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ARTICLE

Baseball and Bioethics Revisited: The Pitch Clock and Age Discrimination in a Timeless Pastime

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Abstract
In this essay, the author reflects on a decade's old essay on baseball and bioethics inspired by a conversation with the late David Thomasma. In a reprise of his earlier paper, Fins worries that modernity has come to baseball with the advent of the pitch clock and that this innovation brings age discrimination to a timeless pastime.

Keywords: baseball; bioethics; aging; equity; employment; discrimination; time

It is hard to believe that it has been nearly thirty years since I sat with the late David Thomasma at a bioethics conference on Amelia Island. It was 1995, and we had just finished a session on physician-assisted suicide and then the rage in the era of Jack Kevorkian and impending Supreme Court decisions.[1] Given that moment, I thought our conversation would turn to those topics, but then as the Florida sun peered through the window, David said it was a shame that we were not at Spring Training just down the coast. Would not that be grand? I was surprised as I could not have imagined he loved baseball, but I was wrong.

David was a fan of his beloved (and beleaguered) Chicago White Sox, and thus, we had a lot in common: bioethics, baseball, and teams, which invariably break your heart. Though my Mets have fared better than his White Sox, each tests their fans' resilience. I often wonder if my interest in palliative care stemmed from the many dying seasons that have brought hopes to an end.

We spent a wonderful afternoon talking about baseball and its lessons for bioethics, a topic that I had imagined might be a nice little piece. The conversation culminated with an invitation to write an essay on baseball and bioethics in the *Cambridge Quarterly of Healthcare Ethics*, the journal he coedited with Tomi Kushner. I promised I would follow up with a draft.

The years passed, and I never wrote the essay. I was busy with academic papers, grants, and launching a career. So, it fell to the wayside until I told Tomi Kushner about my promise to David a decade earlier. She said it was time to write the paper and invited me to deliver the first *Thomasma Lecture* at *CQ*'s 2005 International Bioethics Retreat at Vrije University in Amsterdam. Doris Thomasma, David's widow, was there to help us honor his legacy.

The morning of my presentation, I checked the baseball standings in *the International Herald Tribune.* To my amazement, the White Sox were in first place. I made a clipping and gave it to Doris before my talk. In turn, she presented me with David's White Sox cap, a wonderfully generous gift, which more properly belongs in a Bioethics Hall of Fame.

My talk seemed well received and was subsequently published in *CQ* as "Baseball and Bioethics."[2] In that paper, I drew analogies between baseball and bioethics and depicted the game as a metaphor for the life cycle, which is, of course, the object of bioethical inquiry. Along the way, I invoked the deep history of

the game, its heroes, rules, and maxims, and how baseball embodies the best (and worst) of Americana. I am not too sure the Europeans followed my exegesis of the infield fly rule, but Doris Thomasma and the baseball gods seemed pleased. That year, the White Sox swept the Astros to win the World Series. It was their first victory in the Fall Classic since 1917.

Was it merely coincidental? Or were those deities, who control the field of dreams, waiting for me to write that essay for David? I have always felt guilty for waiting so long. Had my delay deprived David of a Sox championship during his lifetime?

I was thinking about David the other night when the Mets had a rare interleague game against the White Sox. Justin Verlander, the 40-year-old three-time Cy Young Award winner, was pitching a masterpiece shutting out the Sox going into the seventh inning. Then, he began to run out of steam. He gave up a home run and walked a runner during a 30-pitch inning. His brow was full of sweat as he removed his cap. He looked exhausted as the Mets pitching coach jogged to the mound to give him a breather. He desperately needed a rest.

Fortunately, he wiggled out of trouble and secured the victory, but 2023 has been a tough season for Verlander and his "geriatric" teammate, the 39-year-old Max Scherzer. The advanced age of these future Hall of Famers places them on the far end of baseball longevity, but their struggles are career aberrations, an unexpected and accelerated decline in their abilities. Just last year, Verlander won the Cy Young Award and Scherzer had a winning record, yielding just over two runs per game. Why the precipitous decline, and why should this be a question for bioethics?

My thoughts returned to that afternoon in the Florida sun with David and the many confluences linking baseball, bioethics, and the passage of time.[3] Was it a question of two aging pitchers in the fall of their careers? Were they simply following the arc of the baseball season, which begins with promise and ends with decline? A. Bartlett Giamatti, the late Yale president turned baseball commissioner, described this temporal connection in his elegiac *Take Time for Paradise*.[4] Or had something altered the natural law governing baseball? I think it is more than two aging pitchers. I believe that the new pitch clock rules are the culprit. They have been unfair to older pitchers.

Let me explain … To shorten baseball games, whose charm has always been the *absence* of a clock, Major League Baseball implemented the pitch clock for the 2023 campaign. Pitchers must now deliver a pitch in 15 seconds when no one is on base and within 20 seconds when there are base runners.[5] They cannot dawdle, fiddle with the rosin bag, or catch their breath. They must make their pitch. If they delay, they are charged with a ball.

The motivation for the pitch clock seems reasonable. The veteran baseball commentator George F. Will believes that the new rules will save baseball.[6] Games routinely were lasting over three hours and losing audience, especially younger fans, but the rule seems unfair to older pitchers who cannot recover fast enough to wield their craft. Pitching is an aerobic activity, and players and pundits have worried that the pitch clock exposes pitchers to increased injury risk and greater fatigue over the course of the season.[7] The stresses will be greater for older pitchers with less cardiac reserve. The challenge will be more pronounced for starting pitchers like Verlander and Scherzer who must sustain their effort over the course of a game.[8]

There has always been an elegance to older pitchers changing their game. Instead of relying on their velocity, they become artisans, drawing upon their experience and wisdom to confuse batters and prolong their careers even as they lose arm strength. We might call that successful aging. The Greeks would call it phronesis...

The pitch clock has changed all that. It has placed additional strain on older pitchers who need more time to recover. For these old timers, the clock makes pitching more a stress test than an art form.

Physiologic markers that track aerobic fitness—such as VO2 max that quantifies the body's ability to utilize oxygen—are highly dependent on heart rate. As maximal heart rate declines with age, so too does VO2 max. If we imagine that a major league pitcher needs to sustain 75% of their maximal heart rate to compete, the impact of aging becomes apparent. Those heart rates decline from 150 to 135 beats per minute in a 20- versus 40-year-old pitcher. Because older pitchers reach their anaerobic threshold more quickly, they will fatigue, and their performance will suffer. These effects will accumulate over the course of a game and be exacerbated by their inability to slow the pace and rest.

Some might say that is the nature of the game and what might be called *baseball senescence*. Everyone gets older and has to hang up their cleats at some point, but there is an old baseball adage that you judge players based on the stats on their baseball card. This year's precipitous decline of pitchers like Scherzer and Verlander betrays what their prior performance should predict.

This year's variance seems to implicate the negative effects of the pitch clock. One could think of the clock as the antithesis of performance-enhancing drugs like anabolic steroids allegedly used by players like home run champion Bobby Bonds[9] and seven-time Cy Young winner Roger Clemens.[10] Although these drugs served as a fountain of youth for a generation of players, the pitch clock has done the opposite. It has accelerated the aging process for older pitchers.

From the perspective of equity, the clock has been especially unfair: It has not treated all players equally. Older pitchers who could still pitch effectively—that is, do the job consistent with their job description—are disproportionately affected by their inability to stop the clock and recover. Employment law would seem to call for some sort of accommodation so older pitchers can do their job. Although it is hard to generate workplace sympathy for elders like Verlander and Scherzer who are each earning 43.3 million dollars this season,[11] their team and their fans are suffering because new rules discriminate against them.

Without appropriate accommodation, Major League Baseball seems to violate older pitchers' equal protection rights as compared to younger players. In a regular workplace, we would consider this ageism or age discrimination. Although federal law generally safeguards individuals 40 and older,[12] the baseball workforce is skewed toward a more youthful demographic and thus needs a younger threshold for protection. In the pursuit of fairness, the Players Association should advocate for the accommodation of its older members in their next collective bargaining agreement[13] with Major League Baseball.

It is beyond the scope of this essay to suggest a comprehensive remedy for this problem, although the hapless Mets traded the aging Scherzer and Verlander at the trading deadline for *younger* prospects.[14,15] Rather, my intent is to draw attention to the ethical impropriety of the current pitch clock rules for older pitchers. If pressed one could imagine an accommodation based on age-based norms for VO2 max. Each pitcher—or age bracket—could be assigned a clock setting that reflected their age and pace of recovery. This of course would wreak havoc for umpires who would need to reset the clock each time a new pitcher entered the game.

The impracticality of this remedy suggests a much simpler solution: Get rid of the pitch clock altogether. Baseball has always been a timeless sport, never governed by the clock. It should return to those ancient roots before time runs out.

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