

**Athens Institute for Education and Research  
ATINER**



**ATINER's Conference Paper Series  
SPO2018-2524**

**Sustainability of Elite Sports: A Case Study of the  
Japanese Professional Baseball League**

**Norihide Ishido  
Professor  
Chukyo University  
Law School of Chukyo University  
Japan**

An Introduction to  
ATINER's Conference Paper Series

Conference papers are research/policy papers written and presented by academics at one of ATINER's academic events. ATINER's association started to publish this conference paper series in 2012. All published conference papers go through an initial peer review aiming at disseminating and improving the ideas expressed in each work. Authors welcome comments

Dr. Gregory T. Papanikos  
President  
Athens Institute for Education and Research

This paper should be cited as follows:

**Ishido, N. (2018). "Sustainability of Elite Sports: A Case Study of the Japanese Professional Baseball League", Athens: ATINER'S Conference Paper Series, No: SPO2018-2524.**

Athens Institute for Education and Research  
8 Valaoritou Street, Kolonaki, 10671 Athens, Greece  
Tel: + 30 210 3634210 Fax: + 30 210 3634209 Email: info@atiner.gr URL:  
www.atiner.gr  
URL Conference Papers Series: www.atiner.gr/papers.htm  
Printed in Athens, Greece by the Athens Institute for Education and Research. All rights reserved. Reproduction is allowed for non-commercial purposes if the source is fully acknowledged.  
ISSN: 2241-2891  
06/09/2018

**Sustainability of Elite Sports:  
A Case Study of the Japanese Professional Baseball League**

**Norihide Ishido  
Professor  
Chukyo University  
Law School of Chukyo University  
Japan**

**Abstract**

Toward Tokyo Olympic Game the Japanese government aims to implement a blueprint of a sports society in which all one hundred million people participate in any sport. This is a movement towards sustainability of sport. In order to realize a circulatory sport society, it is important to bring the concept of sustainability into sport society. The terms of sustainability is essential to modern society. In 2015, the United Nations (UN) has published Sustainable Development Goals (SDGs). In SDGs sustainability consists of three dimensions of environment, society and economy. This paper will discuss sport sustainability, using the concept of sport environment, sport economy and sport society. In addition to three basic dimensions, this paper will adapt the concept of human rights, especially the legal framework of children right, because children are at the starting point of a circulatory sport society. Children-friendly sport environment is an essential for underpinning of sustainable sport. Baseball is national pastime in Japan, but the baseball population is decreasing yearly. Through the case study of the Japanese baseball on the framework of sustainability. This paper will consider some important factors for sustainability of sport.

**Keyword:** Baseball Academy, Child labor, Human rights, Labor Law, Sport Sustainability

## **Introduction**

Baseball is national pastime in Japan, but the baseball population is decreasing yearly. When the author has engaged in establishment of a baseball academy by a professional club, I recognized the serious situation and have a question whether is the Japanese baseball survival in the future.

This paper will use the new concept of sustainability of sport and discuss problems with the Japanese baseball in terms of sustainability.

First, the paper will discuss about the definition of sport sustainability, depending on the concept of sustainability in UN's SDGs. Next, it describes a brief history of the Japanese baseball and the historical barriers. The paper will outline the general situation of the Japanese baseball by using the various statistics. It will review the sustainability of baseball society, using the analytical framework in light of sport environment, sport economy and sport society. As one improvement strategy against the future of Japanese society in which dark clouds are hanging, it will reflect on the possibility of baseball academy to recruit new baseball kids and them. It will evaluate the applicability of labor law protection, such as regulation in entertainment work from similarity of the child work and the elite sport practice. Lastly, it will consider the children-friendly sport environment to underpin sustainable sport. The paper mainly focuses on the Japanese baseball, but as appropriate, referring to the contexts in US where baseball is motherland.

### *What is Sustainability for Sport?*

The Japanese Ministry of Education, Culture, Sports Science and Technology released the Strategy for Sports Nation. It includes five key policies; (1) Creation of athletic participation opportunities proportional to life stage, (2) Development and reinforcement of top athletes to compete on the world stage, (3) Creation of a "virtuous cycle" through cooperation and collaboration within the sports industry, (4) Measures to increase transparency, fairness and equity in the sports industry, (5) Measures to develop infrastructure to ensure support for sports from the entire society.

In order to create a virtuous cycle of competitive sports and community sports that implement fully integrated instruction from junior to top athletes, it is envisaged to deploy outstanding instructors such as retired top athletes at comprehensive clubs in every regional municipality. In particular, third and fourth policies are related to in this article which considers how to create the positive growth cycle effectively. This makes a sketch of a new landscape by seeing a sport as a recirculating system like water circulation in ecosystem.

The terms of sustainability is essential to modern society. In 2015, the United Nations (UN) has published Sustainable Development Goals (SDGs) which consist of 17 goals and 169 targets. In SDGs sustainability consists of three dimensions of environment, society and economy. In SDGs sport is considered as "an important enabler of sustainable development" because it promote tolerance and respect and contribute to the empowerment of women and of young people, individuals and communities as well as to health, education and social inclusion objectives. IOC

considers sport as a tool for sustainable development. Sports that support sustainable society must be sustainable, but is sport itself sustainable?

Sustainability is a key concept in sport development policy and practice, but it is a lack of clear meaning characterized by the diverse meanings (Lindsey 2008: 279). Most researchers three basic dimension, but a lack of terminology and theoretical frameworks. Lindsey (2008: 281) consider propose a framework comprising of four forms of sustainability: individual, community, organizational and institutional.

Individual sustainability: longer-term changes in individuals' attitudes, aptitudes and/or behaviour through involvement with the sports development program. Individual sustainability relates not only to sustain involvement of individuals in sports clubs, but also levels of individual performance in sport.

- Community sustainability: maintenance of changes in the community in which the sports development program is delivered.
- Organisational sustainability: The maintenance or expansion of sports development programs by the organization responsible for their delivery.
- Institutional sustainability: longer-term changes in policy, practice, economic and environmental conditions in the wider context of the sports development program.

Furthermore, Morgan and Summers (2012: 52) propose the analysis on each level of individual, community, project, organization, community, and institution, combined with the three basic components of sustainability. This paper will review the sustainability of baseball society using the analytical framework in light of sport environment, sport economy and sport society.

In addition to three basic dimensions, this paper will adapt the concept of human rights, especially the legal framework of children right. According to Professor John Ruggie, who ushered "UN Guiding Principles on Business and Human Rights", which exert influence on the policy of IOC and FIFA, "to maximize its contribution to sustainable development, it must put efforts to advance respect for human rights at the heart of the people part of sustainable development" (Ruggie: 2016). The article 25 of the Universal Declaration of Human Rights states that everyone has the right to a standard of living adequate for the health and well-being of himself. Similarly, as Goal 3 in SDGs states that to ensure healthy lives and promote well-being and inclusive and equitable quality education for all at all ages is one of goals, the concept of respecting human right is inherent in the core spirit of sustainability. Children rights can be seen as an extension of this. In the Article 27 of Convention of the Rights of the Child, the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development is recognized. This paper will focus on the legal framework of children right, because children are at the starting point of a circulatory sport society. Children-friendly sport environment is an essential for underpinning of sustainable sport.

*History of the Japanese Baseball*

Baseball is national pastime in Japan, the popularity is mainly related to historical. An American missionary Horace Wilson brought the baseball into Japan in 1873. He was a professor at Kaisei-ko, now Tokyo University. Through the intercollegiate game, the Universities Baseball League, Tokyo Big6 Baseball League was established in 1925 (Hirose 1957)

Formerly, the National High School Baseball Championship started from 1915. The Championship is an annual nationwide high school baseball tournament run by the Japan High School Baseball Federation. It has a long history over one hundred years. It is also the largest scale amateur sport event in Japan and takes place in a two-week final tournament stage with 49 teams during the summer school vacation. During 15 days the total number of attendees exceeds eight hundred thousand people, and a maximum audience per a day records almost eighty thousand people. Televised live on several stations with an estimated 6 million viewers. The widespread popularity of baseball in Japan partly steams from high school and college baseballs.

However, the thriving of amateurism results in a confusion of baseball society. Other than Nippon Professional Baseball League (NPB), there are a variety of baseball association such as 4 Little Leagues, Japan Rubber Baseball Association, Japan Amateur Baseball Association, Japan High School Baseball Federation and All Japan University Baseball Federation. Because there is no a unified umbrella organization, a basic policy among these associations is not on the same track.

*Sport Economy in the Japanese Baseball*

The first professional team was founded in 1920 and the first professional league was founded in 1936, but the league takes a hiatus during the World War II. Subsequently, Nippon Professional Baseball League (NPB) was established in 1950. NPB is composed of two leagues, Pacific and Central. Each league includes six clubs and each club is able to hold up to 70 players, including second-stringers.

In 1992, both NPB and Measure League Baseball's (MLB) revenues were pretty much the same as \$1.2 billion. Currently, according to a Forbes report, in 2017, MLB has seen record gross revenues, surpassing the \$ 10 billion (Brown 2017). On the other hand, NPB stay unchanged since then. Where does the difference come from?

Although it is difficult to make a simple comparison, it seems that the gap lies partly in the management structure of the League. MLB consists of 30 teams and NPB is 12 teams. There are the 150 regular season games in MLB and the 140 games in NPB. In 2017 MLB experienced the attendance dip below 73 million attendances for the first time since 2002, while NPB saw 25 million attendance, which is on a slowly increasing trend (Hirata 2017).

In Japan, many clubs suffer from a chronic deficit, and receive the financial backing as billboards from their parent companies. As a result, this diminishes club's incentive for corporate efforts, and causes a risk of market stagnation to be left behind global market development. With lowing the TV viewer rating in Japan, baseball TV program changeovers from terrestrial digital television broadcasting to pay-tv, which might lead to lose a large audience.

According to the foregoing report, growth in MLB revenue was due in part because of television media rights and increased ratings. MLB has such affiliated companies, as MLB Network, MLB Advanced Media, MLB Properties and MLB International. MLB Network is broadly distributed of game coverage to include approximately regular season games. In 2015, MLB Advanced Media spun off to create a new media company called BAMTech. BAMTech focuses on streaming video technology, particularly for over-the-top content services. MLB Properties has the exclusive right to license the marks of all clubs as well as the marks of MLB, and their events such as the All-Star Game, and the World Series marks, and MLB International to market those intellectual properties internally, whilst NPB has only the exclusive right concerning the All-Star Game, and the Japan Series.

Consequently, widening disparity between both leagues has an impact on the players transfer. An average salary of NPB players is \$ 0.37million, while MLB players are \$4.6 million (Hirata 2017). NPB star players head for MLB. This might leads to a hollowed-out of the Japanese baseball industry.

### *Shrinking Baseball Society in Japan*

A Japanese baseball society faces a declining population of baseball players. The number of rubber-ball baseball players is decreasing from 168,512 in 2010 to 114,591 in 2016, and in junior high school there is the same trend from 290,755 to 185,314, although the high school baseball player is decreasing slightly<sup>1</sup>. During few years over one hundred thousand players disappeared. In 2018 Japan High School Baseball Federation has conducted a questioner investigation about the current conditions on 4032 member schools. Nearly half of coaches reports that newcomers who have inexperienced in baseball, are continued to increase. This represents the aspect of the falling popularity of baseball. Additionally, in many public park throwing the ball back and forth become to be prohibited. As some ballparks are closing due to the maintenance cost and decay, the number of ballpark is decreasing from 1239 at the peak of 1996 to 9147 in 2015<sup>2</sup>. Shrinking baseball environment may have a negative impact on baseball society to decline the population. Moreover, this will cause a loss of baseball fans in baseball economy in the future.

Currently, many kids prefer to play soccer rather than baseball, since playing baseball need more equipment and skills than soccer, such as bats and gloves and these handling. Traditionally, many coaches use the harsh language, training style and discipline. In 1991 the Japan Professional Football League (J.League) has been established. There are 54 clubs under the umbrella of J.League. The clubs have established academies for kids and coaches are licensed ones under the Japan Football Association. Football practice has been spread steadily among young generations for almost 30 years.

---

<sup>1</sup>The data comes from the homepage of Japan Sport Association and the Japan High School Baseball Federation.

<sup>2</sup>The data comes from the homepage of the Ministry of Education, Culture, Sports, Science and Technology DOI=[http://www.mext.go.jp/prev\\_sports/comp/b\\_menu/other/\\_icsFiles/afieldfile/2017/04/25/1383052\\_1\\_3.pdf](http://www.mext.go.jp/prev_sports/comp/b_menu/other/_icsFiles/afieldfile/2017/04/25/1383052_1_3.pdf)

The exact extent of shrinking baseball society is unknown, but baseball society faces serious circumstances.

*Does Baseball Academy become a Savior?*

Only recently many professional baseball clubs have launched baseball academies. Some of them academies are registered as separate legal entity such as non-profit organization.

As a first starter Yomiuri Giants started the academy almost 15 years ago and put 20 schools into operation in public schools and public parks in Tokyo. This course is intended for kindergarten and elementary school children opposed to J. League academy.

As a newcomer, Dragons Baseball Academy starts in Nagoya city from 2016. The academy has the elementary school children and junior high school students, and elite courses.

Basic Concepts in Dragons Academy are<sup>3</sup>;

- Cultivation of humanity
- Building up kids' physical strength
- Value for Basic baseball skills
- Creation of a learning environment,
- Understanding of growth development phase of kids by coaches,
- Development of teaching skills for kids in a memorable way by coaches
- Implement of the PDCA cycle

The academy provides not only baseball skills but also a dynamic visual acuity test for kids and dietary education for their parents. It also supplies a special training menu for players on the disabled list. Motion analysis is used by experts for batting and pitching skills of each kids in computer vision, using image processing, and high-speed photography vision. In the annual end of classes, the academy surveys the degree of customers' satisfaction and conveys the results to coaches and the improvement plan is discussed among coaches. As a result, for example, the customers' satisfaction against coaches rises from 81.2% in 2016 to 91.2% in 2017<sup>4</sup>.

Generally, many baseball academies employed retired professional baseball players as a coach. Some academy coaches are employed as a professional team coach. A role of academy coaches to visit a kindergarten and a primary school for baseball promotion other than the official academy class. As result of my research, however, all clubs does not share the same missions and coaching skills, and qualification for coaches, while J. League has the unified qualification for coaches.

The limitation on academy activity imposed by the Japan High School Baseball Federation which bans high school baseball players with former professional players, that is, academy coaches. According to the Article 1 of the Regulation on relationship

---

<sup>3</sup>Dragons Academy DOI=<http://www.kidsdragons.net>.

<sup>4</sup>This is a result of my hearing research which the author visited at every academies operated by professional baseball clubs.



with Professional baseball teams by Japan High School Federation, the following cases fall into the forfeiture of high school baseball player.

- a. A player signs of the contract with a professional team.
- b. A player engages with a professional team.
- c. A player accepts cash or gifts of value from a professional team.
- d. A player joins in the training or a game of a professional team.
- e. A player takes tryout for a professional team test.
- f. A player declares of intention to join in a specific professional team.
- g. A player joins in the game with a team which consists of a former professional player.

That high school students join into an academy have a possibility of falling into the Article 1(2) or (7). In order that former professional players become the coach in high schools, they are required to take special program<sup>5</sup>. This derives from amateurism of the high school side.

However, high school baseball tournament poses some problems. A newspaper calls it 'The dark side of the Koshien dream'. The tournament for a short period spread win-at-all-costs mentality among junior and youth. "Under the Japanese must-win system, early developers tend to get put under too much pressure and often their talents are overvalued — and sometimes they suffer injuries due to overexertion." Consequently, many coaches use their players "until they break because of the intense pressure to win".<sup>6</sup> For instance, a pitcher threw 772 pitches in the five games of the tournament. There is a risk to end the athlete life. This is responsible for a coach at large part. In order to avoid crushing future star players, the enactment of the unified and suitable qualification for coaches is desirable from the viewpoint of sport sustainability.

#### *A Lesson from the Dominican Baseball Academies*

We can learn from the misplay of the Baseball Academies in the Dominican Republic. Presently, all 30 MLB clubs have baseball training academies in the country. These academies not only groom players' baseball skills, but implement education-based programs that also help prepare prospects for life after their playing careers have ended.<sup>7</sup>

This is credited with a Report (Alderson Report) by Sandy Alderson, the former MLB vice president.

In MLB Age and Identity Fraud by some Dominican players was uncovered. The players changed their names and age without a thought because buscónes told players that major league teams will pay more for younger players. Buscónes operate

---

<sup>5</sup>The program is implemented under the Rules on restoration of student baseball qualification by the Japan Student Baseball Association

<sup>6</sup>Japan Times, 'The dark side of the Koshien dream' DOI=<https://www.japantimes.co.jp/community/2014/08/04/voices/dark-side-koshien-dream/#.WyhwPk3auUI>

<sup>7</sup>MLB DOI=<http://mlb.mlb.com/dr/academies.jsp>

facilities like MLB baseball academies. Buscónes recruit and train promising players at their facilities before entering MLB baseball academies.

Following the case of Age and Identity Fraud, Alderson was rehired to investigate the cases by MLB. Alderson Report primarily focused on the two issues of the use of the performance enhancing drug, and age and identity fraud by players.<sup>8</sup> The Report also posed the issue of the immediate and long-term threats to players' education and development into a self-sufficient adult and it introduced the idea of an education initiative to improve the academies' educational standards and to hire a full-time educational coordinator. Academies run by Buscónes should be encouraged to implement a similar education initiative(White,2017), but there is currently no regulation on their baseball academies. This is an example of excessive academy activities.

### *Myths of Sport*

Professor Donnelly point out some widespread myths of sport (Donnelly 1997). First, sport is not considered as work, since sport is the opposite of work under the influence of amateurism. However, high-performance amateur sport is a full-time occupation and elite athletes pursue after the prize money and the scholarship funding. Second, many parents believe that sport is good for children because it cultivates their health, "moral and ethical character by requiring self-discipline, organization, hard work, and goal orientation". However, over-training cause injure for children and a wrong teaching methods cause such health issues as eating disorder<sup>9</sup> and doping. In Japan the corporal punishment and abusive training are controversial<sup>10</sup>. In addition, he indicates that sport is also related to illiteracy, drug abuse, gambling, and various other crimes and misdemeanors. Additionally, there is the assumption that children are voluntarily decide to become involved in a sport training, but, in fact, they are under the pressure from such adults as coach and parents. Even worse, governments hesitate to regulate sport world with respect for sport autonomy.

---

<sup>8</sup>Alderson Report is available at DOI=<https://archive.org/details/608594-alderson-report>. Vanessa Marie Zimmer, Dragging Their Devotion: The Role of International Law in Major League Baseball's Dominican Affairs, 4 Nw. U.J. Int'l Hum. Rts. 418. Wasch, Adam G., Children Left Behind: The Effect of Major League Baseball on Education in the Dominican Republic, 11 Tex. Rev. Ent. & Sports L. 99, 119-122 (2009), Hanlon, "School's Out Forever: The Applicability of International Human Rights Law to Major League Baseball Academies in the Dominican Republic," 26 Pac McGeorge Global Bus. & Dev. L.J. 235 (2013);

<sup>9</sup>The death of gymnast Christy Henrich due to eating disorder is the famous story; Joan Ryan, Little Girls in Pretty Boxes, Grand Central Publishing, 1996; Merrell Noden, Dying to Win; DOI=<https://www.si.com/vault/1994/08/08/131742/dying-to-win-for-many-women-athletes-the-toughest-foe-is-anorexia-gymnist-christy-henrich-lost-her-battle>.

<sup>10</sup>As to a current tragic case, Japan times, No jail for hoops coach who triggered suicide in Osaka; DOI=<https://www.japantimes.co.jp/news/2013/09/26/national/no-jail-for-hoops-coach-who-triggered-suicide-in-osaka/#.W0hr4k3auUk>

*What is Child Labor?*

According to the International Labour Organization (ILO)<sup>11</sup>, the term “child labour” is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development.

It refers to work that;

- is mentally, physically, socially or morally dangerous and harmful to children
- interferes with their schooling by depriving them of the opportunity to attend school,

By obliging them to leave school prematurely, or requiring them to attempt to combine school attendance with excessively long and heavy work.

According to the definition, the main issues in labor laws are harmful for children and to deprive opportunities for education by their work. In 1999 the International Labour Organization (ILO) adopted the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour to prohibit and eliminate the worst forms of child labour.

The worst forms of child labour are;

- all forms of slavery
- the use, procuring or offering of a child for prostitution and the production of pornography
- use, procuring or offering of a child for illegal activities
- work that is likely to harm the health, safety or morals of children

The fourth category might be related to child sport closely.

*Is Elite Child Sport Child Labor?*

Professor Donnelly points out the similarities between Child labor and Child Elite sport (Donnelly, 1997,p.395).

- a. Child laborers working too young; child athletes may start as young as 5 years of age.
- b. Child laborers working long hours; high performance athletes are in the same situation.
- c. Child laborers working under strain; child athletes experience burnout, limited social and psychological development, and frequent overuse and other injuries.
- d. Child laborers work on the streets; child athletes play outdoor sports such as street soccer, although according to Professor Donnelly this category was not applicable for sport.
- e. Child laborers working for very little pay; most young athletes receive no rewards.

---

<sup>11</sup>ILO, Defining child labour, DOI= <http://www.ilo.org/ipec/facts/lang--en/index.htm>

- f. Child labors working with little stimulation; young athletes are engaged in dull repetitive tasks (e.g. swimming).
- g. Child labors subject to intimidation; some young athletes are subject to physical, mental and/or sexual abuse.

Does such similarities leads to the labor law protection for child elite athletes? In Japan the article 27(3) of the Constitution states that children shall not be exploited (in work). Japanese Labor Standards Act imposes a limitation on child age and hours of work.

In regard to child labor, in principle, the article 56(1) of the Act provides that employers might employ over the age of 15 years between the hours of 5 a.m. and 8 p.m. Exceptionally, children 13 years of age may be employed in the following cases; (i) outside of school hours, (ii) in occupations other than those stipulated in the Appended Table No. 1 of the Act<sup>12</sup>, (iii) light labor that is not injurious to their health and welfare,(iv) with the permission of the relevant government agency, and (vi) between the hours of 6 a.m. and 9 p.m. the Employer is required to keep a certificate issued by the head of that child's school certifying that the employment does not hinder the child's attendance at school, and written consent from the person who has parental authority. An offender is subject to imprisonment with work of not more than 6 months or a fine of not more than \$3,000(the article 119).

In US the Fair Labor Standards Act (FLSA) regulates the actual working hours by children. The Act prohibits oppressive child labor. Under the Act, hours of work and conditions of employment permitted for minors 14 and 15 years of age is; (i) employment only outside school hours and between the hours of 7 a.m. and 7 p.m., except during the summer (June 1 through Labor Day) when the evening hour will be 9 p.m.; (ii) employment for not more than 3 hours a day nor more than 18 hours a week when school is in session; and, (iii) employment for not more than 8 hours a day nor more than 40 hours a week when school is not in session<sup>13</sup>.

The purpose of these provisions is to “protect the safety, health, well-being, and opportunities for schooling of youthful workers” (Greenberg 2013) and such legislative intention may range to child athletes.

The issue is the applicability of these regulations for child sport. The Article 9 of the Japanese Labor Standards Act defines "worker" as one who is employed at a business or office and receives wages therefrom, regardless of the type of occupation. Under the common law, likewise, an employee is a person who performs services for another under a contract of hire, subject to the other’s control or right of control, and in return for payment.”<sup>14</sup>

Under the traditional labor law, elite sport child might not be considered as an employee in the case of neither hire relationship nor reward. However, there is an opinion that “a child may still be considered employed under the FLSA, even if no

---

<sup>12</sup> For example, prohibited businesses are manufacture, convert, process, repair, wash, sort, pack, ecorate, finish, tailor for sale, destroy, or dismantle objects, or alter materials including Businesses that generate, change, or transmit electricity, gas, or other power sources, and water supply Businesses.

<sup>13</sup> Code of federal regulations, 29 C.F.R. § 570.35

<sup>14</sup> Brown Univ., 342 N.L.R.B. 483, 490, n.27 (2004) (citing NLRB v. Town & Country Elec., 516 U.S. 85, 94 (1995).

compensation is awarded for the work, based on the surrounding circumstances of the parties' relationship."<sup>15</sup>

Eventually, if the labor law protections do not apply for child sport, the similar child labor issues still remains unsolved in sport.

### *Regulation by Sport Organization*

The same regulation of FLSA would be found in the Bylaws of the National Collegiate Athletic Association (NCAA). NCAA was formed in 1906 to administrate intercollegiate athletics. It regulates not only the length of the playing season and the maximum number of dates of competition, but also daily and weekly hour during the playing season, that is, a maximum of four hours per day and twenty hours per week. In a high school, similarly, the sport practice is limited to two hour<sup>16</sup>.

Like NCAA, National Sports Federations (NF) might establish rule and by-law of limiting the sport practice hours to protect the elite child athletes' well-being, keeping more competitive environment. This is just one of their important missions.

For example, MLB release the Pitch Smart. Pitch Smart is pitching guidelines and it set forth the maximum number of pitches per game for players at various ages, starting at seven years old and going through 18, and the amount of rest depending on how many pitches were thrown<sup>17</sup>.

According to the results of the Japan High School Baseball Federation of 2018, 95% of these schools reply 6days exercising during a week. More than half of them have over 3 hour's workout session in school days, three quarters of them have more than 5 hours in weekend<sup>18</sup>. It appears that baseball workout session in high school has more days and longer times and more days than other sport club activities. The same tendency can be seen in junior high school club activities (Sasakawa 2017).

In 2018 Japan Sport Agency published the Comprehensive Guideline regarding Extra-curricular Club Activities. The Guideline recommends that the club activities should have two rest days during a week, of which one day is out of weekday and other is weekend. In the Guideline the club activities time is up to a maximum of two hours in school days and is up to three hours in holyday. Baseball practice is apparently against the Guideline, but there is no penalty.

---

<sup>15</sup>Kristin A. Hoffman, Flipping and Spinning into Labor Regulations: Analyzing the Need and Mechanisms for Protecting Elite Child Gymnasts and Figure Skaters, 25 Marq. Sports L. Rev. 565. (2015). Moreover, Propson states that now that these sports employ children in a work-like atmosphere, under grueling training practices and long hours, they easily fall within the Congressional scope of "oppressive child labor." "These children train during school hours and under conditions that threaten their health and welfare. The law's notion of "child workers" must change with the realities of a changing society" (Rachelle Propson, A Call for Statutory Regulation of Elite Child Athletes, 41 Wayne L. Rev. 1773, 1786-1789 (1995)).

<sup>16</sup>For example, in Delaware the Administrative Code, Education section 4.2.

<sup>17</sup>DOI=<http://m.mlb.com/pitchsmart/pitching-guidelines/>

<sup>18</sup>Ashahi Newspaper 16 June 2018 DOI=<https://www.asahi.com/articles/DA3S13542414.html>

*The Coaches and Their Conflicting Interests*

Addition to the rule-making issue, there is the issue of who is a faithful guardian. Importantly, Professor Propson describes the situation of conflicting the child interests with the coaches (Propson 1995);

- NFs leave individual training techniques at the discretion of coaches
- A coach's career, livelihood, and reputation rests on the shoulders of children.
- Many parents often place unrealistic expectations on a coach.
- A coach may feel a pull between the best interests of the child's future and the best interests of his own future.
- Coaches often abide by a code of conduct and abusive techniques that would not be permitted in other settings, such as classrooms, where adults work with children.
- Elite child athletes striving to get ahead often fail to question their coaches' abusive techniques.
- The athletes believe that they have to be driven and pushed to extremes, and thus they simply accept the coaches' coercion and abuse as normal.

Ultimately, if the coaches do not always have the best interests of their athletes at heart, a suitable protector to intervene on children's behalf is needed. However, their parents might be ill-qualified.

*Parent Code of Conduct*

Angry parents on the sideline pressure their children, they often squabble with coaches, referees, officials, players and other parents. This is called as "Side-line rage". At the most worst case, a father beat another father to death on the ice rink at a youth hockey practice. The issue of side line rage is serious in US<sup>19</sup>.

US Little League Baseball publish sport Parent Code of Conduct<sup>20</sup>. The code includes the six core principles:

- Trustworthiness,
- Respect,
- Responsibility,
- Fairness,
- Caring, and
- Good Citizenship.

Parents are required to sign a pledge of support about 17 items, for example, as below;

---

<sup>19</sup>Glenn D. Braunstein, Sideline Rage: Fighting Over Child's Play, 2010 DOI=[https://www.huffingtonpost.com/glenn-d-braunstein-md/sideline-rage-fighting-ov\\_b\\_552283.html](https://www.huffingtonpost.com/glenn-d-braunstein-md/sideline-rage-fighting-ov_b_552283.html)

<sup>20</sup> Little league, DOI=<https://www.littleleague.org/>

- I will not force my child to participate in sports.
- I will remember that children participate to have fun and that the game is for youth, not adults.
- I will not engage in any kind of un-sportsman-like conduct with any official, coach, player, or parent such as booing and taunting; refusing to shake hands; or using profane language or gestures.
- I will demand a sports environment for my child that is free from drugs, tobacco, and alcohol and I will refrain from their use at all sports events.
- Any parent guilty of improper conduct at any game or practice will be asked to leave the sports facility and be suspended from the following game.
- This kind of code of conduct will contribute an improvement of sport environment.

### *Child Actors in Entertainment Work*

As rule-making just as the important thing is the enforcement of the rule or monitoring of it. In this regard, in California a Regulation for Entertainment Work Permit<sup>21</sup> by minor might be a guide. California laws are said to be “the most comprehensive and complete statutory scheme of all states” (Propson 1995: 1795) and serve as a model for other jurisdictions.

In California every child actor must obtain an “Entertainment Work Permit” and the child’s school district must verify that attendance, health and other general requirements are met. Moreover, there is a studio teacher who ensures proper education and has the responsibility of looking after the health, safety and morals of the children.

In the discharge of these responsibilities, the studio teacher shall take cognizance of such factors as working conditions, physical surroundings, signs of the minor's mental and physical fatigue, and the demands placed upon the minor in relation to the minor's age, agility, strength and stamina. The studio teacher may refuse to allow the engagement of a minor on a set or location and may remove the minor therefrom, if in the judgment of the studio teacher, conditions are such as to present a danger to the health, safety or morals of the minor. Additionally, a parent of a child actor must be present with, and accompany, such minor on the set or location. Such “a third party who is not interested in their professional or monetary success, but who is committed to their best interests” (Propson 1995: 1794), should be needed in sport similarly.

### **Conclusion**

This paper examined the issues with Japanese baseball in terms of the concept of sport sustainability which consist of sport environment, sport economy and sport society. Although economic sustainability is the most important key concept, in Japan it remains stagnant because of the low budget in NPB and deficit operation in clubs. Moreover, baseball society have a double blow of the increasing of closing baseball

---

<sup>21</sup>California Code of Regulations, CCR § 11753; Procedure for Obtaining Entertainment Work Permit by Minor.

parks on environment sustainability of baseball and the baseball population decrease on society sustainability. Baseball academy could be effective means against the situation, but as the Dominican case indicates, excessive sport practice causes the further issues like child work.

In terms of sustainability of sport, first of all, it is important to create an enjoyable and safe environment for children, because they at the starting point of a virtuous cycle of sport. All of them will not become top athletes, and the remaining majority may enjoy sport and will become sport fans in future. A survey in the United States, however, conveyed that 70 percent of kids stop playing organized sports by the age of 13<sup>22</sup>. This might not be exclusively in US. This situation is serious problem for sport sustainability because many people grow distant from sport.

According to the framework of Lindsey (2008: 281), there are some important factors. On individual level sports continuity is a key concept. There is a need to differentiate elite child athlete and recreational athlete programs and develop the training methods for each other, because elite child sport and recreational child sport blend together in grassroots sport so far. Additionally these grassroots sport organizations, including baseball academies, should develop and provide scientifically sound training, developmentally appropriate sport activity for children. In this point, baseball academies have a possibility of functioning as a role model in grassroots sport.

On organizational level there is a need to establish a uniform association to link to from grassroots sport to professional league in order to set the unified qualification and skills for coaches. On community level it is significant to set a sense of human rights in place into sport program. To ensure of education opportunity for child athletes, States or NF should limit to sport training hours for elite child athlete properly. In particular, NF is expected to establish a code of contact for coaches and parents, and to provide supervision like entertainment work regulation. To protect child athletes is the first step towards sustainability of sport.

## References

- Wasch AG (2009) Children Left Behind: The Effect of Major League Baseball on Education in the Dominican Republic, 11 *Tex. Rev. Ent. & Sports L.* 99: 119-122.
- Brown M (2017) *MLB Sets Record for Revenues in 2017, Increasing More Than \$500 Million Since 2015*. Retrieved from <https://bit.ly/2Q7oyGM>.
- Hanlon RS (2013) School's Out Forever: The Applicability of International Human Rights Law to Major League Baseball Academies in the Dominican Republic, 26 *Pac McGeorge Global Bus. & Dev. L.J.* 235.
- Hirata T (2017) *The Strongest Textbook for Sports Business Learners*, Toyokeizaisinpo Publisher.
- Donnelly (1997) Child Labour, Sport labour: Applying Child Labour Laws to Sport. *International Review for the Sociology of Sport* 32(4):389-406.

---

<sup>22</sup>Julianna W. Miner, Why 70 percent of kids quit sports by age 13, Washingtonpost. DOI=[https://www.washingtonpost.com/news/parenting/wp/2016/06/01/why-70-percent-of-kids-quit-sports-by-age-13/?utm\\_term=.9eae097c7c96](https://www.washingtonpost.com/news/parenting/wp/2016/06/01/why-70-percent-of-kids-quit-sports-by-age-13/?utm_term=.9eae097c7c96)



- Greenberg AP (2009) Reality's Kids: Are Children Who Participate on Reality Television Shows Covered Under the Fair Labor Standards Act?, 82 S. Cal. L. Rev. 595, 619-620.
- Kenzo Hirose (1957) *The History of Japanese Baseball*, Toho Publisher.
- Hoffman KA (2015) Flipping and Spinning into Labor Regulations: Analyzing the Need and Mechanisms for Protecting Elite Child Gymnasts and Figure Skaters, 25 *Marq. Sports L. Rev.* 565.
- Lindsey I (2008) Conceptualising Sustainability in Sports Development', *Leisure Studies* 27(3): 279–294.
- Johnson MM, Summers J (2012) Sustainability of Sport in regional Australia: Conceptualising a Framework for Analysis and Decision making.
- Noden M (1994) *Dying to Win*. Retrieved from <https://on.sj.com/2PHtBwx>
- Propson R (1995) A Call for Statutory Regulation of Elite Child Athletes, 41 *Wayne L. Rev.* 1786-1789.
- Ruggie J (2016) *Keynote Speech on United Nations Forum on Business and Human Rights*. Retrieved from <https://bit.ly/2oJvZra>.
- Ryan J (1996) *Little Girls in Pretty Boxes*, Grand Central Publishing.
- Sasakawa Sport Foundation (2017) *Sport Life Data of Children and Young People*.
- White A (2017) Curtailing MLB's Recruiting Abuses of Latin American Talent, 25. *Mich. St. Int'l. L. Rev.* 699.
- Zimmer VM (2005) Dragging Their Devotion: The Role of International Law in Major League Baseball's Dominican Affairs, 4 *Nw. U.J. Int'l Hum. Rts.* 418.