

SPORTS AND THE LAW IN CANADA

By John Barnes

370 pp.

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In the brief opening chapter of this book, the author traces the growth of sports law. He then follows with an argument that "sports law" does not exist as a distinct entity, since sports disputes are settled through the application of general legal principles. One may then be tempted to question the value of a book such as this. However, while it is true that general legal principles are involved, sports disputes create unique problems, and as such it is worthwhile to study the interplay between sports and the law.

The proposition that sports disputes are resolved through the application of general legal principles is well illustrated throughout the book. For example, one chapter deals with hockey violence, which involves a discussion of criminal law. Another chapter discusses player-management relations, including elements of contract law, agency, and labour law. The chapter on compensation for sports injuries naturally refers to insurance and tort law. Other chapters cover sports organizations and government regulation of sports, incorporating principles of administrative law, company law, and combines law. However, the legal principles must be adapted in order to effectively regulate the problems which arise solely within the sports world. For example, Mr. Barnes cites a criminal assault case in which a slow motion film of an incident of hockey violence was ruled inadmissible as evidence, since the slow motion made a spontaneous act appear deliberate. Other examples cited by Barnes deal with the treatment of female athletes, the economic organization of professional sports leagues, and legislation specifically enacted to regulate sports issues.

The topics are arranged into chapters and presented in a textbook format. While Barnes covers many subject areas, he does not go into great depth in any of them. He forsakes intensive critical analysis and policy discussion for an objective statement of the present state of the law. This approach is effective, except perhaps in the comparatively lengthy chapter on the public interest in sports. There is no logical flow to the issues raised, so the chapter develops into a morass of unrelated facts which may overwhelm the reader. Despite this singular drawback, the clear and simple text is generally well written. In particular, Barnes manages to avoid many common pitfalls of legal writing: verbosity, circumlocution, grandiloquence, and tautology. Furthermore, he minimizes his use of legalese and Latin. I draw special attention to the manner in which he explains concepts of law clearly and concisely. For example, in discussing remedies and enforcement of a standard player contract, he presents a succinct explanation of the principles of injunctive relief.

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Such effective descriptions make the law clear to the non-lawyer, the audience that Barnes admittedly intends to reach. He acknowledges that the book is of limited use to the practitioner; anyone researching a legal problem would not find any comprehensive answers here. However, the book is still valuable as a research tool. It is liberally punctuated with footnotes which direct the reader to cases, statutes, and periodical articles which allow for further research into the issues examined in the text. And, as a law book, it affords a refreshing change from conventional legal topics. Still, the book is mainly geared toward the general reader. With a Canadian perspective, Barnes has presented a study of the interaction of sports and the law in a manner which is both informative and interesting.