

# Long Read Review: Crisis in Sports Governance: Exploring Anti-Doping Policy and Other Battlegrounds (Part Two)

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## Crisis in Sports Governance: Exploring Anti-Doping Policy and Other Battlegrounds (Part Two)

*The world of sport is facing a serious crisis, deepened by a spate of recent controversies such as match-fixing, doping and the abuse of positions in sport organisations for illicit personal gain. Just in the last couple of months we have seen major scandals, including the [arrest of high-ranking FIFA officials](#), the revelation of a state-sponsored doping [scheme](#) of Russian athletes and the discovery of unethical practices by sports professionals (including an apparently [rigged judging system](#) in boxing at the Rio Olympics). These pose serious challenges to the governance of sport, domestically and internationally. In addition to public debate about an overhaul of the regulation and governance of sport, scholars have had their say.*

*This two-part review focuses on two books written on the subjects of integrity in sports and anti-doping policies: following his preceding review of [The Edge](#), here **Slobodan Tomic** reviews **Anti-Doping: Policy and Governance**, edited by **Barrie Houlihan** and **Mike McNamee**, as part of the scholarship contributing to the conversation on ongoing and future challenges to the governance of sport.*

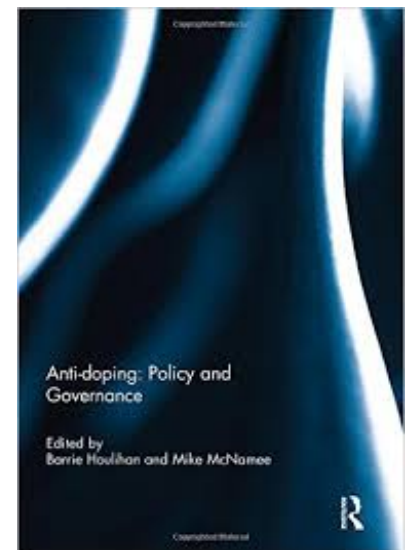
**Anti-Doping: Policy and Governance.** Barrie Houlihan and Mike McNamee (eds). Routledge. 2014.

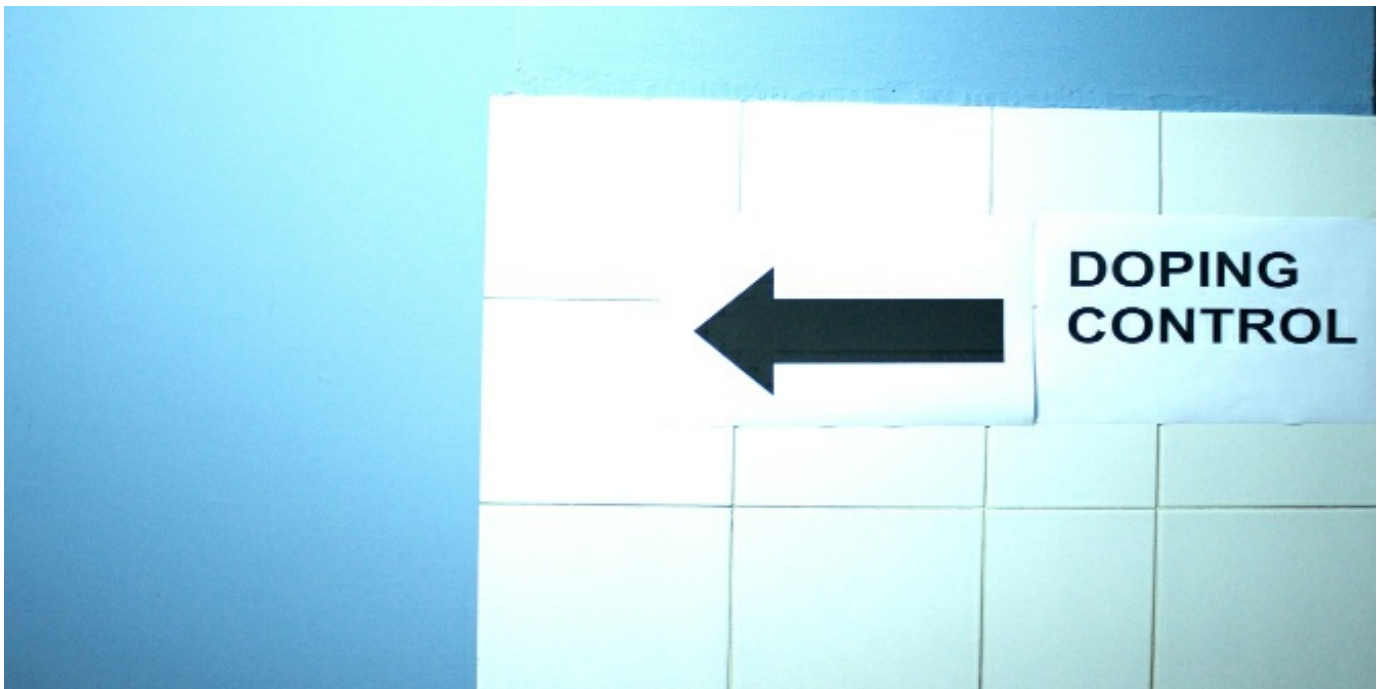
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Several years after the publication of a 2011 special issue of the *International Journal of Sport Policy and Politics*, Barrie Houlihan and Mike McNamee have turned its content into an edited book on anti-doping policies. Despite some passage of time, the relevance of its topic has not diminished but has rather increased with the outbreak of major doping scandals (a Russian state-sponsored doping scheme; [controversy surrounding Therapeutic Use Exemptions and the case of British cycling Team Sky](#); [meldonium doping](#) by Maria Sharapova; and many others) that have swept the sporting world in the meantime.

Under the book's umbrella theme of anti-doping policy, the chapters feature diverse topics, disciplinary approaches and styles. The first seven chapters are authored by scholars from the field of law and social sciences, while the later three chapters are produced by anti-doping practitioners – one representative of international anti-doping regulator, the World Anti-Doping Agency (WADA), one member of the UK Anti-Doping Agency (UKAD) and one representative of the International Tennis Federation (ITF).

The varying issues that the scholars' contributions address can be grouped under three main concerns: the pre-doping stage and the processes that affect athletes' decisions to take prohibited substances; detection efforts by anti-doping authorities; and issues related to the post-detection stage. Some of these are approached as legal issues, others as ethical, social or regulatory.





**Image Credit: (Rob Sinclair CC BY SA 2.0)**

In Chapter Five, Kate Kirby, Aidan Moran and Suzanne Guerin deal with the question of why athletes decide to dope. Based on their surveys of five doping ‘confessors’, the authors look at internal factors (consideration and justification; psychology and personality; and personal circumstances), external ones (pressure; ease of access; sources of influence within sport; and sources of influence outside sport) as well as deterrents (an example of an internal deterrent being moral prohibition and of an external, the severity of sanctions). One finding is that athletes, especially younger ones, face ‘career junctions’ at which they decide to dope due to various concerns – to get or remain selected, to keep up with the competition or to gain an ‘edge’. These junctions come after important ‘triggering’ events, usually coinciding with an athlete’s crisis.

This set of surveys indicates that ‘environmental’ factors are important. The role of fellow teammates, coaches, medical personnel and others can be decisive in encouraging or discouraging the decision to take prohibited substances. Deterrent factors, such as the toughness of sanctions, are also important in precluding doping consumption. Based on these findings, the following can be derived as potentially effective anti-doping tools: (1) encouraging tip-offs and whistle-blowers; (2) ‘getting tough’ on traffickers of prohibited substances; and (3) potentially criminalising involvement in doping. Interestingly, for those already doping, intrinsic motives can be crucial ‘inhibitors’: morality and the feel of guilt can be important factors that lead athletes to cease doping. Although it is based on a small sample of five athletes, this chapter offers useful insights into why breaches of anti-doping standards occur.

The ‘whereabouts rule’ – the cornerstone for the implementation of the World Anti-Doping Code – has drawn controversy among athletes. According to this, athletes must be available for an hour each day for possible testing, and must in advance provide information on their whereabouts. In Chapter Three, Verner Moller discusses why this rule and the accompanying question of proportionality are problematic. Should anti-doping authorities strive to maximise the prospect of catching a doped athlete at any cost, including infringements of the athlete’s privacy, putting them under continuous stress and dehumanising them, such as through thorough search and surveillance? Drawing on classical texts by Michel Foucault and George Orwell, Moller discusses practical and moral issues. Arguing against a ‘Big Brother’ approach, he warns that going too far in athletes’ surveillance can lead to the internalisation and ‘normalisation’ of externally imposed practices. Moller’s piece is not only an important reminder of why the whereabouts rule is ethically questionable, but also highlights how its implementation can negatively affect

performance, distorting the fairness of the competition.

Ethical issues are not only present in the actions of athletes and those designing and implementing anti-doping measures; they arise in the work of athletes' doctors too. How to act when the obligatory confidentiality rule – imposed by the law and the medical profession's ethics – is confronted with the knowledge that the client athlete is doping? In Chapter Four, Richard Griffith, Mike McNamee and Nicola Phillips discuss the legal and theoretical arguments for and against disclosing data about the client's health. Exceptions to the confidentiality rule/practice, argue the authors, can hypothetically include the following: (1) disclosure in public interest; (2) disclosure in the interests of justice; (3) disclosure for the public good; (4) disclosure to protect a third party; and (5) disclosure to prevent crime. While the authors do not take a position, they point to a practical weakness – the lack of definition in official documents. They therefore call for more precise guidelines as regards the tension between the World Anti-Doping Code (focused on countering doping behaviour and illicit practices) and professional codes (which protect athletes' interests), lest arbitrary decisions about the best ethical approach be left to doctors.

Discovering and punishing doping athletes can involve legal issues, as witnessed by [the oft-cited Meca-Medina ruling](#). This concerns two swimmers who were punished by the international swimming federation (FINA) after being caught with prohibited substances. Following the failure of their appeal to the Court for Arbitration in Sport, they turned to the European Union – first the European Commission (EC) and thereafter the Court of Justice (CoJ) – claiming that their economic freedoms and working rights had been breached. In Chapter Two, Craig Callery and David McArdle discuss the legal repercussions following the rulings: while the swimmers' arguments were dismissed, the economic versus sporting considerations were left to a future 'case by case approach'. By looking at issues surrounding clashing principles that are internationally recognised (in this case, the autonomous right of an organisation to set and enforce its 'club' rules versus guaranteed economic freedoms and rights), this chapter sets anti-doping as an international regime within a broader legal debate.

There are several common aspects that permeate the last three chapter contributions: descriptions of the role and priorities of organisations in tackling corruption; education activities as part of anti-doping efforts; inter-institutional collaboration in suppressing doping; and key challenges to anti-doping. All argue that education and preventive activities play a central role. For Lea Cleret (WADA), for instance, there is a significant place for experimental learning theory and social science research in advancing the understanding of athletes' behaviour as well as tackling doping practices. The practitioners also underline the importance of collaboration with international and domestic law enforcement authorities. Some of the tools identified at the time of publication include the creation of a hotline as well as biological passports for athletes (Amanda Butt, UKAD, Chapter Eight). While detecting doping athletes remains an important part of anti-doping policy, there is agreement across these practitioner contributions that a fruitful strategic approach would include increased targeting of traffickers as well as dealing with the people surrounding the athletes (medical staff, coaches and so on).

As is [usually the case](#) with edited volumes, the style and topics of the chapters are diverse, which impacts on the book's consistency. Despite the lack of a single focus, this volume will likely provide important introductory lessons and stimulate future research endeavours in the field of (anti-)doping as it points to major issues across the different phases of the regulatory process. The book may not be aimed at a wider readership, but it will provide scholars and anti-doping professionals with a fuller picture of some key issues surrounding the phenomenon of anti-doping regulation.

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*Note: This review gives the views of the author, and not the position of the LSE Review of Books blog, or of the London School of Economics.*

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