

# Sport, enhancement and the inefficacy of anti-doping policy

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After a period of relative tolerance towards doping in the 1980s and the early 1990s, the creation of the World Anti-Doping Agency in 1998 has strengthened the fight against the practice. WADA, the World Anti-Doping Agency, has developed a warlike ideology similar to the political war against illicit drugs. From an ethical point of view there is no evidence that this is the best attitude to take. There should be open discussion of the ethical and philosophical foundations for an anti-doping policy. Some philosophers think that the eradication of doping in sport is an unattainable goal. They support a more pragmatic approach allowing doping under medical supervision. The legitimacy of the war on doping should become a public issue. Let us examine the pros and cons of the two ethical and philosophical approaches.

We have identified five central arguments that are often overlooked in the debate on doping.

## First argument – Competitive sport is not egalitarian

«La vie est un combat. Le Tour est un combat. Malheur aux faibles.»

(André Leducq, *Une fleur au guidon*, Paris, Presses de la Cité, 1978, p. 16)

In WADA's philosophy, fairness consists in respect for natural inequalities. Basically, the winning athletes are those who have the best genetic predispositions and the best training and medical environment. In the «war on doping» philosophy, a «level playing field» is a field where the athlete with the best natural capacities and the best environment to maximise them is going to win. Equality has nothing to do with competitive sport. Professional sport only rewards biological and artificial inequalities.

## Second argument – Doping is a logical consequence of the nature of competitive sport: «maximising performance»

«Everybody wants an edge, everybody wants to win. That's the way it is. That is the sport.»

(Ben Johnson, in: *Reputations – The Ben Johnson Story*, BBC documentary, 2001)

The prohibition of doping introduces a structural contradiction into competitive sport. Doping is nothing but

the logical consequence of the quest to maximise performance in sport. The athlete is asked to perform, to surpass himself; but, at the same time, he is required not to use the biotechnological resources that authorise performance enhancement. Nobody is going to break Florence Griffith-Joyner's 10.54-100 m record of 1988 or Marco Pantani's 37:35 record time of 1997 for the climb to Alpe d'Huez without using performance enhancing drugs or technology. Some records are impossible to break with a «natural body».

## Third argument – Doping is part of the reality, the spirit and the history of sport

«I firmly believed that I was the only athlete in the world not cheating.»

(Dwain Chambers, *Race against me*, Morpeth, Libros International, 2009, p. 100)

Whether we like it or not, we have to admit that doping is part of the reality, the spirit and the history of sport. WADA claims that performance enhancing drugs are against the «spirit of sport». History shows that this is not true. In cycling or in athletics, for example, taking drugs has always been tacitly part of the rules of the game. Some of the greatest cyclists – Coppi, Kübler, Anquetil, Mallejac, Simpson, Fignon, Pantani – have admitted using drugs. Everyone knows that most cyclists need to take drugs if they want to be competitive, and this is also true of other sports. The last Tour de France rider on whom you could put money that he won the yellow jersey without enhancers is Greg Lemond in 1988.

Doping is part of the essence of competitive sport. The nature of professional sport forces the athletes to supplement their training with a biomedical preparation. We may regret this fact and live in the nostalgia of a «pure sport» that has never existed. But it is a fact that biomedical technology is at the heart of the performance-enhancing philosophy of elite sport. Should we not consider it highly paradoxical to want to prohibit behaviour that is at the core of competitive sport (enhancing performance by artificial means)? The pragmatic attitude supported by Kayser, Mauron, Miah and other philosophers seems more appropriate for professional sport: «Elite athletes are also constituted by scientific knowledge and this is a valued aspect of contem-

porary sport. As such, translating doping enhancements into earned advantages – having the best scientists on one’s team – would be more closely aligned with the values of competition than leaving it all to chance, unequal access to illicit practices, and the cleverness of undetected cheating» [1].

#### Fourth argument – Anti-doping philosophy is a source of prudishness and hypocrisy in sport

«They are cheating you, Dwain. You’re a very talented athlete but you are not competing on a level playing field. The system allows people to cheat.»  
(Victor Conte, in Dwain Chambers, *Race against me*, Libros, 2009, p. 61)

Since WADA’s creation there has been a new prudishness about doping that is almost unbearable. Everyone knows that you need to take drugs to win in certain sports, but at the same time everyone seems to be astonished and morally shocked when an athlete is controlled positive. The athletes have to take drugs in order to win but, at the same time, they cannot be caught positive. They are confronted with two sets of rules: the official rules according to which it is a sin to take drugs; the unofficial rules telling you there is no way you can win the competition without doping. The athlete has to take drugs and, at the same time, he must pretend he is against doping. He must «cheat» and pretend he is not a «cheater». The discrepancy between the two systems of rules represents a terrible burden for the athlete. The «anti-doping war» creates a very strange situation for elite athletes which increases the complexity of their already difficult job. Legalising drugs would at least eliminate the hypocrisy surrounding doping in sport.

#### Fifth argument – «Anti-doping» policy is ineffective and has negative consequences

Here is a list of these negative consequences:

##### – Ineffectiveness

«The war on doping can never be won. In doping, you can only get partial victories.»  
(Juan Antonio Samaranch, *New York Times*, July 2, 2001)

Doping is a fact. A «zero tolerance strategy» is bound to fail. Cheaters will always find new drugs or new technologies (gene doping, stem cell injection ...) that are almost impossible to detect. The battle against drugs can never be won.

##### – Threat to privacy

«I feel like a criminal»  
(Rafael Nadal)

The war on drugs in sport is a threat to privacy. «Testers» can turn up whenever they like, before, during or

after a competition and any other time during the year. If an athlete fails to meet them on three separate occasions in an 18-month period, he could incur a ban. We should stop treating elite athletes as potential criminals who have to inform the authorities of their every move. The world N°1 tennis player Rafael Nadal has attacked the drug testing procedure, saying «he feels like a criminal». He is angry at the amount of information he must produce concerning his whereabouts. He is required to state where he will be for at least an hour everyday, seven days a week. Athletes’ privacy should be protected. In Belgium, 65 sportsmen have launched a legal battle against WADA rules, claiming that they are intrusive in nature and that they break European privacy laws.

##### – Criminalising sport and demonising athletes

«It is amazing, you know. A triple murderer hasn’t had the kind of criticism that he got.»  
(Charlie Francis – Ben Johnson’s coach, in: *Reputations – The Ben Johnson Story*, BBC documentary, 2001)

In theory, the WADA policy should promote fair competition. In reality, this is not the case. The history of the last decade in sport has shown that the zero tolerance policy has failed. Because of their relative inefficacy, present doping controls disadvantage the honest athletes who do not take drugs. Because of the relative inefficacy of the controls, most athletes know that they have to take drugs in order to win. The cleverest or the luckiest «cheaters» are rewarded. The others, unlucky enough to be controlled positive, will have their career and their life broken by a two-year, four-year or even a lifetime ban. We should not demonise great athletes such as Marion Jones, Lance Armstrong or Barry Bonds. We should leave them alone. The death of the Italian cyclist Marco Pantani could be interpreted as a consequence of the zero tolerance policy.

##### – Health risks caused by clandestine doping

«For me everything that does not injure the health of the athlete is not doping.»  
(Juan Antonio Samaranch, *El Mundo*, July 26, 1998)

In theory WADA policy should protect health, but this is not necessarily the case. There is pressure for athletes to find undetectable enhancers with no special attention to safety. Drugs are often produced on the black market and administered in a clandestine, uncontrolled way. Only the wealthiest athletes can hire a private physician to advise them. Most athletes receive drugs through their coaches or drug dealers without medical training.

##### – Continual rewriting of sports history

Who won the track and field women’s 100 m final at the 2000 Sydney Olympic Games? Marion Jones? Yes and no. In 2007, the IOC formally stripped Marion

Jones of her medals. Though the IAAF lists Ekaterini Thanou as the first place finisher in the women's 100 m race, she was not awarded a gold medal by the IOC. So the women's 100 m Olympic race in Sydney is a race without a winner. The same occurred in the case of the 2006 Tour de France: in early August 2006, Landis was found guilty of doping and disqualified. The second place rider, Oscar Pereiro, became the official race winner. But you will never find a cycling fan who is willing to accept the fact that Pereiro won the Tour de France. The 2006 Tour de France is a race without a winner. Today, Landis accuses several former teammates including Lance Armstrong of using EPO and blood transfusions in the 2002 and the 2003 seasons. Armstrong could be the new victim of a witch-hunt. And the process will continue after Armstrong. You think Contador was the winner of the 2010 Tour? WADA or ICU (International Cycling Union) could soon tell you that you are wrong. They are constantly revisiting the books to be sure that the real «spirit of sport» is the true winner of every competition. A close examination of the «doping offence» files concerning former cyclists or track and field Olympic athletes could transform the Tour de France and the Olympic Games winner lists into blank sheets. If this reevaluation of sporting history continued, the WADA and IOC historians could one day conclude that nobody has ever really won a Tour de France, or a track and field Olympic final, while respecting the true «spirit of sport».

### The inevitability of sport's biotechnological evolution

It is difficult to tell what are the best ethics to accompany the harmonious development of sport. There is no easy solution to this problem of doping. But the pragmatic approach to allowing some forms of performance enhancement under medical supervision is certainly more consonant with the global philosophy of competitive sport. Thus the anti-doping ideology could well lose ground in the near future because it is at odds with the reality of competitive sport. The anti-doping ideology will probably share the fate of the «pro-amateurism and anti-professional» ideology that died in the 1970s when it fell into complete contradiction with the way competitive sport was developing.

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