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Black and white anti-doping fight nears stalemate – here's how to break it

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The world of anti doping in sport sometimes feels like a battle between opposing forces on the same side. The debate has become polarised between those advocating zero tolerance and those who want to accept performance enhancement as a reality to be managed.

The latest leak claiming to reveal the banned substances cleared by sporting authorities for use on medical grounds by top athletes might offer us one route to a middle way in all this. Perhaps total transparency about these so-called therapeutic use exemptions (TUEs) might work?

The past few months have witnessed a glut of scandals reminiscent of the crises of the 1990s that led to the creation of the World Anti Doping Authority (WADA) in 1999. The increasing suspicion is that doping cannot be controlled and the organisations in charge have too many conflicts and vested interests.

The leaked information on alleged TUEs only serves to highlight how common it is for athletes and their doctors to request drugs that might enhance performance or aid recovery on the basis of medical conditions. The idealised level playing field is still a myth. There are of course entirely legitimate reasons for competitors to take the treatments they need and to get clearance to do so. No individual athlete can be assumed to have done anything wrong and there is no suggestion of that in the new leak.

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Optimising the human. Photographee.eu/Flickr

However, the TUE system could be gamed by opportunistic and unscrupulous teams or athletes as a means to “legally” dope. A less obvious, but still urgent problem, faces those athletes who haven’t had enough anti-doping education or do not have sports medicine support who test positive for drugs they simply did not know were banned. The system can be irrationally punitive.

Battle lines

Anti-doping’s two schools of thought make a solution sometimes look impossible. First, we have the claims that sport should be clean and that we need a tougher regime in order to get to that outcome. We might define this as a law and order mentality. Supporters argue that deterrence only comes from meaningful sanctions. That might include banning whole countries or sports from international competitions, or even criminalisation using the justice system to imprison those who commit doping “crimes”. In this view, the global leaders simply need to exercise more power.

Yet this does not really tackle the embedded attitudes that lead to doping. Sport is an opportunity for financial gain: for athletes, coaches, doctors, administrators. The motivational impulses point towards the search for performance enhancement, both legal and illegal. This is the nature of sport in a commercialised world. It does not solve the problem of athletes being able to beat the system through micro-dosing, avoiding the testers, using new and undetectable drugs, and the corrupt behaviour of officials in covering up positives. Nor does it address the potential abuse of the TUE process.



Testing times. Zsolt Andrasi/Flickr, CC BY-NC

The second and opposing school of thought is that we should redefine clean sport and accept that performance enhancement is a part of sport. This includes arguments that all drugs should be allowed, and that genetic manipulation should be, too. A lighter version of the same position is that athletes can use drugs under medical supervision.

Middle lane

Neither of these are good solutions. An absolutist approach leads to unintended consequences: punishments handed out to athletes who are innocent or who have done very little wrong. It requires huge investment and excessive surveillance of all athletes. It can also lead to sanctions of non-elite athletes as doping controls get extended into localised competitions. Such athletes often don't have enough anti-doping education but it is highly questionable if the rules for professionals should be imposed on amateurs. Mounting an appeal is costly and difficult under the strict liability rule. In other words, we risk unfair and disproportionate outcomes.

However, the liberalisation approach is quite simply not palatable for sports organisations, sponsors, and the media. The public perception seems to be that sport should be drug-free. Any loosening on the grip of anti-doping provokes fears that all athletes will feel compelled to dope, including young people just at the beginning of their careers. It is also seen as undermining the health and ethical virtues of sport.



Harsh treatment. houstonowiPhotos mp/Flickr, CC BY

Frankly, the debate is so polarised that it might be tempting to give up. But we need some some sense of rationality and perspective to map out a middle ground. This might emphasise integrity in sporting cultures, put the athlete at the centre of the policy process, and direct resources to the most important doping issues. Yet, there is no platform for this debate, and no mechanism for re-orienting the direction of travel WADA has pursued since it was formed. The only real solution is a multi-stakeholder, open and transparent debate that comes to conclusions that WADA is obliged to accept and deliver.

The extensive debate on TUEs which this week's news will reignite might accidentally provide a focal point for new options. If it was more transparent, we would know the drugs athletes used and why. Doctors and coaches would be made more accountable for the requests they make. Sports organisations would have more knowledge and control over what was being used.

Of course, the significant challenge is that this approach adds another layer to the already extensive surveillance of athletes: their bodies would be more public, and their privacy diminished further. However, the current crisis over TUEs neatly symbolises the ambivalences, problems and challenges facing WADA, as they aim to keep sport clean in a world that increasingly normalises medical drug use and enhancement therapies. Sport might be different to the rest of society, but athletes want to win and sometimes will use any method available to them. This unwinnable war needs a fresh approach.

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