

# Book Review: Sport and the Law

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## BOOK REVIEW

### *SPORT AND THE LAW*

Edward Grayson

[London: Butterworth & Co. Ltd. 1988]

v + 376

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The purpose of *Sport and the Law* is to create a level of awareness among lawyers and sport enthusiasts of how British law and sport are inextricably intertwined. The author achieves his purpose by chronologically structuring his discussion to begin with the history of sport and British law and ending with issues that will shape the future of sport and the laws that will regulate it.

Chapter one, entitled *Genesis*, discusses the beginnings of the ties between sport and law. The relationship began with the development of two Professional Football Players' and Trainers' Union teams, the Corinthians and the Cricketeers. As the popularity of the teams increased, there developed a need for legal assistance with contract negotiations, British value added tax issues, and medical treatment and insurance for injured players. These issues also take an international twist as the popularity of British football spread throughout the British colonial holdings in Africa and North and South America. This chapter also outlines the beginnings of the law's interaction with the actual rules of British football. The Professional Football Players' and Trainer's Union promulgated rules to control violence and prevent injuries in the sport. The question then became, what legal remedy does an athlete have when he is injured because of a blatant violation of the rules of the game? British law offered a legal remedy for these violations as the violations were considered "an element of destruction" to Britain's most popular sport.

After the historical review, the author discusses various legal issues concerning sport and the law. This review will touch on only a couple of these issues of particular interest. In chapter ten, Grayson outlines the international issues that effect the sport industry. Again, he begins chronologically by discussing the lack of interest in international sport issues in the first British football league. With the spread of British football to other countries, the need for international sport regulations increased. The author compares public and private international law and how these fields of law impact on sport. Public international law

focuses on how foreign sovereigns interact and private international law focuses on how foreign corporations interact. Grayson notes how the differences become important through the development of the World Cup Soccer tournament. The World Cup involves contract negotiations between several countries that send teams to the tournament, and many private corporations that sponsor teams in the tournament. The goal of public international law in these contract negotiations is to give the foreign country the most advantageous financial position so the country can afford to send a team to the tournament. Private international law offers a little less protection to corporations as the burden of funding the World Cup is primarily placed on them. A problem arises when the public and private international law goals conflict. The author offers several solutions to the conflicting law problem. The most widely used solution, that is still used when similar conflicts arise today, is the principle of the Supremacy of Community Law. The Community Law's regulations and directives take priority over any foreign law that is in conflict with the objectives of either public or private international law.

Another issue the author discusses is the effect of the birth control pill on a female's athletic performance. The author presents the argument that female athletes not only benefit by the protection from conception offered by the pill, but they also get the added benefit of "suppres[sion] of the menstrual cycle and tiding them over those difficult times when training or competition would otherwise be curtailed." The argument goes further to state that the female's performance is enhanced by the artificial testosterone that is present in most birth control pills. This argument is particularly interesting because it is difficult to believe that even in the late 1980's, when this book was published, there are people who believe that a female's athletic performance is severely diminished by her menstrual cycle. The argument incorrectly assumes that females are unable to perform, either athletically or legally, because of her menstrual cycle. The argument also makes the minute amounts of artificial testosterone in the pill tantamount to the female athlete being physically addicted to anabolic steroids. The small amounts of testosterone in the pill only have a minimal effect on the female athlete's performance at best. This argument borders on being sexist and readers of this book should not take this as the state of women in sport and the law.

Overall, this book serves as a useful general reference source for those who seek information regarding how British law interacts with sport. Although some of the arguments are extreme and a bit anti-

quoted, the book still serves as springboard for further research and investigation into sport law issues.

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