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IMPROVING CITIZENSHIP AND RESTORING COMMUNITY

**RESTORATIVE PRACTICE IN PROFESSIONAL SPORT: JOE BEIMEL'S
CUT HAND, CURFEW VIOLATION AND REINTEGRATION**

G.H. Boehringer*, K.S. Boehringer and H. Cook*****

“Used widely, restorative practices can significantly contribute to the grander project of enhancing the civility of society...the potential of restorative practices goes beyond resolving specific incidents of wrongdoing to providing a general social mechanism for the reinforcement of standards of appropriate behaviour. Restorative practices demonstrate mutual accountability-the collective responsibility of citizens to care about and take care of one another”

T. Wachtel and P. McCold

In their important article, Wachtel and McCold remind us of the link between the criminal justice practices of the “imperial” state and the negative effects on ideas and practices of citizenship. Referring to the work of Nils Christie, amongst others, they wrote that “The state, under the guise of caring for its citizens, steals their conflicts and hands them over to courts. In doing so, government deprives its citizens of direct participation in the resolution of these conflicts, thereby undermining society’s capacity for civility...People need involvement, both on a practical and emotional level, so that the harm done by the offense is fully addressed...a state monopoly on resolving conflict represents a loss for both the victim and for society-a lost opportunity to deal with the anxiety and misconceptions produced by the offense and to repair civility”.

They challenge us to think about how to build a civil society in which people are capable of and do exercise control over their inevitable conflicts, and do so outside the sphere of the state. They make the point, with which it is

impossible to disagree, that we need to take the restorative practices which have been infused into the criminal justice system of the state, and spread them throughout the institutions and social relations of civil society. Thus they argue: “If we are serious about conceiving of taking responsibility as a democratic virtue, then it will not be enough to cultivate restorative practices in formal criminal justice institutions. Restorative justice concepts ‘...are directly relevant to the harms suffered in the course of everyday life and routine conflict, and where the event is not classified as a crime.’ People also need this kind of involvement in disputes in schools, workplaces and elsewhere in the community.”

In this paper we wish to use one small case study from professional sport to make a contribution to thinking about the central question Wachtel and McCold pose: “How can society move beyond current formal restorative rituals to incorporate restorative practices into everyday life?”

Our study arises out of Major League Baseball in the USA. In some ways this may seem, at first sight, a strange place to look for answers to that question, especially perhaps in this age of “corporatised sportainment”. But when we look more closely we see at the level of the game itself, human conflict and inappropriate behavior just as we find it in other areas of everyday life. The importance of examining sport is made clear by Macaulay who has demonstrated that it is through popular culture, including importantly sport, that American understandings of life-law, morality, fairness, justice and equity, crime and punishment and much more- are constructed in no small measure. In the processes of playing and watching, reading about and discussing events in sport, he argues, Americans come to develop attitudes, opinions, and commitments to a view of the “rights and wrongs” of social behavior and institutional response (or lack thereof).

Baseball is perhaps the most important of all the American sports in this regard. Unlike all other sports, professional baseball is played nearly everyday over seven months. Throughout a “regular season” each team in the Major Leagues plays 162 games, from early April through September. Further, the regular competition is preceded by a preparatory “Spring Training” of about two months during which a schedule of about 20 “exhibition” games are played and the teams closely watched by media and “fans” (supporters-presumably “fanatics” in the early days) attempting to weigh the relative strengths and weaknesses of the teams. Most important in many respects, at the close of the regular season there are two sets of playoffs in early October-Divisional and then League Championships.

Finally, with the tension building, in mid-October two teams-one representing the National League, the other the American league- emerge to play the much awaited "World Series" for the greatest prize in baseball. In that titanic struggle they sometimes play into November, although in 2007 it wound up at the end of October.

But there is more! An important part of baseball is the informal season ahead, sometimes referred to as the "Hot Stove League". After the dust settles from the glory and despair-even hurt- of "the Series", comes the time of reflection, arguments about triumphs deserved-or otherwise- and "what-might-have-beens". Further, there is always the brave optimism of the losers all down the line:"wait 'til next year". And then with the cool air of autumn and the flurries of snow (thus the need for a "hot stove" which is today largely figurative) comes the onset of those other sports- American "gridiron" football and basketball, and, in some regions, ice-hockey-which seek to impose their sovereign claims. But the "National Pastime" remains in the consciousness of many, certainly its serious fans. For plans are afoot!

How is "next year" to be turned into a triumphant "this year"? Fans have their ideas, their opinions about what must be done to reach the coveted championship playoffs or, maybe one can dare to dream,"the Series"! So too,of course, do the baseball administrators reflect on the past season. Stock is taken. What can be done to improve the team's performance? Clubs begin to re-structure their playing rosters, coaching staffs and their "Minor league" reservoir of players and coaches. From November onwards (sometimes earlier) into Spring Training and beyond, players and other personnel are bought and sold, traded, drafted, re-designated up and down from/to the "Minors". New contracts may be needed and bargained over, some players are out of contract ("free agents") and so look for a new team to increase their wages or extend their careers, others go into arbitration with their current team. This is the stuff of media "beat-ups", speculation and rumor mongering. Each team move is watched by anxious and opinionated fans and is much commented upon. Much of the activity is covered in considerable detail by a voracious sports press, radio and, of course, mainstream TV and, in much greater depth, on various Sport TV channels.

As Boswell has noted, baseball is a game of talking, of discussion, of analysis and debate. He mainly drew his examples from inside the game, between its players and others involved. But we note that it is, as much as any sport, a game about which debate over innumerable events-in and outside the game- are subjected to analysis. Opinions are formed and debated. In part this is no doubt attributable to the slow pace of the game and

the discontinuity or go-stop-go rhythm of the action which allows for discussion and dissection but also focuses on particular events with clarity (for the most part). It is also attributable to the nature of the action: much of the drama of a baseball game is a series of highly focused mano y mano struggles between specialists. In particular, the conflict between a pitcher and the batter who wishes to hit the ball pitched successfully. There are other, in a sense, supporting struggles going on all of the time, for example, between rival Managers who signal different tactics hundreds of times in a game. These “mini confrontations” are the stuff of arguments and speculation. Were the right choices made? What other tactics might have prevailed? Sometimes the questions involve normative issues, and always the conundrum: is it important to win no matter what you have to do to win?

In summary, baseball provides a ubiquitous public theater for the metaphorical playing out of conflicts and dilemmas which citizens are faced with in everyday life. We agree with Macaulay and others that such demonstrations have historically assisted in the development and maintenance of understandings of appropriate responses to deviant or inappropriate behavior of other citizens (and perhaps institutions).

We offer a case-study of restorative practice in baseball, drawing out some ideas about how such practices are constructed and implemented, thereby enriching our everyday life. In the study we will describe the norm-violating behavior of a 29 year old professional baseball player; the injury caused; how “victims” responded; how the player was treated by the media; how he was reintegrated into the team; and how he was positively affected by the entire process.

JOE BEIMEL'S LATE NIGHT

In October 2006 the Los Angeles Dodgers were in New York City to play the New York Mets in a Division Championship play-off series. The team first to win 3 of 5 games would proceed to a second play-off, the League Championship series, decided by the first to win 4 games of 7. The winner of the second series would play in the World Series. The Dodgers were underdogs, had injuries to several key players and an over-worked and inconsistent pitching staff, but had had a strong, if hair-raising, gutsy finish to the regular season and certainly had demonstrated a capacity to win if the team played well. And as one commentator remarked later “Though in 2006 the Dodgers weren’t the best team in baseball, they had the most heart...every Dodger fan should comprehend the baseball team with the most heart, and not necessarily the most talent, wins the World Series.”

In the event, they played below expectations and lost three straight games. They ended the season with bitterness and disappointment. Some commentators believe that it had been a general team failure, not the fault of any particular player(s). But others have differed, and we are at least open to this analysis. According to this view, one incident several days before the first game was a very significant causal factor in the loss. It is that incident, involving a key member of the team, which is at the core of our study. It was the injury to key relief pitcher Joe Beimel which prevented him from playing his usual part in any of the games and which, arguably, sealed the fate of the Dodgers.

In the next section we briefly describe the series of events which we call the Incident, and which created the bitterness referred to above.

THE INCIDENT

2 Oct. Monday

This was a rest day. In the evening, Joe Beimel (JB) decided to watch his home-state American football team, the Philadelphia Eagles, play on televised Monday Night Football. While he could have watched in his hotel room, like millions of others he wanted to watch in a bar, having some beer and talking with others, especially in the commercial breaks. So he took a taxi and watched the game to its finish late in the evening. Instead of returning to his hotel he remained in the bar drinking beer. He was in violation of the midnight curfew set by the Club. At about 0230 he had an accident in which he smashed a glass—apparently he wanted to go to the toilet and the glass smashed against a post as he left his seat. His left or pitching hand was gashed and he bled profusely. He grabbed a taxi and returned to his hotel.

Once in his room, JB called a Club trainer who stitched up the wound. He later said that in the Bar there was blood all over his shoes and clothing; we do not know if he cleaned himself up and hid the clothes from the trainer. Perhaps he did, as the story that he first told was that he had awakened from sleep, gone to the bathroom and tried to get a glass of water and in so doing it slipped and he was injured when he tried to catch the falling glass. As we now know, this was a lie. But it was this story which was all over the national media and, of course, the story he told Club officials and his teammates.

3 Oct. Tuesday

With the first game scheduled for Wednesday, JB rested, hoping that the injury would subside and the stitches hold so that he would be available to pitch in relief if needed. The media continued to use his explanation of the injury as it speculated on whether he could recover, if not who might be able to fill in, and what effect the loss of Beimel would have on a shaky pitching staff and the Dodgers' chances in the series.

4 Oct. Wed

In the morning, JB gave his hand a test. The stitches did not hold nor stop the bleeding. If he was pitching in a game, the blood flow would cause him to be removed from the game because of the danger to other players from disease. Therefore the Dodgers had no option but to leave him off the roster of eligible players for the series. He was sent to LA for plastic surgery on his hand, with the hope he would be able to pitch should the Dodgers eliminate the Mets and proceed to the next series. The media continued to discuss the Dodgers' chances without him and who would replace him. His loss removed what was seen by some as a "key element", and reference was made to his spotless record in pitching against the Mets in several previous encounters. The field manager, Grady Little, said: "It's something we don't like because of what he has meant to our team" but indicated there was a will to win and they would just have to play without him.

JB must have been in a dreadful state of mind. He later says that he was embarrassed and therefore lied. As a result, his feelings would have been driven by the guilt of having let his teammates down and then lied about it. Fear of being exposed and the potential negative impact on his career must have been part of the emotional cocktail he was living with.

In the background, inevitably, rumors were beginning to circulate about how the injury actually happened. It may be that JB was aware of this which would have been very stressful. And his feelings would have been super-heated when the Dodgers lost the first game, in a late inning situation in which he, surely, would have been called upon to prevent the Mets from scoring the winning runs.

5 Oct Thursday

Back in LA, JB had plastic surgery, which seemed a success. The Los Angeles Times approached him with a story suggesting he had been hurt in a bar, not his hotel room. He confirmed the story-he had been in a bar, the name of which he could not remember, and had done some beer-drinking. It went out in the national electronic media and was brought to the attention of the Dodger team and officials. This was the first time they had been told the

truth-and not by the pitcher. Mr. Ned Colletti, General Manager of the Dodger baseball operations, was asked to comment. He refused. He had heard nothing from Beimel (it is later reported that Beimel had tried unsuccessfully to contact him from LA on Thursday night).

Ill feelings must have been high toward JB amongst the Dodgers, especially because they had lost again. He was shaping up as a scapegoat of significant proportions. It must be said that the Dodgers were behind 2-0 when they used their other, rather less effective, left-handed reliever in a very dangerous situation (bases loaded, no outs). It is not clear JB would have been used at that stage of the game but as he normally came in later in the game. But in a playoff, the normal use of pitchers is not always a good tactic. Some commentators saw his unavailability in both games as a serious blow to the Dodgers. As it turned out, the Mets scored 2 more runs at that point and won the game, 4-1.

6 Oct. Friday

The Los Angeles Times story was published in the morning and taken up by the media across the country. Later that evening Gurnick wrote: "Statements from the Dodgers about Beimel...came out in a rare angry wave on Friday once the lefty reliever admitted that he not only suffered his injury in a New York bar, but he also lied to management about it." According to Gurnick, "Colletti spoke to Beimel and said he was contrite, admitted his mistake, and said he let the club down." He continued "He also let himself down" "said Colletti, who would not say if the incident jeopardizes Beimel's future with the club'..." "Not one of us hasn't made mistakes, and he was man enough to call me." Colletti said. 'I'm glad he chose to come clean and not continue to leave doubt in peoples' minds."

This was a rest day. The third game would be played in Los Angeles on Saturday. The Dodgers now had home advantage and must use it to win in order to keep the series going. They had an ace veteran ready to pitch and must have felt somewhat confident that they could get back on track after the New York de-railment.

7 Oct. Saturday

JB met with the team before the game. It was a closed door meeting, just the team, no media. Through media interviews with some of those present we learn later that he addressed the team for several minutes and made an apology. He said he could understand that people would have something to say to him, and they could do it then or later one-to-one. Apparently the room remained silent. He then left and the team prepared for the game.

There was to be no Hollywood ending. No “win for the Gipper”. The Dodgers lost, 9-5. However, once again a situation arose in the game when the Dodgers could have used JB. Trailing early by 4-0 they came back to lead 5-4. In that situation it is the job of the relief pitcher to hold the lead. JB was one of the best in the Majors, and had been very effective against strong hitters, not least the Mets. The Dodgers again used their only lefty and he held the lead for an inning. Then they had to use a right-hander, a young “rookie”, who had replaced Beimel on the roster. He gave up 3 runs which put the Dodgers in a hole. A subsequent right-handed reliever-a converted starter who recently had not been very effective in relief- gave 2 more runs and that was the game gone. The TV announcers made it clear the Dodgers missed JB in relief. They referred on several occasions to his having lied and been caught out. They pondered where he would be pitching in 2007 saying of the Incident: “a very quick way to find yourself pitching somewhere else next year”. Obviously at that stage, it seemed at least to some close observers of the game that a serious punitive response was on the cards, that the Club might off-load Beimel.

THE DAMAGE DONE

How serious was the damage caused by Beimel’s actions? Could we say “but for” the Incident the Dodgers would have won the series? Certainly not. The matter is too complex and unquantifiable. But to the players, the Club, the fans and the commentators, the question arose and surely must always be a part of Dodger history, and Beimel’s. There are basically two views.

Probably the general consensus which arose in the post-series assessment is that the Dodgers played below their capabilities pretty much across the squad, therefore no single player could be a general scapegoat for the three game sweep. A representative of this position would be Sarah D. Morris, a most astute sports writer who focuses on the Dodgers. In her opinion, the Dodgers were too weak overall compared to the Mets. She thought LA was comprehensively outplayed, deserved to lose and that as a team they played below their capacity. She believed that no one player could be scapegoated in such circumstances.

Of course that is a justifiable position when the hard facts are examined. There was some very poor play by the Dodgers including the extraordinary incident in the first game in which two players were out on the same play as they tried to score a run. This was a bizarre miscalculation at best, involving a veteran player and a coach who was responsible for-at least-trying to prevent such an occurrence. Coming early in the first game, it could be said

to have been a crucial play, a portent of things to come. On the other hand there was plenty of opportunity to recover in that and succeeding games.

Counter-factual history, re-constructing “what might have been” is always more intriguing than explanatory. But it is a normal, subjective phenomenon, with great impact upon our self-understanding and our relations with others. It is certainly relevant to restorative practice in everyday life. Let us see how another view might be taken, one which does allow for scapegoating JB, and one which no doubt was held by some of his teammates and Club officials, and media commentators. For example, a long-time baseball writer of great knowledge of the game, Gordon Edes, wrote after Game 2, that “The Dodgers have a runaway leader in the clubhouse for scapegoat if they lose this Division series to the Mets, and it’s not manager Grady Little. It’s lefthanded reliever Joe Beimel, who on Thursday confirmed for the Los Angeles Times what he had not yet told club officials, that he cut his pitching hand in a New York bar and not in his hotel room, as he’d originally claimed.”

The counter-argument could be along these lines. Beimel’s loss was important in two ways. First, it seriously affected the inner state-the morale or confidence- of his teammates and even the coaching staff. Pitching is a huge part of the game-without strong pitching a team cannot prosper. This is especially true when a team is playing in a post-season series, and perhaps uniquely so when playing “away” in the cauldron of the hostile “home” fans. Further, in the circumstances, the loss was an especially heavy one because the Dodgers’ pitching had been inconsistent and over-worked due to injuries and below capacity performances from the starters. They had scraped into the series whereas the Mets had stormed in. And their record against the Mets in New York was not good. Beimel’s value was not only his very strong record over the season, especially in the last tense weeks, but in pitching to the top left-handers he was one of the best in the league and the Mets were a predominantly left-handed hitting team. If a lefty relief pitcher was required, as surely would be the case, without Beimel the Dodgers would have only one, a career starter who had been used as a reliever for most of the season due to his lack of success in numerous starting assignments. (In the event, he failed to hold the score down in the second game and was not trusted to pitch in the first game when a Dodgers’ veteran starter was used in a relief role and gave up the winning runs. To be fair, he pitched well in a one-inning appearance in Game 3, preserving the Dodgers’ one-run lead.)

Beimel's unavailability could have had a significant psychological impact on a team which needed to be at the top of its game to have a hope of winning. Arguably, on that basis, the loss of JB could have been the significant cause of much of the below capacity play in the series, especially perhaps Game 1 (and possibly in later games). Baseball is very much a game of mentalities, of spirit. It must have been a seriously negative ingredient as the Dodgers prepared for Games 1 and 2 in New York. And of course, when the story came out before the third game, including the fact that Beimel had lied to them, it must have put the Dodgers in a poor frame of mind. To balance that, of course, we have the cathartic meeting before that last game. But given that their poor play contributed to the Mets 4-0 lead, it does not seem as if the Dodgers were all that well prepared for battle. Again, that they were able to come back-as they had all season-was a testament to their mental strength.

The second string of the argument is simply based on the game situations where JB could have been used and, in view of his record and normal Dodger practice during the season, would have been expected to pitch effectively. In Game 1 with the score tied and in Game 3 with the Dodgers leading by a run, the Dodgers were competitive, and with solid relief pitching could have won. But in both instances, the pitchers called upon failed and the Dodgers lost. So, in the spirit of the customary "second guessing" especially favored by baseball fans, it is easy to make the argument that-even accepting that the Dodgers were on paper not as strong, and that they had played quite poorly in parts and far below capacity overall-they could have won. We know that in most (all?) sports the result does not always reflect which team "should have" won. We are still humans, our behavior remains unpredictable and subject to "chance".

Perhaps surprisingly, no scapegoating of Beimel by the Dodgers was reported in the press. Nevertheless, it is likely that among Club officials and some at least of the players, JB was a prime target for it. Certainly the media thought there was considerable bitterness toward him.

With the season over, the teammates scattered to their local communities and off-season pursuits. The Club officials had to begin planning for 2007, in particular what players they wanted to retain, who they would let go, and what players they might obtain to strengthen the team.

The question raised by the Incident, now that the dust had settled was: what would be done with Beimel?

FAST FORWARD

The Dodgers decided to retain Beimel and to give him a second chance. He was successfully re-integrated into the team and became a valued and effective member of it. He had been a journeyman pitcher prior to coming to the Dodgers in 2006 where he performed far above expectations. In 2007 he had an excellent season, playing a key role in keeping the Dodgers in contention for the regular season title until a series of injuries to their top pitchers put such enormous strain on the team, and the relievers especially, that the team collapsed in the last few weeks of the season.

In the next section, we will explore the restorative process following the Incident involving Beimel and the Dodger community.

THE VICTIMS

Assuming that the Incident was not only a violation of the Club curfew, but to some extent a factor in the Dodgers poor performance in the series, there would have been a number of victims damaged by JB's behavior.

The most directly affected were the Dodger teammates, field coaches and manager, Grady Little. They would have suffered emotionally. After an enormous effort to get to post-season play, they were badly let down and lied to. A lawyer or forensic psychologist might say there was "pain and suffering", the direct impact of a sense of betrayal by a member of the team and the Dodgers "family".

Further they probably lost financially, though this would be incalculable. A better showing by the team and by individuals, especially in a prolonged post-season, would have meant some extra pay (bonuses) for some at least, and perhaps more commercial value (eg sponsorships) as well as the possibility of better contractual terms in the negotiations for 2007 and beyond.

The Club would also have lost an indeterminate amount as a result of being knocked out after only 3 games. At a minimum, their cut of the gate receipts, and TV etc payments, for any games they might have played beyond the 3rd.

The effect on the Dodger community-including those throughout the non-playing bureaucracy of the organization, families and friends but also the millions of fans-would have been a degree of emotional "loss" or disappointment. Not a substantial effect in the wider scheme of things, but who needs it! For those close to JB, his own family (including a wife, two children) and friends, the pain, embarrassment and disappointment would

have been considerable.

THE PROCESS OF HEALING

(1)The Apology

Surely the central act in the process was Beimel's appearance at the team meeting before Game 3. According to a close observer, sports journalist Kevin Modesti, "his rift with the team began to heal when he apologized in a clubhouse meeting between games 2 and 3....and persuaded general manager, Ned Colletti he knew the gravity of his mistake".

Not surprisingly he had a number of angry teammates. One said "He was too worried about going out and doing what he wanted to do instead of being focused on what we had to do." The same player was also quoted in another piece by Ken Gurnick, who wrote: "Fellow reliever Brett Tomko said publicly what most Dodgers have been seething about privately, saying Beimel let his teammates down." He quotes Tomko as saying "Unfortunately [his injury came] at a time when he was a big part of the puzzle with a heavy left-handed team, and he's our left-handed matchup guy. He's got to deal with what he did and the consequences. I'm not happy about it, and I'm sure a lot of people are not happy about it. It comes down to respect for your teammates and realizing what's on the line. We've worked very hard to get to the playoffs. There's plenty of time to go out and have fun. But there's an appropriate time,too. He'll have to deal with this next year when it's time to get a job. It's a question of character, when all is said and done."

Other players were less forthcoming. Thus one of the veterans, and a leader on the team commented that the news was "Disappointing" and added "But that's something he is going to have to live with more than the rest of us. We're all men and we're all responsible for ourselves and we all know what we have to do to get ourselves prepared for our job."

The views of the field manager, Grady Little, whose career depends on getting good results, especially in playoffs, were firmly expressed on the day the L A Times published the expose. He referred particularly to the lie: "It does bother me. It just adds to the disappointment we have. Everyone knows what's at stake at this time of the year. It's all about personal responsibility. It's a situation where the individual showed very little. He's responsible for his own actions." Edes has Little saying: "Mostly we are disappointed. Our disappointment is unlimited. But we got to continue going. We got to go forward. We have no time to waste on thinking about that right now."

General Manager Ned Colletti was responsible for signing Beimel to a contract despite his previous mediocre career. During the season he must have been pleased to watch him pitch so effectively and under great pressure, playing a key role getting the Dodgers into the playoffs. So it must have been particularly disappointing to him to have this mess put on his agenda. Colletti would be a key figure in determining the future of Beimel at the Club, so the rather guarded but generous remarks he gave to the media were important in helping the process move along in a rational manner. He certainly could have been excoriating and set in motion a punitive reaction and/or the process of getting rid of Beimel. Though he shrewdly refused to comment when the story first broke, he did soon comment that Beimel had spoken to him, was contrite and that he had let the Club down.

(2) Talking it Through

Beimel gives Ned Colletti great credit for the way he handled the situation. After the team had dispersed, Beimel would have been unclear as to his future. But he seems to have remained optimistic: "When I came here, I felt like if I pitched well, this would be a place where I could settle in and find a home here...I felt like it was a real good fit when I came here, and after the season that I had last year, I thought I'd definitely be back and hopefully be here for a while." Nevertheless, Beimel would not have been the first Dodger in recent times to have been gotten rid of for inappropriate behaviour, and he was in a precarious situation. While due to his veteran status he was eligible for arbitration if he and the Club could not come to terms on his wages, if the Dodgers wanted to give him the push they were legally able to do so.

Beimel reports that "I talked to ...Ned Colletti a couple of times in the offseason and had some good conversations with him. He's the kind of guy who looks at his players as human beings, and you go to a lot of organizations who pretty much just see you as a number and a player, and they don't care about anything that might happen to you off the field."

It seems that Colletti was prepared to take a chance with Beimel and the two moved toward arbitration. Of course Colletti had reason to persevere with Beimel. Not only had he had a very good season, the Dodgers were short of left-handed relief pitching which is hard to find. In addition, Colletti had a

lot of re-building to do and he must have been satisfied not to have to replace Beimel. And of course Beimel owed him one! Further, the Incident would be used in arbitration to lessen the wages Beimel could command. The process was not going to be “permissive”. A sanction would be imposed.

A little commented upon statement by Colletti shows him to be a shrewd human relations operator. In a story written after the second game loss-by the “listless” Dodgers- Tom Simers wrote in his amusing but cruelly entitled article “Lowering the Bar While Going Belly-Up” that “Colletti bristled” when asked why he at first did not wish to comment on the Beimel story and that “Colletti said he didn’t want to distract the players, who already were well aware of how Beimel hurt himself-several of them having witnessed the accident in the bar.” Colletti did not, apparently, instigate a witch hunt. Though this aspect of the Incident remains in darkness, it seems he did not pursue the matter beyond Beimel. No doubt he could see the danger, not just to the team in the short-term, but in trying to sort out Beimel’s longer-term position with the Club and the rest of the players: no one likes a snitch! Leaving sleeping dogs lie was certainly a good strategy in the circumstances, and as it turned out it was completely justified. Surely if he had induced Beimel to “spill the beans” on the others, it would have made his reintegration more difficult for all concerned, if not impossible.

(3) Arbitration

The process of healing was advanced by the Arbitration case and the manner in which it was pursued. After some months of negotiation, including a last minute offer (undisclosed to the public) from the Club which was rejected by Beimel, the two sides went to Phoenix, Arizona where the Major League Baseball annual Arbitration hearings were held. The media covered the hearing involving Beimel, both before and afterwards, in some detail. And of course this meant traversing the Incident as this was known to be one of the arguments the Dodgers would use to win the case. In the event, they did win. Interestingly, Colletti and Ms Kim Ng (the Dodgers’ Assistant General Manager and the expert in preparing and winning Arbitration cases for the Club) offered Beimel a substantial increase (from \$425,000 to \$912,000) presumably because he had had a terrific regular season and also because they had gotten him cheap in 2006. Beimel had proposed a more significant raise to \$1,250,000.

Speaking about the hearing Beimel remarked “I was disappointed with the result but not with going through the process I still got a big raise. I’m not

complaining. I've got thick skin. It wasn't like they were hurting my feelings by what they say...it was a great experience". It seems to have been a very important step in the process of healing. It could be considered analogous to a restorative justice "Conference". It seemed to have some of the affective elements found therein. That Beimel got a reward, we must remember he was entitled to a raise because of his strong performance throughout the year. Thus it was a signal that he was not being assigned, or treated as if he had been, the master role of "deviant". His deviance was treated as an event, not his character.

Although the Arbitration hearing was private, there was considerable media coverage before and after. All of the positive and negative elements of JB's 2006 story were rehearsed, including a number of comments from Colletti on behalf of the Club afterwards. He said that he had been in hearings which had gotten "nasty" but there was "none of that". Acknowledging that the Incident was used against Beimel, he said of the case Ng argued "It was compelling and fair and not over the line and not to be disruptive. It was held in a classy way".

Gurnick reported that Club officials "indicated that they did not anticipate any lingering bitterness as a result of the case." According to a wirestory, Colletti and Ng "said they shook hands before and after the hearing with Joe Beimel " and there appeared to be no hard feelings". Beimel's agent, Joe Sroba, was quoted as saying " We held our heads high, accept the result and congratulate the team for the great presentation they gave". The Club representatives said "there wasn't a whole lot of emotion involved".

(4) Back with the Team

The process of JB's reintegration and the restoration of the victims of his behavior continued as Spring Training commenced in February and the Dodgers began to prepare for the 2007 season. There was quiet optimism about the Dodgers' chances as it seemed the team had been strengthened overall, although there were some potential weaknesses and a number of the pitching staff had come off recent throwing- arm surgery. This may have aided Beimel's chances for reintegration into the team. It would also have been helpful that Colletti took the view that the team was "angry because the players knew they didn't play up to their lofty standards" in the playoff, underlining the Club's position that there had been a collective failure.

There were, not surprisingly, comments from sportswriters which expressed the view that there were issues that JB would still have to deal with. Thus in

a review of Dodger relief pitching for 2007, Gurnick wrote: “Beimel must overcome the stigma and lingering bitterness from the injury he suffered in a New York bar and his initial cover-up”.

There are a number of things which JB had done which also must have been important in this journey back. First, he stopped drinking the day after the Incident. Cold turkey, and he had not had a drop since. He admitted that alcohol had become a problem which he needed to deal with: “I was spiraling down... I didn’t understand why this was happening to me. Now I’m thankful it happened. It opened my eyes to what I was doing...” So on that issue, something very positive had come out of the event. As JB commented later, “As bad as it was when it happened, I’ve tried to turn it into a positive, made some pretty big life changes”. No doubt the other players were aware of this and probably looked upon it as a sign that he was indeed a “changed man”, one who would be in better physical and mental condition to pitch than previously, which augured well for the coming team effort.

Second, he had gotten a tattoo. Baseball players appreciate symbolism. They are perhaps the most superstitious of athletes, and have a penchant for ritual moves or “routines” which they hope will bring them luck, or ward off bad luck. As Modesti reported it “On Beimel’s shoulder are the images of a heart broken in two and a New York skyline wrapped in the words “Only God knows why”. Beimel explained:”It’s the title of one of my favorite songs, a Kid Rock song...It’s also ‘Only God knows why things happen the way they do’”.

Third, Beimel showed up early for Spring training, thereby demonstrating his desire to make amends through hard work. As Gurnick put it, indicating the ambivalence with which the media were approaching JB in the early stages of his “comeback”, “One of the early arrivals at Dodgertown this Spring Training was Joe Beimel, and that’s no lie. OK, cheap shot, but Beimel’s ready for them”.

Fourth, importantly, he handled the media with openness and obvious sincerity while not trying to minimize or excuse the harm he had caused to others. Baseball writers have to come up with stories everyday and no doubt his willingness to provide copy, especially before anything significant was going on in training camp, helped in several ways. Obviously this would have aided in getting sympathetic coverage from the press. This was important in itself, but also would have influenced club officials and players to get on with the new season and not stir up bitter feelings and tensions

which would have had 4 months to settle. As one of those most affected, the field Manager Grady Little said, "It's over with. Sometimes when things happen, if you step back and look at the big picture of things, he's very fortunate he just cut his hand and it wasn't worse". And General Manager Colletti, the man who had brought Beimel to the team originally and had decided to retain him for 2007, said ""If you only give people one chance, you're going to run out of people. He's got a chance to accomplish a lot-and not only on the mound. I'm happy for him".

Fifth, in dealing with the media, JB constantly accepted the personal blame for what he had done, how much it meant to him to clean up his act, and that he had learned and grown through the experience. We find no hint of blaming others, nor did he try to spread a bit of the blame to those players who were apparently also in violation of the curfew He did not, as did others (eg in the media), criticize the performance of other players which led to the poor results in the playoffs.

It was rather remarkable that in discussing his motivation for change he did not beat the chauvinist drum-"doing it for the team"- as might have been expected. To do so would have been within a long tradition in American sport. Instead, as Modesti reports in the same article, "He demurred when it was suggested his sobriety shows commitment to the team". Instead, he very matter-of-factly said " I didn't do it for anybody but myself and my family (wife Emily, son Andrew, 10, and daughter Claire, 5), I don't know if that sounds selfish, but I really didn't do it for anybody around here...It doesn't make sense to put what I have here at risk".

Sixth, when questioned about the issue of coming back to the team and what sort of reception he had expected and how it had worked out, JB showed tact. He might have tried to assess the situation as others, hopefully, saw it. Instead, he did not try to dismiss the possibility of lingering enmity. He simply took an optimistic and forthright position. With good sense he did not try to go beyond what he could personally vouch for, while recognizing that others might not feel kindly towards him. Thus when asked if he "expect(ed) lingering bitterness from teammates who felt betrayed?" he said " I can't say I was worried about coming in here. I apologized and gave everybody a chance to say what they needed to say, and nobody said anything. They had a chance to tear me up one side and down the other. If there are guys who don't forgive me, I totally understand. But I took that as though they accepted my apology. If some still have trouble with me, I totally understand where they're coming from. I'm here to help the team win and you don't always get along with every teammate".

TRUST

It takes two to tango of course and we can only assume that the other players responded quickly and favorably to Beimel as the weeks went by. It seems none of them was interested or willing to talk about the matter in public. However, as early as a month later, it seems that the process of reintegration was successful. Modesti commented in his "Second chance" piece "Nobody could have imagined how things would turn out between Beimel and the Dodgers...became a convenient scapegoat for a defeat...After the Shatter Heard 'Round the World, Dodgers executives and teammates were angry-not least because Beimel had lied...It was natural to assume this meant Goodbyemel...Instead, as the Dodgers pass spring training's halfway point, Beimel not only remains a member of the bullpen, the big pitcher with hair over his collar...is perhaps a more trusted member of the club than ever before".

The question of personal character was raised in several interviews given by Colletti and Little during the late stages of Spring Training. According to Gurnick, the former said that "you build the best team with players of solid character." And the General Manager elaborated, "We made the moves we've made-especially last season-because I thought the character of the club needed to be improved...we never should have to question anybody's effort or that they put the team's well-being a top priority." Little, taking part in a Dodgers on-line Q and A session with the fans, was asked, "What is the most important improvement from last year's team to this year's?" answered "The overall character of the players, top to bottom...A lot of people might say that character isn't a big deal. Maybe you can't see it in individual games, but over 162 games you can see it and feel it. It makes a difference in the results. It's one of those things that make a difference over the long haul." Clearly the two had made a positive judgement on the character of Beimel and were satisfied that their confidence in him was well placed.

By May, having pitched well, Beimel was also being rated well by one of those who might have been most disappointed in him, Dan Warthen, the bullpen coach who worked closely day in and day out over the previous season to get the most out of Beimel. He commented "He is the main left guy. He was the main left guy last year. Hopefully he's the main left guy the next five, six years...He's just a regular guy who goes about his business in a professional way. He's willing to help people, watches his film.[GB-advance preparation as he may be called on to pitch to different teams every 4 or 5 days] He's just a good teammate".

In March, an injury to his arm brought forth great concern about how the Dodgers would cope without him, and a very positive write-up of his 2006 pitching record. While there was also a mention of the Incident, the reference was rather oblique “It was Beimel’s second appearance of the spring after suffering a gash to his pitching hand that kept him out of the play-offs”. While earlier in the season there were direct references to it in almost all stories about him, the media now tended to see it as “old news”. They concentrated on the new Beimel story: he was an essential element in the Dodgers’ first-half season success. Perhaps under the stress of the pressure and workload, Beimel was briefly hospitalized in July which brought concern for the Dodgers chances, especially since the starting pitching was disintegrating, which put a huge burden on the relievers.

At about the same stage in the season, Beimel’s work ethic, attention to detail and perfectionism was noted. This dedicated professionalism had led him to modify his pitching follow-through. Very importantly for his style of relief pitching, this enabled him to become one of the outstanding defensive pitchers in baseball. In the same story he was referred to as a “pitching hero” in a Dodger win. Having borne much shame and criticism, it seems that JB had been welcomed back into the “Dodger family”.

FURTHER FORWARD

Eventually the weaknesses in the team, particularly in the pitching staff largely caused by injuries, began to take its toll. The Dodgers struggled to play winning ball over the second half of the season, and eventually collapsed in the (home) “stretch”. JB worked hard but his effectiveness was not as it had been earlier in the year, nor as it had been in the same crucial period in 2006 when he was outstanding. But from about April, Beimel was being interviewed about the team’s efforts and in this period emerges as one of the players frequently quoted by the media on the team’s struggles. Gurnick referred to him as “the great neutralizer” which is a marvelous compliment for a relief pitcher.

In his review of the 2007 season, Gurnick paid tribute to JB as “a workhorse left-hander”, without referring to the long twisting road he had traveled in almost exactly a year since the Incident.

UNDERSTANDING THE PROCESS

Returning to the work from which we quoted at the beginning of our paper, it was said that “Restorative justice is a philosophy not a model and ought

to guide the way people act in all of their dealings in everyday life”.

The BeimeI case is, in a sense, prismatic. It allows us to see complex and layered restorative practices being applied in everyday life, informally and even to a great extent, unconsciously. In fact, we would argue that restorative practices are commonly used in that way. That they may now in some measure have to be formally taught and learned, particularly in the criminal justice system, does not detract from the view that they are to a great extent based in humane social responses which historically were learned in families and other affective associations of civil society.

The problem for contemporary society is that restorative practices have to struggle for recognition and legitimacy (not to mention funding!) against other practices and ideologies which have arisen in societies where the social relations which constituted the sites using those practices-such as the family and communities- were transformed in the interest of “production”, “re-production” and governance.

In the process following the BeimeI Incident, we can see many of the elements common to the everyday experience of members of organizations. Conflict arises as a result of someone “letting the side down”, be it a team, club, or other association formed for some good purpose. Out of that conflict can come a great deal of destructive energy. Certainly antagonism is *prima facie* likely to have a negative effect on the work of the unit. On the other hand, conflict can have a very constructive effect if handled properly. In general, collaborative and participatory problem-solving is the way to resolve such conflicts, to make the resolution stick, and to realize a positive gain in the capacity of individuals, working again as a team, to achieve their joint goal. This is certainly basic restorative practice.

The BeimeI case is a useful demonstration of restorative practice involving elements of the family model which features in Braithwaite’s “reintegrative shaming”. We can analyze the process in the following manner.

First, by the Incident, JB broke the relationship which existed with his teammates, and in the substantive sense with the LA Club (although formally he was still under contract), as well as with the Dodgers community. Although a punitive approach could have been taken (eg getting rid of him at the end of the year) the Club decided to work another seam. No doubt this was substantially due to his potential value to them, but that illustrates the problems we face with the criminal justice system: some folks are not seen as having much, if any, value.

It is the relationship which had to be restored. This is central to developing our capacity to build a better world, a more democratic society, a more affective/effective civil society. The “loss” to the various victims was not the fundamental issue. Indeed, in great measure the loss-both financial but here, for many victims, the emotional loss- could not really be quantified nor compensated.

In order to re-build the relationships, which all realized were important, re-integration would have to take place in the shadow of a great deal of anger and disappointment on one side and a great deal of embarrassment, shame and guilt on the other. What we see in the events which unfolded over many months, is a marvelously managed-on all sides- process of reintegration. It was based in a collaborative, participatory process in which respect and trust were developed through a number of affective practices, involving the team, the Club, the fans and even, as we have argued, the media.

While Beimel had through his “offense” lost the trust of the others, and some respect through his willingness to deceive them all, he did make an apology which began the healing process. Further, like all human beings, he was not without redeeming features. It was fortunate that the General Manager, and the Manager, were publicly sympathetic while not in any way condoning what he had done or his subsequent cover-up attempt. Throughout, JB had critical support from the Club. He was able to communicate with the GM who, in particular, seemed to have had a very positive relationship with JB.

Other elements in the process of reintegration are easily recognizable as part of good restorative practice. We indicate them briefly here:

0. Acceptance of the apology. Some of the victims were immediately involved, and did not reject the apology (the players were silent which of course could have been interpreted in a number of ways) and, importantly, acceptance seems to have been signaled by Colletti and Little, the larger Dodger community, including fans, were not involved (of course they read about it, but that is not the same thing). Time would tell if JB’s apology would be recognized for what it was. He was, in a sense, on probation. An apology is a necessary condition, but not a sufficient condition for moving ahead together. Reintegration would still have to be negotiated.
0. Support from significant others. Certainly there was a general view that it was up to JB to “prove himself” which in the circumstances was fair enough and not hurtful. We can only speculate on the relation between JB and his wife and children as there has been nothing

reported about that long, dark winter period in Pittsburgh where the family home is located. Nevertheless, we can assume there was much support, perhaps after an initial period of dismay. Later it was reported that in 2007 Mrs Beimel was going to visit LA during some “homestands”- stretches of games in LA- and would bring the children to LA after school was out for the summer. We have indicated the support he got from Colletti and Little.(It would seem likely that in his talks with Colletti he got assurances fairly early that he would be “tendered” a new contract deal.) Presumably he also was supported by others in the organization including teammates with whom he had been close. Also, no doubt he got advice and support from his agent, who would have been involved in the legal side- negotiation and arbitration- of his reintegration. The media by and large played a very positive role as far as we have been able to track it. From being somewhat scathing, and sarcastic-if not wry-they shifted into a very low-key mode, and then a robust supportive role emerged as JB clearly earned trust and respect. The fans seem to have adopted a “wait and see attitude. And what they saw they liked. Not having any evidence from personal attendance at Dodger games (nor from media accounts) we can only assume that they developed a very positive relationship to the “great neutralizer” and “workhorse”, particularly as the team was relying on JB and other relievers to pick up slack caused by the starters’ indifferent performances.

- . Working through the post-apology period. It is important that channels of communication were kept open, and that there was some early demonstration of JB’s earnestness. He went “cold turkey” from alcohol and must have conveyed that to Colletti.
- . Flexibility of sanction. We do not know what action the Club took re the curfew violation. In the scheme of things that was not a major issue. The real question was whether he would be back with the Club, or whether he would be discarded. Thus while JB had to wear the sanctions of shame and guilt-and ridicule- (informal but surely all very significant and, arguably, effective)- he also had a number of months “stewing”. Interestingly, the Arbitration process seems to have been a positive experience similar to the effects of some restorative justice conferences. It was a moment when he had to sit with victims and hear his behaviour re-counted to a panel of 3 who were being asked to measure it up, along with his 2006 achievements. In the event, he would also have a formal sanction: he would have to pay, literally, for what he had done. So reintegration was going to come at a financial price. In a sense, this was an unsurprising part of restoration in our commercialized world. After all, the “primary”

victim was a profit-seeking corporation. Now perhaps, all concerned could move ahead together. Though it remained to be seen if others would follow the Club's lead.

- Performance. By everything he did and said, it seems JB was laying a firm platform for reintegration. The Dodgers players and coaches, fans, and Club-the community- were to see a "changed man", one who kept to his word, earned back trust and respect, and was an even more valuable member of the team. He was a leader as well as an effective pitcher. Dare we say it, the community got a role model.

CONCLUSION

Through our discussion of restorative justice in this highly specific instance, we have attempted to demonstrate the validity of the argument that restorative practices can be found, and should be increasingly found, in everyday life. We have shown too that there is no model, rather we must start from the philosophy that restorative practices are central to a healthy civil society in a democratic country.

We believe that the practices in this prismatic case were, by and large, exemplary and the result worthy of all involved.

* Senior Lecturer in Law, Division of Humanities, Macquarie University, Sydney, Australia.

** Community Lawyer, NSW, Australia.

*** Professor Emeritus of Psychology and Education, Columbia University, New York; Representative of the Am. Psych. Assn. and the International Union of Psychological Science at the UN; Co-Chair, UN-NGO Committee on the Family.

Footnote citations available from the first author:

Gill H Boehringer
Honorary Associate

Division of Humanities
Macquarie University, NSW 2109
gill.boehringer@humn.mq.edu.au