amplify an organization's ability to establish a new activist.[39]

Rankin finds that "symbolic predispositions of <u>national</u> identity provide long-standing, stable, and accessible attitudes" that uninformed citizens use to formulate opinions on trade policy (2001: 372; emphasis added). Adherence to traditional American values of free markets provide shortcuts for some who end up advocating free trade, while other symbols of American nationalism direct voters to more protectionist positions (2001: 370). These shortcuts cut across party and take the place of deep engagement with economic argumentation and analysis; they <u>formulate</u> one's economic opinions. But though work like Rankin's goes some distance towards acknowledging the relationship between cues and preferences, it still does not address the question of how a person came to identify as "American enough" to choose to make use of cues about economic nationalism.

Social identity theory focuses instead on the impact of local culture on identity formation. Individuals inevitably come to perceive themselves as psychologically intertwined with a group and internalize that group's goals, norms, and rules (Tajfel 1978; Ashforth & Mael 1989; Stets & Burke 2000; Hogg & Vaughan 2002). Our social identities "represent the internalization of the rules, expectations, and norms associated with specific social rules as aspects of the individual self" (Brewer 2001: 117). In this school of thought, we do not so much insert ourselves as we are <u>inserted</u> into a predetermined social system; our position is defined relative to others in it and to the

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[38] McCann's exposition of the pay equity movement is grounded in the theoretical recognition of "the ongoing, dynamic process of constructing one's understandings of, and relationship to, the social world through use of legal conventions and discourses" (1994: 7). Rights discourses provide the legal resources with which movements advance or even constitute their cases, but identity is wrapped up in the intersection of the pay equity movement and feminist movements. The changing discourse of "equal pay for equal work" found a natural ally in existing feminist groups, and appealing to that identity led to important partnerships between the two (McCann 1994: 120-21). Individuals who consider themselves feminists have a relationship with feminist organizations, which themselves intersect with a new set of norms and symbols surrounding pay equity. How that interplay develops will be determined in part by the self-identities of the organizations' members, organizational patterns and identity, and the patterns that guide the relationships between the two.

[39] Compare this to Valentino, Hutchings, and White's finding that reinforcing negative racial stereotypes heightens the role of racial attitudes, unless the receiver becomes <u>aware</u> of the cue being used, in which case the effect is suppressed (2002: 88).

various cues in that system. It was not by coincidence that all of the musicians considered music to be the paramount task of the Atlanta Symphony Orchestra (as opposed to making money or attracting patrons). Their self-definitions as musicians meant the internalization of a musician's values, goals, and practices (Glynn 2000).

The cultural landscapes that give cues their meaning help us make sense of the world around us by letting us partake of prefabricated norms and patterns inherent in our interactions with others, especially others with whom we identify. Whether Foucault's seventeenth-century soldier who modeled himself with signs of strength and courage – "lively, alert manner, an erect head, a taut stomach, broad shoulders," as Foucault quotes Montgommery – or the eighteenth-century version that is molded through the manipulation of a docile body, the identity of an individual soldier is (at least partly) constituted through pre-existing physical and mental markers imposed on him by martial culture (Foucault 1978: 135-36).

Some of the sociological literature on gangs utilizes the same imagery of imposed or given identities. "A youth's self-identity... is inspired and affirmed by commitment to and identification with the gang... one learns what to think about one's self and how to act – and the group itself and the roles that group members represent provide the person with the ingredients for self-identification" (Vigil 1988: 424). The gang provides markers for an individual's identity, and both that identity and the meaning of those markers are reinforced by their performance: "Roles provided by the gang, and the symbols and rituals by which these roles are enacted, reinforce this identity" (Vigil 1988: 424). Garot argues that gang membership is both articulated in and reinforced by patterns of dress (2010: 64-65), that the symbols of gangs as social resources are reinforced by how others perceive membership (117-18) and that certain acts of violence not only constitute membership but can summon forth one's identity as a gang member (159-60). Cultural structures bring to the surface particular facets of identity, reinforcing those aspects in the process.

The language of prefabrication, imposition, and "given" identities emphasizes the culture's power to enforce certain kinds of identities. It echoes the Althusserian concept of "calling forth" subjects of a particular ideology and "hailing" them as such (Althusser 2001). A subject is "hailed" as one appropriate to a particular ideology by invoking the

ideology's signs and signals that constructed the subject's identity in the first place. Althusser's claim "is not that the category of the subject is affected – or acted on – by ideology, or that it is just like ideology, but rather that it is *constitutive of* ideology: to the extent that there is a subject (and there always is), it exists as such through ideology" (Wingrove 1999: 877). The interpellation of the subject exists through the socio-linguistic practices that are "the means and mode of subject formation" (Wingrove 1999: 872). But focusing on prefabricated and given identities limits our ability to wonder about and analyze the ways that individuals build and make their own. Political heuristics may envision culture as a backdrop against which an individual's identity assigns values and beliefs, but the sociological literature swings the pendulum far in the other direction. At its most extreme (Althusser, perhaps) individuals' identities exist <u>only</u> through ideologies. Even in less extreme forms, the literature emphasizes culture's power to mold individual identities in pre-structured, prefabricated ways.

Narrative identity theory accepts instead a starting premise that "fashioning oneself and being fashioned by cultural institutions – family, religion, state – [are] inseparably intertwined" (Greenblatt 1980: 256).[40] In short, we assemble stories about ourselves that tell who we are by incorporating the signs and symbols of the structures that surround us. As Schiffrin styles it: "The language used in narrative creates a story world in which both agentive and epistemic displays of self can position a story teller in a matrix of actions and beliefs that together display a social identity" (1996: 198). Bruner adds that narrative is itself an ordering principle: "We organize our experience and our memory of human happenings mainly in the form of narrative – stories, excuses, myths, reasons for doing and not doing, and so on" (1991: 4). It is the process by which we fold, bend, and refract our disparate and inconsistent experiences to fit them together into something we perceive to be a comprehensible whole. "We impose bold and imaginative metastructures on local details to achieve coherence" (Bruner 1996: 164;

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[40] Greenblatt's take on literary history theorizes that, even among the great literary figures of early-modern English, there may not have been moments of "unfettered subjectivity," but that an individual could fashion his or her own identity through individual choices, if only from "among possibilities whose range was strictly delineated by the social and ideological system in force" (Greenblatt 1980: 256). He argues, in short, that culture gives us an overabundance of tools for constructing our self-identities, and we choose from among those possibilities. The sixteenth-century figures Greenblatt examines did this – or so he argues – through stories: letters, memoirs, and works of fiction.

see also Bruner 1990: 99-138; Bruner 1998). Rosenwald and Ochberg echo this when they say that "the storyteller says, 'This person I am today is who I have been years becoming'" (1992: 9).

Legal consciousness seeks to explain identity's influence on how people address themselves towards the law, legality, and legal structures, so it makes sense that it has incorporated narrative identity theory. Engel and Munger take as their task "tracing the emergence of identity and orientation toward law from experiences in early childhood, through adolescence and continuing..." (2003: 12). Sara Lane's childhood experiences integrating her into able-bodied culture help define her relationship to the Americans with Disabilities Act as a tool for her pursuit of her "deserved" equality, while Rick Evans' story is dominated by limitations and constraints he feels are unalterable, even with the ADA (48-58).

Ewick and Silbey's methodology and theoretical frame reflect the same ascendence of narrative as identity construction: "We use the language of stories and narrative to describe what we found... we adopted the concept of narrative because people tend to explain their actions to themselves and to others through stories" (1998: 29). Their story about Rita Michaels, a devout Catholic whose beliefs about the world and her place in it are structured by her faith, her family, and her community, is a perfect example of the work that narrative can do to construct not only identity but legal consciousness (Ewick & Silbey 1998: 60-77). For Rita, marriage was an exclusively private affair, and her relevant moral universe was constituted by her friends and neighbors. These beliefs and identities (privacy, community, Catholic, mother, friend, neighbor, etc.) deeply influenced the way that Rita conceptualized the role of law in her life. As the authors put it, "To Rita, her affairs were immediate, subjective, and trivial in contrast to what she described as the permanent, remote, and solemn public realm of law and legality" (Ewick & Silbey 1998: 77). Notably, only when her divorce threatened to fracture the identities she had built did she resort to the world of law for solutions.

Both sets of authors seek to explain why the law means different things to different people, even if those people are similarly situated, and even though they are "equal before the law." Both use narrative identity as a way to argue that individual agency certainly affects how we think about law and rules, but that we select actions

from among those made culturally available to us. They track between legal consciousness as an individual phenomenon and as a product of cultural structures, between identity as an independent variable and identity as a pure product of our environment, settling somewhere in the middle where our consciousness is a form of participation in both the construction of our own identity <u>and</u> the reproduction of cultural forms.

Narrative identity is a helpful pivot point between legal consciousness and cue theory, providing a way to tie the shifting preferences and beliefs that constitute identity both to the reproduction of extent social structures and the ways that we determine <u>which</u> social and informational cues are appropriate for us. Over the course of their lives, Cape Cod Baseball players have learned what behaviors are appropriate for "people like them" by assimilating cultural practices into the stories they tell about who they are (thereby reproducing them). When asked when they started playing, they say things like, "I was hitting off a tee as soon as I could hold a bat," or "I don't know... when can you walk?"[41] These stories stretch back to boyhood memories of Little League and of playing catch with their dads,[42] and they stretch forward to an imagined future in professional baseball. These stories come not only to structure aspects of a player's identity, but to shape his actions with an eye to an aspired to future. These learned behaviors and identities, in turn, influence which cues players think they ought to take, and which they ignore as applying to other people. Their identities as baseball players group them with a certain social population; who they think is like them affects what sorts of social cues they take – what sort of behaviors they choose to mimic. The stories they relate about who they are tell them who their peers are or ought to be, and what shortcuts they can take to act like them.

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[41] A Freudian interpretation would maintain that as young adults, these players are projecting an "ego ideal"; a desire to emulate the adulated youth we remember ourselves as leads us to try to return to this identity for the world to keep adoring us (or to start to do so again) (Freud 1914; Fine 1986; Brown 2007).

[42] If there is a more primordial image in 20th-century American (male) mytho-poetics than a boy playing catch with his dad, it certainly escapes me.

How Can Self-Deception Change How We Interpret Informational Cues?

How is it that information available to players fails to influence their behavior in ways we would expect? When a player knows full well that he is a 30th-round pick and that an agent will do him no good, we would anticipate him <u>not</u> working with an agent given the costs. Is agent use nothing more than costly self-deception? While it would be overly simplistic to conclude something so reductive, self-deception does have the power to shape our ideas of who we think we are or can be, and therefore to influence and impact the types of cues we take. We do not consider information about ourselves, our type, our goals, and the cues that we think speak to us with fresh eyes; they are impacted by the individual, social, cultural, and political beliefs that we already hold. But how, exactly, do self-image and self-deception change how we perceive cues?

Athletes sometimes foment their self-deceptions as a matter of intentional practice: "Someone who enters an important athletic competition may imagine herself dominating it... executing (in her mind) all the required tasks to the point of perfection may convince our competitor that an excellent performance is well within her reach even in the presence of undermining beliefs" (Lazar 1999: 285). Baseball players almost <u>all</u> say that when in the batter's box or on the pitcher's mound, they <u>need</u> to believe that they are better than the player they are facing (even – perhaps especially – in the face of overwhelming statistical evidence to the contrary). They say that in order to get a hit or a strikeout, you must <u>believe</u> that you can get one, no matter how obviously talented your opponent. Nor is willful self-deception limited to happenings on the diamond. Players' aspirations to professional baseball are themselves crucial aspects of their identities. And what is true for their at-bats proves true for their aspirations: they fully believe that to make it to the next level, they must already believe that they belong there. One will never make it to the Cape, to the Minor Leagues, or to "The Show" (the Majors) unless one is committed to the <u>belief</u> that he will, regardless of what the evidence suggests.

Cue theory and other empirical political science have illustrated that confirmation bias and "motivated cognition" can play a role in how we process information; we tend to accept information that confirms what we think and are generally suspicious of information that tends to <u>disconfirm</u> our beliefs (Taber & Lodge 2006; Cowen 2005).

These empirical efforts, however, shy away from a theoretical explanation of how an individual <u>arrives</u> at beliefs that end up precluding further truth-seeking. Once again, narrative identity provides a backstory that supports our tendency to shy away from information that disrupts our existing belief structures; in authoring our own stories, we look to the type of life we wish to live, or the type of person we wish to be, and repackage information in ways that can substantiate our desires (Eakin 1999, 2008; Palmer & Champlin 1979). Given narrative identity's ready link to legal consciousness, the ease with which we deceive ourselves in (and with) our own stories carries significant import for those who wish to use legal consciousness to explain the reproduction of hegemonic legal structures (Silbey 1992, 2005). In fact, self-deception can be crucial to the reproduction of social patterns by those they seem to mis-serve; the gang members in Venkatesh's work replicate the structures in which they live at least in part because they are self-deceived about their chances of advancing (2006, 2008; Jay-Z 2010: 75). But the ethnographic and theoretical work is disconnected from the concrete ways that self-deception encourages actors to process information. Examining self-deception in the context of the relationship between cues and identity can help explain why we take some cues and not others, and how new information can not only fail to shake established beliefs but even be re-appropriated and marshaled in their defense.

       We often find ways to cram new information – even potentially disruptive information – into our pre-existing narratives. Recall Sniderman and Theriault's finding that people confronted by irreconcilable sets of information tend to "go home," to choose the interpretation that better fits with <u>existing</u> beliefs (1999, 2004). We accept, for instance, information that confirms our beliefs and hypotheses more or less unflinchingly, but when faced with evidence to the contrary, we seek out reasons to discredit the opinion or the source (Taber & Lodge 2006: 755). "People are often unable to escape the pull of their prior attitudes and beliefs, which guide the processing of new

information in predictable and sometimes insidious ways" (767).[43] When exploring why even uninformed citizens often refuse to demur to experts, why "citizens are deliberately dismissive, stubborn, and irrational," Cowen finds similarly: "People seek out evidence that is favorable to their point of view and neglect evidence that is unfavorable to their point of view" (2005: 437-38). Cowen pushes just a bit further to engage pride, an emotion inextricably bound up with self-esteem and self-concept: "When pride is involved, as is often the case in politics, individuals shy away from strict truth-seeking behavior" (2005: 444).[44]

However, as before, cue theory and related political science literature treats identity as a background factor rather than a fluid variable that is in dialog with the culture it helps an actor to interpret. When it concludes that we reinterpret or ignore information because of our prior beliefs, it leaves open questions about how we came to those beliefs and how we came to value them. This is, as we have seen, a question that narrative identity theory is well-equipped to address, and it readily incorporates practices of self-deception as well. Perhaps it is the role of imagination that so readily joins story, narrative, and fiction. With imagination, we are able not only to perceive

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[43] This can happen to presidents as readily as the common voter. Bill Clinton didn't decide not to intervene in the former Yugoslavia because he had read *Balkan Ghosts*, Jervis surmises, but had read *Balkan Ghosts* because he was seeking out reasons not to intervene (2006: 658). Reagan, a contemporary noted, could "convince himself that the truth is what he wants it to be"; even persuading himself that he wasn't trading arms for hostages (Nofziger 1992: 45; Jervis 2006: 659). Nor is it simply a matter for domestic politics. Acharya argues that sensitivity to how we reinterpret and repackage information is crucial to building transnational norms: recipients of new norms can tweak "the shape and content (or both) of foreign ideas to make it more congruent with the recipient's prior beliefs and practices" (2004: 245).

[44] In Newman's work on motivated cognition, he writes that "in plain language, discovering that one's preconceptions might be wrong is cause for concern." (1999: 60) Finding ourselves so concerned "causes an increase in the intensity of cognitive processing, and that extra processing can potentially turn up new evidence that is more congenial to one's directional goals." The fact that we more often than not find what we would rather find can be traced to the fact that "attitude-consistent knowledge is generally more cognitively accessible than knowledge inconsistent with one's attitudes." Why would such a phenomenon be so widespread? Are our identities so fragile or so contingent that we must carefully police the information that confronts them? Elga hypothesizes that "[unrealistically high] self-evaluations promote the sort of self-esteem and self-confidence that help people start projects and persist through difficulties" (2005: 117). Others have gone so far as to suggest that escapism and self-deception may be evolved traits that enable us to continue when rationality would seem to demand despair, retreat, or suicide (Longeway 1990; Trivers 2011).

things that have not happened yet (our potential futures) but to perceive and convince ourselves of things that are not true.

The obvious links between narrative, self-image, and the possibility of self-deception give rise to questions about the veracity of the stories we tell about – and to – ourselves. As Palmer and Champlin have it, "The concept of mind, which autobiography considered as a literary genre involves, is one in which the possibility of self-deception is crucial" (1979: 64; see also Eakin 1999: 43).[45] When we tell stories about ourselves, "We draw on the resources of the cultures we inhabit that specify what it means to be a man, a woman, a worker, a person in the settings where we live our lives" (Eakin 2008: 22). These roles and settings are drawn around, in contrast to, and in reference to others who inhabit them. Anthony Kenny suggests that the questions we ask about who we truly are – "Do I really love her? Am I the kind of person who would betray a friend to his death to save my life?" (1988: 31) – cannot be answered by introspection, but only by through our interactions with others and the world around us. It is when we don't like the answers provided by those interactions that self-deception becomes a crucial accoutrement. Audi argues that self-deceptions cause rationalization, but that rationalizations may in turn create and entrench self-deception (1988: 117-18). Rationalization is the spin we put on new information to fit it in our belief system. It is a conscious process, so it makes sense that self-deception need not be unraveled by a subject's knowledge that he is biased, or reaching, or rationalizing (Newman 1999: 62).

Narrative identity and autobiographical theory have done well to acknowledge and analyze the role that fiction plays in our construction of identity, and those who, with

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[45] Consider an excerpt from Albert Speer's autobiography (Speer was Hitler's chief architect and Minister of Armaments and War Production):

> I did not want to know what was happening [at Auschwitz]. During those few seconds, while Hanke was warning me, the whole responsibility had become a reality... from that moment on, I was inescapably contaminated morally; from fear of discovering something which might have made me turn from my course, I had closed my eyes. This deliberate blindness outweighs whatever good I may have done or tried to do in the last period of the war (1970: 481).

Or, as he later put it in an interview for *Playboy*, "If I didn't see it, then it is because I didn't want to see it" (Norden 1971)**.** His later regrets*, mea culpas*, and supplication notwithstanding, how could Speer possibly blind himself to such atrocities? It is instructive, if not particularly satisfying, when Burrell and Hauerwas say that "his self-deception was correlative to his identity as he clung to the story of being Hitler's apolitical architect" (1974: 108).

Silbey, would use consciousness and identity to explain how we interact with and reproduce legal structures would do well to incorporate it as well. This is especially true when the ideologies people use to build their identity <u>encourage</u> self-deception, and self-deception in turn aids in the reproduction of that ideology. An example from the sociology on gangs illustrates this quite well. Consider the low-level urban crack dealers who accept incredibly poor wages and almost unbelievably high risks of death[46] in order to sell (Venkatesh 2006, 2008; popularized in Levitt and Dubner 2005). Venkatesh sees the structural problems that encourage young black men to enter the gang lifestyle, while Levitt and Dubner see an economic "tournament" with entry-level participants willing to take high risks and low payoffs for a shot at the jobs at the top of the pyramid (2005: 106-107).[47]

But none of the authors heed the fact that for this to work, participants must believe that they are the exceptions, that they are the ones who will beat overwhelming odds and make it to the top.[48] As we look for explanations of how and why people reproduce practices that seem to harm them, self-deception can offer not just color and texture, but a concrete mechanism. Both the ways legal consciousness reproduces legal structures and the specific ways citizens perceive and interact with law can be enriched by closer examination of self-deception as a "durable predisposition" itself. It is

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[46] Levitt and Dubner note that the street-level Chicago crack dealer has a higher risk of death than a Texas death row inmate (2005: 105-106).

[47] Akerlof and Kranton take a different economic approach in *Identity Economics*, endeavoring to spell out the implications of an economic theory accepting – perhaps even built on – the utility (to use their term of art) an actor gets from actions consistent with his self-identity (2010). Whether our beliefs are rational or not, we like doing things that confirm them and dislike doing things that cause tension with them. Simple as the premise sounds, it has powerful effects. Baumeister, Heatherton, and Tice found that when people's goals of self-control become impossible to maintain, they didn't readjust them but discarded them altogether, with sometimes disastrous results (relapsing to alcoholism, binge eating, and so on); actions that threaten our identity can have devastating psychological effects (1994). Benebou and Tirole confirm that what seem like little decisions snowball: "[people] see their own choices as indicative of 'what kind of person' they are, implying that lapses [in self-control] can have a severe adverse impact on future behavior" (2004: 850; see too Benebou & Tirole 2002).

[48] It's the former hustler who sees the roles that rationalization, self-deception, and willful blindness play: "The truth is that most kids on the corner aren't making big money – especially if you break their income down to an hourly wage. But they're getting rewarded in ways that go beyond dollars and cents. The kid on the streets is getting a shot at a dream. The dream is the he will be the one to make this hustling thing pay off in a big way. He sees the guy who gets rich and drives the nice car and thinks, yep, that'll be me. He ignores the other stories going around, about dudes who get shot or beaten to death with bricks and chains" (Jay-Z 2010: 75).

a specific means by which consciousness reproduces ideology, and for those more closely directed towards legal consciousness's effects on the lived experience of law – Engel and Munger are a good example (2003) – self-deception can have a profound impact on a person's relationship with law and rules.

Put differently, it isn't just that people learn who they (think) they are by arrogating cultural symbols into a personal narrative, but that they learn how to participate in a culture according to the culture's own internal rules. The inclusion of particular cultural aspects into a concept of the self is a way of defining oneself on a culture's terms, and situating oneself within it. We learn what is considered fair, what it means to "play by the rules," and when exceptions to those rules may be made. The process of identity formation is one through which we learn how to be who we are supposed to be in a social framework, and also what the rules that constitute that framework are. At the macro level, we learn what justice is, what fairness is, what law is in part by defining ourselves in relationships to such concepts, and in part by assimilating into cultural frameworks that define them.

Close analysis of these players shows how confidence emerges as a cultural norm, and is itself assimilated into individuals' identities. Accompanying confidence is self-deception and the reinterpretation of information to make it compatible with existing beliefs about one's abilities and future. Failing to get a hit through the first seven games of a season isn't – can't be – evidence that a player isn't up to snuff; it's "just a slump." The self-deception players practice makes them believe things that aren't true and envision futures that won't happen. Importantly, these culturally embedded practices cause the type of confirmation bias and motivated cognition that social science illustrates and are also a specific mechanism by which the reproduction of cultural norms occurs. The rampant violation of NCAA Bylaw 12.3.2.1 happens at least in part because baseball's ideology produces self-deceptions that strongly encourage breaking it. Ideology produces both cues and self-deceptions, and self-deception provides a means by which the cues are reproduced. In short, deeply rooted cultural practices influence how players interpret informational cues available to them, which is to say, of course, it changes what those cues mean to those players. A bad week at the plate or on the mound isn't an informational cue indicating a player's comparative lack of talent

or prospects, but rather a cue triggering more work and more confidence-building to ensure the future that a player already imagines. And, significantly, confidence-building at a time when a player's identity as an elite is under threat from the Cape's relentless meritocracy often takes the form of an illicit agent. Players protect their identity from what threatens it through the transgression of a rule.

How Do Cultural Roles Channel and Block Informational Cues?

Even acknowledging that the information we receive may be reinterpreted in light of our pre-existing preferences and beliefs, we do not exhaust the ways in which our identities and communities affect our relationships with cues; information is channeled to and away from us by our networks and the roles we play within them before we ever even get a chance to reinterpret it ourselves. But exactly how do cultural roles control the flow of information?

Though some in political science have long suggested attention to roles as an explanation for political behavior (Searing 1991), roles have yet to be connected with cues, or fully extended to encompass identity formation as well as performance, or behaviors that are unperformed as well as those that are performed. Goffman's analysis of the ways we perform our social identities provides a framework to connect the ways that our social networks provide aspects of those identities to the ways those identities and roles exclude cues and information (1959). Not only does Goffman's frame allow easy connections to the reproduction of behavior and to the related concept of self-deception, but it provides a logical starting point to discuss how learned roles require taking some cues while excluding others. Other sociological approaches to group identity in social networks give excellent color to the notion that we take elements of our social performances from the symbols provided by that social network, but these too fail to connect the phenomenon to cues, to relate the concept to the possibility of rule-breaking, or to address the consequences of behaviors that go unperformed (Adler & Adler 1988; Ashforth & Mael 1989; Brewer 2001). Using cues to tie roles to behavior and then pairing them to explain why some cues get taken while others are ignored allows more elegant connections between roles, identity, behavior, and rule-breaking.

Twenty years ago, Searing called for political scientists to pay more attention to the roles politicians play and the ways in which those roles affect their behavior (1991). Searing's call was premised on the idea that politicians' adherence to the expectations attached to their roles affected their behavior, and that by understanding their conceptions of those roles, we could better understand their political behavior (1991: 1252). "Politicians use the term *role* to refer to the part one plays in an event or process... and conceive of these parts as 'gestalts' – patterns composed of sets of characteristics" (1253; emphasis in original). In other words, politicians use the roles they conceive of themselves as playing to bring order to the circumstances that surround them. In considering their behavior, politicians consider what is characteristic of someone who occupies their role: "They think about [roles] as patterns, as configurations of *goals, attitudes*, and *behaviors* that are characteristic of people in particular positions" (1253; emphasis in original). In other words, in their role as representative, they consider what appropriate goals, attitudes, and behaviors characterize someone like them. The social norms and expectations that govern what's "appropriate" to someone in a particular role impact how that person thinks of themselves as they try to fit the mold. Ashforth, Kreiner, and Fugate speak similarly of roles and "role schema" that endow a particular identity with "goals, values, beliefs, norms, interaction styles, and time horizons" (2000: 486).

Searing was almost certainly right that attention to the roles performed is a fruitful way to examine behavior in political settings and networks, but the insight can be pushed out in a number of directions. For one, we need not limit our wonderings and analysis to political situations; roles can play an explanatory role in legal settings as well. More concretely, the idea that one's role influences one's behavior opens a path to examine the ways that cue-constructed identities form roles in the first place. We take some cues and not others and, as we assimilate cues into a performed identity, that identity itself encourages taking some cues and the behaviors they suggest, while it pushes us to ignore other cues and their associated behaviors. What we need is a framework or theory that allows for a fuller understanding of the reciprocal relationship between cues, roles, identity, and behavior.

In searching for a framework with which to begin, it makes sense to start with Goffman (1959). Goffman defines status/position as a "social place": "It is a pattern of appropriate conduct, coherent, embellished, and well articulated" (1959: 75). Much like the ideologies that give rise to statuses in the first place, the performance of social identity's outward facets gives an individual a specific place in a particular social setting.[49] It inserts the actor into that space and gives him and others positions in it relative to each other. These may be self-fashioned and self-consciously performed, but as Goffman notes, the signs, signals, and symbols that individuals use to perform an identity are usually prefigured by the social structure (1959: 27; Goffman's term is a "front").

There are a few points of contact between Goffman's work and concepts I've already illustrated. For one, I examined ways in which a norm developed for one group of people – Ellickson's Shasta County ranchers – might escape the bounds in which it was established and be accepted by others. Consider this as compared with the Shetland Islanders that Goffman discusses. Though most men on that island have long given up their forebears' pastoral existence, they still dress as farmers would; their ancestors intentionally left their homes in some disrepair to deceive off-island tax collectors, and current residents continue to let their roofs age and the colors fade despite the fact that tax collection no longer follows that paradigm (Goffman 1959: 39). Goffman talks about self-deception, too: the possibility that a social performer might come to be taken in – self-deceived – by his or her own performance. When a person "comes to be performer and observer of the same show," it must impact the way information is (re)interpreted or processed: "It will have been necessary for the individual in his performing capacity to conceal from himself in his audience capacity the discreditable fact that he had to learn about the performance... there will be things he knows, or has known, that he will not be able to tell himself" (1959: 80-81).

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[49] The language of performance is given a somewhat more literal meaning in Bandelj's ethnographic study of Method actors. In seeking to create an authentic character, Method actors not only create detailed life histories for their roles, but in doing so draw on the cultural markers that stake out the social space and social expectations for a person like the one they are trying to (re)create. By using culturally accepted symbols and signals, Method actors situate a character in social spaces common to the actor, the character, and the audience, and reproduce social norms and expectations in the process. See Bandelj 2003.

Other sociological analyses add to these concepts the fact that our performances not only proceed with others – Goffman's "teams" (1959: 77-105) – but that our public and private identities are <u>defined</u> in relation to others. "In selecting a particular role, the individual places him or herself into a defined position relative to others and to the social system as a whole" (Brewer 2001: 117). Or, as Ashforth and Mael put it, it's as much about "homogeneity in attitudes and behavior" as it is "internalization of, and adherence to, group values and norms" (1989: 21). Rudolph's ethnography of graduate students and faculty advisors suggests that the players on that stage construct an apprenticeship together through the shared use of available discourse strategies (1994). It comes as no surprise, then, to find that departments that take an active role in teaching students the behaviors and social norms appropriate to their roles make the socialization process notably easier (Weidman & Stein 2003). On film sets, crew members learn the appropriate behavior for someone in their professional role through a complex system of enthusiastic praise, light chastisement, and role-based joking (Bechky 2006). Lipsky's popular ethnography of West Point cadets is an excellent example of individuals fashioning their identities from cultural bits and pieces that are more or less forced upon them over an intense four-year socialization process (2003). Adler and Adler provide an excellent (and for us, especially relevant) example. College basketball players in their ethnography assimilated the organizational identity the team forged for them into their own sense of self (much like the Cape Crusaders) (1988: 404). The basketball players' public presence requires a certain performance: "any time they were in a public setting, they were likely to be approached by autograph seekers," and they would "take on the role of the athlete" (1988: 408). While certainly a type of role-performance, the attention players got from being "called forth" as such played into their pride and self-identity (408).

While certainly a helpful signpost, Adler and Adler do not make several connections that are available here. They do not, for instance, analyze the role cues play in the process of identity construction they interrogate. They note that the team atmosphere provides player identity, but do not say how players pick up certain traits or behaviors. Cues can accomplish that goal; they are one way we learn <u>how</u> to perform the roles we wish to inhabit. Nor do Adler and Adler explain that our social identities are

not simply products of what we choose to perform; inevitably our roles command us <u>not</u> to perform in certain ways.[50] It isn't simply a matter of opportunity cost; being a gang member not only means speaking or dressing in a certain way, it is fundamentally incompatible, as Venkatesh learned, with <u>other</u> ways of speaking (in his case, like an academic; 2006).

A few concrete examples illustrate the potential costs of behaviors that go unperformed because they are inconsistent with one's role. Beamish finds that a company-wide culture of containment, where no one's role included crossing organizational boundaries, enabled a decades-long cover-up of an oil spill (Beamish 2000; see also Aldrich & Herker (1977) on organizational boundaries). Similarly, Ellis's history of Goldman Sachs traces that company's recent troubles to a degradation of a long-standing organizational subculture valuing client relationships (2008). Heide and Wathne describe two kinds of business people – those who view things more economically and try simply to maximize outputs, and those who rely on a more personalized network of connections and relationships – and find that when they interact with each other, norms are broken, expectations are unmet, and success is rarely the result (2006). In each situation, people's roles in an organization demand information not be shared, boundaries not be crossed, and ideals be abandoned. Identities come to favor some informational cues while excluding others in ways that reinforce those identities. And crucially, others who help perform those identities <u>treat</u> people in particular ways, and not in others. A president who fills his cabinet with "yes men" will not ask for reasons why he might be wrong, and cabinet members will not provide them.

Just as baseball players come to think of confidence and a degree of self-deception as proper manifestations of their identity as players, they believe that serious

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[50] Some work in political science examines how balkanization in American suburbs blocks the flow of information through unperformed acts: "To the extent that residential balkanization and other trends translate to a decline in communication across lines of political difference, one of its adverse effects may include fewer opportunities for people to learn about legitimate rationales for oppositional viewpoints" (Mutz 2002: 122; see also Eulau & Rothenberg 1986, and Anderson 2010). Who we associate with and the roles and norms that dictate those interactions can close off whole avenues of information. "Social context affect the supply of political views and information in a geographically (neighborhood) or socially (workplace) defined unit... as a result, the political views of our friends, neighbors, co-workers, and fellow travelers will reflect that supply" (McClurg 2006: 362).

consideration of the pros and cons associated with the <u>business</u> of baseball is <u>improper</u> behavior for someone like them. Similarly, though coaches have an enormous amount of information about a player's professional odds and whether an agent would be of value to them, both players and coaches perform identities <u>as</u> coaches and players that abjure discussion of these pragmatic considerations. Just as a player's identity and role exclude information about their value, coaches' identities themselves block the transmission of such information to the players. A coach telling a player that because he will be a 30th-round pick he will not need an agent would serve as an informational cue in exactly the way Lupia and McCubbins characterize it: a player using a trustworthy and knowledgeable source as a shortcut for actually researching a topic himself. However, the roles that baseball commands coaches and players to play prevents this informational cue from arising in the first place.

Players turn to agents in part, I think, because it is genuinely helpful to have someone with whom to talk through the process of professionalization. This is not a material benefit, and one that would be hard but not impossible to capture in a cost-benefit analysis. What is of most interest here, though, is wondering why players would pay someone for the ability to talk through the questions they are inevitably asked by scouts and agents after games when they could do so with their coaches or teammates for free. Part of the answer may be that these alternative possibilities are closed off; baseball culture forces players towards agents for the simple act of talking about something they were asked after a game.

Another way to think of this is to cast culture as preventing alternative ways of performing an identity. In most cases, a player could readily act as his own agent: there is little he must do, and he is often clearly sophisticated enough an actor to do it. This particular way of being a baseball player, however, is shut out by the dictates of baseball's culture. Much like the effects of self-deception, however, the roles players take on perpetuate a system of norms that seems to harm those who replicate them. Here, a new, alternative system of norms that could possibly serve players better is suppressed through the expression of existing social roles. Even if better informational cues from coaches <u>were</u> available, the course of action they would suggest might still be cut off by cultural pressures. Again, it is worth hesitating to emphasize the

interconnections between behavior, self-image, and cultural constructions. Players may come to understand themselves as individuals who do not involve themselves much in the business of their sport, but this cannot be separated from the informal rules of their culture that determine what behaviors are appropriate and which are not. What individuals may process as aspects of their self-identity are also internalized norms dictating what it means to act properly. Acts of self-definition are simultaneously acts assimilating cultural norms and rules into oneself (or, alternatively, defining oneself in opposition to cultural norms). In any event, acts of self-definition cannot be separated from the culture that provides the language with which we do the defining.

Cues, Consciousness, and Socio-Legal Navigation in Sharper Focus

Each of these four questions offers a different pivot point between cue theory and legal consciousness. Theories of norm origins and transmissions offer a way to think about how a cue becomes a (social) cue in the first place by attaching itself to a particular social demographic and becoming embedded in a structured system of cultural meanings ripe for reproduction. Narrative identity theory explains how we can engage those social cues to situate ourselves in that structured system by using them to determine who else in it is relevantly similar; by using existing social cues to make such a determination, we also reproduce them when we try to imitate our perceived peers. Cultural norms like confidence and self-deception fundamentally and systematically alter how we receive informational cues, and the patterns of reception that emerge can cyclically reproduce the very norms that influenced the reception in the first place. Finally, cultural roles can channel and block both informational cues and alternative conceptions of an identity; when existing structures prevent acceptance of certain informational cues by suppressing potentially more efficient norms and practices, the existing structures ease their own reproduction.

Though these phenomena will be illustrated in the coming chapters with reference to the amateur baseball players in this particular case study, each of the four is far more broadly applicable, even to cases that might seem surprising. The nexus between norm origins and cultural identification can help explain why people decide to wear certain things – gang colors, for instance – even in situations where doing so

appears to be costly, or even seriously dangerous, and even in situations where the individual doesn't belong to a gang.

NCAA enforcement of Bylaw 12.3.2.1 is limited, and there are other instances we can explore where under-enforcement opens up opportunities for individuals to structure their identity – in part – by breaking a rule. How is it, outsiders may wonder, that so many apparently devout Catholics can consider themselves as such while essentially ignoring many dictates of the Church (particularly those orbiting abstinence and contraception) (Goldscheider & Mosher 1991)? One possible explanation emerges from the relationship between cue theory, narrative identity, and legal consciousness. The story that such practitioners tell about themselves both casts their Catholicism as a constitutive of identity <u>and</u> denies that their behaviors are contrary to that identity. Catholic ideology, in other words, is not in lockstep with Catholic doctrine, a fact that is reinforced by the under-enforcement of doctrinal rules. Such Catholics accept a consciousness through the Church that allows for behaviors that are technically prohibited, and situate themselves in a social space where they define themselves as "like" other Catholics who do not necessarily follow doctrine to the letter. Catholic consciousness does not require Catholic doctrine, and the performance of Catholic identity allows for behavior prohibited by doctrine.

As I have already noted, street-level crack dealers are unlikely to profit from their career path; they are far more likely to end up dead or in jail than to turn it into a lucrative practice. Explanations that suggest they either misperceive their costs and benefits, or are simply reproducing the norms that surround them are – while not incorrect – incomplete. To fully grasp the law-breaking in this scenario, one must take account of the common patterns of psychological self-deception that influence how they process informational cues that guide their behavior.

Finally, consider how physicians may choose between two treatments: one risky but potentially more effective, one safer but possibly less likely to fully address the medical issue (Kessler & McClellan 1996). The decision they make is one with malpractice ramifications, but rather than simply a cost-benefit analysis, let me suggest that the way they approach the question will be influenced by how the perceive their role. Doctors who consider their role to include risk-minimization (perhaps because they

play a role alongside many others in a large healthcare provider) would be more likely to take the "safe" route, while doctors who perform the role of "healer" might be more likely to make a risky but more effective decision. Either way – and it would vary widely by individual and hospital culture – the way doctors perceive their role in the social space of their office or hospital would inflect the way they approach medical/legal decisions.

Cue theory and legal consciousness sharpen each other. Cue theory helps legal consciousness deal with specific mechanisms that reproduce legal structures, while legal consciousness helps cue theory broaden its horizons by addressing some analytically prior considerations that can influence how we process political or legal information. Taken together, they provide the socio-legal scholar with an analytic toolbox with which to tackle questions about how individuals place themselves within a legal framework, gather information about legal decisions, and make the decisions necessary to navigate the space. A rich array of possibilities suggest themselves; I have offered some possibilities in the foregoing few pages, but I encourage readers to engage their own imaginations in looking for new ways that the stories we tell about ourselves, the lies and half-truths we use to substantiate those stories, and the roles they tell us to play in our social spaces dictate the shortcuts we take when we make decisions.

"Stealing signs," for me, has taken on a double meaning. A batter on second base might be able to see a catcher call for a fastball, and telegraph to his teammate in the batter's box what to expect. The batter will know what performance is coming before it even happens. And, by the time a player is on the Cape for summer league, he is already performing many of the aspects of an elite identity. We, then, can often predict what is coming next. We can read the signs these players give, both intentionally and unintentionally, and say that it is likely they will break NCAA rules by the time summer ends. We have stolen their signs, just as they will "steal" the elite marker of agent use whether they need it or not. So, as they say on the diamonds of the Cape Cod Baseball League: "Play ball!"

Chapter 2
Inside Baseball: Methodology

Sampling, Subject Recruitment, Interviews, and Ethnography

Garot (2010), Rios (2011), and Kirkland (2008a; 2008b) all seek to explicate the cultural logic behind a target population's behavior by engaging a small subject pool in a representative institution or situation. Kirkland's use of members of the National Association to Advance Fat Acceptance, Rios's involvement with a sub-community in Oakland and Garot's embedment in a school for at-risk youths gave each access to rich subject pools with particular commonalities in much the same way my time with the Cape Crusaders served my study. I emulate their methods in part because I too sought to uncover the logic behind a specific cultural pattern. So while my sample is far smaller than Ewick and Silbey's (2003), not to mention Tyler's (2006), it is somewhat larger than these three to which mine is better compared.

I interviewed all "full" members of the Cape Crusaders' 2010 team, and several of the "temporary players" who filled in for those who were still involved in the NCAA playoffs when the Cape Season began: 26 players in all, nine of whom I interviewed a second time in the summer of 2011. I interviewed five Crusaders coaches – the three who coached in both 2010 and 2011 twice – and one former Crusaders coach. I interviewed 17 host parents, four league administrators, three agents, and three scouts, for 62 subjects for the whole study.

Interviews of players and coaches were conducted at the Crusaders field. Host parents and administrators, while sometimes interviewed before or after games, were more often interviewed at their homes or offices. Interviews were semi-structured and open-ended, lasting anywhere from 20 minutes to over two hours, and aiming to "open up spaces in which to listen for culturally mediated... communications" (Driver 2007; cited in Garot 2010), or what Rubin & Rubin would call "elaborated case study" and "ethnographic interpretation" (2005: 6-7). Interviews during the first summer investigated

both the dimensions of the empirical puzzle and the cultural meaning of an agent in the world of amateur baseball. "I avoided asking players about their direct involvement with agents early in the interview for two reasons: first, to avoid putting players on their guard by asking about their own illegal decisions and to prod the ways they characterized agent use in the culture at large. This also enabled understanding the logic they deployed in describing the place of agent use outside their own particular experiences, much as Kirkland avoided direct mention of law and civil rights early in her interviews to see how the subjects deployed them "naturally" (2008a: 407)." Though the topics of the interviews remained largely static, I allowed them to deviate as subject responses led in new directions. (Rough interview scripts are available in Appendix A). In 2011, I asked questions more directly guided by the four conceptual questions that undergird the four chapters that follow, seeking to elucidate more concise logics at work behind the cultural place and status of an agent. Questions focused less on the practical questions of agent use and more on players' narrative identities, the role of confidence, and the cultural interactions between players, scouts, coaches, and agents.

To supplement the data on cultural roles and interactions gathered in interviews, I spent time in summer 2011 gathering more traditionally ethnographic data. I attended team meetings and practices, sat with the team during games in either the dugout or the bullpen, and rode the team bus. I sought, here, to observe and later analyze the patterns of behavior in the spaces baseball marks out as belonging to its domain, just as Garot supplemented his interviews with field data gathered "hanging out in the classroom and on the yard, tutoring, playing basketball, playing games like chess and dominoes, and talking" with his interview subjects (2010: 16; see also Rios 2011: 8). Like Garot, I followed Emerson, Fretz, and Shaw's dictate to "grasp what [subjects] experience as meaningful and important" (1995: 2).

Nonwhite minorities experience the law differently from whites (Nielsen 2000), though I know of no study on whether that social fact is true of a ruling body such as the NCAA. Ethnic diversity varied between the subgroups in my study. Players on the Cape Crusaders over-represent the West Coast (California in particular) but hail from every region in the country, encompass white, black, Hispanic, and Asian/Pacific Islander ethnic groups, and span the socio-economic spectrum. The coaches, however, are all

from the West Coast or Southwest, and all but one are white. Similarly, virtually all of the host parents and team and league administrators are Cape Cod natives, born and raised on the peninsula. They are all white, and virtually all middle- or upper-middle class, with an outlier or two on both ends of the spectrum.

Like Kirkland (2008a; 2008b), I cannot presume to know how this study might have differed had the coaching or host-parent demographic been more diverse. And, while there may well be variations in, say, narrative identity between upper-class and working-class players, or between white players and Hispanic players, or perhaps even regionally, the evidence I collected suggested that the dimensions of shared identity at issue in this work cut across ethnic and socio-economic divisions. In some ways, the baseball field is profoundly egalitarian in its ruthless meritocracy; your batting average is the same no matter your background, and you are often prejudged not by your social class or ethnicity, but by your statistics. Baseball ability is one dimension along which one would <u>expect</u> differences in norm acceptance, narrative identity, confidence, and social role to emerge, and the nature of a Cape Cod team ensured a broad sample including a future first-round pick, players who would not be drafted, and many in between. In that, the study not only captures a breadth of experiences, but mirrors the makeup of other teams in the league, former Crusaders squads, and teams in other elite leagues such as the Alaska League or the Northwoods League.

The few hundred players who play for the ten teams in the Cape Cod League are selected in an informal draft, though each club can "protect" players returning to the league from a previous summer, and informal understandings give some coaches the first chance at players from particular schools – one reason the Crusaders over-represent the West. These mechanisms are methodologically significant because each team, while selected for baseball talent, is unlikely to be biased towards any particular race, ethnicity, religion, social class, intelligence, sexuality, etc., at least not any more than an average high-level baseball team. While there certainly may be broader social over- or under-representations among baseball as a whole, there is no reason to think that either my subject recruitment or resulting data are much inflected by further selection biases.

One variable that warrants further study is the effect an undergraduate institution can have on a player's relationship with agents and the relevant NCAA rules. I made no efforts to determine whether players from well-known programs that produce many draft picks were more or less likely to have an agent than similarly ranked players from less well-known programs, but plausible theories can be advanced in either direction. It could be that experienced programs offer institutionalized ways to navigate the transition from amateur to professional without an agent. However, it could also be that elite programs perpetuate the conception of elite status in which an agent plays a role, and even provides easier access to agents through pre-existing relationships. More work would have to be done to know exactly what this institutional effect is, or even if it exists.

Chapter 3

Leading Off: Welfarist Norms and the Porous Boundaries of "In-Crowds"

Putting Cues in Context

      Evangelicals who hear a politician say, "There is power, wonder-working power, in the goodness and idealism and faith of the American people" hear and understand the phrase differently than do those unfamiliar with evangelical subculture (Calfano & Djupe 2009; Kuo 2006). The phrase comes from the evangelical hymn, "There is Power in the Blood,"[51] to which few outside evangelical culture have had exposure. We credit a political candidate's assertions more readily when they line up with assumptions we base on the speaker's party affiliation (Nelson & Garst 2005: 510), which is to say we find these statements on the whole more trustworthy and informative. And, for better or for worse, we assume things about a person based on whether he or she can discuss Verdi's *oeuvre* (or properly use the word "oeuvre," come to that). These social facts, at least as I have presented them, are not explicitly connected to the broader social patterns that give them their meaning; without more context they are "divorced from the larger frames and scenarios in which they are embedded" (Gamson 1998: 1581). But if a cue is a shortcut, a way to get information without doing the legwork otherwise required to get it, where then does that information <u>come</u> from? A social cue (a cultural marker that allows an actor to place herself or others in the appropriate social space) requires connections to other social markers for it to have any meaning at all.

      For a cue to serve its purpose – for it to be a shortcut by which actors either fix themselves in a social space or determine what action befits people "like them" – it must be situated such that it can convey information about the context in which it sits. "Wonder-working power" must have relationships with other relevant religious and political signals and facts in order to convey the message that it does. These

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[51] Words and music by Lewis E. Jones, 1899.

relationships to other pieces of cultural and political information are what constitute a cue as a cue; its place in the cultural matrix is what enables its use as a shortcut to other pieces of information. A clear account of how a cue becomes embedded in a matrix of cultural meanings is necessary if I am to show that cues can be mechanisms that reproduce existing social structures (and are therefore of use and interest to those seeking to explain that reproduction).

Lupia and McCubbins imagine a voter using another's political opinion as a proxy for their own by virtue of perceived similarities. We wouldn't think twice about a voter who copied an acquaintance's stance on an abortion bill because he knew they were both staunch Democrats, but consider how many background assumptions are implicated in even what seems like an obvious case. For such a cue to function, our voter must place himself and his friend on a political spectrum and determine what that likely means for their policy preferences. It is only because the term "Democrat" is tied to particular sets of preferences, beliefs, norms, and behaviors that one can reliably make assumptions based on the label alone. It may not always be accurate – certainly not all Democrats have the same policy stance on abortion or any other particular issue – but that does not mean that an observer is wrong to believe that a policy position is more likely, perhaps <u>far</u> more likely, based on the cue of party affiliation alone.

A party label is a cue that enables assumptions about one's political preferences; a social cue enables an observer to make assumptions about the social place of the person attached to it. Take, for instance, the Western practice of wedding rings. The practice needn't necessarily have become a social cue, but it functions as one because the ring's connections to other social norms, practices, and identities trigger assumptions about the wearer and the observer's social relationship to the wearer. A ring's presence in a social situation indicates what sorts of conversations can be had between two actors, what groups or pairings are appropriate, how much eye contact can be made, and implicates a host of other micro-social negotiations. Singles who wear a ring to ward off unwanted suitors (or married spouses who remove the ring to appear single) themselves rely on the impressions created by the ring in order to deceive.

Goffman's concepts of roles, fronts, and teams are all at work here, and social cues are part and parcel of the fronts we put on to convey who we wish to be – not act like, be: "To *be* a given kind of person, then, is not merely to possess the required attributes, but also to sustain the standards of conduct and appearance that one's social grouping attaches thereto" (Goffman 1959: 75; emphasis in original). While we cannot take his words too literally (one can be a married person without wearing a ring), his phrasing is a helpful reminder that we often think of social performances as part and parcel of social identities, and feel that identities without "appropriate" performances at least require an explanation. There are many reasons a spouse in a perfectly happy marriage might not wear a ring (surgeons may decide not to wear jewelry they would have to take off many times each day), but the fact of being married and not wearing a ring often demands social explanation specifically because it is contrary to convention. It confounds the social assumptions we make based on the social cue.

In elite amateur baseball, a social norm encouraging illicit agent use has emerged despite financial disincentives for the large majority of players. To give color to claims about how cues emerge against a background of myriad cultural practices and signals (and are meaningful only insofar as they "fit" among other cultural structures), I'll examine in this chapter the origins, development, and expansion of a behavioral norm turned social cue. Instrumental welfarist reasons exist for players at the top of the pyramid to use agents in violation of NCAA rules. Using Ellickson's framework as a starting point, I'll give an account of how economic realities could easily have given rise to a behavioral norm – much as his theory would predict (1991). However, I will go beyond Ellickson's theory and show that though the norm may have arisen for instrumental economic reasons, it has bled outside the population in which it developed (and for whom it is "rational" in the too-narrow economic sense). Players well outside the group that benefits monetarily by using an agent use one anyway. This is an empirical claim, and central to the empirical puzzle from which my conceptual analyses emerge. Thus, it will be worth spending some time illustrating the facts on the ground and detailing the structures that undergird the puzzle I'm attempting to illustrate and explain.

After showing both that elite players garner material benefits from violating Bylaw 12.3.2.1 and that lesser players do, as a matter of fact, violate the rule despite an apparent lack of incentives, I'll argue that (as Bourdieu would have predicted) this is because elite behavior has <u>set</u> the norms of expected behavior. Though the norm in question might have arisen for simple monetary reasons, it became attached to elite identity and took on a life of its own apart from its instrumental origins. It has become part of what it means to <u>be</u> an elite baseball player. It is no longer simply a rational economic expectation; it is part of a constructed social identity. Having an agent becomes a way of <u>performing</u> elite identity. As Bourdieu suggests, elite norms have the power to set the terms in a social milieu; agent use, while secretive in college, becomes publicly attached to status as former amateurs reveal their relationships as professionals. And while Bourdieu argues that these norms may serve to keep non-elites from infiltrating elite ranks – the "pure gaze" being impossible to mimic – they also provide the very tools necessary to perform the identity. The assumptions you make about others by virtue of a social cue would then be the very assumptions you <u>hope</u> others make about you when you propagate the same social cue – or, in the case of self-signaling behavior, assumptions that reinforce beliefs about yourself.

In either case, the assumptions are predicated on a social cue's connections within a cultural structure. In the coming chapters, I will show how narrative identity influences which social cues people take, and which structures they therefore reproduce; how a particular cultural predisposition influences the interpretation of information and how that influences what informational cues <u>mean</u>; and finally, how the social roles we inhabit can suppress competing performances and competing interpretations of social and informational cues, thereby encouraging instead the replication of existing structures. Each of these inquiries probes the relationships between cue theory and the reproduction of social structures, but each is predicated on this chapter's claim that cues take on meanings as such by becoming embedded within a social structure in the first place.

The Welfarist Origins of Agent Use in Amateur Baseball

Ellickson theorizes that informal norms may arise among small groups when they maximize the welfare of those within that group, even – perhaps especially – when those norms contravene less generous official rules: "Members of a close-knit group develop and maintain norms whose content serves to maximize the aggregate welfare that members obtain in their workaday affairs with one another" (1991: 167). In the case he describes, northern Californian cattle ranchers developed informal liability rules that insulated them from damage incurred by their cattle on the open range. Given the economic realities of early (and sparsely) populated California, the system of norms developed among ranchers made economic sense. It became embedded in ranching culture, and has proved difficult to "un-stick" even as economic and legal realities of Shasta County have changed.

Much like the ranchers, baseball players and agents have developed a system of norms operating outside the official governance of the NCAA, which of course forbids the relationships that develop between players and agents. These norms are driven by the economic realities facing a small subset of the players who will be drafted to play professional baseball (and therefore a small subset of the players on Cape Cod). These economic realities are, in turn, driven by the organizational structure of professional baseball. A little background on the structure of professional baseball and the draft will be instructive.

Beneath the Major League players who perform on television and in America's sporting cathedrals are thousands of minor league players who toil in relative obscurity. Out of the spotlight, these players stay in the game for a tiny chance of making it big. Each of the 30 Major League franchises operates a series of minor league teams, or "farm teams," to develop its players. Typically, an organization will have (in descending order of talent) a Major League team, a "AAA" (Triple A) team, a "AA" (Double A) team, High A, Low A, Rookie League, and assorted specialty fall, winter, or short-season teams. Players shuttle up and down from one rung of the ladder to another at the whim and command of the organization. Salaries range from almost $60,000 per year in the highest minor league to a few hundred dollars per week (only six months a year) in the lowest – far cries from the millions teams spend on players at the Major League level.

Each Major League franchise drafts over 50 new players each year out of high schools, colleges, and from foreign countries to staff its minor league teams. In order to prevent more successful or more monied teams from pressing those advantages, each team may select only one player in each of the 50 rounds of the draft. Only a tiny fraction of these draft picks will ever play in a Major League stadium; the huge majority will spend their entire career – whether one year or 15 – in the minors. Knowing this, teams put enormous emphasis on their first picks of the draft. Two agents I spoke with put it like this:

> Avery: After the third round, they have no plans for you. You're
>   filler.
> Brad: If you're a fourth- to tenth-round guy, they say –
> Avery: Maybe he'll surprise us.
> Brad: Maybe he'll surprise us, but they're on the expectation that
>   the three guys who make it to the Major Leagues are their first
>   three picks of the draft. Everybody else is [filler].[52]

Draft dynamics stem from these assumptions. Teams consider their first three picks (perhaps as many as their first ten) as valuable commodities. As a result, they are under pressure to make sure that their number-three pick actually signs a contract with the team. If he does not, he may re-enter the draft the following year and be taken by a different team. The opportunity cost of getting literally nothing for a valuable third-round pick is very high, so these players may be able to negotiate a signing bonus with a team well above what Major League Baseball recommends: "slot money."[53] Faced with paying a little extra for a highly touted prospect or getting nothing at all for a valuable third-round pick, teams are often willing to part with a few extra dollars (or a few hundred thousand extra dollars). This is where an agent can be most helpful. Pitcher Trent Añez, a top prospect who was eventually drafted in the first round, put it this way:

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[52] "Filler," means roster filler. The 40 players that teams take after the top ten rounds are really only in the minors to fill out rosters so the first ten-round players have people to play with.

[53] "Slot money" is what Major League Baseball recommends as a signing bonus for a given pick in a given round. As you would expect, it declines as the draft progresses – quite precipitously after the tenth round. A number-one overall pick might receive a signing bonus north of $10 million, while at the bottom bonuses are a few thousand dollars, or sometimes nothing at all.

"[Agents] play a huge role in getting you the amount of money you want... signing out of slot is what you want to do, but you have to have a good advisor to do so."

For the top picks, much of this posturing and negotiation takes place before the draft. Agent Avery Eisen:

> If I'm, you know, one of the studs coming out, I need an agent because now it's a whole different ballgame. The agent needs to be more involved because now he has to actually negotiate with all 30 teams, trying to push you up the draft to get you more money.

Playing teams and their scouts off each other involves complex strategy, and an experienced hand makes a difference. Catcher Hal Olsen says an agent is the pivot point around which interested teams orbit:

> A lot of the guys we're talking about in the top ten rounds – the elite guys – that's why they have [agents], because those are the guys all the scouts are talking to, all the – there's multiple scouts looking at all of them. They're all contacting them and stuff, and that's – I feel that's why they all have them.

In Olsen's view, an agent's role in this situation is to take the attention given to highly touted prospects (i.e., those likely to go in the top five to ten rounds) and turn it into a higher signing bonus. Again, the relationships between these players at the top of the heap and their advisors are founded on mutual economic advantage. For those players whom teams consider valuable, unique commodities, agents can parlay that position into more money for the player, and take 4% to 10% of a signing bonus that may be in the millions in return. Rather than abide by the regulations set forth by the NCAA, elite players and their agents play by their own rules: a set of norms guiding mutually beneficial behavior outside the NCAA's defined legality.

In this moment of economic analysis, the comparatively rare enforcement of NCAA regulations is of special relevance. The NCAA is spread too thinly to cover 1,500 draft picks each year – even to cover the few hundred with enormous financial incentives to violate Bylaw 12.3.2.1 outlawing agents. Though the instances of enforcement are public and severe enough to generate fear,[54] they are few and far

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[54] See Fitt 2008, 2009b, 2010c. Further detail on these sanctions can be found below on page 59.

between when one considers the full sweep of amateur baseball. The violation of NCAA rules by this handful of elites isn't much of a puzzle. Their behavior is readily explained by standard cost-benefit analysis, and by Ellickson's theory as a specific instantiation of economic analysis of the law. Provided that the benefits provided by a player-agent relationship outweigh the average cost of breaking the attendant rule, we would expect individual actors to break it. And if those actors constituted a small group with relatively low transaction costs, we would (per Ellickson) expect norms guiding that behavior to emerge.

The Out-Crowd: Dissipation of Monetary Incentives

These predictions seem to be born out by the informal structure of amateur baseball and its draft. But the economic reality that undergirds behavior at the top of the draft dissolves rapidly as the rounds progress. As agents Avery Eisen and Brad Anderson noted, teams consider their top three picks to be their future Major Leaguers, with vague hopes for picks four through ten. After that, in their words, "you're filler" – you're there for the ten players who were taken first to have full teams on which to play. Teams consider these players more interchangeable and expendable than the scarce commodities at the top. When a third-round pick threatens to walk away from the bargaining table, he has leverage because the team feels it cannot afford to lose the pick. But when a 30th-round pick walks away, teams simply don't care as much, says third baseman Tory Jimenez:

> What's an advisor going to do? Say you're a senior drafted in the 20th round. What's an advisor going to go tell these people that's going to persuade them or make them think that they need to give you more money, when it's all a business when you get to that level? If they're going to draft you, they obviously like you as a player, but they're going to make sure that their top-round picks are getting money, and you're kind of there just to give their top-round picks a place to play.

Host parent Jimi Sattler puts it more bluntly to me than he would to a player: "They're not going to negotiate with you. I think it's pretty much take it or leave it... that late in the draft they're just fill players anyway."

This difference in situation is what drives the puzzle I'm exploring. The economics that provide the foundation for agent-player relationships at the top don't apply outside the first ten rounds. Trent Añez knows as much. "To be honest with you, there's no money, like, out of the top ten rounds. It's hard to – I mean, these teams aren't going to want to sign you out of slot and you're going to have to take slot – and it's not enough money to live off, let's be honest." Fellow pitcher Val Marcos says, "You know that's where the big money is – the top ten rounds. Later in the draft, there isn't a whole lot of money there for the players." And he knows that this changes the dynamic between player, agent, and professional club: "There isn't a whole lot of negotiating that goes on in the draft, that late in the draft. It's kind of 'take it or leave it' at that point."

It is immediately apparent that these players understand the dynamics of the draft and how changes in that dynamic affect the economic relationships between players, teams, and the agents that try to maneuver between them.[55] Eighteen of the 26 players on the Cape Crusaders readily acknowledged that there is little reason for later picks to use an agent. Head Coach Nathan Kimmel, who has been coaching on the Cape and in the college game for well over a decade, certainly understands. "If you're a 30th- or 40th-round pick," he says, "you don't have a lot of leverage. You don't have a lot of bargaining power." One of Coach Kimmel's pitchers, Steve Mott, carves out a much smaller slice of the draft where an agent makes sense:

> After the first couple [rounds] they just slot it up.[56] I mean, if you're not going to be a first-rounder, [there's] really not very much need for an agent, because you got to pay them a percentage of the money you get, which is not going to be – it's just going to be slot... Four percent of, you know, something... a hundred-thousand bucks. It's just, like, it's not – it's kind of pointless to have them because they're just going to slot you anyways.

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[55] Players' sophistication is noteworthy because it is at odds with the standard performance of baseball identity, which abjures too much involvement with the business side of the game. Players outwardly claim – and I think truly believe – that they are not the kind of person who deals with baseball's economics themselves, and yet their sophistication suggests that they readily could. I argue in Chapter 6 that, despite their ability to go it alone, players' social roles prevent imagining this alternative performance of their identity.

[56] Steve means that teams will simply offer players slot money without any thought of negotiation.

Avery Eisen, an agent himself, echoes sentiments clearly articulated by the Cape Crusaders and their coaches: "99% of the time, the agent is not doing anything for them... they just have an agent to have an agent, because the agent – the job he's supposed to be doing, he's not doing." Avery doesn't mean that the agent is neglecting his duty, exactly, but that he simply <u>can't</u> do for these players what he normally gets hired to do. As Steve Mott put it, it's "pointless." In fact, it's worse than pointless. "Really, the only advantage [an agent] could give you is if you're more of a higher draft pick... I don't think – especially if you're going to be a later draft pick – that an advisor could really help out that much," says pitcher Len Clement. Clement also notes it comes not only without benefit, but with a cost: "It just – it takes more money out of your pocket." Nor can an agent move a player up the draft board to a higher round in most cases; recall scout Tim Smalls' assertion that there's "NOTHING an agent can do to get that player drafted any higher." Regional Cross-checker[57] Rory Jones simply says of agents, "They have no influence on the draft." Coach Billy Jameson, himself a former AAA player, says of agents who claim that they can move a guy up the draft, "It's a bunch of crap – I don't think they have anything to do with it."

The realities that gave rise to agent use in the first place simply do not apply to most of the players who come to Cape Cod. While all of the players on the ten Cape diamonds are professional prospects, and while most will be drafted, only a few find themselves in a position to be drafted in the first few rounds. For the rest, an agent seems simply to take 4% to 10% of a signing bonus that they are incapable of increasing – "money out of your pocket," to repeat Len Clement's phrase.

Norms Beyond the Boundary: Mimicked Behavior in the Out-Crowd

And yet illicit agent relationships are rampant even at the bottom end of the draft. Infielder Derrick Martinez, when asked how many of his college or Cape teammates who are likely to be drafted have or had advisors, takes a beat, then answers: "I would say... probably all of them... all the way down to the 46th round." Both Tory Jimenez and

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[57] Like much else in baseball, a team's scouting structure is hierarchical. Area scouts target players in a given geographical reason, Regional Cross-checkers double-check the assessments made by area scouts, and National Cross-checkers double-check <u>their</u> work.

Sal Killian estimate that "75 percent of each team" have agents/advisors, a number Sean Flanagan thinks is about right:

> I find that it's more and more common, especially when I come up here to the Cape, and all these guys – most of these guys – are going to be drafted. Most of them are sophomores, going to be juniors next year, then be drafted next year, so I find that more and more guys have advisors, probably like 75 to 80 percent of them.

Jimi Sattler, who has hosted between fifteen and twenty players over the years that he's been involved as a parent with the Crusaders, guesses that somewhat over half of his guests have illicitly had advisors, and is certain that any player who ended up being drafted did – whether drafted in the first round or the 50th. Given that it seems almost all players likely to be drafted have an agent while still (allegedly) an amateur, it's worth mentioning that the Crusaders had over two dozen players taken in the 2010 draft – almost 85% of the team even when one includes temporary players – from the first round to the 49th. When I asked long-time host and team administrator Joe Santori about the NCAA rules about agents, he simply scoffed: "It's such bullshit. They all cheat." Fielding Coach Jesus Izturiz is less dismissive, but reaches the same conclusion: "In reality, everybody up here has an advisor, and everybody in some way, shape, or form commits NCAA violations every day."

Coach Izturiz brings up a point that ought not to be glossed over. I've focused here on the fact that players later in the draft will see no monetary returns from using an agent, and will pay 4% to 10% of their signing bonus for that privilege. However, there is still the potential cost of being caught and facing NCAA sanctions. The overmatched NCAA punishes a very small percentage of agent violations that number in the thousands, but when they come down on a player, they come down hard. Recall from Chapter One that in 2011 – during the college season preceding my second summer of fieldwork – Logan Ehlers was suspended for 60% of his team's games because his advisor spoke to a scout while watching a game from behind the backstop. In 2000, a player was suspended for a few weeks for accepting gifts worth less than $100. In 2010, the University of Kentucky preemptively kicked one of its players off the baseball team because of allegations that his advisor had spoken to a professional franchise on his

behalf. The risk of getting caught having illicitly used an agent may be small, but it isn't zero, and for many players, the potential cannot be outweighed by (non-existent) material benefits. Players know this, too: 16 of the 26 Crusaders explicitly mentioned the NCAA rules against agents, and none of the other ten stated that the rules allowed an agent.

Having established the empirical dimension of the puzzle at hand – the elite development of a behavioral norm and its adoption by those facing very different circumstances – we can finally turn in earnest to the practice's social dimensions. In the next two sections, I'll examine the ways that elite behavior sets the social expectations for norms and behavior, how those norms become part of the social meaning of "eliteness" (social cues to a particular identity) and how that social meaning replicates itself.

Elite Agendas: The In-Crowd and the Setting of a Norm

Bourdieu describes the ways in which elite cultural practices set the terms for participating in haute culture. Only when an individual can pick up on and display social cues about art's position in a cultural matrix can she be said to be fully participating in that culture. The aesthete's ability to read all of the cues provided by a piece of art – or its mere mention – is analogous to the evangelical Christian's ability to read broader political messages into a candidate's use of the phrase "wonder-working power." A social cue, whether that phrase or a reference to Warhol's "Campbell's Soup Cans," relies on both roughly stable connections to other cultural artifacts and a listener's ability to decode those connections. What I'm after here is the cultural process by which a behavior becomes sufficiently embedded in a cultural framework to become a social cue – simply put, a story of how a cue becomes a cue.

Bourdieu notes that certain behaviors are affiliated with elite status – attendance at the opera, to use his example. Though this is a satisfactory beginning given his aim of explaining how such social norms get reproduced, it ignores the analytically prior question of how the behavior became a norm in the first place. I have already told part of this story: elite players plausibly engage agents for economic reasons. The next step is to show that the behavior becomes affiliated with elite social status within the

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subculture. That connection – the affiliation of the practice with a particular status – is a crucial part of the explanation of how the practice becomes a cultural shortcut by which we learn about actors in a social sphere and our position relative to them.

Elites, as I have shown, have economic incentives to procure an agent's services, but the norm may spread through mimicry even within that in-group. Len Clement thinks that elites who aren't sure about the need for an agent might be persuaded by seeing others with one: "If one elite player sees another having [an agent], they might also have to have one so they don't feel like they're falling behind." Already, the norm has begun to act as a social cue, with one elite determining socially appropriate behavior based not on research or reasoning, but on a shortcut learned by observing another. Here, the social cue is also operating as an informational cue within the tight constraints levied by Lupia and McCubbins; the actor makes the same decision he likely would if he were to rationally and exhaustively weigh the costs and benefits of the decision. He simply does so through mimicking the behavior of someone he thinks is relevantly "like him." Cues, in this story, function in multiple ways.

Much of what follows in the ensuing chapters simply probes deeper into the processes by which players come to the conclusion that they are included in an identity category that substantiates a relationship with an agent. The ways in which players form and narrate their self-identities, the ways the subculture encourages confidence and self-deception, and the way it counsels against over-involvement in the fiscal aspects of the business: all are phenomena that lead players to identify themselves as people to whom a particular behaviors applies. But though these processes are disparate and conceptually distinct, they all culminate in the mimicry that reproduces a social cue. Within the circle of elites for whom agent use is economically rational, this mimicry is also a way to determine how to maximize one's preferences without doing research that would otherwise be necessary. It is a valid informational cue in the sense intended by Lupia and McCubbins.

Of course, players know that the mimicry isn't limited to fellow elites. Donyell Traynor thinks any player who "sees that other players are being successful with an advisor, then yeah... that would make them want to have an advisor too." Pitcher Val Marcos puts a slightly uglier spin on it, but comes to roughly the same conclusion. "I'm

sure that guys see the top talent, you know, they have the top advisors or whatever. I think that you might see a little envy," he says. "You might see guys, like, you know, 'if they have one, then I need one.' When really you might not need one." Sean Flanagan is similarly sure that elite behavior impacts the rest of the sport: "If you see all these guys going into the top five to seven rounds, and they all have advisors, and, you know, I definitely think that it has some effect on guys who are going to get drafted later in the 20th, 30th round."

There's no doubt that for many it is aspirational mimicry, acting like those you wish to be like. For both top prospects and professionals, an agent is a necessary accoutrement, and for the latter a public one. Mike Preecher, a top pitching prospect, says, "When you get to the pro level, or the Major League level, everyone has an agent." Larry Kloves is straightforward about players trying to act like their professional idols: "The thing is, you see like, the things on TV, like Alex Rodriguez, $215 million contract. Scott Boras signs [former number-one pick Stephen] Strausborg to this contract. And it's like, 'Oh, I want one of those, because look what he did for this guy.'" Team housing director Irene Isaac connects what Preecher and Kloves indicate:

> When you look at the big – you know, Derek Jeter or whoever, [Alex] Rodriguez, you know – when it comes to contract talks, they know they're not in there doing the contract talks. They've got their agent. So I think it's kind of like they see that, and that's like, "Okay, well, then that's what I'm supposed to do. I'm supposed to have an agent," that's what they do. That's part of being a professional player, is having other people deal with this for you.

It's worth taking a moment to parse Irene's words; she hits on so much of what's at work in the culture. Derek Jeter and Alex Rodriguez are baseball royalty, and their behavior both as prospects in the 1990s and All-Stars in the last decade set the expectations for elite baseball players. As Irene notes, observers see what elite players do and want to arrogate those symbols to themselves. But the words she uses show a much more sophisticated appreciation for the cultural mechanisms at work; it's far more subtle and complex than "player see, player do." She says that having an agent is a "part" of being a professional player, which invites ready comparison to Goffman's analysis. Being a professional player, he would argue, is not simply receiving money to

play – even if it's millions of dollars – nor playing in front of 60,000 fans at Yankee stadium, nor even playing on TV in front of millions. These are certainly components, but let's take seriously his argument that "To *be* a given kind of person, then, is not merely to possess the required attributes, but also to sustain the standards of conduct and appearance that one's social grouping attaches thereto" (Goffman 1959: 75). Being a professional means having an agent – a "standard of conduct" that attaches to an agent. Irene's explanation that players feel they are "supposed" to have agents is related.

Former announcer and host parent Corey Roberts agrees that it has become attached to the social role itself: "It's like, you got to have an agent, it's just part of the deal. Like you got have a pair of shoes, you know? You got to have an agent. That's become part of the culture." When players conceive of themselves as occupying a role a constitutive part of which is having an agent, failing to do so is failure to properly play their social role. Whether consciously or not, players understand this as well. Pitcher Larry Kloves:

> It's true. That's what I mean – it becomes part of the business. I mean, it comes with being a great athlete, being able to take that next step. It's just you have to deal with that stuff. But it's definitely – you're fortunate enough to be in that situation, so you have to accept it, and go with it.

Larry says having an agent "comes with being a great athlete," suggesting that it is part and parcel with the role that these players play. This sort of attachment is what allows a behavioral norm to operate as a social cue. When it is embedded in a cultural role, it forms connections to other cultural roles and categories, and these connections – this roughly fixed position within a culture or subculture – are what constitute something as a cue. They are what give meaning to the cue, and what allow a cue to convey meaning about them. In Chapter 1, I suggested that the metaphor of stellar navigation is an illustrative one: to use a star as a navigational guide, you must know its relationships to other points in the firmament. You learn information about your position in the world by using a star's position, relative to other phenomena, to determine your own. In the

same way, a social cue provides information by virtue of its position relative to other points in the cultural firmament.

The Cultural Meaning of Agents: Elite Behavior as Cue and Habitus

The elites' norm becomes a social cue because it situates itself alongside other cultural features; it allows participants to learn about an actor, a role, or the culture itself through the shortcut of the cue. It "means" something and becomes a social cue; it gives information to an observer. This is a slightly different point than the one made in the previous section. There I showed how a particular cultural practice becomes more or less fixed in relation to other cultural norms, memes, identities, and practices. Here, I want to focus on the result of this fixed position: that the norm *qua* cue comes to have meaning in and of itself. I'll show how players begin to take a relationship with an agent not simply as a feature of elite behavior, but as something that itself means something about a player with an agent and his place on the cultural landscape.

If we explore baseball's subculture as *habitus*, we can focus on the way in which it tends to reproduce itself, and how agent use – as a part thereof – reproduces itself as well. As Silbey argues, cultural norms, including social cues as I have conceptualized them, are not simply ways social actors make sense of what is around them. They are ways that we participate in "meaning-making" and cultural (re)production (Silbey 2005). Much of this has been foreshadowed by the discussion of Goffman so far. When social actors perform their roles, they use the "symbols, scripts, and schemata" available to them (Fuhse 2009: 67). In participating in the creation and recreation of cultural meanings, individuals use the norms of presentation and behavior that constitute the roles they play in the social sphere. Recall Greenblatt's argument that individuals fashioned their identities from "among possibilities whose range was delineated by the social ideological system in force" (1980: 256). Because identities are built from existing norms, practices, and social performances, those norms, practices, and performances are themselves reproduced.[58]

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[58] Consider again the Method actors in Bandelj's study (2003). To take on their character's persona, they often begin by appropriating a socially or culturally recognizable symbol resonant with their character's identity – playing an old person by using a cane, say. They come to perform, in the most literal sense, by arrogating existing social cues, which they then reproduce through that performance.

"When a player has an advisor, you kinda see him as more of one of the elite players," says Hal Olsen. "Kind of like we said – the guys who expect to get drafted higher." It's a simple step for Hal to take in saying that one makes assumptions based on a player's decision to hire an agent, but it's a conceptually important one. It suggests that having an agent is not simply an economic decision, nor just a cue (in Lupia and McCubbins' narrow sense) by which one elite takes a shortcut to a "rational" decision. It has taken on a meaning in context through which others learn things about an actor. It isn't just something elites do; it has become something that <u>means</u> eliteness. When asked what he thinks when he hears someone has an advisor, outfielder Peter Wrass says, "It makes me say 'he's gonna get drafted,' or 'he's got good draft possibilities.'" Peter is using a player's relationship with an agent to gather information not about what would be economically "rational for him"; he is using it to gather information about the other player, about what it <u>means</u> to be a player like that. He is using it as a social cue, and can do so only because having an agent has attached itself to elite identity and become part of what it means to perform that identity – which is to say part of that identity itself. Calvin Kirkwood's diction is telling if open-ended: "If you have an advisor, then obviously you know, that means – definitely means something."

Silbey suggests that actors within a particular culture or subculture <u>participate</u> in the culture through the use of such resources (2005). In making sense of what's around them, in participating in the construction of meaning within the culture, actors – or rather, baseball players – use the scripts that surround them to understand the roles they play and the roles played by others who populate the subculture. This participation, Silbey is quick to say, effectively reproduces the structures that enable it (2005: 341). When players use relationships with agents as cultural information, they reproduce norms and behaviors that may not serve them particularly well. Though it is clear that players at most positions in the draft don't need agents to work through it, the behavior is part of the cultural apparatus players use to make sense of and participate in the world around them. It is *habitus*, "systems of durable, transposable dispositions, structured structures predisposed to act as structuring structures" (Bourdieu 1977: 72). They are ways of thinking that are part of the cultural matrix, part of how people participate in that cultural matrix, and how that matrix tends to reproduce itself.

This is, at least in part, because players mimic the behavior of players at the top of the pyramid. As Irene Isaac noted above, players even take the behaviors of Major League All-Stars like Derek Jeter as models for their own. Coach Kimmel knows that not only does he benefit from encouraging his players to mimic professionals, but that he and his staff do the same:

> When you watch a Big League game and you watch Joe Girardi
> manage a game, or you watch Derek Jeter, the way he conducts
> himself in batting practice and pre-game, and stretching and
> getting his running in, and how he handles adversity – that's what
> being professional is... So, if we could all pattern ourselves, if I
> and our coaching staff could pattern ourselves... that's how we
> want to behave. And I think the guys want to behave like a guy like
> Derek Jeter, or an Albert Pujols, or Cliff Lee, Roy Halladay... We
> can learn a lot by observing what the best are like, and that's how
> we wanna – that's what we wanna be like.[59]

Kimmel's comments here are rich. When he says that both players and coaches ought to "pattern" themselves after elite, professional practices, he indicates that "proper" practice is set by the sport's elites, and that mimicking those practices is common, even lauded practice. Elite practice is, in other words, part of the way that others make sense of the cultural landscape, part of how everyone <u>else</u> participates in "meaning-making." Notice, too, the sheer breadth of behavior for which elites and professionals operate as models. How and when they run, how they practice before a game, how they stretch, how they hold themselves in the batter's box: all of these little signals are part of the elite identity, and part of what encompassed into a broader baseball identity partially through mimicry. Batting Coach Carl Brake tapes pictures of Major League players batting to the locker room wall so that his players have an image of the best batting stance to copy, but feels he needs to encourage his players to copy far more than that.

> I put up a ton of pictures of Major League guys – old school and
> new school stances, loads, lower-halves – for them to look at. And
> what I'm finding is I need to find more pictures of those big

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[59] Joe Girardi is the manager (coach) of the New York Yankees. Derek Jeter and Albert Pujols are All-Star batters; Cliff Lee and Roy Halladay are All-Star pitchers.

leaguers doing early work. Pedroia running with the parachute behind his back, working his feet. Prince Fiedler of the Brewers hitting off the tee with Rickey Weeks making sure he's keeping quiet with his feet.

Brake uses examples during practice as well, telling players to emulate Derek Jeter or All-Star Troy Tulowitzki while practicing throws from shortstop to first base, or to practice following through a swing like all-time greats Don Mattingly and Ted Williams. Not only does this implicitly group players with those they mimic, but institutionalizes the practicing of aping elites. And, as Coach Kimmel shows, coaches encouraged this imitation not simply when players are on the field, performing their sport, but in their pre-game attitude and carriage as well.

Copying the practices, attitudes, body language, and mindsets of successful elite or professional players is itself embedded in baseball culture. Coaches tell players not just to play, but to <u>act</u> like the professionals they aspire to be. Considered this way, having an agent is comparable to honing one's practice swing to look professional; both are acts that players witness elites performing and take as social cues to elite status (again, by virtue of the cues' position within a social structure). When players themselves then perform elite identity (or at least try to) they replicate these social cues in the process. They attempt to play the professional by adopting the appropriate batting stance, the appropriate in-game carriage, but also with professional-looking practice swings, the right body language during the National Anthem, and dugout demeanor. Nearly every aspect of their baseball identity – their <u>dominant</u> identity – is guided by how a "professional" ought to act. Elite practice sets the standard for "successful" behavior. Others replicate the practices, and in so doing reproduce the structures that give them social meaning.

There is variety to how replicable an elite practice can be by those in the "out-crowd." At one end of the spectrum, Bourdieu's "pure gaze" can be achieved only through the cultural education that constitutes elite culture; it occurs when decoding a piece of art happens seamlessly and effortlessly because the viewer's interpretive apparatus is the same as the cultural apparatus that produced the art in the first place (1984: 3-4, 31). As such, it cannot be faked. But even within the arts, we can think of

degrees. Perfect, seamless appreciation of opera cannot be faked, but one can fake some knowledge of opera with a few well-chosen facts or *bon mots*, and one can fake <u>enjoyment</u> of opera without even enough knowledge to recite those facts. Similarly, while it's costly to fake one's economic status by purchasing an expensive house, there are less taxing signals one can send to (mis)represent status: cars, clothes, accessories, meals, etc. Conspicuous consumption, even in its less expensive guises, is not only a signal to others of a particular status, but an aspiration. You signal your desire to belong to a particular group by arrogating to yourself the symbols of it.

A distinction between the production of elite numbers and the performance of elite identity is worth making. Batting coach Carl Brake does tell his hitters that looking and acting professional may get them noticed by scouts even if they don't get a hit that day, but no degree of proper body language can overcome chronic lack of baseball production. The performance of elite identity is a meta-language that trumpets membership in a club, without a necessary connection to the production of numbers that would justify that membership to a statistician. Markovits and Albertson note that even the most knowledgeable and passionate female sports fans are often assumed not to be by their male counterparts; though they can "produce" the relevant knowledge and passion, they have difficulty performing a role or speaking a meta-language male sports fans tacitly (or explicitly) assume you have to be a male to play or speak (2012: 206-211). Conversely, a baseball player may not be able to replicate a better player's batting average or earned run average,[60] but he can copy batting stance, or attitude, or routine, or mindset.

Or he can copy the fact that elites have agents. For this cultural phenomenon to occur, having an agent must be a cue. It must convey more complicated information as a shortcut. Players learn what it <u>means</u> to act like an elite, which is to say they learn the social meaning of <u>being</u> elite, by observing elite players. To inhabit, mimic, or display that particular role, an actor uses the props and scenery appropriate to it, which includes an agent. Performing this role reinforces and reproduces its place in the social

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[60] Batting average is a measure of how frequently a player gets a hit; earned run average, or ERA, is a measure of how many runs a pitcher allows per nine innings.

structure (despite the fact that it may be economically disadvantageous for those who reproduce it).

Something ought to be said about the potential for this sort of norm diffusion to dilute the ability for a player to <u>intentionally</u> signal eliteness by having an agent. If having an agent is seen as a badge of, say, top-five-round status and is for that reason mimicked by those on the outside looking in, the mere fact of having an agent will no longer as closely track a player's chances at going in the first five rounds. That players do this is unambiguously true, though the dilution of the signal matters less than one might think. For one, scouts and other team representatives don't care about whether a player has an agent or not. Player statistics are a much better proxy for ability than having an agent is, and teams are concerned with elite ability, rather than elite identity. They are generally not interested in the performance of identity, but in the production of numbers.

As another matter, players tend not to discuss whether or not they have an agent with other players. There is a risk associated with having an agent, and the risk rises if one is too public with the information; secrecy in the face of the behavior's illegality functions as a structuring condition enabling it to maintain its plausibility as a cue of elite status. Further – and this is a point to which I will turn in more detail in Chapter 6 – talking too much about the business aspect of baseball is considered largely incompatible with baseball-player identity. While expanded agent use might dilute the ability to signal eliteness to others by having one, such signaling isn't the root of what's at work here, and there's no reason to think that dilution of a social identity is necessarily implied.

What Happens <u>After</u> a Cue Becomes a Cue?

Though elite amateur baseball players likely began using agents for the economic reasons that underpin Ellickson's theory of norm formation, the use of agents became part of what it means to <u>be</u> an elite player, and a way of performing that identity. In becoming part of such a performance, it became a cue; it became a way both of gathering information about participants in a culture and a way of to <u>convey</u> information by giving (or "giving off") and impression of oneself. Cue theory connects accounts of

norm origins (such as Ellickson's) with theories of social reproduction. No matter <u>why</u> a particular norm comes to be associated with a particular identity, once it <u>is</u>, it is subject to the cultural forces of performative identity and structural reproduction. Here, the illicit use of agents may have instrumental origins, but once it became attached to the performance of elite identity, it was embedded in the sets of meanings that constitute the subculture.

Jay-Z (neé Shawn Carter) notes that the baggy pants, Timberland boots, and oversized winter coats that characterize East Coast African-American men's fashion have their roots in the instrumental dress of urban crack dealers (2010: 13). For street-corner dealers working during cold winters, the clothes offered both warmth and ample space for the dealers' product and protection. These norms of dress travelled through the nexus between street culture and East Coast rap (Jay-Z is himself a former crack dealer), and from there to the music-consuming public. Jay-Z's fans dressed in the way he did as a way of identifying with and performing a street identity even though they likely did not share his particular past. A norm associated with illegal/criminal behavior, not unlike having an agent, escaped the group for whom it had instrumental value and came instead to be arrogated by a much wider population who used it to perform a particular identity.

This identity, by the way, comes with no small amount of political controversy and possibility for dangerous misinterpretation. In the wake of Trayvon Martin's tragic killing, the black hoodie became both a symbol for resistance to white privilege, power, and systemic racism, and at the same time a lightning rod for what many perceived as the dangerous identities performed by black youth. CNN's Don Lemon argued in the summer of 2013 that stereotypical fashion for black male youths was part of the problem – memorably if naively suggesting that they "pull up their pants."[61] Lemon was rightly excoriated for what many perceived as blaming young black men for systematic and systemic racial bias for which they are plainly not at fault. Yet many young people – black, white, and other – dress in ways that arguably mis-serve their socio-economic

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[61] Lemon's comments were aired during "No Talking Points" in the CNN Newsroom on July 2tth, 2013, and can be viewed at: http://www.realclearpolitics.com/video/2013/07/27/cnns_don_lemon_bill_oreillys_criticism_of_black_community_doesnt_go_far_enough.html

prospects precisely because others make predictable (if biased and unfair) assumptions based on such sartorial decisions.[62]

Both Garot (2010) and Rios (2011) show that even young people not associated with gangs still perform some of the behaviors associated with them. Debates about profiling, urban crime, "stop and frisk," and school uniforms, to name just a few, all touch on the fact that performative identities that are (often unfairly) implicated in criminal behavior have been adopted by many who haven't broken any rules at all. As we seek to understand and, in some instances, control these performances (by, say, banning certain outfits at schools), perhaps we would do well to probe beyond the behavior itself and ask why something perceived by many to be harmful has been adopted by so many others.

In this chapter, I've offered an account and demonstration of how a behavior can become a social cue by embedding itself in a social space. The endeavor is analytically prior to wondering what we can do with cues, and has, I hope, helped show a clearer idea of what exactly a social cue is. But an explanation of how a social cue comes to be is only one way in which cue theory and legal consciousness can be combined to give richer texture to how we gather and process political and legal information. Yes, using party affiliation as a cue requires affiliation to trigger justified background assumptions, but equally important is an account of how particular background beliefs, preferences, and self-identities suggest to a person that they are the appropriate recipients of that cue. In other words, the story of how a person comes to think of himself as a Democrat will influence which social and informational cues he thinks of as applicable to him. Identity provides a way to combine the beliefs and preferences that structure our

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[62] Consider, for instance, this excerpt from the Los Angeles Police Department webpage on how to identify gang members: "Gang clothing styles can be easily detected because of the specific way gang members wear their clothing. Examples are preferences for wearing baggy or "sagging" pants or having baseball caps turned at an angle. Gang members often prefer particular brands of shoes, pants or shirts. For example, some gangs like to wear plaid shirts in either blue, brown, black or red. These shirts are worn loosely and untucked. Gang graffiti, symbols, messages or gang names can be written or embroidered on jackets, pants and baseball caps. Other identifying items include belt buckles with the gang's initials, key chains, starter jackets (team jackets), and red or blue bandannas commonly called '*rags.*'".http://www.lapdonline.org/get_informed/content_basic_view/23468 (Accessed September 4, 2013)

interpretation of information with the reproduction of the social structures that tell us which information applies to "people like us."

So there is yet another question analytically prior to one's taking an informational cue: how does a person know which cues a person who occupies their social space, a person "like them," is supposed to take?

Chapter 4
Casey at the Bat:
Cues and Narrative Identity: Being and Becoming an Elite

What Does it Mean to Be Someone "Like Me?"

By the time I can read a perceived expert's opinion on an insurance reform referendum (to borrow Lupia's example; 1994a), several related social phenomena have already occurred. For one, the expert's affiliations have made connections to other social and political facts and structures, at least enough to make me feel confident that those affiliations justify some assumptions about the distance between the expert's preferences and my own. In addition, I have either consciously or unconsciously reached conclusions about my own beliefs and preferences; for me to use someone else's preferences as a proxy for my own, I must have <u>some</u> extent preferences surrounding the lacuna I'm trying to fill from which to draw conclusions. However, such a brief sketch minimizes the ways in which my pre-existing beliefs and preferences inflect what cues I am likely to take and the ways I am likely to interpret them. Who I (think I) am determines which social cues I take; the social cues I take reinforce my place in a cultural matrix and determine which behaviors are appropriate for me, which is to say they help determine which <u>informational</u> cues I take. Furthermore, as we will see in the coming chapters, they even influence the way I interpret or ignore the informational cues before me.

Some of this echoes the concept of given or prefabricated identities common to social identity theory, which describes how individual identities are given to them by their social associations (Foucault 1978; Tajfel 1978; Ashforth & Mael 1989; Stets & Burke 2000; Hogg & Vaughan 2002). A gang member's identity is prefabricated by the norms and practices of gang life and gang membership and given to him by his membership in that gang (Vigil 1988; Garot 2010). The concept of "prefabricated" identities provides ready links to Althusser's concept of being "hailed" (2001); having

one's identity "called forth" by the activation of relevant social signals. In this stark example of "given" identities, the subject exists only through ideology (see also Wingrove 1999: 877). That is, an individual's identity is constituted entirely by the social and cultural structures that surround it, leaving – at its most extreme – little room for agency.

On the other hand, narrative identity theory in its various guises explains how individuals fashion their identities from available social schema by telling a story about who they are – a story that is itself necessarily drawn from the social structures through which a person moves (Greenblatt 1980; Bruner 1991, 1996; Rosenwald & Ochberg 1992; Schiffrin 1996). Narrative identity does well to explain how a culture can limit the choices available to an individual actor, and to leave room for that actor to choose among them, but it struggles a bit to explain how some options become more acceptable than others. When Ewick and Silbey (1998) and Engel and Munger (2003) tell stories of how people characterize and interact with law and legal structures, they lean heavily on narrative identity theory to explain how their subjects tell stories about who they are and how that affects their relationship to law. These individual choices are not unfettered, but limited or even forced by the social structures that surround them. Legal consciousness, their methodology counsels, is both a product of our environment and an individual phenomenon. It is a way we participate in the production of our own identity and in the reproduction of cultural forms.

No matter where an individual scholar aims his or her lens, the overlaps between individual identity formation and culturally constructed rules and resources are indicative of the ineradicable conceptual linkages between the two. As Greenblatt notes, even individual efforts at building a self are supplied with culturally defined materials (1980). It is not just defining a self, it is defining a place within a culture that is circumscribed by the culture's rules. It is about learning how to participate in a culture by accepting and internalizing the culture's definitions of what behavior is appropriate or inappropriate, what is fair game, and what is against the rules.

Once again, putting cue theory and legal consciousness in dialog will enable a connection between our pre-existing beliefs, preferences, and identities, and the way we make decisions when navigating a social, legal, and/or political space. We build our

own identities and tell our own stories, but when we do we make ourselves into a particular kind of person occupying a specific social place. The people we understand ourselves to be in turn influence which social and informational cues we are likely to take. We are "called forth" when we take others' behavior towards us to be a product of where we sit in social space; understanding that we are being so treated is one way that we say "that social cue applies to me."

Baseball players' development clearly demonstrates these different analytical moves. Well before they arrive on Cape Cod, the Crusaders have spent a lifetime concretizing an identity as an elite player. Their memories as players stretch back to – and through – childhood, and their dreams have been reinforced by their success every step of the way. Their lived experiences have built for them a self-conception as an elite baseball player, and they therefore favor behaviors consonant with that image. The stories they tell about themselves uniformly cast them, well, in uniform; that visual token of their identity is part and parcel of the narrative they use to explain who they have become.

Baseball does so much to structure their daily lives that players' identities *qua* baseball players have come to dominate other facets of their lives. Out on the Cape, the social cues placing them as elite players and cementing the image they have of themselves as such are legion. In fact, most that happens on the Cape calls them forth as elites, reinforcing their understanding of the social place they occupy, of the social role they are playing. The ways they are treated by their coaches, their fans, professional scouts, and of course agents all betoken a status and professionalism they hold close to their senses of self. It is also, crucially, part of an imagined future. Their narrative identities do not stop in the present, but incorporate an assumed future in professional baseball. Such dreams are also a part of their history; they have "always" wanted to play professionally in the same way that they have "always" played baseball. Players' histories cast them not only as occupying a particular social space <u>now</u>, but as occupying a related one in the years to come: a player who doesn't just <u>act</u> professional, but <u>is</u> a professional. In practice, this means that the behaviors players mimic are not just ones appropriate to their current status, but to what they believe their future status will be as well.

It is not quite that rule-breaking in the form of agent relationships is constitutive of identity in the same way law-breaking is for gang members. After all, it is at least possible to be an elite baseball player without an agent. I argue instead that rule-breaking is <u>confirmative</u> of an existing identity and consistent with the narrative players tell about who they are. Their identity puts them in position to take social cues reinforcing their self-conception as elites, and to <u>reproduce</u> those cues and the culture that defines them by acting in ways that their identities suggest. An agent, in many ways, is best characterized as similar to the cleats, baseball mitts, sunflower seeds, and chewing tobacco: a symbol of the type of person a player considers himself to be, or at least wishes himself to be. The arguably harmful practice of having an illicit agent is replicated in part because it is a natural outgrowth of the identity perpetuated by the social cues available to the players on the Cape Crusaders.

Origin Myths and Building a Receptive Identity

All stories have a beginning; most good stories have good beginnings. For the Cape Crusaders, the sport began before their memories do. Their beginnings are almost mythic, lost in the fog of childhood. It is amazing how much their answers to a seemingly simple question – "When did you start playing baseball?" – can reveal. Tory Jimenez answers immediately: "Since I was old enough to hold a bat, I guess." He laughs, then guesses an age: "Three years old?" Len Clement simply says he's been playing for "as long as I can remember." These two, like almost all of the others, simply don't remember a time before baseball. Baseball predates their memories; they've been <u>told</u> about childhood obsessions, or their first encounters with the sport. Seth James is forced to speculate about when he started playing. "Around two... if that's possible. I started playing T-ball at my church. At least that's what I'm told. I don't really remember."

Twenty-four of the 26 players interviewed could not remember a time before they played baseball. How few things – how few <u>people</u> – can any of us say that about? One's family, one's childhood home, sleeping, eating, breathing, school for those who went to pre-school; there are very few things that any of us know we have been doing since before we even began to form memories. Both Trent Añez and Larry Kloves are

sensitive to the reality that baseball has been part of their lives for literally as long as they can remember. How long have they played baseball?

> My whole life... probably since I was three, four years old.... Yeah.
> I can't remember. I've always been playing. Sports have been
> basically my whole life.   – Trent Añez
>
> I started playing... probably when I started walking. (laughs) I've
> been playing baseball all my life.   – Larry Kloves

Baseball <u>is</u> more like eating or walking for players who have done it for their entire lives (and who, as we will see in a moment, have always shone at the endeavor). It is simply a constant feature of their lives, part of themselves before they even knew who they really were. For many, it is not only a fixed star in their life, but one with connections to other fixtures that transcend memory: their homes and their families.

> I started playing probably before I could walk. Because my dad
> was making me – I don't know – probably putting baseball stuff
> around me because he always played baseball.
>   - Outfielder Vlad Simon
>
> I started playing as young as I can remember. T-ball... whenever
> that was, however old you are... like five, I want to say. Maybe. I
> don't know. But as far as I know before that I was playing catch
> with my dad in the backyard all the time.
>   – Catcher Hal Olsen

But for poetry, for sheer cinematic Americana, it is difficult to top Jon Tufton:

> When my dad was working on the farm, I was probably out
> swinging the bat, and he'd come over after he got done doing the
> chores. I was probably about five or six, and he'd be throwing me
> some balls in the – in the middle of the farm.[63]

Like their parents, like their childhood backyards, baseball is something that has always been a part of these players' stories. It is one thing to reminisce about things out of memory long since abandoned (pre-school, for instance) but quite another to think of

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[63] It's worth noting that Jon's story echoes two seminal American films about baseball. In *Field of Dreams*, Kevin Costner builds a baseball diamond in the middle of a cornfield; in *The Natural*, Robert Redford is a boy-wonder baseball player who makes a run at the Big Leagues from the farming heartland.

it alongside other timeless features of one's life. Baseball is their origin myth, their *Aeneid*, their constant. As Ray Sheffield puts it, "It seems like every day that comes by deals with baseball." Jon Tufton echoes the sentiment: "It's just always been part of my life."

"Figure the number of hours, the number of leagues, the number of whatever they've ever played in," says Housing Coordinator Irene Isaac. "This has been their whole life." Steve Mott explains that it is also a way of marking time. "I played in Pony, so going through Mustang and Bronco and everything, I was always the bigger guy and I realized every time I went to the next level, I was still the bigger guy." The graduation from one youth league to the next – Pony, Mustang, Bronco – and to high school, then college, and now the Cape divides players' lives into discrete units defined by their sport. Baseball literally marks transitions from one life stage to the next. But Steve Mott's comment says more: "I was always the bigger guy." These players are defined not simply by the longevity of their careers, or by the intimate connections baseball has to other aspects of their lives, but by the fact that they have always been one of the best players – often the best player – on every team for which they have ever played. By the time they have reached the Cape, they have been at the top of Little League, high school, and even their high-powered collegiate teams. Host parents understand this as well as anyone, as former host and team announcer Corey Roberts explains: "When you're the star of your team, you're the big man on campus. When you've been growing up all your life and you've been pegged as the superstar, you know – you're entitled."

Team Treasurer and host parent Larry Dennis agrees. "They do get treated as something special. Wherever they are, they've been really good at whatever level they've played at, and whatever team they're on." He takes a breath and continues. "The hero adulation thing is – I'm sure – intriguing... I think that's a pressure on the kids, too – to be successful in the thing that they seem to be the most noticed for." Larry is on to something when he talks about the thing players are "most noticed for." It's worth pausing to appreciate the full scope of what baseball has meant to these young men. In addition to connecting them to childhood, to their families, and to their progress through life, baseball has brought them attention and adulation, success and opportunity. It is what they are best known for, and what they think makes them who they are.

We are, all of us, fragmented. We are sons and daughters, parents and grandparents, teachers and students, friends, lovers, neighbors, employees, supervisors, and so on. This entails being different things to different people at different times, and putting on the appropriate act; we might ask the same question quite differently depending on whether we put it to a classroom full of students or to a dinner table full of friends. Goffman's central insight is exactly this: our identities are constituted by the parts we play, by the props, scenery, and fellow travelers who put us in the appropriate social role. But not all identities are created equal; some are easier to bring to the surface – to "call forth" – than others.

For the Cape Crusaders, being an elite baseball player is omnipresent and impossible to submerge; it is an identity that dominates and overshadows all others. Seth James says being a baseball player is "everything" to him – an answer every player asked that question repeated, if not in exactly those words. Players consider their identity *qua* baseball players to be crucial to their self-definition, to their sense of self. When I ask Trent Añez what it means to him, he has the same answer.

> Everything. I feel like it's just a part of me now. It's family, school, and baseball, in that order. It's literally part of my everyday life, because I wanna be a professional baseball player. So everything is centered around that, everything I do is directed towards the draft and helping my college team win. So... everything. Everything. Everything in life now, at this point.

"You literally eat, sleep, and breathe it," Trent says. There is more to Trent's misplaced literalism than might first meet the eye. Baseball does guide most, if not all, of his everyday activities. What he eats revolves around trying to build muscle and keep his body healthy; when he eats is determined by game times, workout routines, and practice schedules. His sleeping habits are patterned on game days versus off days and on morning practices. Ray Sheffield says much the same thing: "I think baseball, eat baseball, live baseball, so you know... everything I do is in baseball terms. I would say my whole identity is baseball." Baseball is an around-the-clock activity, he continues: "from the minute you wake up to the minute you go to sleep. It's never-ending." Len Clement chimes in: "It's pretty much always on your mind... I'm always thinking about

my next start. It's part of your life. It's something that you don't take for granted. It's something that you love doing, and you don't ever want to think about the end of it. Being a baseball player is really part of your life."

When Len says it's "part of your life," he means that it's more than a sport: it is a lifestyle. Baseball is more than a pastime for these young men. It is, as I have noted, something more, something that sits alongside school, career, or family as a more or less permanent fixture of their lives. Of course, it isn't actually permanent. Nothing is, and baseball's promise can be more fleeting than many. On some level, the players must know this, but even in their more reflective moments, they have trouble grappling with the fact that this, like all good things, must come to an end. Hal Olsen reflects:

> I think about that sometimes – what's going to happen when baseball isn't there anymore? It's weird to think about because baseball – like I said – is who I am, pretty much. You still take school seriously because you know there's going to be a time when baseball's not around, but I can't imagine what I'd be doing... It's a huge part of my life.

Baseball is who he is, he says, and to lose it would be to lose part of himself. Hal notes that baseball is how he relates to the world around him, and the people in it: "Everybody knows I'm a baseball player. Everybody I've ever known knows that I'm a baseball player. That's just who I am." These comments tie together the concepts of narrative identity and social cues. He has come to think of himself as an elite baseball player, and takes others' treatment of him as social cues confirming his place in the social firmament. And, though I did not interview Hal's friends, it is impossible not to think that they take his identity and actions as a baseball player as social cues as well, socially situating him and them. He has come to think of himself as the proper recipient of social cues for elite baseball players.

Training, Reinforcing, and Calling Forth a Dominant Identity

Ballplayers are fond of saying that hitting a baseball is the hardest thing to do in sports; even the very best can do it only a third of the time.[64] To be a player of their caliber means years of athletic training, both gross and fine motor skills. Players must have the arm and core strength to swing a wooden bat in less than a second, and the leg strength to drive through the ball; they must have reflexes and coordination to make contact with a baseball swerving towards them at high speeds, and the agility to sprint to first base before the ball arrives. But sitting alongside these skills are other micro-physical details. The parallels between the ways players' bodies are called into service to perform their identity and the ways Montgommery describes a soldier's bearing are striking: "lively, alert manner, an erect head, a taut stomach, broad shoulders" (Foucault 1978: 135-36). What Ray Sheffield says about the ways baseball players carry themselves could be just as easily applied to soldiers: "They have this sort of walk, and they kind of talk all the same. You can just kinda tell who's a baseball player and who's not. It's just by their demeanor, the way they present themselves." Vlad Simon is a little more detailed, but he too has trouble describing exactly what makes a baseball player look like a baseball player.

> There's definitely a look. It's kind of hard to put into words...
> There's a certain walk, there's a certain way guys dress, a way
> they wear their hat, a sixth sense of like – like if you walk in to get
> food somewhere and he's wearing like a hat, and like basketball
> shorts and – "Oh, he's plays baseball." I can definitely tell,
> because I've been around it for a while. You can tell who plays.

Vlad identifies some of the physical presentations associated with his role: athletic shorts, a baseball cap, a "certain way guys dress." Unlike other athletes, baseball players almost without exception prefer black athletic socks to white. Vlad's teammate Peter Wrass points to the ubiquity of chewing tobacco among baseball

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[64] When one considers the physics behind using a round bat to hit a round ball that has been thrown at you at 95 miles per hour, it is easy to credit these claims. Actually, when one considers the physics, it's hard to believe anyone can <u>ever</u> hit a Major League fastball.

players as another behavioral marker.[65] These are social cues that players project to situate themselves in a culture, and that their counterparts use to place them and each other. It also marks them as proper recipients for further social cues that will both refine their identity and further specify their social place. Their coaches demand that they perfect their bearing, carriage, attitude, and body language. Few of us, I imagine, think about how clean a player's shoes are as relevant, or notice the crispness with which players sport their uniforms. To many they might seem to be small matters, but Coach Kimmel knows that when you are trying to build an identity – or even impose one – everything matters.

> There are no little things, you know? There just aren't any little things. Everything, um... you can't really rank them. The way you put on your uniform says, you know – guys that are shining their shoes are taking pride in the way they look. If they can't do simple stuff like that, then it's gonna be pretty tough to hit [a pitch at] 95 [miles per hour] with the bases loaded, and full count, with the game on the line... We want them to be professionals, so when they get to Yankee Stadium or they get to Fenway Park,[66] they know how to conduct themselves. They know how to wear their uniforms, they know how to pay attention to the National Anthem, they know how to conduct themselves in pre-game and get their conditioning in, and how to pay attention to the game during the game, and how take care of themselves when the game is over.

Two things from Coach Kimmel's monologue are worth highlighting in particular. For one, none of the behaviors he articulates are actually engaged with the playing of a baseball game. In fact, with the exception of "how to pay attention to the game," none even occur during a baseball game, but before and after. They are all about how to conduct oneself in a professional manner. "How would they act in Fenway Park if it was their first day in the Major Leagues?" asks Coach Kimmel. "That's how we want them to act for 44 games." Coach Brake's take is more colorful, but tellingly similar:

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[65] And, for what it's worth, it's another harmful activity that players perpetuate despite the obvious harms to themselves. While no doubt nicotine addiction plays a role in the durability of this particular habit, it seems likely that players at least start using chewing tobacco as a way of performing the identity to which they aspire. Tobacco use has come to mark a certain seriousness about the game, and players wishing to be taken as serious students of it might well use that social cue to communicate it.

[66] Fenway Park is the home of the Major League Boston Red Sox, Yankee Stadium of the Major League New York Yankees.

Coach Brown says, "Hey, tuck your shirt in." [He mimes an exasperated player.] "Tuck your shirt in without the bad body language." How about just – I play for the Yankees and my f---ing shirt is tucked in?

What is of interest here is not that players know these social cues are for them; after all, they are their coaches' players and they are obviously the target. However, the specific mechanisms by which the coaches telegraph that their players are the recipients of these cues is illuminating. Both Coach Kimmel and Coach Brake talk about training their players to act as if they were already professional, as if they already played for the Yankees. Kimmel tells them to mimic All-Star Roy Halladay's professional attitude, and when Coach Brake instructs his hitters on how to impress scouts with professional-looking warm-up swings in the batter's box, he does so by comparing their swings to Major Leaguers like Derek Jeter. As noted in the previous chapter, the Crusaders' locker room is full of pictures of Major League batters either in a proper stance or doing a drill the coaches want the players to copy. A coach may tell them to tuck in their uniform or put on a baseball cap, but their instructions are laced with demands and entreaties to mimic Major League players. Players are constantly barraged by comparisons to the professional players they hope to one day be. These practices serve to alert players that the social cue <u>is</u> for them, because their identity counsels that they are the sort of person for whom professional players are an appropriate model.

The coaches are not the only people on the Cape who call forth players not simply as elites, but as (prospective) professionals. The fans, whether older fans who love the game or the many young children who themselves dream of playing baseball, come to the park to watch baseball players – not students, sons, brothers, or even simply young men. The uniform they wear, the number on their back, and the skills they bring to the field are the reasons that 3,000 fans and perhaps as many as 30 professional scouts – will come to the Crusaders' ballpark each night. Very few college players get to play in front of such large crowds and enjoy the attention from so large a rapt audience. Ray Sheffield responds immediately when I ask what makes the Cape League feel different. "Fans – so many more fans than we get at school," he says. "That

kind of gives it a little professional atmosphere." Trent Añez agrees that the fans, and the attention they give players, make him feel like a professional:

> You're hanging around after the game like a half hour just to sign autographs, especially – like even around town you're going to see discounts for our team everywhere. Everyone's always – you wear a Crusaders' shirt, everyone's talking to you, see how you're doing. It definitely feels like a professional atmosphere.

Vlad Simon thinks of post-game autograph seekers not just as a facsimile for professional baseball, but as training for it, just like batting practice or a game. "We do early work," he says. "We work out. We play a game, do autographs." Greeting the fans and signing baseballs are also performances tightly associated with the identity these players project. Players perform their sport for fans while they are on the field, and their identity to fans when they are off. The relationship between performer and audience shifts a little when the last out is made, but it is still predicated on a player's identity as a player. In fact, as Larry Dennis points out, all the attention players get out on the Cape has this identity as its origin:

> If they have any chance at all, scouts are looking at them, people are talking to them all the time, they get interviewed by newspapers and TV and radio. Even in the microcosm that is the Cape Cod Baseball League – we have two sportscasters this year – well, after the game they go out and interview the player of the game, or the coach, or a couple of the players or whatever. So there's always a spotlight on them that not a lot of people get in life, and it's all because they can play baseball.

Fans and sportscasters are interested in baseball players only as such, and players respond as players. Being asked for an autograph after a baseball game while wearing a baseball uniform is a powerful social cue that tells players who they are, at least in that moment: they are borderline professional baseball players. When Trent Añez says the attention feels professional, it is because he interprets it as a social cue placing him as an important, professional player.

Though neither autograph-seekers nor strictly fans, professional scouts are still an audience, and a specialized and evocative one at that. They are, after all, the

intended audience for the professional-looking warm-up swing that players spend time perfecting, but that is lost on the casual fan. Little calls forth a player's identity as aspiring professional more readily than the hundreds of scouts who descend on the Cape League after Independence Day. When a Crusader digs into the batter's box, professional baseball is literally looking over his shoulder. Bill Jameson explains the stakes:

> To get the exposure that these kids get, playing in front of the scouts that they do every night – the scouts, the Major League general managers, national cross-checkers, special assistants to the GM... I mean, they get – they're playing in front of decision-makers in professional baseball.

And those decision-makers are there to see them in their capacity as players. What could be a more telling social cue than thirty professional scouts behind the backstop? What could tell a player that the cue is for him more than the fact that he is on a baseball field, wearing a baseball uniform, and all their radar guns are pointed at him?

There are more subtle twists to the Cape League that also tell players that they are almost professionals. Unlike college, the Cape uses wooden bats, which makes for a more professional-style game.[67] Jon Tufton ratifies this: "I definitely think it's a lot more professional here with the wood bat." Donyell Traynor, though, gives the most detail as to why everyone loves playing with wood:

> [Pitchers] love them. They would rather pitch to a wood bat. To be honest, I'd rather play with wood bats too, in college. I would get rid of the metal bat immediately. You don't play with metal bats in the pros, so why would you want to play with them in college? Why would you want to play with them in high school? It feels way more professional. You feel like.... you feel more like a baseball player. You feel way more like a baseball player when you're using wood bats, playing in a wood bat league.

When I speak to batting coach Carl Brake about wood bats and professionalism, he nods: "Aluminum's not going to get you into the Hall of Fame. Wood is." Brake

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[67] Recall from Chapter 1 that because wooden bats break, pitchers are more likely to throw difficult pitches close to the batter's body: "inside" pitches. This completely changes the strategy behind an at-bat to one reminiscent of how professional baseball is played.

encourages me, though, to think beyond the wood bats: "You made a good point about the wood bat – don't stop there. They're playing six, seven days a week... they're playing a professional schedule." Playing every day – grinding through a day-in-and-day-out routine, is a warm-up to professional life. Scout Rory Jones spoke of the 44 games in seven weeks on the Cape as a step towards the 90, 130, or 160 game seasons that players face as they climb the professional ladder. The players understand this, and think of the Cape schedule as another measure of professionalization. "It kind of feels like minor league ball," says Landon Escher. "'Cause, I mean, you're playing every day. In college we play Friday-Saturday-Sunday, then maybe one mid-week game. Out here we play five, six days in a row. So it's just like minor league ball."

The question becomes not how easy it might be to hail players *qua* players, but how difficult it is to summon any <u>other</u> facets of their identity. They are, after all, there specifically because of the ability and identity as baseball players, and it is <u>as</u> baseball players (and often <u>only</u> as baseball players) that they are of interest to others on the Cape. At least during the game, Coach Kimmel reduces players' identities to <u>only</u> "baseball player." He says, "When they're on the baseball field, all they are to me are baseball players. It's not Ray Sheffield the person; it's the shortstop for the Cape Crusaders." They have no names, no histories, nothing but a number and a position on the field. They are, in these moments that happen every day on the Cape, ballplayers and nothing else. Sometimes they respond as such even when that wasn't the intention. Treasurer Larry Dennis wonders aloud: "You don't often hear them talking about 'How were your studies this year?'" He means to tell me that baseball is almost all players talk about, almost all they think about. He might be even more right than he knows. Nine Crusaders played for the team during both summers of fieldwork. When I sat with them the second summer, I thought I would start the interview with chit-chat about their lives: "How was your year?" Not one of the nine – not one – mentioned school, or family, or friends, or girlfriends, or vacations. To a man, they all started talking about baseball.

From their coaches, to the fans, to the scouts, to their schedule, to the very bats in their hands, the Crusaders are bombarded with social cues telling them they are elites – almost professionals – and the Crusaders are more than receptive. As they process and internalize these social cues, it begins to affect not only their perception of

their social place, but also to influence how they behave. A player's decisions to sign autographs after a game, to stand in a particular way in the batter's box, or to meet with an agent are consistent with baseball culture's dictates about what behaviors are acceptable. What is considered fair or correct is defined by baseball culture and assimilated by its participants. Players sign autographs because that's what elite players are supposed to do; players take certain practice swings because that's how elite players are supposed to look; players take meetings with agents because that's how elite players are supposed act.

Imagined Futures and Implicated Behaviors

An agent, I argued in the last chapter, is a social cue; as I'll show in the next section, players' identities dictate that it is a social cue that applies to them. But it also serves to answer a different question. When a player wonders how to approach what they assume is the coming transition to professionalism, the fact that "people like them" have agents functions as an informational cue as well; it suggests a particular course of action without requiring the player to actually do the research as to what an agent can or cannot do for them as an individual. Players are drawn to agents because agents are a social cue suggestive of someone in their perceived position, but also because they already envision a professional future where informational cues suggest that someone like them "ought" to have one. While this cue is a faulty one in Lupia and McCubbins' scheme, it makes perfect sense when one considers players' aspirational identity as a component of their present one.

Rosenwald and Ochberg say that "The storyteller says, 'This person I am today is who I have been years becoming'" (1992: 9), but it is not as if the stories we tell about ourselves end in the present. The person we have spent years becoming isn't severable from the person we anticipate being tomorrow, next week, or next year; even though we know there will be intervening events and changes of course, we imagine that our present self will continue on a trajectory we cannot help but imagine. Just as the Crusaders have spent their lives as baseball players, they have spent their lives as players who dream of playing professionally. Seth James' conception of himself as a baseball player is not predicated just on having played as long as he can remember but

on the early realization that: "When I knew baseball could be a job that I could do for the rest of my life is really when I knew I wanted to work hard at it to be able to do it for the rest of my life." "I've always wanted to do this for a living," notes top prospect Jerry Lee, "ever since I was a little kid." Kit Nielsen changes the verbiage, but not much: "Growing up as a kid it's always something I wanted to do." Ray Sheffield, Jerry Lee's middle-infield teammate, says much the same thing: "It was always something I wanted to do, was get drafted." He echoes the language players use to describe how long they've played: "For as long as I could remember, it's all I wanted to do, is play pro ball." Always; always; always. Dreams of playing professionally occupy a similar place in players' psyches as playing itself does. It is a constant fixture.

The similarities in these responses – the use of "always," the fact that the dream developed in childhood – suggest that the dream itself is part of player identity. Derrick Martinez speculates that it <u>is</u> a common aspect of players' identities, while using the same words to describe it. "It's always been my dream to play," he says. "I think it's anyone's dream who plays – starts out in baseball and wants to be a Big Leaguer." A good catcher must see the whole field, and catcher Hal Olsen here tries to see the big picture:

> I think most of us feel the same way. It's something we've done
> our whole lives, and have dreamed about going to pro ball, playing
> pro ball. And being out here... it's definitely a big step towards that.
> Most of the guys here are going to do it. It's definitely – we have
> the same feeling about it that way. It's gonna happen. It's just
> <u>when</u> is it gonna happen.

Hal's comments point to the longstanding connections he and his teammates have to playing baseball and to dreaming about playing professionally. He acknowledges the confidence with which they approach their futures – the "when," not "if." [68]

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[68] Confidence, and its relative self-deception, are important enough to the story that they need their own chapter, but it is worth noting here that coaches, agents, and players alike never talk about what will happen "if" they make it to professional baseball. They always say "when." They protect the dream – thereby protecting a facet of a closely held identity – by projecting confidence that it will come true, and denying the evidence that it might not.

The power of narrative identity is apparent when one characterizes players' origins as baseball players as beginnings, and their imagined (and assumed) futures in professional baseball as ends. They now occupy the middle of this trajectory, and must do what they can to make it fit the right narrative arc. And, as Goffman would rush to add, in order to <u>be</u> individuals on a path to professional baseball, they must <u>act</u> like players on such a path. The concept of a narrative arc or path finds purchase in the metaphor of stepping-stones players often use. As I argued above, it can literally mark the step from one life stage to the next as a player rises up through the ranks, and the Cape is just such a step, but it is not the last step players envision. T-Ball, Pony, Mustang, Bronco, high school, college, Cape League, minor leagues, and the Big Leagues; these players are still in the middle of a story to which they have already written the end in their minds.

Playing on Cape Cod, the most competitive and highly touted of the amateur leagues, is a step along the predefined path to professional baseball. "Even getting invited here is a next step," says Trent Iñez, "because this is where all the top guys come." Derrick Martinez elaborates:

> It's definitely a step in the right direction, and one step closer to
> where you want to go. You know, it's a great opportunity if you do
> well here. It's a really good stepping-stone.

Not only is the Cape League a step closer to professional baseball, but given the percentage of Cape players who get drafted, a substantial one, as Coach Carl Brake explains:

> Most of these kids... I don't know exactly what the numbers are,
> but they're gonna get to play professional baseball. So this is kind
> of a stepping-stone, you know? It's different than their college
> season, and it's not professional baseball, but it's in between. You
> get a little taste of it.

The Cape, as Brake has it, is not only a "stepping-stone" on the path to the pros, but a sampling of what it will be like if – no, <u>when</u> – his players get there. Pitcher Brett Johanssen combines the metaphor of steps with the idea of a puzzle:

It kind of feels like a puzzle, and these are all the pieces. Like, you know, you put it together and finally complete the puzzle. I guess, you know, it's actually Major League baseball, but these are all the little steps for it. So with each new step, it's like you're getting that much closer.

These players, as I have argued, have come to perceive of themselves as the type of person, an elite baseball player, who will play professional baseball. As they tell this middle part of that narrative that defines them, they conceive of themselves as the appropriate audience for social cues placing them in that social space, and as the appropriate performer to issue – to replicate – those social cues. Illicit agent use is one way people in amateur baseball place a player as an elite, and having an agent is a way to perform that identity, even if only to themselves; the privacy of the performance is facilitated both by the behavior's illegal character and the social norms abjuring discussion of baseball as a business.

But more than the recipients and propagators of this social cue, agent use can also be considered as an informational cue for players who think of themselves as elites. Having fixed themselves in a particular social position by asking, "What sort of person am I?" players now ask a new question: "What should a person like me do?" To answer this analytically subsequent question is to presuppose an answer to, "Who is relevantly 'like me?'" By looking to standard, normalized elite practice, players can take a shortcut to what they "ought" to do without having to actually research the roles, responsibilities, and limitations of an agent. Remember that I, unlike Lupia and McCubbins, do not insist that an informational cue lead an actor to the most "rational" decision, or to the decision they would make if they actually did exhaustive research on it. Instead, I'm concerned with the processes through which a person perceives as cue as a shortcut that answers the question, "What should a person like me do in a situation like this?" This, I believe, is exactly how players perceive the ubiquity of agent use among elites, a group of which they consider themselves a relevant member.

Rule-Breaking as a Natural Outgrowth of Identity

As players step from one metaphorical stone to the next, they look at fellow travelers walking the same path, or who have walked the same path, who have roughly

the same narrative arc and narrative identity. As they try to decide which step to take next, the widespread use of agents by elite amateurs suggests an answer. It shouldn't be surprising, given the cultural symbolism that having an agent has attained, that developing a relationship with an agent is considered a step along the path to professional baseball. In fact, players like Steve Mott use the same verbiage to describe it: "It's just kind of a stepping-stone. Like, at high school, then the next step is college, then the next step is professional baseball. So it's just another stepping-stone." Recall that his teammate Larry Kloves said that having an agent "comes with being a great athlete"; he went on to describe it as "being able to take that next step." Catcher Kevin Timmons describes how the relationship with an agent can confirm a player's sense of self and reinforce their perception of their narrative arc:

> Honestly, having an advisor kind of feels like the next step in getting signed, getting to the Big Leagues. That's what it makes you feel like, honestly. Once you're like, "Yeah, I got an advisor," it's kind of like a step up because they sought you out, they realized the potential you have in playing the game, and see that you can play at the next level.

Though not all players use the language of the stepping-stone, other descriptors achieve the same effect. Pitcher Ricky Sheppard thinks of getting an agent as a "checkpoint" rather than a stepping-stone, but in elaborating even he falls back on the pathway metaphor: "[It] lets me know I'm stepping in the right direction and, you know, just keep doing what I'm doing, because it's working so far." Peter Wrass isn't sure he needs an advisor – though by the second summer he will have changed his mind. That said, he acknowledges that it represents progress towards the goal, though he favors a vertical metaphor: "I think it might be the next rung on the ladder." Top prospect Vlad Simon uses a math allegory, though the same step-by-step process is implied: "There's an order of operations, and that's one of them."

Housing Coordinator Irene Isaac has spent enough time around these players to know how attractive these players find attention from agents, and why they cling to it as a part of the story they tell on their way to professional baseball:

Some advisor walks up and says "Hi, I'm so and so, here's my card," you know, "Could we meet for lunch tomorrow and talk?" It's like, "Whoa, you know, <u>whoa</u>. This must mean, you know, I'm really good. I'm doing stuff that's right, and this is just another step for me to take, although I don't have a clue of what [agents] are doing."

Players, she knows, characterize getting an agent as just another step along the way to what they imagine and predict their futures will be. But more than this, she understands the psychological value they impute to the relationship. The assumption, upon contact from an agent, is that it reflects the player's own understanding of his talent and professional capabilities. They fit the event into the prefabricated narrative, the preconceived pathway, on which they believe themselves to be embarked.[69]

Coach Seth Williams acknowledges the widespread sentiment that getting an agent is simply part of the process or narrative: high school, college, Cape League, agent, draft, pros. In fact, it is this general acceptance that concerns him: "I think they look at pro ball and they go, 'Well, I get an agent, I get a scout, I get signed, and then we're off and running.' Well, it's not like that." What Williams means is that while agent use is a shortcut to the performance of elite identity, players can conflate it with a shortcut to elite production on the field. An agent, perhaps it is obvious, does little or nothing for a player's on-field abilities, but Williams worries that it fosters a false sense of security. A better grasp of elite meta-language will not help a player get a hit either on the Cape or next year in Rookie League. Nor, Williams pointed out, are they particularly close to their ultimate goal. Even if they are one of the 1,500 players drafted next year to play professionally – and most of them will be – few will ever claim one of the 750 Major League roster spots, and those who do will need to spend <u>years</u> of hard work further honing their skills in the minors. The Crusaders' coach wishes they would pay more attention in fielding practice, more attention to playing an elite game than to performing the <u>role</u>.

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[69] There is much here by way of motivated cognition and confirmation bias; as information tending to confirm what players think about the world and their place in it, players are far more likely to uncritically accept it (Taber & Lodge 2006; Cowen 2005). And, as I'll show in the next chapter, use it to ward off or explain away information that undermines their preconceptions.

Law and society, criminology, and other sociological approaches to law and deviance seek explanations for widespread rule-breaking. Social pressures, the desire to belong, and the constitutive work deviance does in gang membership is one such approach (Garot 2010), as is Tom Tyler's finding that we are far more likely to break rules we find unjust independent of any benefits or costs that might accrue (2006). This chapter expands the number of available explanations. Unlike gang members, amateur players need not get an agent to <u>actually</u> be elite. While it is not constitutive of identity in exactly the same way, it is <u>confirmative</u> of a narrative identity they have spent their lives constructing, and strongly suggested by their cultural framework as an appropriate behavior for people "like them" despite the fact that it is against the rules, and regardless of any particular costs and benefits.

I chose not to ask the subjects of this study about steroid use in amateur baseball (I felt it might jeopardize the players' trust) but one can readily imagine how that instance of rule-breaking could find explanatory purchase in this account. The identity of a baseball player is perfectly consistent with steroid use, especially after the revelations of its prevalence in the Major Leagues around the turn of the last century. There might be little pressure from one's baseball identity <u>not</u> to cheat, and if steroid use were in fact <u>identified</u> with the professional role, amateur players' aspirations for both higher production <u>and</u> a more elite identity might underwrite the practice.

Consider another intersection of narrative identity and deviance. The Catholic Church's position on premarital sex and contraception, while socially and politically controversial, is doctrinally unambiguous.[70] And yet, despite its steadfastness, legions of its flock violate these clear tenets, while still considering themselves to be practicing Catholics (Goldscheider & Mosher 1991; Wilhelm 1996; Jones & Dreweke 2011; Shaw 2013). In truth, the Church's ban on premarital sex and contraceptive measures has becomes divorced (as it were) from the narrative identity of what it means to be a Catholic (Shaw, especially, thinks that this division between doctrine and narrative is problem for American Catholicism; 2013). Members of the Church grow up in far more flexible atmosphere at odds with official decrees. Many may internalize the cultural

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[70] Pope Paul VI issued the encyclical *Humanae Vitae* in 1968, emphasizing the intrinsic immorality of birth control.

understanding that such practices are not at odds with their Catholicism, and so what appears to be a case of widespread cognitive dissonance might be readily explained by the combination of cue theory and legal consciousness I have advocated in this chapter. The Church community offers social cues including and excluding particular people and behaviors from the faith community, thereby providing answers to "how should I act" for those who perceive themselves as part of it.

The norm is also facilitated in part by individual churches' atmosphere of non-enforcement; not completely dissimilar to the NCAA's failure to enforce Bylaw 12.3.2.1 despite official proclamations of agents' illegality. Catholic non-enforcement of the doctrinal rules opens up space for identities incorporating both Catholicism and contraception to be fashioned by those breaking the rules. The broken rules may not be confirmative of a particular Catholic identity in the same way a broken NCAA rule is, but the social space in which identity can be structured around rule-infringement is made available by a similar mechanism.

I pivoted in this chapter from examining how social cues help an individual place themselves and others within a social structure to how, once situated, informational cues can help that individual decide the ways it is appropriate to act. How might a legally unsophisticated actor approach a complex legal question about how to initiate a divorce, or retrieve welfare? If someone they know and perceive to be like them (which is to say perceived as similarly situated through social cues) had been divorced or claimed a check, it seems likely that the novice would use their friend's behavior as a proxy for what they should do – as an informational cue.

But informational cues are not simply there for the taking. They are subject to cognitive, psychological, and social forces that can change how different individuals perceive them – that can change what those cues mean.

Chapter 5

The Hidden Ball Trick:

Confidence and Self-Deception: The Protective Lies Players Tell Themselves

> **Crash**: Look, Nuke, these Big League hitters are going to light you up like a pinball machine for a while, all right? Don't worry about it. You be cocky and arrogant, even when you're getting beat. That's the secret. You gotta play this game with fear and arrogance.
>
> **Nuke**: ... fear and ignorance.
>
> **Crash**: No, fear and <u>arrogance</u>, you hayseed, not ignorance.
>
> **Nuke**: I know, I know. I just like seeing you get all worked up.
>
> *– Bull Durham*

Cultural Means of Reproduction

Silbey calls on those who study legal consciousness to interrogate the relationship and disparity between the law as it is applied and the law as it exists "on the books" to examine the ways that these discrepancies contribute to the reproduction of inequality by the very people harmed by them (2005: 359). When Bourdieu says that "systems of durable, transposable dispositions, structured structures predisposed to act as structuring structures" manage to socially reproduce themselves, he is prodding a similar phenomenon (1977: 72). I have, so far, attempted to show how one particular rule-breaking norm became attached to a social identity, and how its emergence as a social cue <u>to</u> that identity led to its replication by players who bear a cost to replicate it. In so doing, I have borrowed the concept of a cue from political heuristics and marshaled it to explain how <u>social</u> cues enable us to make assumptions about our place in a social structure.

Now I want to begin addressing a different question, albeit one broached in the previous chapter: how can a particular cultural predisposition affect how individuals

receive and process <u>informational</u> cues in way that encourages them to replicate structures that harm them? Once players place themselves in a particular social grouping, they come to believe that an agent is something that "someone like them" ought to have. What I want to explore here are the ways that baseball's culture shapes the informational cues available to players and creates a situation where rule-breaking (in the form of an agent) is not only confirmative of social identity, but deployed to protect it.

All sports – indeed, most endeavors – require some measure of confidence from practitioners. Cheng and Furnam find that academic self-confidence increases academic achievement even when controlling for IQ (2002:336), while Boxtel and Monks's conclusion is a bit broader: "A positive self-concept in all areas seems to be the driving force for achievements" (2002:169). In some situations, confidence can even help build trust among strangers (Child & Möllering 2003), and forge new social ties (Shane & Cable 2002). There is some indication, though, that self-confidence and its positive effects on attitude and outlook are both more prominent and prized among high-caliber athletes (Jones, et al 2001).

Popular culture may have it that sprinters require more cockiness than distance athletes, or that goalies require a more unshakeable confidence to brush off the goal they've just let in and act as if they hadn't, but none of this especially matters. What matters is that baseball players <u>believe</u> that their sport requires more confidence than others. Baseball believes in its own exceptionalism, as the sport's tropes and mythology readily reveal. Part of the reason for this is the sport's belief that it has a deeper relationship with failure than others. True or not, the widespread and steadfast belief that baseball, more than other games, is one of failure inculcates and underwrites the belief that those who practice it must do so with full confidence. Players are told over and over that they must step onto the mound or into the batter's box with confidence in a favorable outcome. They are told that in order to make it to the next level – whether it is the next step up in youth baseball, Division 1, the Cape Cod League, or professional baseball – they must have confidence that they already belong there; they must believe that it is only a matter of time.

The tension between confidence and endemic failure leads to another psychological feature baseball and its players think of as constitutive of the sport: self-deception. How can a batter step into the box convinced he will get a hit when he knows full well that he faces the best pitcher in the league – when cold, unyielding statistics suggest that a preferred outcome is unlikely? Players must ignore or explain away evidence that undermines their closely held beliefs about their talent and their assumed futures. They must deceive themselves as to the likelihood of outcomes. Players must ignore or recast evidence that would tend to undermine the confidence that is required of them. Baseball embeds within itself a belief in the necessity of motivated cognition. Though we all "neglect evidence that is unfavorable" and "shy away from strict truth-seeking behavior" (Cowen 2005: 444) when doing so threatens our ego,[71] baseball players actively and consciously practice it. Similarly, it is a general tendency to discredit information that undermines our preexisting beliefs and readily accept that which confirms them (Newman 1999; Sniderman & Theriault 2004; Taber & Lodge 2006), but few do it in the practiced and more or less self-aware way that baseball players do.

A player's summer on the Cape can be fraught with attacks on his closely-held identity as an elite baseball player. In the crucible of the hardest competition they've faced to date, ERAs rise and batting averages decline, and hard evidence starts to mount that they aren't as good as they thought. They are demonstrably less successful than some other players, and evidence suggests their professional prospects are not as robust as they imagine. But to accept this evidence would not only undermine their confidence, but the underpinnings of who they think they are. They engage self-deception to protect both, and it is in service of identity protection that confidence and self-deception find themselves in relationship to rule-breaking. A relationship with or even just some attention from an agent reinforces a player's belief in his quality and his future in baseball. It is not just a social cue that a player arrogates to himself because it is culturally appropriate; it is a way of influencing and concretizing the way a player perceives information and of protecting a vulnerable identity.

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[71] In fact, one recent study suggests that our political ideologies can even unravel our ability to do math when the results would threaten them. Kahan, et al (2013) found that subjects' ability to interpret data was actually diminished when correct interpretation of the results would undermine their policy preferences.

Cue theory does little to explain how our identities – and the beliefs and preferences that constitute them – influence our perceptions of information; in other words, they are taken as a given rather than as a fluid variable.[72] Legal consciousness searches for the mechanisms that enable the reproduction of hegemonic norms. Taking together and connecting them through a cultural practice of self-deception enables us to examine how a culture creates a particular predisposition that influences how its participants engage with the information around them, and how they tend to process it in ways that reproduce existing social structures.

A Game of Failure: Confidence in the Box and on the Mound (and off the Field)

Even the best batters fail to get a hit far more often than they succeed. This basic fact about the game finds itself embedded in its vernacular: it is a "game of failure." Derrick Martinez believes this simple truth affects how those who play the game must approach it. "It's a game of failure; you succeed three out of ten times, you know, you're a Hall of Famer.[73] It definitely has a big effect on how you play and how you approach the game." Steve Mott uses the same words in his description: "It's failure. I mean, baseball is a game of failure. You fail seven out of ten times and you're a millionaire. Even though it's acceptable to fail seven out of ten times, it still eats everyone away when they go, like, 1-for-3, 1-for-4. You still want to be – you want to be perfect."[74] Their teammate Vlad Simon explains why he thinks this makes baseball different from other athletic endeavors:

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[72] See, for instance, Druckman & Lupia 2000, as well as Lupia 1992, Lupia 1994a, and Lupia and McCubbins 1998.

[73] Batting .300 indicates that a batter gets a hit in three out of every ten at-bats, and is considered an excellent batting average.

[74] Flett and Hewitt find that perfectionism in athletes – which they define as an overemphasis on playing or competing "perfectly" rather than just "well" or "successfully" – can actually have a detrimental effect on performance (2005). While the authors do not say much by way of distinguishing confidence and perfectionism, or elaborating on the relationship between the two, I believe that, in baseball, confidence allows players to push aside the perils of perfectionism, despite Steve Mott's words. Players know that a 4-4 day is a rarity, and that back-to-back 4-4 days a near statistical impossibility. Knowing that they will inevitably not achieve perfection is mitigated by their confidence that failure is not predictive of their next at-bat.

> You need some form of confidence, cockiness – cockiness doesn't always back it up – some mental preparation. There's a confidence you need – everyone needs it, but in baseball you <u>really</u> need it because you're failing seven times out of ten as a hitter. You can't do that as a quarterback. You can't do that as a basketball player. You can't do that as a golfer. You need to turn failing into a reality and know how to deal with it, and still be confident for the next AB.[75] You're gonna have bad games – everyone has bad games, that's why there's 162. That confidence is one of a kind. You can't teach it. You either have it, or you figure it out, or you don't get it.

That Vlad Simon believes golfers needn't have a cozy relationship with failure suggests he has never tried the game, though I see his point that few sports have participants failing to do the most basic aspect of the game more than two-thirds of the time.[76] But again, whether baseball is special or not is irrelevant; what matters is that baseball players <u>believe</u> it is unique, and that this belief shows up in patterned ways in the sport's culture. All three players above, for instance, say baseball is a "game of failure." Part of the baseball make-up, then, is the wherewithal to shrug off the three times out of four one fails and to dig in for the fourth at bat as if they hadn't happened. The game must be played with confidence, because confidence is required to overcome the failure endemic to the enterprise. Peter Wrass believes that this is part of the game, and therefore part of what it means to be someone who plays it:

> In baseball, especially, I think you have to be very confident, borderline cocky. Guys who I've respected tell me – they told me a lot about how to approach at-bats. For instance, guys say you can't – you always have to think you're better than the pitcher. So when I'm on deck I'm just thinking, "This guy's got nothing to beat me." If I put a good swing – if I put my good swing on it, I'm going to win this battle.

"I think it's one of the biggest things in baseball," says pitcher Mike Preecher. "You gotta be confident, or else you're not going to perform well, especially as a pitcher.

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[75] "AB" is short for "at bat," a hitter's appearance at the plate during the game.

[76] Golfers certainly fail to win the vast majority of the time; only Tiger Woods can boast winning more than 6% of his professional tournaments. They do, of course, manage to hit the ball every time – though not always exactly where they intended to. A more apt statistical comparison might be to the three-point shot in basketball, where a 40% success rate is considered unusually good. Even the best three-point shooters fail more than they succeed at the task.

I think that's one of the main positions where you have to almost be a little cocky. You have to have the 'screw you' attitude, where you think you're better than every hitter that gets up there, and show that." His fellow pitcher Len Clement says, "I'm confident that I can get anyone out. Even if I have a bad outing, I know I can come back and get the guys out next time." Len shares the mantra he feels defines his time on the mound: "I know this hitter can't hit me. I'm gonna beat this guy. I'm better than him." He takes a beat and offers a half-smile. "If he beats you, tip your cap to him. But he won't."[77]

The belief in the necessity of confidence shows through in the frequency with which players invoke it. Seth James states it up front: "To have confidence when you're in the box is definitely key." Trent Añez puts it a tad more poetically. "When you start to doubt yourself, you've already lost," he says. "When I'm out on the mound, honestly, I have the mindset that no one's even gonna be able to get a hit off me. No one's gonna be able to <u>touch</u> me. Confidence is part of the game, because the minute that you show weakness, and you're up there and you show doubt in yourself, that's when you start to get hit, and that's when you start to lose."[78]

The belief in confidence doesn't come just from the players; the coaches do their part to inculcate or reinforce this. "I've never met a guy who's afraid to face anybody in the box," as Coach Williams puts it. "[The pitcher is] trying to offset the hitter, and the hitter is trying to make sure he gets the right pitch. Confidence plays a huge role in that." Coach Izturiz echoes his players when we broach the topic: "You obviously know that this is a game of failure." He puts a fine point on the importance of confidence in the game of baseball: "Confidence is everything, in my opinion. Especially in this game. If you don't truly, truly, truly believe that you're the best on the field, it's gonna show up. Baseball is 100% confidence." Finally, he acknowledges the inevitable result of requiring

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[77] It is noteworthy that even within baseball, pitchers and batters both believe that <u>their</u> position is the one that requires more confidence. Though I don't have the data to pursue this particular point, I suspect that because pitchers think they must have more confidence as the most visible part of the defense and its failings, and batters think <u>they</u> must in order to shake off their failures, the competition involves something of a confidence arms race.

[78] Interestingly, Trent also ties this lesson back to his childhood, when he and so many of his teammates first started to learn how to be baseball players: "The thing that my dad has always preached to me since day one was 'Never show weakness, and always know that you're better than your opponent.'"

unshakeable confidence: "Baseball players have big egos. You kind of have to have a big ego to be good."

Coach Izturiz hints at two phenomena that stem from a sport that requires the confidence that he and his players believe baseball does. When he says, "You kind of have to have a big ego to be good," he indicates that there are consequences for those whose confidence is shaken too often or too roughly. Kit Nielsen describes instances of this: "I played with guys who are really talented, and they didn't have that kind of confidence. They say, 'Well, I hope I get picked,' or 'We'll see what happens,' you know? And they struggle. They get picked later, or they don't get picked at all." They lacked, it seems, the confidence, cockiness, or arrogance that players believe is required for success.

More important, Coach Izturiz hints that confidence is part of what it means to <u>be</u> a baseball player.[79] "Baseball players have big egos," he says. Confidence isn't like the proper arm mechanics for throwing a curveball, or the proper hip rotation to hit a fastball. Confidence is part of the performance that constitutes baseball identity. Lacking confidence, in the minds of those who live in baseball's culture, is both a failure to properly prepare to play the game <u>and</u> a failure to properly perform your culturally ascribed role. For these players who have spent their lives building and performing identities as elite players, confidence is part of what defines them as people.

It is worth reiterating the conceptual difference between elite performance and elite identity that surfaced in Chapter 3. For their whole lives, the Crusaders have been able to match their confident performance with the production and success that would seem to support it. What has brought them to the Cape is not simply their confidence, but naturally the talent and hard work that have brought them genuine on-field success. On the Cape, almost all players see a drop-off in production, and their stats no longer match their ego. Their solution, however, remains the same: confidence that they will break through and succeed, and continuing the work that got them here in the first

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[79] Goffman, recall, suggests that "to <u>be</u> a given kind of person, then, is not merely to possess the required attributes, but also to sustain the standards of conduct and appearance that one's social grouping attaches thereto" (1959: 75).

place. (If it ain't broke….) Seth James has already been working on his swing for an hour on the morning he takes a break to sit down with me:

> I can't tell you how many times I meet somebody... "Oh, you're a baseball player – you must be cocky." And it's so funny to me, because <u>sure</u>, there are cocky baseball players, but all of us have that arrogance about ourselves because you <u>have</u> to. That's how you have to play the game – being confident with yourself, knowing what you know, and sticking with it.

It is noteworthy that people assume his cockiness off the field, not just on it. It seems to escape the boundaries of the diamond; Seth and his teammates take it with them when they leave the ballpark. In fact, he sharpened the points he made above in the same breath: "Baseball is more than just playing a game; it's learning how to deal with things, how to deal with adversity and things that go on outside the field... off the field you're still confident because it carries over." Len Clement, too, sees a connection between how he thinks on the pitcher's mound and how he behaves around others: "What I do on the baseball field can build confidence off the field, as a person, and who I am. I'm more able to talk to people, and talk about myself, and to other people about other things, just being out there." Steve Mott describes how his confidence, work ethic, and competitive spirit translate from his life on the mound to his life off the field:

> I feel that you have this mentality that you want to be successful, and want to be the best at what you do, and you want to work hard, and that just carries over into everything that you do. I mean, regardless of if it's a video game, for example, or doing your schoolwork. I mean, I'm competitive as hell playing video games. I can't help it. I don't even let, you know, anyone win. I hate losing. I hate losing at anything.[80]

Ray Sheffield, too, agrees that what he does on the diamond doesn't necessarily stay there; the lessons he learns as a baseball player inform his day-to-day non-baseball life:

> You kind of just take things that you learn at the park and you apply it to everyday life. You work hard on the field, you're most

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[80] Trent Añez feels the same way: "I hate to lose... anything, really... pick-up basketball, or... anything, playing ping-pong... anything."

likely going to work hard outside the field in your job, or whatever
you do. Your personality on the field is going to show up outside
the field. I think everything you do on the field relates to your
actions off the field.

"Everything you do" as a baseball player informs how you think and behave in other walks of life. It is telling, I think, that these players always describe the lessons as moving in that direction. What they learn on the field helps them elsewhere, as they describe it; they don't say that what they learn elsewhere shows up on the field. The confidence with which they (must) play the game impacts their carriage and persona with their families, in relationships, in the classroom, or while playing video games, as Steve Mott says. This is yet another example of players' identities *qua* baseball players dominating other facets of their lives and identities. This particular facet of their lives comes to infiltrate, influence, and impact all others. Players consider confidence to be a demand of their sport, one that requires a particular mindset that permeates their off-the-field demeanor as well. A baseball player must be confident to be successful, and as they say, this confidence overflows the field's boundaries and comes to define their actions in all walks of life.

Confidence, in other words, becomes a constitutive aspect of a baseball player's identity, a way to mark oneself as performing a particular identity, and a way to identify others who perform it as well. I ask Ray Sheffield, for example, what most marks him as a baseball player. "My confidence," he says. "On the field I'm pretty confident, off the field I would say I'm pretty confident. Confidence marks me the most as a baseball player." But, as I say, it's a way of performing the identity for others as well as yourself; his answer when I ask how he identifies other players is strikingly similar: "The confidence. A lot of baseball players are pretty confident. They have this sort of walk, and they kind of all talk the same. You can just kinda tell who's a baseball player and who's not. It's just by their demeanor, the way they present themselves."

Identities Under Threat: The Cape as a Shock to the System

Players' confidence is a performative aspect of their identities as such, and intimately wound up in their self-conception as elites. As I argued at length in Chapter 4,

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players define themselves as elites with a future in professional baseball. The best players on each team for which they have ever played, little has challenged either their perceptions of themselves or the way those perceptions influence their beliefs about their future. Until, that is, they arrive on the Cape. As I said at the outset, for only one of the new Crusaders does it remain true that he is the best player on the team. As evidence mounts that they are not as talented as they think, that their professional prospects are not as bright as they have always assumed, it is not just an assault on their career hopes (though it is assuredly that as well); it is an attack on the confidence, pastime, and ambition that define who they think they are. Their very identities are under threat. Long-time host parent Jimi Sattler knows this can be a real challenge:

> Some of the kids come here, and they were a stud on their team, now they're <u>playing</u> all the studs. So they were batting like crazy at their college, and they get here and all of a sudden they're having a hard time with their bats. They're calling dad – "Send me bats, get me this, get me that." I think that's a little frustrating sometimes.

It's especially troubling, as Jimi notes, "when you've always been told you're the best, you're the greatest, and you can do no wrong." His wife, Janice, nods sadly and chimes in: "The Cape brings them down a notch, I think." Housing Coordinator Irene Isaac knows well the challenges that her Crusaders face. "It's hard for them, because they've been batting .300 or something, and then they'll come here and they'll be doing 1-something, you know? That's really hard for them." Host parent Matt Davos has seen enough over his decades of involvement with the team to say, "There's just no doubt about it. It has to be something that really tugs at you." Former team announcer Corey Roberts is no less perceptive, if a little less sympathetic:

> It's a real eye-opener, and a rude awakening for these kids... They're not as enabled as much here as they are on their own turf, because they're one of many superstars. You're not on a pedestal here. When you're the star of your team, you're the big man on campus. When you've been growing up all your life, you know, and you've been pegged as the superstar, you know... you're entitled.

What Corey Roberts casts as entitlement and being enabled is a byproduct of the attention these young men have gotten for their whole lives specifically because of their talent and identity as baseball players. To echo last chapter, they have spent their lives being "hailed" as such, and as something special. Their expectations are upset when they arrive on the Cape; they cannot all be "special." Coach Kimmel considers handling players' egos the "biggest challenge" he faces as a manager. When ace pitchers are relegated to the bullpen and star outfielders to the bench, it can be, as General Manager Harold Sooney says, "a shock to the system." But Harold says that only rarely does the shock truly shake a player's confidence. Rather, they see it as a test – as a challenge – and to pass they have to stay confident in the face of mounting evidence that could undermine it. Sooney highlights the fact that players' responses to this vary only a little; for most, it means doubling down on confidence and the work they've done to get here:

> They have to figure out how they're going to deal with that. You know, sometimes a guy will just go home, you know? He'll just leave. But for the most part they will stick with it. They will absolutely stick with it and just keep gritting it and going after it every day. And you know, that's "make-up."[81] That's a key part of if somebody is going to be successful or not, and what the scouts are looking for, too. Not just the stopwatch and the radar gun and whatever – they're looking for make-up. And when Coach Kimmel gets calls around draft day, you know, "We're looking at so-and-so, maybe in this or that round; tell me about his make-up." They got all the stats; they know that. They wanna know what's in his head.

This is the cruel Catch-22 in which baseball puts its practitioners. Players must maintain their confidence even while failing far more often than they succeed, and continue to believe they belong at the next level even as the chances of making it diminish. How can players toe this odd line? How do you step into the batter's box carrying yourself with "swagger," to quote Vlad Simon, when your numbers can't back it up?

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[81] "Make-up" is how those in baseball refer to the psychological aspects of a player: his competitiveness, his work ethic, how he deals with failure, and how he responds to teammates and coaches.

Last summer I started out 0 for 19, and I ended up hitting around . 200. [This summer] I came out here and I started out like 3 for 10 – and I seemed pretty good – and then I went through, like uh... 0 for 15 slump, or 0 for 10. It gets... it's tough. It's really, really tough. But I mean... you got to just keep working hard and keep coming out here and trying to improve.

As I have said, this is the first time many players have had to deal with a gap between their confident attitude and their on-the-field performance and success. Their strategy, however changes little. The lesson players learn from an 0-for-19 is not that they aren't as good as they thought, or that their chances of climbing the ladder have diminished. They interpret a rough start to mean that they have to work harder to attain their goals, not that they cannot attain them at all. "It definitely teaches you to stick with it," according to Hal Olsen. Steve Mott says much the same thing: "It's not a knock-down process. It's just 'I gotta work harder.'" Given two interpretations of the information at hand, they opt for the one that confirms pre-existing narratives and beliefs about themselves. In order to maintain their confidence and protect their identities, a slump must be exactly that – "just a slump." It cannot be evidence that a carefully constructed identity and detailed plan for the future are crumbling. Players can't ignore bad statistics, or the fact that they are now bench players, but they can reinterpret those facts. Sitting on the bench didn't tell Jon Tufton that he didn't have what it took. Instead, he said, "It kind of just pushed me to realize I had to get up earlier, get on a routine, work out, get to the field earlier to hit more and train more. I think it's been helping me."

Cracks in the facade one wears as an identity can be truly dangerous. Baumeister, Heatherton, and Tice's study of self-control found that people's efforts were most successful when they conceived of themselves as people in control and capable of exerting it (1994). However, even small ruptures in this identity – a moment of weakness in which an over-eater snacks on some forbidden food – had disastrous potential. Evidence that undermined people's self-conception as someone in control often led them to discard that identity altogether, leading to binge-eating, relapses into alcoholism, etc. (Baumeister, Heatherton, and Tice, 1994). Consider the way Benebou and Tirole phrase their conclusions in a similar study: "[People] see their own choices as indicative of 'what kind of person' they are, implying that lapses [in self-control] can have

a severe adverse impact on future behavior" (2004: 850; see also Benebou & Tirole 2002). Players' identities are built around very clear goals, and Cape Cod puts those identities under the most troubling threat in their lives to date.

But, fortunately or unfortunately, motivated cognition is built into baseball players' psyches. The most likely explanation for struggling in the Cape League is that a player isn't the surefire star he's always believed he is. But this explanation is inconsistent with the identity players perform for others and for themselves. They actively search out ways to explain away their bad stats – "It's just a slump," "I need to work harder," "I need to work on my swing" – and accept without reflection an alternative explanation: their struggles are a new hurdle in on their inevitable path to professional success. To accomplish this psychological trick, players ignore some information, and reinterpret other information to fit it into their existing narrative and identity. My research finds that they deploy this measure of self-deception to protect their identity – constitutive element of which is their confidence. Team Treasurer Larry Dennis perfectly captures both the Cape's reality and players' reactions to it: "It's an eye-opener... most of them are hesitant to open their eyes, though, fully."

How to Deal: Self-Deception, Ignoring Evidence, and Making Forecasts

Lazar suggests that athletes are perhaps more likely than others to foment their own self-deceptions: "Executing (in her mind) all the required tasks to the point of perfection may convince our competitor that an excellent performance is well within her reach even in the presence of undermining beliefs (1999:285)." Baseball, though, builds practiced self-deception into the culture alongside confidence. The two are, naturally, related. Confidence in one's skills, and in one's future, better enables players to deceive themselves about the reality of their chances of getting a hit off the ace pitcher on the mound, or of making it all the way to "The Show." As both players and coaches noted, they believe that for a hitter to step into the batter's box and get a hit requires him to be confident that he will, no matter what the odds. As Jesus Izturiz puts it, "It's a game where you have to kinda trick your mind, and believe in yourself even if you're doing bad."

Coach Izturiz doesn't hide the fact that he and the other coaches actively encourage their players to deceive themselves and to ignore evidence. It starts in the batter's box or on the mound, where coaches tell players to ignore the fact that the best hitter in the league is their current opposition, or that the pitcher staring them down hasn't allowed a run in three games. It can be difficult, says catcher Kevin Timmons, not to think about who you're facing, but it is a necessity.

> You get big names that you saw – pitchers you saw starting in the
> College World Series going against you now, and you're like,
> "Oh... this got weird." It's kind of... humbling, in a way, but from a
> position-player standpoint, you don't care. You got to take it like
> they're any other pitcher.

His fellow catcher Hal Olsen expresses the same sentiment: "Facing a one or a five,[82] there's no difference. You got to look at it the same and you got to go up there and attack." Hal and Kevin don't mean that they don't pay <u>attention</u> to who is pitching against them. On the contrary, they know that being a successful hitter requires them to know who he is, his strengths, weaknesses, and tendencies, and how best to get a hit off of him. Their success requires them to know <u>exactly</u> who they are facing, while paradoxically requiring them to face him with supreme confidence. Given these apparently contradictory demands, they must acknowledge their opponent while convincing themselves that it doesn't matter who it is because they are good enough to get a hit off of whomever it happens to be. The same, of course, goes for pitchers. "I'm confident that I can get anyone out," says Len Clement. "Even if I have a bad outing, I know I can come back and get the guys out next time."

A few different kinds of self-deception can be distinguished. One is to be found in the batter's box or on the mound just in the moment of the confrontation between hitter and batter: each believes himself, in that instant, to be better than the other no matter what statistics say about the matter. A second method of ignoring evidence takes a larger segment of time as its target. Baseball players are encouraged to have short

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[82] A standard rotation features five starting pitchers, who are numbered according to their quality. A team's best pitcher – their "one" – goes first. The "two" starts the next game, and so forth until the fifth game, when the worst starting pitcher, "the five," starts. In the sixth game, the team will go back to their ace. Virtually every single pitcher on the Cape was his college team's "one," with a few "twos."

memories, at least when it comes to their inevitable failures. Len needs not to dwell on a bad start so he can come into the next one with the requisite confidence. Batters in a slump need to ignore their hitless streak to step into the box convinced they can get a hit off of whatever pitcher is throwing, even when hitless against him. As far as players are concerned, past success augurs future success regardless of a change in competition.

These are forms of self-deception with which the Crusaders are well familiar by the time they reach the Cape League, where they are confronted with the novel situation of no longer being the best player on the field or even of being a below-average player. Faced with a new problem, they marshal the cultural resource most readily available, and increase the time horizon beyond a few bad games. Now, weeks of struggling on the Cape are retooled as an indication only that more work is needed so as to protect a player's confidence. "Struggling" may have meant a home-run drought in college, but even now that it means hitting .100 and sitting at the end of the bench, the same cognitive trick is trotted out.

Ironically, because, (as Vlad Simon noted) it's more difficult to play with confidence when you're struggling, it becomes all the more important to manufacture it when you are (and all the more important to turn a blind eye to the evidence or narratives that might undermine it). Kit Nielsen pairs the need to play with confidence with the ever-present belief these players nurture that they belong at the next level. "I think playing with confidence when you're struggling helps out, just because, you know, if you know you're good enough to compete at that level – or whatever level you're at – even when you're struggling, you're going to have confidence that you're going to get out of it." Peter Wrass acknowledges that this requires lying to himself about his statistics, his opponent's talent, and any gap between the two that may exist: "Even if you're slumping, you have to just go and say 'Look, I've made it this far doing something right,' and you got to stick with it. You just have to <u>always</u> be confident in yourself and believe in yourself and know that you're better, even if you're not." Ray Sheffield's college coach reaches for a tried-and-true cliche when he tells his players to deceive themselves, to lie to themselves about the likelihood of their ultimate success. "When you're going through rough times on the field, my college coach always told me, 'You've

got to fake it 'til you make it.' So even when you're not succeeding like you'd like to, you have to have that mindset that you're still the best – you're still going to be successful in anything you do."

Turning a blind eye to undermining evidence – evidence that attacks not just their confidence but their identity – is embedded in baseball culture itself. Players ignore some information or its implications; a hitless stretch is a slump, not an indication of something more troubling. Other times, they acknowledge the evidence that they aren't playing well enough to get them to the next level, but reinterpret or repackage it to mean something more compatible with their narrative identities. The Cape may be a shock to the system, but the result isn't despair or undermined beliefs. "Guys will come up here and struggle," says General Manager Harold Sooney, "but if anything, that's just motivation for a lot of people." Sooney has seen enough young men struggle on his club to know that their reaction is usually, as he paraphrases it, "I'm just gonna work harder, and I'm gonna get there." Host parent Matt Davos shows exactly how players can repackage failure as an opportunity. "When you're not one of the starting guys at this level, and you've been 'the man' at every level you've ever played at, there's got to be... there's people who overcome that and use it – 'I'll show these bastards' – and they become even better." Davos ties together several of the threads running through this chapter. Players have always been "the man"; it's part of who they are. The Cape is a wake-up call, a shock to that particular identity. But, as baseball itself requires them to do, players interpret that shock not as evidence that they aren't who they think they are, but that they simply have to work harder to maintain their sense of self.

It starts in the batter's box and on the mound, where a player must ignore his slump or his opponent's quality and play with confidence, but the effects of this mindset – this intentional self-deception – are much farther-reaching. Ignoring a hitless game becomes ignoring a hitless week; maintaining confidence in the box is one part of maintaining confidence that one's career goals are readily attainable. Players hold on to their imagined (even assumed) futures because it helps them play well, but also because the alternative is to admit that there are cracks in the facade they present both to others and themselves. "[No matter what happens], they still live that dream," says treasurer Larry Dennis, "that maybe they'll come to Cape Cod and somebody will notice

them, or like something about them." Former announcer Corey Roberts, too, knows that a young player will dismiss or reinterpret information that undermines their confidence and identity. "When you're 19, are you going to listen to somebody say, you know, 'Wait a minute – you're not <u>that</u> good?'"

But Corey knows that self-deception and intentional blindness are psychologically complex endeavors. Turning a blind eye is only half the story. To maintain their identities at a vulnerable time, players must keep acting as if nothing has changed, as if they are still top-of-the-heap and clearly destined for greatness. You have to continue to play a role fabricated out of baseball's culture – "the elite athlete." Corey says:

> Your chances of making it, especially in baseball, you know, to
> The Show – up to the Major Leagues – are just so slim. But it's
> like they're just blinders on them. They're so focused and they
> want to believe so hard that it's like, "Well, OK, you have to have
> an agent to take care of you." It's just what they're told to do.

Corey's words both echo several statements by other subjects – Larry Kloves' claim that having an agent "comes with being a great athlete," Housing Director Irene Isaac's saying players think of having an agent as "part of being a professional player" – and add a new dimension to them. It is <u>because</u> of an agent's cultural meaning that having one can be used to reinforce players' beliefs that they have promising professional futures. With their confidence under threat and their identities vulnerable, players do what they must to keep up the front befitting their performed identity, and to maintain and build their confidence even as statistics undermine it. It is in service not necessarily of players' bank accounts but of their egos and identities that agents become powerful accessories.

Agents as Confidence Builders

I argued in Chapter 3 that agents have a particular meaning in the world of amateur baseball; they are associated with elite status and professional promise, and it is by virtue of this that players can use them as a prop to perform an elite identity. For players without the stats or draft prospects to underwrite that identity, they can be

something more: they can be shields with which players protect their identity as elites that they have spent a lifetime constructing and is now under siege. They can build the confidence that the Cape League would otherwise erode. Agents are adept at selling players a future of which they have always dreamed, as agent Brad Anderson admits:

> Agents, college coaches, everyone – they're all salesmen. So when you're making your decisions, very few families make decisions based off a logical decision. It's the same reason we all buy things we don't need, right? I mean, salesmen come in, and I buddy up to your son, we have a great rapport and a great relationship. I can be smooth and talk to parents – and also when I'm representing them – and they haven't asked me one question about my company yet.

Agents put a face on the future that players have always imagined; players interpret the very presence of an agent to mean that they are walking the right path. Multiple interpretations of an encounter with an agent are possible. An agent could simply be trying to make as many contacts as possible, or could unfortunately simply be trying to take money from athletes he knows he won't have to negotiate for, or (of course) could be genuinely trying to help a real prospect along the path to professional baseball. But, with confirmation bias and motivated cognition built into baseball culture and into players' very identities, they are naturally more likely to assume that final explanation. Put differently, players are eager to buy the image of their future that agents are selling. Irene Isaac has found summer hosts for hundreds of Cape League players, and hosted dozens herself. She's heard them describe attention from agents for years and sees a strong pattern. She says:

> Some advisor walks up and says "Hi, I'm so and so, here's my card," you know? "Could we meet for lunch tomorrow and talk?" It's like whoa, you know? Whoa. This must mean I'm really good. I'm doing stuff that's right, and this is just another step for me to take. [*Alex: Do you think that feels good for players?*] Are you kidding?! Yeah! Oh yeah! When they come home with that folder – "Look at the folder I got! Look at all this stuff this guy gave me! I'm going to meet him tomorrow for lunch!" It's like a highlight!... When you're 18 and this man is telling you you're going to be the next Rodriguez or whatever, all you're thinking about is "I'm going to buy a new car, and I'm going to buy…" You know? "Look what he has. I'm sure this guy is going to get me all that stuff."

Note that Irene repeats the "step" metaphor so common to players and notices players' tendency to group themselves with successful professionals. Here it is worth noting that the agent is functioning as both a social cue and an informational cue. Attention from someone who represents professionals suggests to a Crusader that he occupies the same social space, and suggests a particular course of action for people he now considers "like him."

Agents are aware of these cognitive leaps – these shortcuts – and can make use of them. Pitcher Sal Killian describes part of an agent's normal pitch (so to speak). "When they name the names... like David Eckstein, Randy Johnson...[83] like, 'Oh, I represent blah, blah, blah,' they'll kind of go through their whole spiel and then they'll name off names... and just, like, "whoa: these guys are big-timers." Sal implicitly puts his own name at the end of the register of All-Star athletes the agent already represents, an implication all too clear to those predisposed to see it. Outfielder Sean Flanagan had been approached by agents who were themselves former professional players, and felt his confidence had been boosted by their attention. At an especially vulnerable time in their lives, players leap at any affirmation of their talent. When I remark to pitching coach Bill Jameson that agents' words must sound good to players, he interrupts me to simply exclaim, "Yeah it's got to sound good!"

Make no mistake, that is exactly the kind of ego affirmation players see in these connections. Derrick Martinez doesn't have an advisor – he has family members who are experienced with the transition from amateur to professional – but consider nonetheless the way he phrases the feeling that he (and others, he says) get from attention from agents:

> You have someone out there on your behalf, who's recognized your talents, and who knows you can play at the next level, and is interested in possibly representing you as an agent in the future... definitely makes one feel more professional. Definitely. ... If guys are kinda coming up to me and saying "Hey, you know, you look really good," you know? "I'd like the chance, you know, to talk to you about advising you" – and a bunch of guys are doing that?

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[83] Two former All-Star Major Leaguers.

> That would definitely have some effect on my confidence. People recognize my talent on the field.

Derrick's diction shows that attention from agents isn't necessarily <u>changing</u> the way he thinks about his talent or prospects, but confirming beliefs of which he has already convinced himself. An agent builds his confidence by "recognizing" his ability. Other players confirm that such attention fits readily within the preconceived narratives they already have about their success (though not, of course, in those words). Pitcher Ricky Sheppard uses the stepping-stone metaphor players used so commonly: "I think it's kind of cool that someone who's trying to make a living by advising players is coming up to me and talking to me. It means I'm taking a step in the right direction." Trent Añez says, "After the game, if you have a good outing, advisers are coming up to you... it just feels good. I mean... it feels good. It feels like you're going to make it to the next level." Kevin Timmons echoes Trent, as well as Derrick's comments about an advisor "recognizing" your talent:

> Honestly, having an advisor kind of feels like the next step in getting signed, getting to the Big Leagues. That's what it makes you feel like, honestly. Like, once you're like "Yeah, I got an advisor," it's kind of a step up because they sought you out, they realized the potential you have in playing the game, and they see that you can play at the next level.

Mike Preecher also thinks of it as confirming his coming career; for him, having an agent is "paving the way into the future." Peter Wrass describes having an agent as a "bridge" to Major League Baseball. Pitcher Landon Escher says having an agent "just makes guys more confident," while his bullpen-mate Larry Kloves takes it one step further: "I think the <u>idea</u> of just having an advisor for a guy is beneficial." When I wonder out loud if having an agent boosts a player's confidence, infielder Ken Cameron simply says, "I guarantee it does." Sal Killian seems to imply that having an agent makes him feel like a superhero, or an action star. "When you know someone's working on your side, it's pretty cool. Like your little sidekick, in a way. So I mean, having people work for you, it's a definite confidence-booster." Vlad Simon, like Sal, says of having an agent, "It's cool. You feel more professional."

Some players more clearly link an agent's role in their narrative identity to the fact that they also raise their confidence. Ray Sheffield thinks about what attention from agents means going forward: "Everything you've done is hopefully going to pay off in the end. And when you get that attention, it gives you the hope that it will. Soon. It gives you that drive to keep going." And while Ray thinks of attention from agents in terms of his imagined future, Steve Mott casts it in terms of the past that has helped build a present identity:

> Having an advisor is kind of taking a reward for the hard work. I mean, if you're good enough, you put in the hard work, you're going to get an advisor that wants to represent you. It's kind of the deal... like I said: puzzle pieces. You do all this work and you put all the time in to get here and be one of the best players around, and they want to represent you. It kind of lets you know that, hey, you're doing something right because someone thinks you're good enough to go sign pretty high, and they want to represent you... When the guys contact you, it's kind of like – it's flattering... they think you have a chance to be a next-level guy.

Steve's characterization of an agent as a reward reinforces the concept of agents as something that happens to you at a certain moment along the path to professionalism. That is normally how rewards function: a benefit that accrues after an accomplishment. It is also a confirmation of one's effort and demonstrated talent to date. All that has made a Crusader the player and the person they are today is reinforced by attention from an agent. It tells them, too, that their dreams of the future are not mis-founded, but imminent. The idea of an agent as a reward suggests that an agent connects a player's exceptional past to their desired future, and the flattery it bestows builds the confidence that constitutes player identity. All told, 21 of 26 Crusaders indicated that having an agent builds players' confidence and makes them feel more professional. None disagreed.

Others perceive the same relationship. Host Parent Jimi Sattler says having an agent "really has the ability to pump these kids up." The Crusader coaches – all five – also acknowledge that much of what an advisor gives a player comes in enhanced confidence. Fielding coach Seth Williams compares the confidence a player can get from an agent to the confidence they might get from a top-of-the-line bat or glove. "Your

game can be a little bit better than the next guy because you have the nicest stuff. I truly believe that." Carl Brake thinks players should spend more time practicing and less time thinking about agents, but concedes that having one can "make you feel good," acknowledging that people "love having the newest and most popular thing." Coach Izturiz, though, puts it the most clearly:

> It's a "chest out" type of deal when you have an advisor.... they feel cool... It always circles back to pumping yourself up. When you know that you have an advisor, or you're going to be a top-ten-round pick... it's an ego thing, man. [*Alex: How much of having an advisor is image and confidence?*] 100%. I think you have an advisor to have an advisor... [it] doesn't help the kid at all, except to boost his ego.

Given the importance ego plays in this game – it was Coach Izturiz, after all, who said baseball is 100% confidence – one could be forgiven for thinking Izturiz would support having an agent. That is, until he says, "It's stupid. That's my conclusion." Coach Izturiz may believe confidence is key, but he would rather his players build confidence by improving their skills and production, rather than ego-building for its own sake. He doesn't want his players to have an advisor simply for the sake of having an advisor; better that they build their egos through a more constructive practice.

But coaching practices themselves build players' confidence and foment self-deceptions. Recall that batting Coach Carl Brake consistently compares his players to Major League stars, from taping pictures of appropriate batting stances up in the locker room to more explicitly encouraging the emulation of professionals and their habits. In so doing, he implicitly groups his players with the stars, encouraging them to think of themselves as relevantly like them and likely to replicate their career paths. Coach Brake reinforces players' ideas about themselves in more subtle ways as well. As he patrols the outfield during a fielding practice, he notices a player's habit of tapping the ball once in his glove before throwing it, and steps over to him and says, "When we're playing catch, we don't want to trick our arms and our brain into thinking they're on different pages, so get rid of the taps. They're gonna get rid of them in pro ball, anyway." Later, during a brief explanation of why they shouldn't swing at the first pitch a pitcher

throws, he says "You're facing Jake Peavy[84] in Chicago. Are you going to swing at the first pitch?"

Not only do all of Brake's examples put his players in a Major League context, they are never stated in the conditional. It is always "when" they get drafted, "when" they are in professional ball, "when" they are in the Majors – never "if." The other coaches follow this pattern, and the players certainly pick up on it. Ray Sheffield appreciates that Brake has played pro ball – rising as high as Triple AAA – and hopes that the lessons he learned rub off: "He kind of gears up you for [pro ball], gets you ready for that. So when you get to the professional leagues, you're not too far out of the loop, and you kind of know what's going on." Ray, like his coaches and all of his teammates, uses "when," perhaps an indication that the coaches' efforts to further inculcate confidence are working. Seth James is able to take a step back and see the purpose and effect behind his coach's rhetoric:

> Whenever they say stuff like that it's definitely a positive influence on your mind, 'cause you don't think in "ifs" – the "what if this happens, what if that happens" – but "when this happens." "When this happens, this is what you're gonna face, this is what you're gonna have to deal with, this is what your going to have to do." It really helps a lot.

Just as attention from agents is so readily interpreted as confirmation of preconceived narratives and prefabricated identities, coaches' implicit or explicit indications that a player is destined for pro ball, or even for "The Show," are easily accepted by players because they fit so neatly into those narratives and identities. Recall Hal Olsen's belief that all quality players believe they will make the Big Leagues:

> I think most of us feel the same way. It's something we've done our whole lives, and have dreamed about going to pro ball. And being out here... it's definitely a big step towards that. We have the same feeling about it that way. It's gonna happen – it's just when is it gonna happen.

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[84] An All-Star pitcher for the Major League Chicago White Sox.

Hal fits the "when" right into the idea of long-held dreams and identities, the same identities that are protected by relationships with agents suggestive of a professional career (suggestive, at least, to the mind of a player). These identities are also reinforced and protected by coaching practices that build confidence and encourage the self-deception that a lucrative professional career is imminent.

Coach Izturiz was new to the Cape League during my second summer out there and noticed the practice of "when" rather than "if":

> Out here it's like, "Hey, <u>when</u> you get to the Big Leagues, <u>when</u> you get to The Show, <u>when</u> you're facing Strausbourg."[85] [*Alex: How do players react to that?*] I think they love it, because not only does it pump their confidence – like, "Wow, he really thinks I can play pro ball. He really thinks I can make it" – but also if their focus is lacking a little bit, that might trigger some of them.

The coaches become active participants in the construction of players' confidence and self-deceptive practices. In a culture where players and coaches alike think you have to truly believe you belong at the next level in order to make it there, the process by which coaches pump up players' confidence also undergirds the self-deceptive belief that a successful professional career is in the offing.

This has two distinct relationships with illicit agent use among players. First, it parallels the way players guard their identities during a vulnerable period on the Cape. Coaches' indications that pro ball awaits can help to ward off the bad stats that might undermine a player's confidence and identity. But as was also indicated in the last chapter's analysis, a coach's indications that a player is destined for pro ball may also mark the player as the sort of player who <u>ought</u> to have an agent, even though this is not the coaches' intention. By intentionally ratcheting up a player's confidence and feeding into the need for self-deception, coaches may inadvertently reinforce the illicit relationships between players and agents.

We all practice some measure of confirmation bias, motivated cognition, and self-deception, whether we are aware of it or not. Baseball, though, shows us a culture in which such practices are consciously embedded, and enables us to connect those

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[85] A young former first overall draft pick and current star for the Major League Washington Nationals.

phenomena to an account of identity, and to connect them and identity to a systematic practice of rule-breaking. In encouraging – indeed, <u>requiring</u> – extreme confidence and self-deception, baseball's culture reinforces and foments confirmation bias, motivated cognition, turning a blind eye to plain facts, and maintaining unsupported assumptions about one's future. These, in turn, become not simply cultural performances, but constitutive elements of an identity, and identity that becomes intensely vulnerable in the hyper-competitive atmosphere in the Cape Cod League. Just as they take another step along the path that defines their lives, the image of what that path holds for them needs more protection than it ever has before.

Players come to believe, or rather they convince themselves of, a narrative that will turn out to be a fiction for all but a few of them. It is hard to know if Peter Wrass is speaking analytically, descriptively, wistfully, or candidly when he says, "You have to believe in yourself, and... you have to imagine yourself being there, and then dreams become a reality, you know?" But no matter whether he is describing a practice or simply telling me how he feels about his future, there is a certain tragic element to his words. For many of his teammates, these dreams will never become reality. But while on the Cape, these dreams are still a part of who they are, and relationships with agents are a way of protecting them for at least a little while longer.

Cues, Culture, Identity, and Social Reproduction

The data here suggest that when a culture foments self-deception in a patterned and predictable way, it will have predictable effects on rule-breaking behavior. This being just one case study, it would be rash to claim that patterned self-deception always underwrites rule-breaking that confirms an actor's aspirations. There are, however, other examples of rule-breaking behavior necessarily underwritten by some measure of self-deception. Perhaps the best is the choice inner-city youth make in becoming street-level drug dealers. Venkatesh, for one, has offered sociological explanations for why one would opt to enter a low-paying market with an extraordinarily high risk of death or injury (2006; 2008): cultural norms and limited exit options from poor neighborhoods channel youth into dead-end "jobs" that feel normal. Levitt and Dubner put an economic spin on Venkatesh's study, claiming that the young men who find themselves in such

gangs are acting like misguided gamblers, and are simply ignorant of their odds of making money (2005). Neither, though, ties in the fact that these young men must deceive <u>themselves</u> about the odds of moving up the ladder and having crime pay, so to speak. A former street-level hustler, on the other hand, understands well that this is <u>exactly</u> what enables them to believe what they are doing is worth it:

> The truth is that most kids on the corner aren't making big money – especially if you break their income down to an hourly wage. But they're getting rewarded in ways that go beyond dollars and cents. The kid on the streets is getting a shot at a dream. The dream is that he will be the one to make this hustling thing pay off in a big way. He sees the guy who gets rich and drives the nice car and thinks, yep, that'll be me. He ignores the other stories going around, about dudes who get shot or beaten to death with bricks and chains (Jay-Z, 2010: 75).

Similarly, baseball players, as a matter of cultural practice, must assume that even though they are slated to go in the 35th round, that they will be the exception. They will beat the odds and be the one who makes it from the bottom to the top. The cultural manufacturing of an identity, deception about threats to it, and the costly way players protect it tie in to some of the puzzles Silbey identifies about hegemonic reproduction (1992; 2005). She calls for an examination of the means by which such systems are reproduced by those who do not profit from them, who may even be affirmatively harmed by them. While economists might claim that patterned misconceptions about probable costs and benefits explains the apparent paradox, a deeper understanding of social structures emerges when we examine the ways a culture can actively foment the misunderstandings that guide such behavior. Recall the left's wailings after the 2004 elections about poor Americans' tendency to electorally affirm economic policies that seemed to harm them (Hacker & Pierson 2013).[86] While some have pointed out that voting can be a complex act and that social policy wedges

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[86] The most popular examination of the cultural factors that guide poor conservatives to vote against their economic interests is Thomas Frank's *What's the Matter With Kansas?* (2005). It's worth noting that much of the work I've done here could be applied in this case. The voters Frank takes as his case could well have narrative identities wrapped up in their cultural conservatism and receive a psychic benefit from their Republican votes, they could be systematically self-deceived about their chances for social mobility, and/ or they could have information that might change their minds channelled away from them by the social role they and their acquaintances play.

can help explain the phenomenon (Frank 2005), there is no question many voters are mistaken about their odds for vertical economic mobility (Shane & Heckhausen 2013). Wouldn't political analysts of any stripe do well to investigate exactly how our existing culture inculcates these deceptions about our future chances?

These players participate in the culture as actors with a particular identity, and to guard it against erosion they seize on a norm – agent use – which is costly to them (both in possible sanctions and dollars lost). There is an intersection here between two powerful norms in the world of baseball. The first is the connection between an agent and an elite identity, the former being a performative (though not <u>necessary</u>) aspect of the latter. The second is the embedded practice of self-deception as a way of maintaining culturally mandated confidence. In a culture where individuals are told over and over that they must approach a season, a game, an individual at bat "truly, truly, truly" believing that they are the best player on the field, they must marshal impressive tactics of self-deception to believe it in the face of mounting evidence to the contrary. When these two intersect, the performative aspects of agent use become a concrete way of enacting the cultural imperatives dictated by the sport.

Self-deception in baseball helps to bridge an interesting gap between legal consciousness (as Silbey characterizes it) and cue theory as it is most often articulated. Saying that we are more likely to accept information consistent with pre-existing beliefs and preferences, or saying that we are more likely to take informational cues consistent with the same, does nothing to explain how we came by those preferences, beliefs, and identities in the first place, nor does it explain the mechanisms at work in interpreting exactly what an informational cue <u>means</u> to any given actor. Players could determine that a poor batting average is an informational cue indicating a comparative lack of talent, or they could reinterpret it to mean that they will have to work harder along the way to their inevitable success. Their cultural practice encourages them to accept the latter interpretation, to take the cue one way rather than another.

As an account of how we accept and act on information, cue theory can benefit from conceptual connections to how we interpret that information in the first place. Political heuristics gains a powerful tool by incorporating legal consciousness' idea that a culture foments its own replication, and legal consciousness can borrow from cue

theory the idea that an actor may replicate a social structure through the use of cognitive shortcuts embedded within it. Self-deception is the pivot point. As the Cape Crusaders have shown us, their interpretation of informational cues is inflected both by their identities as players and by their culturally embedded self-deceptions; these self-deceptions, in turn, lead the players to replicate the very structures that helped create them, and to perpetuate the often costly norm of agent use. Cognitive shortcuts and self-deception are vehicles with which this particular cultural matrix drives its own reproduction.

Chapter 6

A Spot in the Order:

Performances Unperformed: Culturally Proscribed Behaviors and Relationships

Roles Left Unplayed

I have focused so far on what I claim baseball culture encourages players to do. I've argued that the cultural status of agents, players' own narrative identities, and the cultural fomentation of self-deception contribute to the perpetuation of a rule-breaking norm. In the last chapter, though, I began to shade from behaviors that are culturally required into behaviors and patterns that are systematically <u>excluded</u> by the identities players perform. When players deploy culturally practiced self-deception, they actively ignore or re-interpret information about their talent and professional prospects. These are psychological frames or states of mind that players cultivate as a matter of cultural participation and reproduction, but what ought not to be lost is that alternative frames or states of mind are crowded out and actively suppressed.

By "crowding out" I simply mean that the performance of one behavior is, necessarily, time spent not giving other performances, whether they are compatible or not. When straightforwardly put – that we can only give so many performances at any given time – crowding out proves to be both simple and conceptually not that interesting. It isn't a cultural mechanism so much as an axiom. Suppression of alternative performances, on the other hand, can be built into a cultural apparatus and examined for the ways it entrenches and perpetuates existing practices. Some expressions or performances of identity are not simply dominated by others, but are targeted as incompatible and systematically excluded.

Searing's call for attention to roles in political science urged comprehending the way adherence to roles affects behavior, the way "'gestalts' – patterns composed of sets of characteristics" suggested or commanded particular actions (1991: 1253). Politicians, when considering what action befits someone in their position, "think about [roles] as

patterns, as configurations of *goals, attitudes*, and *behaviors* that are characteristic of people in particular positions" (1253; emphasis in original). This articulation focuses on the positive commands of a social role, much like Ashforth, Keiner, and Fugate's description of "role schema" as the "goals, values, beliefs, norms, interaction styles, and time horizons" that befit a social role, and Goffman's definition of a "social place" as "a pattern of appropriate conduct, coherent, embellished, and well articulated" (Ashforth, Keiner, & Fugate 2000: 486; Goffman 1959: 75). The focus is on the behaviors a social role requires or encourages, the behaviors that define what it means to <u>be</u> a particular kind of person.[87]

Reversing the script suggests that performative identity is not simply about who one is, but ineradicably about who one is <u>not</u>. There is ample theorization of identity formation on the "self/other axis." Charles Taylor asserts that we define ourselves (or, more accurately, our selves) through dialogical interactions with others (1994: 32-33). Marková, similarly, suggests that "One cannot meaningfully ask the question about identity without posing the question about self and other" (2007: 219; see also Marková 2003). Mouffe stakes out a strong claim about groups when she says, "Collective identities can only be established on the mode of an us/them" (2000: 13). In amateur baseball, I will argue, players and coaches define their identities in part by the actions they do <u>not</u> perform. In particular, too much involvement with the business side of baseball is construed as incompatible with the social identities players and coaches inhabit. In this chapter, I want to look how cultural predispositions entrench the practice of illicit relationships with agents not just by encouraging it, but by discouraging alternatives. While the last chapter focused on how cultural <u>prescriptions</u> impact how players take and interpret informational cues ("it's just a slump" wins out over "I'm not as

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[87] A section from Orwell's "On Shooting an Elephant" is too trenchant to omit: "I perceived in this moment that when the white man turns tyrant it is his own freedom that he destroys. He becomes a sort of hollow, posing dummy, the conventionalized figure of the sahib. For it is the condition of his rule that he shall spend his life in trying to impress the 'natives,' and so in every crisis he has got to do what the 'natives' expect of him. He wears a mask, and his face grows to fit it. I had got to shoot the elephant. I had committed myself to doing that when I sent for the rifle. A sahib has got to act like a sahib; he has got to appear resolute, to know his own mind and do definite things. To come all that way, rifle in hand, with two thousand people marching at my heels, and then to trail feebly away, having done nothing – no, that was impossible" (Orwell 1946). Orwell brilliantly captures the way in which the cultural pressure stemming from the role he plays dictates a course of action he would rather not follow.

good as I thought"), I argue here that cultural <u>proscriptions</u>, too, influence how players receive and interpret informational cues, whom they receive them from, even whether they receive them at all.

Alternative behaviors, practices, and roles are targeted and suppressed by casting them as incompatible with a player's dominant identity. Talk of contracts, agents, and the draft are banished from the bullpen, the dugout, the locker room, and between players. Conversations about what an agent does or doesn't do never transpire, and players thus deny themselves opportunities to work out their plans with other (secretly) informed participants. Furthermore, because there is cultural pressure on players to limit their involvement in a process they cannot avoid (talking to scouts, fielding calls from teams, other agents, etc.), hiring someone –an agent – to do it for them becomes all the more appealing and culturally appropriate. There are likely real benefits to be had by having someone – anyone – to be a sounding board for you while you make a tricky transition to professional baseball, albeit non-material ones. Insofar as that's true, it may not be surprising that players find someone to talk to, but we must wonder why they habitually use illicit agents for a monetary cost when talking to teammates or to coaches who are every bit as experienced as agents would be free. Perhaps at least part of the answer is that baseball culture dampens players' desire or ability to turn to these alternatives.

I will show that behind players' apparent naïvete, they actually possess surprisingly sophisticated knowledge of the draft, the transition to professional baseball, and the attendant economic realities. Their social roles, however, demand that they must suppress this sophistication. For coaches, too, I will argue that their "job" is about what transpires on the field, not the business transactions that take place off of it. Coaches describe their responsibilities as about players' ability to hit, throw, and field, not negotiate or prepare for the draft. In fact, much like players, it's more than simply not contemplated by their "job description," but it is specifically suppressed by it. The relationship between players and coaches never covers this territory, and the information coaches possess about the process never crosses the gap between them and their players. The flow of information through this channel is blocked. Coaches try as much as they can to stay out of the relationships players develop with scouts and

agents, stepping in only to delegate it out of their clubhouse – not only aware of the illicit relationships players have with agents, but in some cases complicit in helping form them.

The suppression of discussions among players and between players and coaches starkly limits two other possibilities. Players cannot <u>fully</u> escape discussions of baseball-as-business, but because their culture limits opportunity to speak with coaches or teammates, only agents (and scouts) are left as informed conversational partners. For a player who wants someone to talk to about his transition to professional baseball, agents are the culturally favored route. The culture's ability to channel and block the flow of information about the draft and a player's future in baseball also limits players' access to alternative ways of <u>being</u> baseball players. The image of the business-disinterested player is entrenched and protected both by labeling participation in business as "not-baseball," and by limiting discussion of exceptions. The suppression of access to alternative ways to conceptualize identity is a mechanism by which the culture entrenches existing rules and performances. Predispositions <u>dis</u>favoring certain behaviors can perpetuate cultural norms just like those that encourage, rather than discourage, behavior.

"I Just Want to Play Baseball": An Identity's Dictates

Culturally disfavored performances may be cast as the inverse of required performative behaviors. For players, the pressure <u>not</u> to overly involve themselves in the business of baseball is explicitly expressed (as I'll show shortly), but it is also implicit in the ways they talk about what they <u>do</u> do. Players characterize baseball and business as in an inverse relationship; attention to business, in their minds, <u>necessarily</u> means less attention to baseball. It is <u>un</u>-baseball.

"I just want to play baseball and have fun," Trent Iñez tells me. Pitcher Larry Kloves says, "I'm just trying to have fun playing baseball." His teammate Tory Jimenez shrugs off a question about whether his draft stock is rising or falling: "I'm just focused on playing." Host parent Janice Sattler describes the player staying with her in the same way: "He just wants to play baseball. He doesn't want to do anything <u>but</u> play baseball." Pitcher Calvin Kirkwood says almost exactly the same thing about himself: "I just want

to go play baseball. The financial and scout things... I don't really want to deal with that."
In each case, the use of the word "just" serves to put the focus on playing and to
exclude attention to the business of the sport. Top prospect Jerry Lee even uses it
twice: "I'm just here to focus on baseball, and <u>just</u> baseball."

Pitcher Ricky Sheppard elaborates a little more, acknowledging that they grew up
loving the game and the game alone, but that to continue playing, they have to deal with
the challenge of the business side, which they perceive as a bait and switch: "The
business side is the less appealing side of baseball, because you know, we love playing
the game, and we just want to go out and play and not have to worry about that."
Prioritizing in this way becomes habit, according to his bullpen-mate Landon Escher:
"You get used to just playing the game, trying to have fun, trying not to worry about the
business side of it." Len Clement simply says, "[baseball] is what I'm supposed to be
doing... it's what I'm best at."

The game itself is what is familiar, what has defined their lives to this point, and
what binds them together now. "When we get out here and we're together, that's when
we talk about the game," in the words of catcher Hal Olsen. "Like we're talking about
our swing, advice we can get from other guys, about what can maybe help us out here
or there." In the dugout, the bullpen, the locker room, and with other players, the topic is
baseball. It may be peppered with discussion of music, movies, or relationships, but the
sport is far and away the most frequent topic – and it is <u>never</u> business. "The
camaraderie between the guys is more about the game, rather than the business," as
Hal Olsen puts it. While players perform their identity off the field all the time, the game
itself is the locus for their identity, and the playing field the location for the activity that
defines them. "When you come out here, you just play," says his fellow catcher Kevin
Timmons. "You don't worry about anything else." The diamond is a safe haven. Thrust
from the element in which they are most comfortable into one with which they have no
experience, players can be eager to retreat to the playing field. "You can't control [the
business]," says Ray Sheffield, "but on the field you can control your at bats, your
emotions, how you go about the game, how you prepare."

The Crusader's General Manager, Harold Sooney, doesn't blame the players on
his team for trying to keep business at bay for as long as they can:

> This is probably the last time they really get to enjoy the baseball experience thoroughly, before it becomes a business, before it becomes their job, with all the stresses and pressures associated with that. Not that there aren't pressures on them right now, because there are. They have to prove themselves, they have to get better, they have to move on to the next level. But when they become professionals, it's a lot tougher. A lot tougher.

The irony is that players' efforts to avoid the details of their looming professional career leads them to push those details onto a third party – agents. The efforts to escape from the business puts them directly in partnership with it, with agents at the fulcrum.

Part of players' reluctance stems from a deeply ingrained belief that focusing on the business detracts not simply from the baseball identity, but from one's playing ability. As Coach Jameson's words will make clear later, there are examples of players handling their own business without a drop-off in production, but almost all of the players I interviewed firmly believe that attention to the details of the financial side will draw focus from the field. "I'm really trying not to think about it too much," says Ray Sheffield. "I think it gets in the way of my abilities when I start thinking about that instead of playing the game." Bullpen catcher Donyell Traynor agrees:

> If I was worried about scouts and stuff, I probably wouldn't be playing that well. If I was worried about how much I'm going to get paid, or how high I'm going to get drafted... it's not about that. It's about having fun and just playing the game you love.

Pitcher Larry Kloves, too, ties the reluctance to engage too much with business to both a need to focus on the field, and to the trope of playing for "fun" and for love of the game, mixing in the tried-and-true "one game at a time" cliche as he does so:

> I just try to take it one game at a time. I don't try to worry about that stuff off the field. I just come here and have fun. You can't control what happens off the field. Just go up there and pitch your game and have fun. Everything else will take care of itself. You're not gonna make it to the Major Leagues if you're worried about the business side. It's about your love of the game and how you play it. It's not about the extracurricular activities.

Catcher Kevin Timmons characterizes it as a need to simplify, to keep his mind focused on the difficult act of hitting a round ball with a round stick:

> Thinking kills you. Especially when you're hitting, if you're thinking you're – it's so hard to hit. You just need to be relaxed – see ball, hit ball. When you have this other stuff going on, like unfinished business, calling people back, it's just – it all adds up in your head. And so it can play games with you. It can really hurt you.

Vlad Simon echoes his teammate on this, suggesting that thinking about business rather than baseball can be fatal to one's ability to execute the tasks required on the diamond:

> If you start thinking about all these scouts watching you, you try and do too much. Or you're thinking about something else. And you really need to keep one thought. You don't want to be thinking too much. You want to simplify stuff. So just making stuff bigger, like scouts, "This pitcher is really good – he's supposed to be a top-round pick" – that stuff can mess with you. It messes with a lot of people.

But though he was adamant about this, Vlad couldn't think of anyone he knew to whom this had happened. Nor, for that matter, could any of the other players I asked about it. Evidence aside, the belief that focus on business detracts from baseball is a deeply embedded cultural assumption. It is an instrumental explanatory buttress for the "anti-baseball" nature of the monetary side of the sport. Players are encouraged to focus on what they did to get to the Cape, rather than what will happen next. "It's nice they want to come and talk to you and stuff, but it's just about coming up here and playing baseball," says Kevin Timmons. "I mean, that's all just a side show. You need it, but it's a side show."

"I Try Not to Think About It": Hiding Evidence of Savvy and Sophistication

Players' shared identity is built both with reference to their activities on the field and by explicit exclusion of the business that surrounds the game. This shared identity suppresses expression of economic savvy in two distinct ways. The first, as examined in the last section, has its roots in a cultural assumption that over-participation in the

economic realm necessarily detracts from ability on the field. This assumption stands in defiance of both a lack of evidence (players unable to name instances where it has happened), and stark counter-examples (one of which we will explore in depth later).

Whether true or (more likely) not, the belief that business detracts from the game proves deeply embedded and sticky, and keeps players on the periphery. A second mechanism prevents them from even discussing the roles they play – and don't play – in their relationship with business. The identity players perform with each other excludes the business, and the spaces in which they perform together – the field, the dugout, the locker room, the bullpen, the team bus – shun the topic entirely. "I don't hear the kids talk about it," General Manager Harold Sooney notes.

I asked pitcher Calvin Kirkwood, for instance, whether he discusses his draft status or others' draft status with teammates. "Not really," he said. "You don't really talk about that kind of stuff." Outfielder Peter Wrass ratifies the sentiment: "We don't talk about that stuff." Infielder Jerry Lee follows the same pattern despite the fact the he, as a future first-round pick, has more reason than others to work with an agent/advisor:

> We don't <u>ever</u> talk about advisors. I mean, coaches will point to some guys who, you know, they know about, have really good advisors, but when it comes down to it, they're just here to win, you know? That's what you're trying to do – you're trying to just put up the best numbers that you can and, you know, help your team win.

Jerry, like his teammates, won't talk about his relationships on the business side, invoking in his explanation what he <u>does</u> share with them: a common goal to play and win baseball games. He reinforces the idea that what these young men forge together, they forge on the field. They and their coaches are here to play baseball games. That is their job, and what their roles and identities command them to do.

Bullpen catcher Donyell Traynor, too, ties the identity he and his teammates perform – including the exclusion of business – to the spaces in which they perform them:

> In the bullpen, we just focus on the game, which is great. We focus on the game, or we just talk about random shit that, you know, that goes around. We don't really talk about that, because

it's obviously more of a personal issue. So we don't really like to
talk about it.

In addition to tying together setting and performance, Donyell draws yet another
line between being a baseball player and involving oneself in the business side of the
sport. The business side is "personal"; more than that, it is "obviously" personal. Landon
Escher agrees: "I don't really talk to guys about that – that's kind of personal stuff." Host
parents Jimi and Janice Sattler and Judy and Steven Wheeler all use the same word to
explain why they don't talk to players about their business: it's "personal."

The "random" things that players talk about in the bullpen include many topics an
outsider would class as personal (relationships, family, difficulties with school) and that
are not constitutive elements of a baseball player's identity as such. These topics,
however, are not excluded from the bullpen. Host parents, too, will talk to their guests
about school, family, or relationships. The business is excluded not because it's
"personal," as we think about the term but, I argue, because – unlike those other topics
– it is incompatible with the baseball identity. Nothing in the performance of this identity
commands a player not to focus on or discuss his schoolwork, for example; but the
performance does demand that a player limit his attention to business.

Pitcher Sal Killian uses a different word to describe the role business plays (or
perhaps doesn't play) in a player's life:

> It's pretty secretive in college ball. Like, you don't truly hear unless
> you're a Boras kind of guy.[88] You don't really hear of, uh, guys with
> agents or anything like that. They don't try to flaunt it especially...
> they don't really try to be like, "Oh, I'm better than you because I
> have an agent" or anything, but it's still one of those things that
> you carry around that no one really knows if you don't express it...
> so it's pretty cool.

Sal illustrates three phenomena that are worth isolating. First, he ratifies what his
teammates have indicated about the absence of agents, contracts, and the draft from
their conversations with each other. Second, he characterizes an agent as a status

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[88] Scott Boras is the most powerful agent in baseball, perhaps one of the most powerful people in the
game. His clients are, almost as a rule, highly touted and sought-after prospects who sign enormous
contracts.

symbol, but not one that is broadcast to others. It is a self-directed signal, one that can (as I explained in the last chapter) boost a player's confidence and confirm his self-identity. It is a part of a performed identity, but one that is usually performed only to oneself. Finally, his use of the word "secretive" should remind us that operating in the background is the fact that agents are against NCAA rules, and that avoiding too much publicity serves an instrumental purpose as well as a cultural one.[89]

Given the explication in the last section, and so far in this one, one could be forgiven for assuming that these players are (intentionally) uninformed about how the business of baseball works. And, when asked broadly if they know much about these things, virtually all echo outfielder Vlad Simon: "I don't really think about it." But, as several host parents attest, this performance is exactly that; it is a show intended to hide a sophisticated understanding of the process and their place in it. As host parent and lifetime Cape Cod League fan Gareth Jones puts it with a smirk: "They have a pretty good idea of how things work."

Players' answers to specific questions about how the process operates – and where they fit into it – give the lie to their more general professions of ignorance on the subject. "My goal is to go in the top three rounds," Trent Añez tells me. When I ask how he knows that's a realistic place to go, and whether he thinks others have similarly realistic understandings of their place in baseball's economy, he assures me that they do: "Perfect Game puts out like a projection, like a mock draft. *Baseball America* does the same thing I'm sure... guys are all over it – they know where they're projected to go." Speaking to Trent's teammates reveals that simply knowing where they are

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[89]Lurking behind the phenomenon of illicit agent use is another apparent contradiction: how can something become common knowledge in a culture even while being hidden by practitioners? Some of the answer here is not that interesting; former amateur players can and do say with impunity that they had agents while still in college. For first-round picks especially, the process of the draft involves semi-public displays of an agent, reinforcing the attachment to elite status. It is no stretch, I think, to propose that much of the culture's common knowledge begins with that fact and finds extension in slips of the tongue, offhand comments, and suppositions by teammates. Sal's comments on secrecy above can't be entirely right,as most players I talked to told me how many of their teammates had agents. Through guesswork and observation, players often do know how pervasive the practice is and who many of the rule-breakers are. In this sense, it is a secret, but one that everybody knows on some level. There is some overlap here to Segwick's articulation of the "open secret," though I am hesitant to draw too concise a comparison to her work on "the closet" and the lived experience of baseball players reluctant to "out" themselves as having an agent (1990). Nonetheless, I do want to note that the concept of willful ignorance and common knowledge that is only obliquely acknowledged find purchase both in Sedgwick's examples and mine.

projected to be drafted is only one facet of their economic sophistication. Outfielder Sean Flanagan, one of the few Crusaders who has already graduated, knows that his inability to return to school diminishes his leverage and will lower his draft status considerably. He predicts almost exactly where he will be taken, comparing himself to other former seniors with comparable statistics. "[It's] just based on the past. After the draft, after a couple of weeks – everyone, what they signed for, everyone's money comes out." Tory Jimenez is a rising senior, but he anticipates joining the professional ranks rather than returning to school in part because he knows he will have far less leverage if he returns to school and re-enters the draft after his senior year. Landon Escher knows that it will be his size (he's quite short for a pitcher) not his school status that keeps his stock low. How does he know? "Just looking at past history... just kinda common sense."

Players also know that vocally committing to staying in school can drop them down the draft boards; teams aren't keen on spending a high-round draft pick on a player they think is unlikely to actually sign a contract, though they may offer money consistent with a high-round pick even while selecting a player late in the draft. Larry Kloves is a rising junior at a top academic university with every intention of getting his degree before beginning his professional career, but he's quick to tell me he knows that this has caused his draft stock to fall. Jon Tufton, a teammate of Larry's from both college and the Cape, had been projected to go in the fourth or fifth round of the draft before falling to the 29th. Jon, too, knows that his fall was precipitated by telling scouts that he intended to go back to school the following year.

Hal Olsen describes a similar phenomenon: "You can have guys that are fifth-round talents not get drafted at all because they want a certain amount of money." Players are often asked by scouts how much money they would need to be offered to leave school, and giving an answer too discordant with their perceived value may move them farther down the draft board. A projected seventh-round pick who won't leave school for less than second-round money may find himself drafted far lower in the draft because teams don't believe he's likely to sign any contract at all and they won't risk a high-value pick. But as Brett Johanssen tells me, it's pretty easy to give a scout the "right" answer: "[The team] will call somebody – 'We'll take you between – or "We would

like to take him between the 10th and the 13th [rounds]. You just figure out what slot for that is." Despite disparate incentives, Brett thinks there's generally cooperation and open communication between teams and their draft picks. "No one's going to rip you off. You kind of go in with an idea of how much you should sign for."

Pitcher Val Marcos' draft stock has fallen for another reason: his performance between his sophomore and junior seasons simply declined. A year earlier, he had been projected as high as the second round, but had fallen out of the top ten by the time the 2010 draft arrived – and he knows exactly why. He also knows that there was still a chance to salvage top-round money: if he could perform at a high level during the Cape season, the professional team that drafted him might offer a high signing bonus despite his comparatively low pick. This is called a "draft and follow," and was described in detail by several players including both Val and outfielder Vlad Simon, for whom it was a reality in 2010.

The wealth of knowledge these players can display on the details and minutiae of draft economics makes it difficult for others to credit their protestations of ignorance. Few know the process or how players navigate it as well as Rory Jones, a former Cape League and college coach who now works as a scout for a Major League organization, and he's more than a little skeptical of such claims:

> That's really stupid, no doubt about it. I'm looking at them, like,
> "Yeah, you could have told me that in the 80s." By the time they
> come here, there's not many kids who don't know what's going on.
> It's not like the old days, where they didn't know the money. They
> know every slot, what the round, what the pick is worth. When you
> hear guys say "We don't have the information," you can call the
> Major League office – you can get all the information.

There's no doubt that the Internet is making it easier and easier for players to gather information about the process and about themselves; it's a big reason Len Clement, who knew very little about it when I interviewed him in 2010, was a year later able to tell me about "draft and follow," the results of asking for too much money or of stating an intention to stay in school, or the fact that, as a "soft-throwing lefty

specialist"[90] his draft fortunes would be a bit more volatile, because not all teams are interested in someone with his particular talents. Len learned all this without having an agent/advisor (though he is looking to find one nonetheless) and without discussing it with his teammates. Much of this can be learned on the Internet (and is) but some is learned through exposure to the business that players simply can't fully avoid – discussions that scouts and agents start with them; an exposure, by the way, that isn't limited to the players themselves. "You have <u>moms</u> who understand slot money," General Manager Harold Sooney notes. "It's pretty fascinating."

How can it be that so many Cape Crusaders tell me early in an interview that they "don't know much" about the business and then go on to give detailed answers to my questions about it? It isn't that they don't think of such answers as related to the business – they understand that they are – but two other possibilities are harder to distinguish. It could be that they <u>know</u> they are informed, but feel obliged to deny it in order to maintain the appropriate front. It is more likely, I think, that players are taken in by their own performance and have genuinely come believe that they are uninformed despite the contradiction that is immediately apparent to an outsider. Either way, the result is the same. Players, despite no small degree of pragmatic sophistication, perform identities that declare such sophistication to be fundamentally <u>incompatible</u> with the image players project. An alternative formulation of player identity – the "economically savvy player who does his own negotiating" – is actively suppressed by existing cultural norms, which limit players' access to different ways of performing, different ways of <u>being</u> a baseball player. This, in turn, limits the available and acceptable interpretations of phenomena that surround them. Their facility with the business, even if they should realize it exists, cannot mean that they should tackle the task themselves. Even though they can (and even if they wanted to) this interpretation of the signs, signals, and cues around them is suppressed by superceding cultural dictates about what it means to be a baseball player.

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[90] Len knows that his side-arm delivery and comparatively low pitch speed limit his professional options. It is unlikely that he will make a career as a starter (the pitcher who begins a game and typically plays six or more innings) or a closer (the pitcher who comes in at the end of a game for an inning to secure a win). Instead, he will probably make a career as a relief pitcher who comes in to face select batters who struggle with either lefty pitchers or sidearm pitchers.

I noted earlier that players learn to be who they are by accepting cultural definitions of what is acceptable behavior, of what is considered normal and what is considered aberrant. By acting according to prefabricated rules and norms, players both participate in and perpetuate cultural structures. Here, the culture has established a behavior (sophistication in business) as abnormal or aberrant, and the belief that it inhibits production on the field functions as mythology supporting its exclusion from culturally established normality.

"That's Not My Job": Performing as "Coach" and Limits on the Flow of Information

Players are, of course, not the only ones performing a social identity in the dugout, in the bullpen, in the locker room, and on the field. Playing "coach," too, means marshaling and deploying "a pattern of appropriate conduct, coherent, embellished, and well articulated" (Goffman 1959: 75). There are, as one would expect, a number of similarities between the ways coaches build and perform their identities and the ways players build and perform theirs. In fact, because they played at high levels as well, almost all coaches have built their identity as a coach on a foundation of an identity as a player. However, in the years following their careers, those identities have been diluted and fragmented. Coaches Brake and Jameson played Triple-A baseball – just one step shy of the Major Leagues – but have worked a series of odd jobs (sales, construction, maintenance, etc.) since their time as players. Coaching, for them, is a part-time occupation, though one that they fully inhabit during these summer months. Head Coach Nathan Kimmel is a full-time coach – he coaches a high school team as well as his Cape Team – but is a professional teacher as well (a separate but compatible identity).

In part because coaches have more diluted and diversified identities, they have both more experience with and more perspectives on the transition from amateur to professional. Many of them, including coaches Brake and Jameson, have played at a high professional level; they have gone through the transition themselves and can now reflect on the experience from a new perspective. They are also, in their role as coaches, a resource for scouts who want an inside perspective on players' work ethic,

attitude, confidence, and "make-up": they are participants in the process, not just observers of it.

Which is to say coaches know a great deal about it. They know even more ins and outs of how it works than their players do, having been through it once themselves and having seen many other players go through it before. They could be incredible repositories for information and advice for players, and players know it. "My coaches really know a lot about that," Len Clement says, and eight of his teammates agree that their coaches have tremendous expertise about the draft and the economics entailed by relationships with agents. By contrast, no Crusaders indicated that they thought their coaches did not know about the process. Trent Iñez almost scoffs when I ask whether he thinks his coaches know much about it before answering: "College coaches know."

However, no Crusader – not a single one of the 26 interviewed – uses either his college's coaching staff or his Crusaders' coaches as a resource to help work through the process. I attribute this to the scant interest players have in taking the initiative to navigate this process themselves. Players are encouraged to use an agent for their transition regardless of their material incentives, and actively discouraged from taking a more participatory role. As it turns out, though, coaches are as reluctant to reach out from their side as players are from theirs, and for symmetrical reasons. Coach Brake describes his hesitation in involving himself with the business side of the sport, and the faint exception he is willing to make:

> I don't talk to them a lot about it because I think my priority is to handle the hitting. However, I do think if a kid was stressed out or is getting it too much, I'd just say "Hey, that's a good thing that they're coming to you, but don't be afraid to speak up for yourself and tell them, 'Hey, give me your card, give me your phone number, I will keep in touch with you. I'll call you at the end of the season." I'm out here to put up numbers and get to the field and do work.

Coach Brake dismisses involvement with business because it isn't his job, which is to say it isn't part of the role he plays as a coach for the Crusaders. Consider too the advice he is willing to give, minimal as it is. His suggestion for a player struggling with the attention from the professional side is to avoid too much involvement, to put it off

until the end of the season. While perhaps sound, players often resort to a middleman instead, someone to act as a shield between them and the business thrust on them, between them and the scouts and agents who seek them out. For a select few, this can be a family member, often one who has experience with the game and the business. For most, however, it means an agent who can answer scouts' questions about whether a player intends to go back to school, how much money they are seeking, where they hope to go in the draft, etc. These are all questions that scouts pepper players with after games, and – as I argue above – they are equipped to answer themselves. However, limiting their involvement with the business by not tackling these issues themselves somewhat paradoxically requires them to become entangled with a professional who will do it for them.

Coach Brake also describes the influence of the role he plays not just as "Coach," but as a member of a coaching staff where Coach Kimmel does his best to manage divisions of labor:

> [Coach Kimmel] does a good job with that. Nathan – that's really, um, Nathan's job, you know? For me to try and do seven, ten, 20 things – Nathan is really good about telling us, "Hey, you're doing the hitting, you're doing the pitching, you're doing the defense, I'll handle this, I'll handle that."

But while Coach Brake handles the hitting and Coach Jameson the pitching, Coach Kimmel doesn't arrogate to himself the responsibility of educating or training his players for the future of their business. Furthermore, the reasons he gives for demurring on that count are remarkably similar to those given by his assistants:

> That's not my job to interfere with that. I don't get involved with it. It's not my job. That's their decision. That's going to be <u>his</u> advisor, <u>his</u> agent. That's the family's decision. I will only give them advice if they ask me.

Though he doesn't use the word "personal" to describe the topic (as his players do) the concept is the same: draft and professional economics are not part of the substance of his relationship with players. It isn't his "job"; it doesn't fit his pattern of appropriate conduct. He says he will give them advice if his players ask, though they

are unlikely to ask him. In those rare cases where he <u>does</u> dispense advice, it is almost always limited to suggesting a few agents who can answer the questions a player might have, enabling Coach Kimmel to avoid mixing business with baseball.

All five coaches I interviewed (six, including an ex-Cape League coach) felt that players went to agents when they shouldn't, but because the agent cannot do anything for them, not because it's against the rules. The coaches certainly know the rules, but especially on the Cape away from college campuses, have little incentive to ensure players follow them. The coaches don't think of themselves as NCAA eligibility enforcers, and if a player wants to have an agent, that's his business. But despite their feeling that agents are unnecessary for almost all their players, coaches' reluctance to involve themselves in the business side of the sport ends up pushing those same players towards the illicit relationship with an agent. Their own desire to avoid "business" creates very real business for agents.

Cape League coaches get players for only ten weeks and are careful not to step on relationships players may already have with family members, college coaches, professional scouts, or agents. The short time horizon is part of the reason that, as Coach Jameson puts it, "As coaches we are careful to try to stay out of that as much as possible." By saying "as coaches," Jameson highlights the relationship between the roles that they play and the prohibition on participating in a player's business relationships. He repeats the phrase when I ask him to elaborate:

> As coaches, we're there to advise these kids if they come to us and have questions, but it's more of, "Hey, this is something to consider," "This is something to think about." We don't want to get in the way of guys that have advisors, that are under the control of the team, you know? That's something we let the player and advisor and... how they want to deal with the team. At the same time, we try to stay out of the scouts coming to us, "Hey, what do you think?" "Do you think he's going to sign?" "Does he want to go back to school?" We, I think, try to stay out of the middle of it and be there for the kids, for the players. If they have questions and want to come to us and ask, and we'd like to – and we're happy to be there for them – but we try to stay out of the middle of the scouts, and agents, and that whole mix.

Coach Jameson places his role as a coach in a cultural matrix alongside other roles performed by players, by scouts, and by agents. Each pairing has particular topics germane to the relationship and others that are either typically outside of the relationship's scope, or even incompatible with it. Coaches and players talk about the game itself; scouts and coaches talk about a player's psychological "make-up"; players and scouts talk about draft possibilities; and agents and players talk about how to keep scouts at bay. Coaches and players don't talk about much about the draft or about a player's economic realities; those are the province of players' relationships with scouts and agents, and coaches fear to tread on others' cultural territory. Coach Jameson says, "We try to stay out of the middle of the scouts and agents," mirroring Coach Kimmel's comment that it isn't for him to make these decisions for players – it's between them, their families, and their agents. It is because those conversations "belong" to other cultural participants that coaches feel they are incompatible with their identities as "Coach."

A former player reflects on his journey through the draft, and notes in retrospect that he could have done it without an agent if he'd called on his coach for help answering the questions about money, round, and school that scouts so often ask: "A player could do it for himself. It's just getting – like, coaches could help you out with that. A good coach knows a ton, a ton of scouts, and they get your name out there." But this alternative way to perform as a baseball player is suppressed, in part, by the fact that such collaboration between players and coaches is considered contrary to the relationship they inhabit. Information that could lead players to at least consider different ways to be players never bridges the divide between coaches and players because players don't ask, and coaches don't tell.

Bill Jameson's Avant Garde Performance

Pitching Coach Bill Jameson is of special note, and for more than his comments on his role as a coach. Jameson proves to be an interesting cultural artifact because he is the exception: that exceedingly rare player who overcame the cultural pressure to ignore business and to hide it behind an agent. He eschewed an agent not simply as a

top prospect – a rarity in itself – but throughout his professional career.[91] His story is worth recounting at length, because he has lived out an alternative way to be a baseball player; he has given an unusual performance of that identity. In effect, he has imagined a new way of being, a new conceptualization – and rejection – of a set of cultural expectations. He says:

> I never had an agent. I was my own agent. And you know, I never had – I never wanted one, to tell you the truth. Getting equipment and all that was never a real problem for me. I didn't really need somebody for that, and I always felt like I had a good enough relationship with the team that I was with, where if I wanted to know something, or had a question, or had something to say, I could go to the people that were there and speak for myself. I never trusted somebody – I never knew somebody and trusted them well enough to turn that over to him, you know?

Jameson, unlike either his contemporaries or the players he now coaches, felt that he could and should engage himself in both the game and the business. He didn't trust an agent to be a perfect representative; he would be his own best advocate. In part, this is because he saw first-hand that having an agent sometimes creates more problems than it solves, and that always pressing for the biggest possible contract can backfire.

> I saw a lot of cases where guys' agents got them in trouble, where the guy's agent is bugging the hell out of the farm director and pisses the wrong person off, and then all of a sudden it becomes the player's problem because his agent's a jackass. You see that sometimes, that definitely happens. So, I don't know. The equipment deal was never a factor, contract negotiation when I was a free agent, it was pretty straightforward, it was – you know, I might not be the best negotiator but, that part of it, I felt like I was handled well. As far as contracts and all goes, signing as a free agent, I saw a lot of guys getting themselves into trouble by asking for more money, more money, more money and then they get it. Well, that put you in kind of a – it put you in a corner a little bit. With that more money comes more responsibilities. You know, if you're not performing, you're not producing, you're not viewed as a guy who can go to the big leagues and help the big league team

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[91] Miami Heat guard Ray Allen – one of the NBA's all-time great's, a perennial All-Star, a sure-fire Hall of Fame inductee, and perhaps the greatest three-point shooter ever – has also acted as his own agent throughout his career.

out, if something were to happen there, and you're making whatever it is, x amount of dollars a month, and you're not producing, you're gone, you know? Because they can get four or five players in their own organization to do the same thing you're doing, why are they going to pay you that money? So, as far as contract negotiation went, I never tried to put myself in [that position].

Jameson developed his own objectives and his own strategies to achieve them. Wanting to maximize his playing time and exposure rather than his contract size, he had little trouble negotiating with teams that he felt respected his work ethic and good faith effort to simply remain on the field. Jameson found that cutting out the middleman and communicating directly with his teams was not only workable but preferable in many ways. Once Jameson was released from the team that drafted him, he found that he was more than able to contact teams on his own as a free agent, and work the connections he had developed in the sport to find out which organizations had openings and were interested.

A guy has something to say, [teams] would rather hear it from the player than an agent. So I kind of – I always felt like I was in a position to do that with the team I was with. And then after a few years, after getting kicked around a little bit and, you know, when I was in a position where I was looking for a job – I was a free agent. I got released. I found out pretty quick it's who you know. I remember the first time it happened, I thought, "Well, I had an okay season last year in Double A and people took notice," so the first time I got released I sent out kind of like a fax to all these teams and just – "Hey, here's my situation, here's what I did last year" – and then followed that up with a bunch of phone calls starting with the people that I had some history with. And that experience made me realize, it's really – it's who you know. It's kind of a small world, and you get to know people in different places and so after a while I felt like I didn't need somebody for the connections. If something happened, I just started calling people. And I was fortunate in that it seemed to always work out for me, you know, until the end. Now I can't get a job, but before that, it seemed to work out and I just stuck with it.

While acknowledging that this entailed no small amount of work – faxing 30 organizations and calling all of your connections takes time – Jameson still feels that the payoff of controlling his own destiny was worth it. When he was looking for his next job in baseball, he was his own best agent.

> I mean, you kind of – you're putting yourself out there, you know? Lot of rejection, lot of no's, lot of no callbacks, lot of just non-responses… but that's it, you know? How bad do you want a job? When I was looking for a job, there was nobody in the world that wanted one more than me. And no one was going to work harder to make calls and find something than I was. I felt like, you know, I mean, maybe there are some agents out there that do that, but I just always felt like it was more important to me than it was going to be for somebody else, and so when it did happen – and I was in that position, you know, quite a few times – nobody was making phone calls or working harder than I was to find myself a spot somewhere.

Bill Jameson took a path all but untraveled by players like him who have risen through the ranks of elite NCAA baseball and high-level professional ball. He is the exception that proves the rule. In bucking the dominant cultural trends and pressures, he imagined his own different identity as a baseball player. But, ironically perhaps, he is now loath to share too much of his story because he feels his cultural role as a coach constrains him.

We should not assume that if baseball culture encouraged Jameson to discuss his choices with his players that they would discard their agents once and for all. Surely there are many players who, even knowing that this alternative was both plausible and with precedent, would still prefer to leave it to an agent rather than to have to field all the questions from scouts themselves. Agents are still that secret status symbol (as Sal Killian indicated), still envisioned as a "reward for the hard work," as Steve Mott put it.

Nonetheless, the cultural norms that guide players, coaches, and their interactions deny players access to this alternative vision of their identity. Bill Jameson could be an instructive counter-example to the image so firmly etched in players' imaginations. Recall how Housing Coordinator Irene Isaac described the connection that players draw between professionalism and agents:

> [Pros] have got their agent, or whatever. So I think it's kind of like they see that, and that's like, "Okay, well, then, that's what I'm supposed to do. I'm supposed to have an agent – that's what they do." That's part of being a professional player, is having other people deal with this for you. That's what professional players do – they play, and people take care of all the other stuff. I think it's kind of ingrained in them.

But Coach Jameson shows that this isn't strictly true: there <u>are</u> other ways players could conduct their business, but a glaring lack of role models or exemplars for those alternatives. The cultural norms of performance and interaction conspire against the reproduction or proliferation of this alternative identity. Players' performances discourage them from examining such possibilities, and coaches' roles prevent them from reaching out from the other side to help explore alternative ways to be a baseball player. Baseball culture manages in these ways to suppress the emergence of identities that challenge hegemonic and dominant norms. Bill Jameson's imagining of a new identity is, in a manner of speaking, a threat to existing performed identities, but one that is quelled by suppressing mechanisms for its communication.

Cultural Suppression and the Interpretation of Information

In the last chapter, I showed how cultural predispositions in the world of amateur baseball – namely players' predilections for confidence and self-deception – encourage particular interpretations of available information. Even though the most likely reason a player struggles during a summer on the Cape is that he isn't as good as he believes, his psychological predispositions recast those facts in a more comfortable light: "It's just a slump." The mindset baseball inculcates in its participants encourages predictable reinterpretation of data; put differently, it changes what an informational cue <u>means</u> to a player. The connection between cue theory and legal consciousness that this explores stems from cue theory's silence on how we arrive at the beliefs and preferences that are related but conceptually prior to an actor's taking a cue. When we take cues as Lupia and McCubbins (and others) describe them, those predispositions are brought into play, and legal consciousness' attention to how they serve cultural reproduction helps us to understand the subtle ways that information is inflected by our psychological tendencies (Lupia 1994a; Lupia & McCubbins 1998; see Silbey 1992, 2005).

The cultural predisposition to avoid over-involvement in the business of baseball encourages players to work with an agent, even if that involvement isn't in their material interest. Like confidence and self-deception, it serves to perpetuate a hegemonic system of norms that not only puts the athlete in a situation violative of NCAA rules, but

that appears to materially mis-serve him. Furthermore, when these players observe the growing encroachment from the money side, there are multiple interpretations of that fact – multiple ways they could interpret that cue. But as before, their social psychology favors one interpretation ("I should get an agent/advisor to shield me from it") over others. The cue players take is refracted through the lens of their social predispositions.

But this chapter makes another different point as well. Cultural norms entrench and perpetuate themselves both through encouraging participants to act in ways that reproduce them, and though the active suppression of alternatives. Norms change the ways we receive information, but they can also prevent information from reaching us in the first place. Players do not fail to follow in Coach Jameson's self-directed footsteps simply because they are predisposed to favor other possibilities (though they are), but because their identities, their coaches' identities, and their relationships with their coaches preclude the transmission of this alternative way of being who they are (or could be). The culture conspires to prevent them from taking that cue from their coach.

Cultural paths of least resistance are certainly not exclusive to baseball. Physicians sometimes "turf" risky cases; they send them to another department to resolved rather than execute a procedure that might put them at risk of a lawsuit (Summerton 1995; Studdert, et al, 2005). Part of the reason for this is physicians' tendency to dramatically overestimate their risk of being sued (Elmore, et al, 2005), but it is at least plausible that hospital culture not only encourages this practice, but suppresses the performance of alternatives. Doctors might consider it "not my job" to treat a patient who could be adequately treated in another department. Or, if physicians who resolve to treat risky patients rather than turf them are frequently questioned by higher-ups, or frequently required to account for themselves at Mortality and Morbidity panels, the practice would be discouraged. One possible result is a lack of role models on which other doctors who might be encouraged to take that route could model themselves. Either way, there are rich analytical possibilities available for those who would use role theory and suppressed alternative identities to address the questions about malpractice and treatment decisions.

The informational cues that we take from others are, certainly, subject to the predispositions and predilections that affect how we interpret them. When we ask why a

person reaches a certain legal or political conclusion based on cues from others, we should be aware that the identities they bring to the table can affect what those cues mean. Our inquiry, though, should not end there: we need also to ask if those same cultural predispositions are closing off alternative cues our actors don't imagine in the first place. It isn't just about why actors choose one path over another; it's about the alternative paths that remain hidden from them.

Conclusion
Bottom of the Ninth

Political heuristics and legal consciousness may seem strange bedfellows but, in the proper context, each can offer the other something to broaden and enrich its application. Cue theory has remained largely unconcerned with the ways a cue might be constructed in the first place, how our pre-existing identities foreground particular cues, how cultural forces influence the interpretation of cues, or how cultural roles might exclude taking certain cues, or even <u>knowledge</u> of certain cues. Legal consciousness, on the other hand, continues to search for specific explanations of how individuals interact with and reproduce hegemonic structures. For cue theory, the legal consciousness approach can provide new sets of questions with which the former can address analytically prior questions (how does a cue come to exist?) and strike out into more convoluted territory (how does someone use informational cues to navigate a complex socio-legal framework such as the welfare system?). Using legal consciousness to loosen some of cue theory's strictures facilitates its deployment in more culturally or sociologically oriented queries. Conversely, cue theory provides legal consciousness with a new toolbox to interrogate individuals' behavior towards law and legal structures. We tend not to move through or relate to such structures as rational maximizers, or by exhaustively researching our possibilities. Rather, we take social and cognitive shortcuts. We see how people "like us" do something, and then do what we can to replicate others' perceived successes. The habits we mimic are constructed and inflected by social structures that surround us, and when we look to others within them to mold our behavior, we replicate them.

This dialog between heuristics and legal consciousness provides a different approach to the age-old agency/structure debate. Debates about the primacy of one or the other are stale; instead, we now direct our energies towards analysis of the relationship between the two and the manner in which individuals work within both

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frames at the same time. What cue theory and legal consciousness together give us is a toolbox with which to examine how cultural structures shape the options available to an individual actor, and how that actor's cognitive tendencies themselves reproduce those options.

Though I have selected four particular phenomena to substantiate this dialog – elite norm formation, narrative identity, self-deception, and cultural roles – there is no reason to think that the conversation must be so limited. In theory, any cultural/cognitive predisposition can ground the conversation. The interplay is, I have argued, of much use to those of us who are curious about patterns of law or rule-breaking, but ought to be of interest in many other scholarly curiosities. Whether legal, economic, political, or social structures find themselves in the crosshairs, we move through them with roughly the same cognitive hardware, and each possess existing hegemonic practices that manage to entrench and replicate themselves. So while I have argued that this analytical frame explains the actions of amateur baseball players, and suggested that it might help explain dress-code controversies, Catholic consciousness, the practices of street-level crack dealers, and defensive medicine, it conceivably extends even further than those examples indicate.

I would like to conclude, however, not simply with this recap but with some more specific suggestions about how both the aims and findings of this work might be fruitfully extended or expanded. To begin, I urge readers to consider my methodology as a call to take seriously the power even micro-level cultural structures have to fundamentally alter perceptions of costs and benefits. Some scholarship in law and society has closely interrogated these effects. In cultures with a more forceful shame mechanism, those cultural proscriptions and definitions of shame affect how those within the culture evaluate the costs and benefits of drunk driving. When arrests are considered particularly shameful, fewer people run the risks of drunk driving though the official sanctions remain the same (Grasmick, Bursik, & Arneklev 1993). Similarly, differences in culturally defined gender roles make the social costs of criminal sanctions different; women perceive arrests and convictions differently because their culture tells them that to be arrested or convicted is "unwomanly" (Grasmick, Blackwell, & Bursik 1993). Even

one's relationship status can influence perceptions of the the costs and benefits attached to law-breaking (Grasmick & Bursik 1990).

Neither these specific studies nor the general approach I advocate ought to be construed as frontal attacks on rational-choice methodology or formal modeling. Indeed, I have nothing in particular against the axiom that people will do what they <u>think</u> will maximize their preferences. My worry, rather, is that it begs the question. There are two suggestions I believe this study makes that are relevant here. First, the value an amateur baseball player puts in an agent is not one that would be readily identified (much less defined) by an outsider; baseball's culture constructs the value, and it means something only to participants in that culture. Cultures construct the shame mechanism that mitigates against drunk driving; cultures construct the gender roles and archetypes that suggest criminal behavior is "worse" for women then for men; cultures construct the meanings of relationships in ways that affect how those in them think about laws and breaking them.

What we value is always at least in part a product of what our culture(s) construct as valuable, and what we perceive as costs are always at least in part considered costly because that's how our culture defines them. When we think about what we want and what that says about us as individuals we are also expressing our interpretations of and participation in our culture(s). We inexorably express our membership in these cultures (and micro-cultures) by accepting and internalizing the values they inculcate. The process of learning how to be a member of a culture entails learning what that culture values and what it discredits. What "fair" means, what "justice" means, what the relevant rules and laws are, and when exceptions to them can be made are all culturally influenced or defined. When, as Greenblatt suggests, we build our individual identities from the bricks and mortar our culture supplies we simultaneously learn what our culture deems valuable or admirable (and what it does not) (1980). By situating ourselves within that culture we learn what it means to participate in it, what it means to be "someone like me" in it.

A second phenomenon investigated here is worth considering as well. The possibilities of self-deception (and of culturally inculcated self-deception at that) should indicate that even in cases where an outsider has evidence that individuals "ought" to

put a particular value on something, there may be internal structures that cloud information for those in a culture. Simply put, we should resist temptations to think of values as either objective or self-evident; often they are neither, but rather socially constructed and/or obscured.

All of which is to say that even the most sophisticated rational-choice models will only be as predictive or as good as their understanding of what the subjects they model conceive of as in their interest. Where seemingly unusual or idiosyncratic values are regularly construed as meaningful and desired, models that fail to take stock of such socio-cultural constructions will miss the mark. Where seemingly objective costs or benefits are shaded or blocked by cultural forms, models that fail to understand this will lack the power they otherwise might possess. Models, and the rational-choice paradigm from which they often stem, must account for the cultural constructions that constitute costs and benefits in the first place. Often the best — perhaps the only — way to access this information will be the sort of ethnographic approach I have used here. Immersion in a culture and the attempt to understand it on its own terms may be needed to discover what its participants conceive of as valuable, just, fair, worthwhile, admirable, and desired.

Culture affects how individuals weigh, value, and evaluate rules, but rules can in turn influence cultural practices. The culture of amateur baseball constructs agents as valuable, but the complex of rules and practices stemming from the NCAA and the economics of the baseball draft create a situation allowing for that construction. Were the rules different, were the rules enforced differently, or were the transition from amateur to professional organized differently, baseball culture might have interacted with these formal rules and institutions differently.

Future research might be able to isolate some of these processes through examination of contrast cases. NCAA football and NCAA basketball are governed by the same bylaws as NCAA baseball, but there are reasons to believe that the relationships with agents will be constructed differently. For one, both the professional football draft and the professional basketball draft are significantly smaller than baseball's; the National Football League (NFL) drafts fewer than 250 new players each year and the National Basketball Association (NBA) only about 60 (compared to over 1,500 baseball

players). While I suspect that norms of confidence and even self-deception are at play in these other sports as well, the numbers might suggest that — with far fewer opportunities to move to the professional ranks — relationships with agents to help with the transition might not be so highly valued.

Conducting research with collegiate basketball and football teams could shed quite a bit of light on the impact these formal structures have on the cultural meaning of agents. The same interviews and ethnographic observation that underwrote this study would investigate what differences exist between amateur sports, and how those cultural differences are impacted by pragmatic realities. If, as I suspect, an agent does not have the same cultural status in basketball or football as in baseball, to what extent are those differences underwritten by formal rules and attendant economic realities?

Other pragmatic considerations could affect the cultural construction of agent relationships as well. In the NFL and NBA, players must declare for the draft, which baseball players do not — this brings a measure of publicity absent for many baseball players. When taken stock of alongside the larger popularity of collegiate basketball and football and the significantly smaller size of the draft, a much brighter spotlight shines on elite basketball and football players than on most of their baseball-playing counterparts. This implicates not only reasons to expect cultural differences in the meaning of agents, but the possibility of studying the role of rule-enforcement in identity formation.

I believe that a baseball player's low risk of being caught breaking NCAA Bylaw 12.3.2.1 is part of what allows a cultural identity to be constructed against it. The under-enforcement of the provision creates a space where identity can grow. Were the rule more frequently enforced — were the risk of being caught higher — it is possible that identities arrayed against it would be transformed or eliminated. Does the higher possibility of enforcement in basketball or football play a role in preventing the rise of agent use as a symbol? Further ethnographic research might be able to answer this question.

The role enforcement or under-enforcement may play in creating space for identity formation may have much wider purchase and warrants investigation in a variety of fields. Gang membership continues to be one identity formed against the law despite no small degree of attention paid by police. Clearly there are forces here

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working against the role of enforcement. Conversely, there are historical instances of under-enforcement that indicate that the concept might be expanded in new, rich directions.

Prohibition and the Volstead Act are often examined as proof of the difficulty of legislating against and preventing social behavior with broad support, but under-enforcement and identity offer another lens through which to view the era. Between the 18th and 21st Amendments American citizens constructed not just identities in defiance of the law, but an entire subculture. The Volstead Act and the difficulties enforcing it created opportunities for both individuals and groups to define and perform social identities in the shadow of the law. Prohibition gave rise to identifies we still recognize — and even use — today: "bootlegger," "moonshiner," "speakeasy," and "hooch," among much else. The battle between gangsters and Federal agents is still being played out on the big screen almost a century later. Volstead created opportunities for the bartender impresario with the police in his pocket, the gangster who believes he's just giving the people what they want, and the fun-loving flapper whose identity is wrapped up in the speakeasy scene: individual identities in a culture built against a constitutional provision. The Act's uneven enforcement allowed an entire subculture to flourish in the space between the law on the books and the law on the street. While the debate on Prohibition played out in constitutional law and politics, new identities and a new culture grew in the shadow of an Amendment.

Let me finish by echoing Standen (2009) and Eckstein, Ross, and Delaney (2010) in arguing that sports are an important and untapped site for the examination of social power structures, and that our understanding of our culture deepens when we taken sports seriously as a measure of our society. Sports can be used as a lens for society, as a way of discussing racism (Hartmann 2003; 2012), classism (Bourdieu 1991; Wilson 2002), nationalism/exceptionalism (Markovits & Hellerman 2001), and sexism (Markovits & Albertson 2012), among much else. While the specific rules and constraints facing amateur baseball players are ones the rest of us are likely never to encounter, the methods and practices with which they approach their decisions and the ways in which they internalize their culture's patterns have application for the rest of us. What we learn through an examination of players' use of social cues, informational

cues, and the interaction of cues with legal consciousness can guide inquiries much further afield (if the reader will pardon one final play on words). Players on the Cape have used social cues over a lifetime to learn who they are; by thinking about how that alters their lives today, we all learn something about ourselves.

Appendix A: Interview Questions

Interview Questions 1 (Pilot Project)

Note: Many of the questions in this section aim to investigate how players learn about negotiation strategy from informal sources like family, friends, coaches, and former teammates. These concepts find little purchase in the dissertation because the pilot project revealed them to be based on a false premise: that a player would go through the process in compliance with Bylaw 12.3.2.1. After the pilot revealed that the vast majority of players in fact <u>break</u> this rule – and that they do so without material benefit – the project's focus changed dramatically.

For Coaches

Tell me about how an amateur player might prepare for the draft or contract negotiation.

How do the NCAA restrictions affect a player preparation?

    - How do they affect the negotiation itself?

What are some ways that preparation differs from non-amateurs?

Do your players come to you for advice before they start the negotiation process?

Tell me how that works. When would a player typically first come to you?

When a player comes to you to ask about whether he should keep his amateur status,

    what kinds of advice do you give him?

What sort of advice do you give to a player asking about negotiating a contract?

How does your advice differ when a player is an amateur?

Do you talk to other people when a player asks you for advice?

    -Who might you talk to?

    -What sort of advice might they give?

How does the athletic department help a player through a process like this?

What other resources might a player use?

    - Tell me about what they can do to help a player.

How did you learn about negotiations?

Who helped you learn the most about negotiations?

 -What did you learn from them that was so helpful?

Who else helped you learn about the process?

Have you ever spoken to a lawyer about the negotiation process?

 -What sort of advice did they give about the process?

 -Was their advice helpful?

 -What made it (un)helpful?

Do you think it is helpful for players to talk to a lawyer before they negotiate?

Tell me about what lawyer does to help a player negotiate.

Do you think the NCAA restrictions on amateur athletes make the negotiation process more difficult?

How common is it – as far as you know – for a player to ignore or sidestep the NCAA Bylaws?

- How might a player try to do that?

How do you think the *Oliver* case from Oklahoma State will change the process?

Is there anything else about the negotiations you think it would be helpful for me to know?

Is there anyone else you think I should talk to about the negotiation process? I will not reveal that you suggested that I speak to them.

For Drafted Players

Tell me about draft week. What were you feeling when you were drafted by (team name)?

Had you thought about how you would negotiate a contract before you were drafted?

 -When did you start thinking about contract negotiations?

 -When did you start planning for them?

What was the first thing you did to start preparing for the contract negotiations?

What else did you do to prepare?

 - Did you feel at the time that you were going to be well prepared?

- Looking back, do you wish you had prepared differently? What would you have done differently?

How do you feel your contract negotiations went?

-Why do you feel that way?

-What could have made them go more smoothly?

At any point, did you ask for advice about the process from your high school or college coach?

- Tell me how that went.

- Was their advice helpful? What was helpful about their advice?

- Describe your impression of how familiar your coach was with the process. Did he seem to know a lot about it?

Did you ever talk to a teammate or old teammate about the negotiations?

- Tell me about that. What did they tell you?

- Was their advice helpful?

Did you ever talk to family member about the negotiations?

-Was their advice helpful?

-What was helpful about their advice?

Did you ever talk to family friends about the negotiations?

-How did you decide which friends to talk to?

-Was their advice helpful?

Did you ever talk to a lawyer about your negotiations?

-How did you go about finding a lawyer?

-What advice did the lawyer give you?

-Was the advice helpful?

-What was helpful about the advice?

What else did you do to prepare for the negotiations?

How detailed a strategy would you say you had going into the negotiations?

As the negotiations went on, what did you find to be good about your advice/ preparation/strategy?

-What did you find to be bad about your advice/preparation/strategy?

What – if anything – do you wish you had known before you started negotiations?

What – if anything – would have made the negotiation process easier for you?

Do you feel you had adequate access to attorneys?

>-If not, why not? What advantages do you think more access to attorneys would have given you?

(At this point, I may remind the player that all information is confidential).

At any point, did your attorney consult directly with the major league club?

>-What, to the best of your knowledge, was the nature of those conversations?

Did anyone else besides you consult directly with the major league club?

>-Who?

>-Why that person specifically?

>-What, to the best of your knowledge, was the nature of those conversations?

How familiar do you feel with the NCAA bylaw restrictions on agents and amateur status?

As far as you know, did your negotiation process follow NCAA Bylaws?

What happened that did not follow those bylaws?

Do you think your experience was typical?

How did other players prepare? How did they approach negotiating with major league clubs?

Do you know of any players who broke the NCAA Bylaws?

- How? What did they do?

How do you think the *Oliver* case from Oklahoma State will affect this process?

Is there anything else about the negotiations you think it would be helpful for me to know?

Is there anyone else you think I should talk to about the negotiation process? I will not reveal that you suggested I speak to them.

For Undrafted Players

How did/will you make the decision to enter the draft?

- Who did you speak to about making this decision?

- What did they tell you?

Will you maintain your amateur status through the draft?

- How did/will you decide to make that decision?

- Who did you talk to before making that decision?

Have you started thinking about how you will handle the draft and negotiations?

How familiar do you feel with the NCAA bylaw restrictions on agents and amateur status?

- Tell me a little bit about how you think you'll deal with those restrictions.

Track A

Who have you spoken to about the draft and playing professional baseball?

- Tell me about that conversation.

Who else have you spoken to?

Have you had any conversations with your coach about the draft? Amateur status? Negotiations?

- Tell me about that. Did they have suggestions? Do you think these conversations were helpful? Why or why not?

Have you talked with your mom or dad about the draft? Amateur status? Negotiations?

- Tell me about that. Did they make suggestions? Do you think these conversations were helpful? Why or why not?

Have you talked with any family friends?

- Tell me about that. Did they make suggestions? Do you think these conversations were helpful? Why or why not?

Have you talked with former teammates?

What sorts of experiences have past teammates had with this process?

Do you talk with past teammates about how they approached the draft?

- What do they say helped in navigating the process?

- What obstacles or difficulties have they mentioned?

Have you talked to a lawyer about the process?

- Why or why not?

- What did he/she tell you?

- Was/do you think the lawyer's advice (would be) helpful?

Tell me how you think you'll plan for the draft. What will you do in the weeks and days

   before the draft?

Do you have an idea of how you'll approach sitting down with a professional club?

   - How do you think that will go?

   - Tell me how you think you will prepare.

How do you think NCAA Bylaws and restrictions will affect that process?

How do you think the *Oliver* case from Oklahoma State will change the process?

Do you think it's common for players to ignore the NCAA restrictions and have others

   represent them?

   - How does that work? How would someone go about that?

Is there anything else about the negotiations you think it would be helpful for me to

   know?

Is there anyone else you think I should talk to about the negotiation process? I will not

   reveal that you suggested that I speak to them.

Track B

Who do you think you'll talk to about the draft and negotiation?

   - Why him or her?

   - What do you think he or she will tell you?

Do you think you'll speak to your coach about the draft and negotiating with a

   professional team?

   - Why or why not?

   - What do you think he'll tell you?

Do you think you'll speak to your parents?

   - Why or why not?

   - What do you think they will say?

Do you think you'll talk to teammates or past teammates?

   - Why or why not?

   - What do you think they'll say?

What sort of experiences have teammates had about the draft and negotiations?

   - What do they say helped in navigating this process?

- What obstacles or difficulties have they mentioned?

Do you think you'll talk to a lawyer?

- Why or why not?

- What do you think they'll say?

Tell me how you think you'll plan for the draft. What will you do in the weeks and days
before the draft?

Do you have an idea of how you'll approach sitting down with a professional club?

- How do you think that will go?

- Tell me how you think you will prepare.

How do you think NCAA Bylaws and restrictions will affect that process?

How do you think the *Oliver* case from Oklahoma State will change the process?

Is there anything else about the negotiations you think it would be helpful for me to
know?

Is there anyone else you think I should talk to about the negotiation process? I will not
reveal that you suggested that I speak to them.

Interview Questions 2 (Summer 2010)

For Players

Where are you from? When did you start playing baseball? When did you know you
might be a professional-quality player? When did you first meet an MLB scout? Tell me
about high school baseball. Were you drafted out of high school? Tell me about that. Did
you find the process confusing? How did you try to figure it out?

Will you be drafted next year? Where do you think you will go? How sure do you feel
about that? How did you figure that out? How do you know?

What can you tell me about "slot money?" About where in the draft order does it start?
So, if you expect to be drafted (WHEN), what kind of contract would you get? And will
there be any negotiation of that contract?

What do you know about the NCAA rules about agents or advisors? What else? How did you learn about NCAA rules? What do you think about the rules? Do you think they're fair? What's fair/unfair about them?

Do you have an advisor? Why? What does your advisor do for you? What else? How important are those things for you?

Does your advisor do anything that might be against the NCAA rules? (Do you think he might?) (Do you care if he does?) What sorts of things might your advisor – or another advisor – do that are against the rules? Does your advisor ever talk to MLB reps, scouts, or teams for you? Will he represent you in the draft next year? Who will he represent you to?

You said your advisor (does X). Are those things you could do if you had to? Does your advisor do things you couldn't do? (Like what? You couldn't do that? Why not?) Or does your advisor do things you don't want to do, or would rather not do? (Like what? Why don't you want to do that?)

Do you think having an advisor will get you a bigger contract in the future? How? What will he do? How much bigger? Do you think you'll go higher in the draft because you have an advisor? How much higher? Why? What will he do for you? How big a difference will that make in your contract?

What does your advisor get out of this arrangement?

When/how did you decide to have an advisor? Who did you talk to about the decision? Your parents? Your coaches? Other players? (Background questions on the parents/coaches/players: what do they do, how did you meet them, how long have you known them, etc.)

How does having an advisor make you feel? More accomplished/confident/professional/relaxed? How/why?

When you got to college, how many guys on the team had advisors? How many of them had been drafted in high school? Did you have an advisor at the time? Did their having advisors make you want to have one? What did you do?

Do you think the fact that most elite players have advisors affects who decides to have an advisor? How? Are there players who use advisors because that's what the best players do?

How did you meet your advisor? Were there other advisors who wanted to work with you? How did you decide who to work with?

How do advisors get to know players? Are there ways of approaching players that are frowned upon? Do players ever change advisors? Why? Are there ways of leaving an advisor that are frowned upon?

How many guys on your college team are likely to be drafted next year?[92] How many of them have advisors? How many of them were drafted out of high school? How many guys who are going to be drafted next year have advisors?

Do you think everyone needs an advisor? How might a player try to get through this process without an advisor? Would they be at a disadvantage? Why? Would it depend on how good the player is?

Imagine a player who's figured out he's, say, about a 40th-rounder next year. Do you think he needs, or ought to have, an advisor? What could an advisor do for him? Could he do that himself? Why not?

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[92] In 2011 follow-ups, be sure to ask how many WERE drafted and how many DID HAVE advisors.

Repeat Qs with a top-rated player as an example.

BE SURE TO GET ADVISOR CONTACT INFORMATION

BE SURE TO GET CONTACT INFORMATION FOR 2011 FOLLOW UPS

For Hosts

How long have you been hosting players? How did you get involved in it at the beginning? What do you like about it? So you've hosted (X) players…

How many of them went on to be drafted? Did they have an idea of where in the draft they were likely to go? Were they about right? How did they (try to) figure out where they would be drafted?

What can you tell me about slot money? Do players seem to know pretty much how slot money works?

Do you know how many of the players you hosted had advisors when they were in the Cape League? Did any develop a relationship with an advisor while here on the Cape?

What, as far as you know, do advisors do for players? Are those things that players could hypothetically do for themselves? Why not (OR) why don't they? Do you think players need advisors to do these things for them? All players, or just some? Why those?

What do advisors typically get for their services? Do players know how that works?

Have you hosted players who represented themselves to Major League scouts and clubs instead of using an advisor? Did they seem confident in that? Do you think other players could have done the same?

Do you think players like having advisors? Why do you think that is? Do you think having an advisor makes them feel confident? Like a better baseball player? Do you think having an advisor makes them feel more professional? Like they "belong" more?

What impact do you think the most elite athletes have on this process? Do you think players ever use advisors because that's what the best players do? Say more about that.

ASK THE HYPOTHETICALS

For Advisors
How do you determine which players to approach? How many players do you work with? What do you do for players? What do you do in the build-up to the draft? Immediately before and during the draft? After the draft? During the contract negotiations?

How does what you do vary by the player's quality? Do you do different things for a top-five-rounder than for players in slot money positions?

How do you go about determining where a player will be drafted in the coming year? Do players generally have a good idea where they will be drafted? How do they figure that out? Are there other ways a player could figure that out?

Tell me about slot money. How exactly does that work? Do players generally know how that works?

Are there things you do for players that they could do for themselves (give an example)? Why don't they, would they just rather not, or rather focus on baseball?

Are there ways of approaching players that are frowned upon? Do players ever change

advisors? Why? Are there ways of leaving an advisor that are frowned upon?

Combined Concept Memo 3/19/12

As I've open-coded between 10 and 20 interviews, four themes have emerged, all of which are products of the data reflected through a few different analytical lenses. In the most recent writing (January 2012), I suggested four analytic approaches (*habitus*, Althusserian subjects, narrative identity, and role-playing); here I develop four as well, but rather than drawing primarily on theory, they grow out of the interviews themselves. To be sure, the ways in which I think about these categories are impacted by attendant social theory, but I have tried to let the data speak, and to let the patterns emerge organically.

What Baseball Players Do

The players in this study have spent most of their lives learning what it means to be a baseball player. By the time they arrive at the Cape Cod League, they have learned and continue to learn not just how to play the game, but how to look and act like professionals, how to carry themselves, and how to talk.

The coaches for this team show pictures of Major League players' batting stances and talk about emulating a "Major League 'lower half.'" It's instructive, I think, that not only do the coaches use the language of emulation to teach these players how to be professionals, but that it is as much about look, bearing, and attitude as it is about on-field performance.

At one practice session, an assistant coach spent 20 minutes instructing hitters not on their swings, not on looking for the right pitch, and not on how to work the pitch count, but rather on how to look "right" while warming up in the on-deck circle or taking practice swings in the batter's box. It was all about <u>looking</u> like a baseball player, and in particular looking right for the scouts and agents behind the backstop and in the stands.

The point is that having spent the entirety of their conscious lives learning what it means to be a baseball player, these players have now reached something of a "master class." It's no longer just about how to hold the bat, how to look right in the ready position, how to spit. For these young men, it's now about how to do these things in front of professional baseball's decision-makers.

It would be easy to think that this would require a greater familiarity with the ins and outs of the business of baseball: how much money different draft picks make, what an agent can and cannot do for a player, what their current draft projection and market value is, etc. Though players are more sophisticated than they think (or than they let one), this is undercut by a powerful norm against being involved in the business side of the game. Business, agents, and the draft are virtually never discussed in the locker room; it's "not what baseball players do." Players and coaches are reluctant to broach the topic and do so in only limited ways. For the most part, players and coaches consider their roles to be teaching and playing baseball. Money, business, and the draft are more properly "someone else's job."

This division of labor is partially tied to the widespread belief that over-attention to the business of baseball will lead to deteriorating field performance; even this instrumental explanation is intimately and inextricably intertwined with the conception of a "real" baseball player as one who focuses exclusively on the game.

Becoming a Baseball Player

In almost every case, these players have played baseball for literally as long as they can remember. As far as they know, there was no time before they were baseball players. This certainly contributes to the dominant place "baseball player" takes in their constellation of identities. But it also structures how these players think about their life stories, their personal narratives.

Two metaphors kept cropping up in my interviews. First, players constantly referred to "steps," meaning stages of their development that carried them closer to their long-term goal of professional baseball. Part of this is built into baseball's structure – Pony League, Mustang League, High School, College, Cape, Minors, Majors – but it's also about players' goals. In some cases, these players have been aiming at the Major

Leagues for almost as long as they've been playing, and consider each step towards that goal a step in an almost inevitable direction (see below on the manufacture of player confidence). Importantly – crucially – working with an agent/advisor is also seen as a step along the path they feel almost destined to walk. It too is a step that those aiming for professional baseball take as a matter of course. It is the conditioned response to the opportunity.

This fits with another common metaphor, the "puzzle." Players often characterized new developments in their baseball careers as new pieces of the puzzle, with one player giving voice to the fact that the completed picture is of him in Major League Baseball. The draw to put pieces you assume are part of the end product must make one feel as if they are closer to their goal. Just as you would find an edge or corner with the appropriate coloring and put it in the proper place even if it didn't yet fit with anything else, these players pick up agents before they "need" to in part because they see it as fitting with a future image of themselves.

In short, the stories these players tell about themselves point to a certain vision of their futures, one that they dream of and hold very dear and that has come to make up a dominant part of their identity. The identity that takes the central role in these stories, and that shapes and is shaped by these stories, suggests an agent as an accoutrement appropriate to someone in their (future) position. It is consistent with the image of themselves that they have spent a lifetime building. They have always played baseball, and most of them have always been the best player on any team they've ever played on. And literally all of them have been one of the best players on any team, no matter how high-caliber. (I address the potentially jarring fact of their Cape League position below in the section on confidence).

Being a Baseball Player

Everyone has multiple facets of their personalities, of their identities, but these young men have identities dominated by a particular facet. Even as student-athletes, you hear them minimize and diminish their lives as students ("class sucks," "I hate school," "homework is the worst," etc). As baseball players, they are appropriate subjects for the patterns and practices of, well, of baseball players. Any situation has a

variety of possible responses or reactions; how is it that players "choose" the response that suits them *qua* baseball player? How is that part of their identity triggered?

Interactions with coaches not only set out the "rules" for appropriate baseball player behavior, but identify the players in this study as appropriate <u>subjects</u> for those rules. When a coach tells a player to work out a particular hiccup in his warm-up swing, and does so by saying, "They're going to tell you to get rid of it when you're in pro ball anyway," the player is simultaneously instructed on how a professional player looks or acts and told he is someone to whom those norms apply.

The Cape League abounds with instances of this facet of identity being specifically triggered. After the games, when kids ask these 20- and 21-year-olds for autographs, they want them only as baseball players, not as sons/students/hobbyists etc. Their identity is – in that moment – reduced to their name inscribed on a baseball. Much more important for this project's puzzle, a similar phenomenon happens when agents approach players. Often, an agent lists the Major Leaguers with whom he works, and either implicitly or explicitly suggests that the player's name ought to be added to the list. As with the warm-up swing example above, this not only suggests that having an agent is one of the signs and signals that accompany professional baseball players, but further suggests that the player to whom the agent is speaking is an appropriate subject for those signs and signals.

Confidence and Self-Deception

Part of being a baseball player, I'm told over and over, is having confidence, having swagger. Players say that to succeed, they need to believe that they are always better than the person they are facing. Batters must believe they can get a hit off the pitcher they are facing, no matter how good that pitcher is; pitchers that if they "bring their best stuff," no one can hit them. A very common trope: "Baseball is a game of failure," "a game where the very best players fail seven times out of ten."

Players inure themselves against the grind of constant failure because confidence, cockiness, and swagger are part and parcel of their identities as players. Often this requires no small level of conscious self-deception. Baseball, more than maybe any other sport, is in love with statistics. As a result, measuring players against

each other is easier in baseball than in many other contexts. There is no shortage of evidence of a player's quality (or want of quality). But players can avoid the potentially terrifying nature of poor statistics by casting it as a call to work harder. There are no insurmountable obstacles – just opportunities to learn, to fine-tune, to make an adjustment. It's always a slump, never a talent disparity.

A similar phenomenon occurs when players inevitably realize they can't all be at the top of the Cape League. As noted above, these players have, for as long as they can remember, been the star on every team for which they have ever played (a fact made clear not just by statistics, but by team honors, All-Star teams, and being lauded more generally). Since they can't all be on the Cape League All-Star teams, you find players leveling the playing field by grouping all players in the league together. They say things like, "Everyone in this league is a pro prospect," or "Everyone in this league is a top college talent," while simultaneously including themselves in that group (along with players who are statistically better, more elite) and ignoring the more fine-grained distinctions within that group.

Players believe that you can't make the next step, find the next piece the puzzle, unless you assume/believe that you belong there. As a result, players come to believe their own manufactured confidence. When every setback is cast with an overarching narrative that ends in success, they need not disrupt an identity that is confident in its ability to reach its goals. This is one way in which players' confidence itself comes to be a constitutive factor of their identity. Self-deception becomes entrenched, and walls a player off from indicators that they may not be up to the task of professional ball. Their belief that they are good enough has a long personal history, is itself part of who they are, and is considered crucial to their success.

Identity, Culture, and Information Shortcuts, 4/7/12

Political science has always been concerned with the lack of political knowledge among most political actors:

"In the common people there is no wisdom, no penetration, no power of judgment."

– Cicero

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Voting study after voting study over the last 50 years has shown that the typical or "common" voter often knows stunningly little about the issues or candidates among which he or she is choosing. Lupia and McCubbins (1998) summarize the common theme among such studies – "Reasoned choice does not govern delegation" – and cites Schumpeter's articulation of the problem this presents for democratic governance: "The typical citizen drops down to a lower level of mental performance as soon as he enters the political field. He argues and analyzes in a way which he would readily recognize as infantile within the sphere of his real interests" (Schumpeter 1942).

Schumpeter worries that this may prove "fatal to the nation"; Dahl frets that it runs the risk of creating a "tyranny of experts" (Dahl 1967). Nor is the concern limited to overtly political decisions on campaigns or policy issues; Posner (1995) argues that the problem of political ignorance pervades the jurors' box as well.

Lupia, though, has demonstrated that voters may not actually <u>need</u> much information in order to make decisions that are actually in line with their preferences. In his 1994 work, he empirically demonstrated that badly informed voters could use access to widely available information shortcuts to emulate the behavior of well-informed voters. Building on this idea of information shortcuts, Lupia and McCubbins (1998) argue that "cue theory" can explain when, how, and why people take simple informational cues to make reasoned political choices without having to process information themselves.

The theory is elegant and explanatory, but its authors are careful to tightly circumscribe its application and are explicit about the assumptions required for its operation. Put rather crudely, cue theory is mostly applied to binary political decisions (vote for A or B) for an actor with known, explicit preferences. The subjects in Lupia's 1994 experiment are acting on known preferences and are faced with a choice between voting for a ballot measure or against it.

However, cue theory is ripe for expansion. I argue that the bones of cue theory can be used to explain not just how a political actor makes a binary decision, but how a <u>legal</u> actor navigates a complex legalistic framework. This expands the implications of cue theory in two important ways. First, it builds on Lupia and McCubbin's brief

suggestions for the theory's implication for legal institutions by richly describing how actors make decisions in a <u>legalistic</u> institution rather than a strictly political one. Second, and much more important, it shows and describes how these actors use cues and shortcuts to navigate a far more complex institution that a binary voting choice.

Elite baseball players are faced with decisions about using the services of an agent that are bounded by state laws, NCAA rules and regulations, economic realities, social perceptions, and sub-cultural norms. The situation, therefore, is far more complex than an attempt to model and apply one's policy preference in the voting booth. Nonetheless, these players plainly use shortcuts analogous to those Lupia details. By modeling the behavior of those they *perceive* to be similarly situated (and thus adequate representations of their own interests), players actively use cues and shortcuts to make decisions while navigating this complex legal structure.

Expanding the theory to cover more complex situations, however, requires a richer, more complex set of explanations. It is not enough merely to say that players follow cues from other players; the richness and complexity of the institutions and cultural norms at play require a deeper look at how individuals interact with those norms and institutions. How do people determine who the appropriate models for their behavior are? How do they figure out their <u>own</u> preferences prior to doing so? How does a culture or subculture influence and impact the ways we construct and take cues? How does it alter or restrict the flow of information or impact which information is deemed relevant? How does it construct the cues <u>themselves</u>*?*

Cues are necessarily influenced by and embedded in a set of cultural norms and practices that affect how they are constructed and how they are taken. I use thick description of a qualitative case study to illustrate the ways in which culture influences the use of cues in legal and political decision making. To be specific, I use the case of elite amateur baseball players to show how a cultural practice structures a cue, how individuals come to identify as a person to whom that cue applies, and how cultural practice structures, channels, restrict the flow of information and alter the perception of that information's <u>content</u>.

At the very top of college baseball, the *creme de la creme* of the amateur elite garners enormous attention from agents whose services deliver substantial monetary

gains, and virtually all professional players have agents (though there are some instructive exceptions). But more than economic benefit embeds the practice in the cultural of amateur baseball. The widespread practice among the best professional prospects serves to cement agent use as a status symbol: "Elite prospects have agents." Though the practice may have originated as an economic reality – with the material benefits outweighing the monetary costs and risk of NCAA sanctions – it has emerged as a feature of eliteness itself. Baseball thus creates a cue: if you are an elite prospect, use an agent.

But the story is much richer than simply the cultural creation of a cue. Also at play is how the culture of baseball structures how players come to take the cue. Here is where we depart from the world of constrained and explicit policy preferences. The ways in which baseball culture constructs player preferences is crucial. It is not merely that a player deciding how to navigate the world of agents and the professional draft looks to another player for a cue. There is a complex set of cultural norms, roles, and practices through which a player builds his identity as a baseball player. These structures inflect a player's perception of who an appropriate model for their behavior is.

A few examples: Players at this level have, almost always, played baseball for literally as long as they can remember, have almost always been the best player on every team for which they have ever played, and have built a narrative identity as an elite and future professional. Despite the fact that the monetary benefits an agent can provide evaporate between the fifth and tenth rounds of a 50-round draft, players outside of those top ten rounds still identify with the very top players as fellow elites and fellow future professionals. Agent use, therefore, does not track the attendant monetary benefits, but a player's self-identification as an elite and as a future professional.

When an agent approaches a player, when a scout raises his radar gun to track his pitch, when a coach tells him to work on something that will help him when (not if) he is in pro ball, when a child asks for an autograph, a player is identified as an elite, as someone to whom elite practices apply. The particular facet of his identity that is wrapped up in idea of himself as an elite player – a dominant, sometimes overwhelming facet – is triggered and he is "called forth," to borrow Althusser's phrase, as an

appropriate subject for those practices. These triggers, too, are culturally constructed and impact the type of "cue" a player finds appropriate.

There are several other cultural norms that flatten the very real distinctions between the top professional prospects and the many other players who take their cue from them. In addition to the narrative reasons articulated above, the culture of confidence and active self-deception in baseball influences the way players receive and evaluate information. A cold streak at the plate isn't – can't be – evidence that a player isn't cut out for professional baseball, or that other players are better than he is. Players say again and again that you must really believe that you are better than the pitcher facing you, or the others against whom you are competing. In order to make it to the next level, you must really believe that you belong there. Where outsiders see evidence of a lack of talent, players see room for improvement, a temporary setback on their road to professional baseball. Where others see a 48th-round pick, they see themselves as someone whose potential hasn't been realized or recognized. The culture of confidence and self-deception repackages information relevant to a player's cue-taking.

The culture even restricts the type of information available to a player. Former players, former teammates, the players' college coaches, and their Cape League coaches almost <u>all</u> believe that most players do not need an agent and should not get one. Yet even as players deliberate on this decision, they do not, as a rule, discuss the decision with any of these readily available sources of information. Here the roles and identities within the culture of baseball cut off the information. Coaches perceive their job, their role, to be educating and teaching a player about the <u>game</u> of baseball, not the <u>business</u>. Players see the locker room and the diamond as a place to discuss and practice baseball, not its business. It's simply not done; it's "not what baseball players do."

Culture influences what signals count as cues, how a person comes to think that a cue applies to them, what information is available to them to make that decision, and how the information they <u>do</u> get is interpreted. Cue theory can be applied to rich, complex legal situations, but to do so we need to attend more concretely to the cultural forces that construct those cues and the field in which those cues are taken.

Importantly, none of this analysis requires the assumption that a player who risks his eligibility to work with an agent and actually incurs a monetary cost to do so is somehow acting irrationally. It doesn't matter if we think such a player is right or wrong, acting sensibly or stupidly. What matters is the illustration of cultural factors that influence which cues a player takes and which cues he does not. Here, I can explain why players take cues from players rather than coaches, and from some players rather than others. Whether anyone thinks they are right to do so or not is immaterial.

The lessons from this particular case study can be readily applied to other political and legal situations as well. How does a welfare recipient navigate the complexities of the welfare system? Why does he decide to spend the money on some things rather than others? How do engaged couples decide whether to author a prenuptial agreement or not, or what to include in such an agreement? How do doctors gather information about malpractice suits and insurance? In any situation where a person is faced with a complex political or legal structure, the questions this study asks and answers may help explain political and legal behavior. What cues has the culture itself constructed, and which individuals are therefore highlighted as sources?

Furthermore, it should be of interest to both political science and law and society. Much as it takes cue theory as a starting point and expands and complicates that account, it could also be described as an extension of law and society's work on identity and legal consciousness. Engel and Munger, Ewick and Silbey, and many others have described how a person's identity influences their relationship with law and legal structures. This account enriches our understanding of how individual identity and cultural norms interact to guide or influence how we navigate legal structures.

Ewick and Silbey, for instance, describe Rita, and how her identity as a Catholic and her relationship with her community structure how she approaches the legal dimensions of her divorce. What that study doesn't ask is how (given those identities) Rita gathers and evaluates legal information. In extending Ewick and Silbey's work, we could hypothesize that Rita, when faced with a legal situation about which she knew little, would look to individuals she took to be similarly situated and take cues on how to make decisions from them. Again, it would not matter if Rita was "right" in her

assumptions about who an appropriate model was, only that we could examine <u>why</u> she made such assumptions and how they affected her legal decisions and behavior.

Framing the study as a case of legal and political decision making without perfect information both simplifies and enriches the approach. It engages the literature and persistent questions of identity and legal consciousness <u>and</u> the political science on information shortcuts and political behavior. It allows rich analysis of the ways in which individuals come to identify as baseball players and what that means for their behavior, as well as the ways in which the culture of baseball channels and restricts information, influences legal decisions, and structures the cues players take well before they decide to take them. It bridges the gap between analysis of individual behavior and group norms and makes original contributions to study of the interplay between the two.

Appendix C: Codebook

Series 0: Basics of the Puzzle

000: Catch-all Puzzle

001: Agents are helpful for top-ten-rounders

002: Agents are not helpful for the rest

003: Agents take 4% to 10% of salary

004: Agents are against the rules

010: Players know where they will be drafted

011: Players could easily find out where they will be drafted

012: Players know an agent is not helpful for most

013: Players know an agent takes 4% to 10% of bonus

014: Players know having an agent is against the rules

Series 1: Agent Use as an Elite Cue

100: Catch-all Chapter 3

(001): The very elite players get benefits from agent use

101: Elite players use agents

102: Players mimic elite player behavior

103: Identifies player(s) as elite or professional

104: Flattens differences between Cape Players

204: Uses "when" to describe player's professional career

205: Longstanding professional aspirations

208: Implies professional career

209: Compares player to a Major League figure

Series 2: Narrative and Storytelling

200: Catch-all Chapter 4

201: Doesn't remember when first played baseball

202: Puzzle metaphor

203: Pathway or steps metaphor

204: Uses "when" to describe player's professional career

205: Longstanding professional aspirations

206: Talks about what "being a baseball player" means

207: Talks about "feeling like a baseball player"

208: Implies professional career

209: Compares player to a Major League figure

210: Says being a baseball player is "part of identity"

Series 3: Confidence and Self-Deception

206: Talks about what "being a baseball player" means

207: Talks about "feeling like a baseball player"

300: Catch-all Chapter 5

301: Confidence as part of the game

302: Dealing with a slump or bad stats

303: Confidence outside the game

304: Discusses self-deception

305: Talks about building confidence

Series 4: Roles

206: Talks about what "being a baseball player" means

207: Talks about "feeling like a baseball player"

400: Catch-all Chapter 6

401: Says something is a player's job

402: Says something is NOT a player's job

403: Says something is a coach's job

404: Says something is NOT a coach's job

405: Says something is an agent/advisor's job

406: Says something is NOT an agent/advisor's job

407: Says X is something I don't do

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