

REVIEW

Sports and the law in Canada: Second Edition

by John Barnes
Butterworths Canada Ltd., 1988
Hardcover

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LIKE LIFE, sports have become increasingly more organized, more competitive, and, at every level, played for higher stakes. In his book *Sports and the Law in Canada*, John Barnes states that while sports law is not new, its seemingly greater role in society reflects changes in society at large, as forces and principles constantly adjust to new circumstances. Barnes feels that sport has assumed a general importance with the expansion of leisure time and the growing popularity of the fitness movement at a time when legal services have become more accessible and the legal process has come to be recognized as an avenue for social emancipation and the wider recognition of legal and constitutional rights.

The object of this second edition of the book, as with the first, "is to provide an introductory account of Canadian sports law that discusses legal and administrative aspects in the context of the wider social, economic and other issues." Barnes attempts to cover a wide breadth of topics and therefore, each one is dealt with summarily. The book is written like a textbook with extensive footnoting and is essentially a compilation of case results, facts, and other peoples' opinions reduced to a series of short summaries in various areas. The book rarely devotes more than a sentence, or paragraph, at most, to any particular issue or discussion. As an introduction to sports law in totality, it succeeds admirably.

This book is particularly useful in that it is written from a Canadian perspective. While the book contains expected chapters on criminal law, compensation for sports injuries, organization of professional leagues and legal regulation of sports, it is very helpful in its discussion

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of amateur sports organizations and government policies which relate to the various levels of sport in Canada.

As expected, the second edition of the book contains updated material, including sections on two recent major developments affecting this area: the *Canadian Charter of Rights and Freedoms* and the *The Competition Act*. Winnipegegers who constantly hear about the dangers of the local National Hockey League franchise moving to the United States will be interested in the book's discussion of the NHL's attempt to block the move of the St. Louis Blues to Saskatoon, Saskatchewan. Discussed under the section of the book dealing with *The Competition Act*, Barnes points out that the NHL argued at the federal government hearings on the situation surrounding the aborted move that the NHL had a responsibility to keep the franchise in St. Louis in recognition of the support given by fans there, and that the League would take similar action to prevent a Canadian team's moving to the United States.

Unless the reader is determined to learn a little bit about all areas of sports law, the book is not one that is easy to read cover to cover. The breadth and diversity of the field does not give the reader the feeling that, as he progresses through the book, he is delving deeper into a fascinating study, but rather, that he, like a computer, is accumulating more and more facts about many different things. This is a result more of the object of the book than of the author's writing, but more humour and more human interest anecdotes would help. The book opens with a depiction of a 1905 manslaughter trial resulting from a blow with a hockey stick during a game and it finishes with very interesting accounts of the facts surrounding this case (and a similar one which occurred in 1907). Barnes notes in his Introduction how well-received these accounts were in the first edition and he has expanded them. He would do well in future editions to further enliven the book's approach. For example, in the section dealing with player-management relations in professional sports, there is a quote from the first president of the Canadian Football League Players Association which, almost apologetic in its explanation of the Association's purpose and ends, reads, "We don't want any clubhouse lawyers." The footnote indicates that Gary Schreider was the speaker. However, the book fails to point out that Schreider *became* a lawyer and, until recently, sat as the sole arbitrator on all arbitration hearings involving the National Hockey League and its players.

It will be interesting to see whether future editions of the book deal with areas such as drug abuse, media contracts and revenue and endorsements, all of which are burgeoning areas and which are not dealt with in the present edition other than through a passing reference to the NHL's television contract."

This book carves out new ground in the textbook area and, like any new venture, it must be approached with caution and appreciated for what it is. From the legal practitioner's point of view, great care must be taken in relying on anything in the book. Although American studies and texts are becoming more plentiful, in order to write a book from a Canadian law perspective, a review of the footnotes indicates that, other than case reports, the majority of the material upon which Barnes has relied comes from the *Toronto Globe & Mail* and from studies published by self-interested groups. In addition, while the book is heavily referenced, Barnes refers to figures dealing with some things like the average salary of NHL players and the NHL's gross annual revenue without substantiation.

Occasionally Barnes expresses personal opinions which are less than reliable. Opinions such as: NHL hockey teams can no longer afford the luxury of a goon; the first round of the NHL amateur draft is the only significant round; and that the amateur draft cannot achieve its objective of spreading talent and maintaining competitive balance will come as news to many people involved in hockey.

It is to be hoped that this book will be the forerunner of more detailed studies in the various areas of sports law. In the meantime, Barnes' effort will continue to be useful as an overview of sports law and related issues. It gives the legal practitioner a starting point from which to investigate the particular area with which he or she must deal.