



## Theorising unintended consequences of anti-doping policy



Ivan Waddington

Norwegian School of Sport Science, Oslo and University of Chester, UK

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### ABSTRACT

There is a growing recognition of the fact that unintended consequences are a commonplace feature of everyday social life, not just in sport but in all aspects of social life (for a dramatic example, consider the many unintended consequences of Western intervention in the Middle East). In relation to doping, the most obvious unintended consequences – in this case collateral harms – include the fact that existing anti-doping policy has (i) constrained athletes to use more dangerous but less detectable drugs and (ii) to use additional masking drugs to conceal their use of performance-enhancing drugs; (iii) driven drug use underground, thereby making it difficult to control the quality of drugs and (iv) making it more difficult for athletes, especially below elite level, to obtain medical monitoring of their drug use. This paper provides at least partial answers to these questions by, firstly, examining the ways in which social scientists have used the concept of unintended consequences and similar concepts. Attention is focused, in particular, on the Merton's classic conceptualisation of “the unintended consequences of purposive social action” and on Elias's concept of “unplanned outcomes” and his analysis of the relationship between planned and unplanned social processes. The paper concludes with the implications of these analyses for the practical processes of policy formation and implementation.

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### 1. Introduction

There is a growing recognition of the fact that unintended consequences are a commonplace feature of everyday life, not just in sport but in all aspects of social life (for an ongoing and dramatic non-sporting example, consider the many unintended consequences of Western intervention in the Middle East). By way of illustration, consider three sporting examples, all health-related:

- (i) In boxing, it has taken a long time to recognise that the development of boxing gloves, which were ostensibly designed to protect the facial features of the person being punched, actually offer much greater protection to the hands of the puncher, thus enabling boxers, without damaging their hands, to deliver more, and harder, punches to the opponent's head, with a commensurate increase in the risk of brain damage (Murphy & Sheard, 2008).
- (ii) In Rugby Union in recent years there has been growing concern about the long-term health risks associated with concussion. In order to protect players health, the International Rugby Board (IRB) has adopted a precautionary policy which requires that any player sustaining a concussion must abstain from playing and training “for a minimum period of three weeks”

and should only resume “when symptom free and declared fit after a proper medical examination” (Malcolm, 2009: 196). However, one consequence of the IRB rule is that any diagnosis of concussion will automatically deprive the club of the player's services for three weeks. Within this situation, the resistance of players and coaches to a diagnosis of concussion has led “to a rejection of treatment protocols”. Thus Malcolm found that most club doctors have effectively rejected the IRB guidelines and their underlying precautionary philosophy, and that many go to considerable lengths to avoid offering a diagnosis of concussion, with the loss of the player's services which this would entail. Malcolm (2009: 205) notes that a rule which was designed to protect players health has actually had “the unintended consequence of leading clinicians to avoid the diagnosis of concussion” and he concludes that clinicians “come to diagnose concussion in a way that they know will be acceptable to others” (Malcolm, 2009: 201), i.e. to coaches and players.

- (iii) In relation to anti-doping policy, several writers have identified collateral harms associated with unintended consequences of anti-doping policies. For example, Dr Robert Voy, a former Chief Medical Officer for the United States Olympic Committee, long ago identified what he called a “sad paradox” of anti-doping policy. Voy noted that although anti-doping organizations had tried to control the use of performance-enhancing drugs partly because of their potential health risks

E-mail address: [ivan.waddington@ntlworld.com](mailto:ivan.waddington@ntlworld.com)

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to athletes, they had “in a sense steered the athletes toward more dangerous drugs”. He pointed out that “the types of drug testing programs used by doping control authorities . . . have unintentionally created a greater health danger in that athletes are now using the shorter acting, more toxic forms of drugs to avoid detection” (Voy, 1991: 19). In other words, the implementation of a policy which is justified partly in terms of a desire to protect the health of athletes has, paradoxically, had the effect of constraining athletes to place more importance on the detectability of drugs and less importance on their safety; as a consequence it has constrained athletes to use drugs which are likely to be more, rather than less, damaging to their health. It is reasonable to suppose, as Voy indicates, that this outcome was not intended by those responsible for developing anti-doping policies in sports and that it is not a consequence which they welcome. Other health-related collateral harms associated with the unintended consequences of anti-doping policy include the fact that such policy has: constrained athletes to use additional masking drugs to conceal their use of performance-enhancing drugs; made it more difficult for athletes, especially below elite level, to obtain medical monitoring for their drug use; and driven drug use underground thereby making it more difficult to control the quality of drugs (Dawson, 2001; Waddington, 2000; Waddington & Smith, 2009; Smith & Stewart, 2008; Stewart & Smith, 2015).

The increasing recognition of the ubiquity of unintended consequences is to be welcomed, together with the clear implication that policy formation and implementation are complex processes which almost invariably have unintended consequences. But we need to go beyond merely listing and describing unintended consequences. In particular, as social scientists, we need to develop a theoretical understanding of how unintended consequences occur and why they are so commonplace. And we need to address some important questions in relation to policy formation and implementation. If policy almost invariably has unintended – and often unwanted – consequences, is the attempt to develop effective policy an inevitably fruitless task? Does the development and implementation of policy – and the regulation which it implies – inevitably do more harm than good? Should we just give up policy formation as an impossibly complex and difficult task, doomed to failure?

This paper attempts to answer these questions by examining the ways in which social scientists have used the concept of unintended consequences and similar concepts. Attention is focused, in particular, on the American sociologist Robert Merton’s conceptualisation of “the unintended consequences of purposive social action” and on Norbert Elias’s concept of “blind social processes”. This is followed by a case study which draws on Elias’s game models to analyse some of the unplanned outcomes of the 1999 Lausanne Conference which established the World Anti-Doping Agency. The paper concludes with some thoughts about the practical implications of these analyses for the development and implementation of policy.

## 2. Theorising unplanned outcomes

The idea of unintended or unanticipated consequences of social action has a long history. As Robert Merton has noted, the idea is to be found in the work of many writers, including Machiavelli, Marx, Pareto, Max Weber, Cooley and Sorokin (Merton, 1936: 894). In economics, the most famous example is probably to be found in Adam Smith’s concept of an “invisible hand”, a process which, according to Smith, ensured that the pursuit of individual self-interest would, through the operation of the “invisible hand” of market forces, increase public wellbeing.

Merton noted that, despite these references to the idea of unintended consequences in the work of many writers, the diversity of context – ranging from theology to technology – and the variety of terms by which this problem has been known, have been so pronounced that “not only has the substantial identity of the problem been overlooked, but no systematic, scientific analysis of it has as yet been effected” and he added that “though the process has been widely recognized and its importance appreciated, it still awaits a systematic treatment” (Merton, 1936: 894).

Merton himself sought to address this issue in his classic paper, “The unanticipated consequences of purposive social action” (1936) and in a later essay (1949) and, within modern sociology, the idea of unanticipated consequences is still closely associated with Merton’s work. In his early essay, Merton defined *purposive* action as action which involves motives and consequently a choice between various alternatives, and he outlined five major limitations to the correct anticipation of the consequences of action. Firstly, he pointed to the partial knowledge or ignorance in the light of which action is commonly carried out which may give rise to a range of unexpected outcomes of action. Secondly, he identified error – for example in the appraisal of the situation or in the selection or execution of the action chosen – as a major limitation. Thirdly, Merton referred to what he called the “imperious immediacy of interest”, where the actor’s paramount concern with the anticipated immediate consequences – that is the satisfaction of the actor’s immediate interests – effectively excludes the consideration of further or other consequences of the action. Fourthly, he identified the possible influence of basic values, for example the actor’s religious values, which may mean that there is no consideration of further consequences because of the felt necessity of a given action which is required by adherence to certain fundamental values. Finally, he suggested that public predictions of future outcomes might themselves give rise to unanticipated consequences because the prediction itself becomes a new element in the situation (Merton, 1936: 898–904). In his later and longer essay on unanticipated consequences, Merton developed this last point in considerable detail, focusing specifically on the self-fulfilling prediction, with passing mention of the converse “self-contradicting prediction”, as particular types of unanticipated consequences (Merton, 1949).

Mennell (1989) has suggested that although Merton’s work has done much to popularize the idea of unintended consequences, his particular focus on the self-fulfilling prophecy in his later essay “has led to too narrow an interpretation of their sociological significance”. Self-fulfilling prophecies may have a certain fascination but they are, suggests Mennell, fundamentally a trivial diversion, because they are simply an unusual and rather special case of something which is not only much more common, but also of considerably greater theoretical significance. In this regard, Mennell points to what he sees as the major difference between Merton and Elias:

unanticipated consequences are not a curious footnote to sociology but nearly universal in social life. For Merton, the self-fulfilling prophecy is like a boomerang: the consequences of men’s (sic) actions rebound upon their initiators. For Elias (1989), the analogy is much less exotic and much more commonplace; like the effect of a stone dropped into a pool, the consequences of people’s actions ripple outwards through society until they are lost from sight. Their effects are felt, not at random but according to the structure of the figuration in which they are enmeshed, by people who may well be quite unknown to each other and unaware of their mutual interdependence (see 258).

There is another, and perhaps more fundamental, difference between Elias’s work and that of Merton. If Merton’s emphasis on

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