

BOOK REVIEW

SPORTS, FITNESS AND THE LAW: NORTH AMERICAN PERSPECTIVES

Margery Holman, Dick Moriarty & Janice Forsyth (eds.)

[Toronto: Canadian Scholars' Press, 2nd ed., 2001]

xx + 263 pages [\$29.95 U.S. (paper)]

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When was the last time you looked for North America on a globe or a map of the world? Granted, this is not something most of us do on a regular basis. Depending upon the map used for this purpose, the words North America might not even appear. While North America is a large landmass, it is collectively not one to which we routinely refer. Occasionally citizens of one North American country or the other will blatantly speak of being "Americans," inferring exclusive use to this term of geography while needing to be reminded that the thousands of citizens residing in Central and South America are also "Americans." So, when a reader sees the words North America rather than Canada or the United States of America (USA) in a title, there is a tendency to pause and examine the choice that the Editors have made and potential reasons for doing so. It was not necessary to read very far into this text before the logic and explanation for this choice became clear.

The Canadian and USA models of interscholastic, intercollegiate, professional sport, and private fitness industries are very similar. Likewise, the legal systems of these two countries share similarities. These commonalities create a good research environment for comparative studies of sport and fitness related legal issues. Although this is a comparative text, that is not the goal or focus of the Editors or Authors. Court cases and examples from the USA are used to forecast the future in Canadian sport, rather than provide a comparative study between Canadian and USA approaches to legal aspects of sport and fitness. The Canadian Editors caution the readers that what is going on immediately south of the border is likely to impact upon Canadian sport and law in real ways. "The sport litigation trend that began in the United States continues to encroach upon Canadian culture. Lawyers have taken over the sports pages to a degree that cannot go unnoticed" (p. xi).

Although 16 of the 19 contributing Authors in this edited text are Canadian scholars, there are many USA references and cases used throughout

the chapters. The Editors support this decision saying, "[t]here are a number of excellent U. S. publications that give students topics of interest. Unfortunately, there is a lack of Canadian counterparts but the common trend is that, whatever is happening in the USA will undoubtedly happen in a few years in Canada" (p. xiv). The good news about the decision to include many USA references and cases in this text is that *Sports, Fitness, and the Law: North American Perspectives* ends up being well suited for use in both the USA and Canada. The added bonus for both Canadian and USA readers is the opportunity for comparative study and consideration of international perspectives. In these days of ubiquitous televised sport, euro-dollars and global economies, there is a need for comparative resources. This is a compelling reason to adopt the text or use it as a supplemental resource.

One incongruent aspect of the text is the Editors' target reader level. In some chapters the Author assumes that the reader has substantial familiarity with the legal nomenclature while in the next chapter the Author assumes no prior exposure to legal concepts. The Editors could have provided more consistent framing of the audience for the Authors. If *Sports, Fitness, and the Law: North American Perspectives* is used as a course text it might be problematic matching student level to most of the text. As a resource; however, this poses less of a concern as the individual reader has the option of doing background reading from the extensive reference list that accompanies each chapter to bridge his/her understanding to the chapter content.

Another weakness that the Editors should have addressed is the amount of material that is repeated between chapters. It is assumed that the Editors wanted to have the chapters "stand alone" without the support of the remainder of the text. While this concept is helpful for those readers selecting topics of interest and only reading the corresponding chapters, it ignores those who will read the text from cover to cover. Both of these issues relate to the confused and broad target audience of the text i.e., high school and university students, executives, administrators, teachers/coaches, and player/participants. While attempting to meet the needs of so many constituents the Editors sacrificed some of the academic rigor traditionally found in college/university level risk management and sport law texts. Therefore, it seems that *Sports, Fitness and the Law: North American Perspectives* is best suited as a reference for participants, players, high school students, undergraduate students, and practitioners such as coaches, event directors, personal trainers, and athletic administrators who will selectively read chapters of the text. Notwithstanding these editorial quibbles, the book has much to commend.

Through the fifteen chapters of the text, the Authors include an overview of the following legal concepts: the trial process, negligence, liability, due

process, defamation, and issues related to drug testing, gender equity, HIV / AIDS, and the concerns of special needs athletes. The drug testing chapters are particularly well written and provide a comparison of Canadian and USA laws regarding the protection of individual rights. A broader discussion of the related moral and social justice issues is included and the criminal and sport drug testing issues are effectively contrasted. Each chapter includes a comprehensive reference section and questions to check understanding and to generate conversation. These questions require critical thinking and application of the chapter content rather than merely repeating information verbatim from the text. The glossary is also a helpful resource for those unfamiliar with the legal concepts presented in *Sports, Fitness and the Law: North American Perspectives*.

In the risk management chapters, the Authors address a unique array of topics not commonly grouped together. The combination of these topics along with the easy-to-read style of writing, and the minimal use of legal nomenclature and theory makes these chapters easy to use by practitioners and athletes. The Authors of the risk management chapters address insurance and risk transfer issues, personnel management, and specific risk management suggestions for track and field meet directors, triathlon directors, and personal trainers. It is these last three chapters that set this text apart from others, as you do not typically find this level of detailed risk management planning in an introductory text. Even if you have no interest in track and field, triathlons, or personal training, the general concepts of risk management are well illustrated through these examples.

Another unique strength of *Sports, Fitness and the Law: North American Perspectives* is the chapter on Alternative Dispute Resolution or ADR. The Authors of this chapter explore the role of mediation and arbitration as effective conflict resolution methods for athletes and others in sport settings. With the escalation of violence and conflict situations in sport, the ADR process is an option that should be investigated by leaders in sport. Although other introductory texts might mention ADR or describe the role of arbitrators, few if any, describe the process or the potential for ADR as fully as *Sports, Fitness and the Law: North American Perspectives*.

As the Editors note, this book has a distinguished heritage with all of the precursors to it gobbled up by professionals. The demand for the first edition of this book exhausted the first printing and demand for an earlier version, *Sport, Physical Activity and the Law*, published by the Canadian Association for Health, Physical Education and Recreation exceeded two printings. While the goal of the Editors for readers of this edition of *Sports, Fitness and the Law: North American Perspectives* might be overly ambitious "[a]s you read

this text and pass from neophyte on your way to expert in sport and the law. . ." (p. xvi), it is likely that this book will also become a classic and that demand for it will exceed availability. We can only hope that fewer sport and the law neophytes will result in safer, more professional sport and fitness programs throughout North America.

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