

## Tacit premises and assumptions in anti-doping research



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### ABSTRACT

The development of the Anti-Doping Test Regime over the last few decades has been described as a process of increasing restrictions to athletes' civil rights. This process is based on two strongly interconnected basic assumptions; that Anti-Doping Organizations (ADOs) really aim to effectively reduce doping and that testing and sanctioning are by principle appropriate to attain this goal. Scrutiny of the first assumptions shows that it is at least implausible. Scrutiny shows the second assumption is definitely wrong. Nevertheless, ADOs have succeeded in attracting increasing levels of resources and restrictions on athletes' civil rights. A possible, but nevertheless implausible strategy to deal with this problem is sketched out.

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The following article presents the attempt to establish a link between several projects which were conducted within different disciplinary contexts and which focus on different aspects of the Anti-Doping Test Regime (ADTR). The link emerged as a result of serendipity as an unintended outcome of the investigation into tacit premises in anti-doping and in anti-doping research, initiated in the context of the fifth International Network for Humanistic Doping Research (INHDR) conference held in 2013. It is advanced as it has the potential to lead to a new understanding of the way the ADTR comes to work.

The article starts with a brief overview of the development of the current ADTR. It is shown that this development and the measures can only be rationally understood on the basis of two interconnected tacit premises. These two premises refer to the rational decision making of stakeholders in the field of anti-doping work and on the logic of testing and sanctioning athletes. Both premises are scrutinised in separate sections, each followed by a brief interim conclusion of the meaning of the results of this analysis. Finally, a possible strategy for Anti-Doping Organisations (ADOs) to deal with these issues is sketched out.

### 1. The development of the ADTR

The dynamics of the fight against doping within the ADTR in the recent past has been dominated by an increase in the number

of tests, in the number of substances tested for, in the technical subtleness of testing, and in the restricting of athletes' civil rights and privacy (Møller, 2013, 10). As Reinold (2013) mentions, "anti-doping, over the last six decades, has to be characterised, first and foremost, as a process of constantly increasing restriction and control". This renews the description of the development of anti-doping policies presented by Waddington and Smith (2009, 207f).

Empirical data over recent years adds a wrinkle to this point of view. Fig. 1 shows the number of tests per year increasing across 2003 to 2009, but comes to an apparent standstill after 2009.

Nevertheless, there are indicators that increasing the efforts conducted so far is still seen as important in anti-doping. Especially in terms of the number of anti-doping tests which were conducted, the annual statistics of the World Anti-Doping Agency (WADA) always compare the values of the last two years. Furthermore, documentation of the ADTR drawn from the ADAMS system, the increase in the volume of samples analysed per year is explicitly shown (see Table J1 in WADA, 2012). WADA founded a working group, led by the former WADA president Richard Pound (WADA Working Group, 2013). This working group reports directly to the WADA executive committee on the perceived lack of effectiveness of ADTR. It is worth noting that the idea of increasing numbers of tests, increasing subtleness of testing, increase in the number of substances tested for and increasing shortenings to (athletes) civil rights and privacy can be found in the working group's suggested improvements (see Supplementary Data, file 1)

Quite independently from the WADA Working Group, Stewart and Smith (2014, p. 5) characterise the WADA policy in similar ways:

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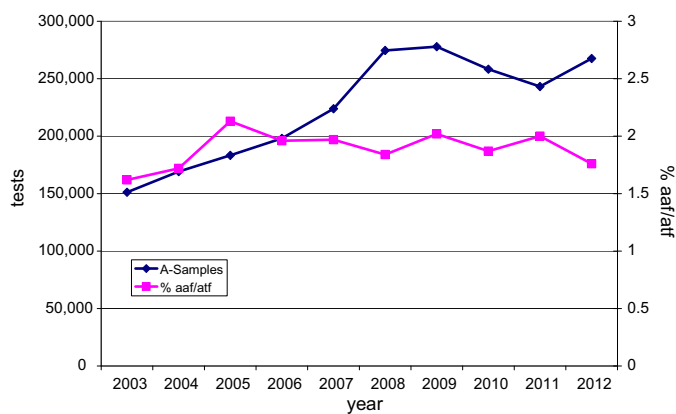


Fig. 1. Number of tests and percentage of adverse and atypical analytical findings.

“WADA holds adamant that its current policy is the only workable one, and believes that any weaknesses in its arrangements can be supplemented with more comprehensive analysis technologies, more rigorous and frequent testing, an expanded investigative role, more punitive sanctions, and more severe suspensions”.

One argument often used to legitimise this development of the ADTR builds on the (perceived or assumed) dynamics of doping in elite sport:

“Increasing restriction and control of the anti-doping system has to be considered as a consequence of the increasingly challenging doping practices that have been entering high performance sport” (Reinold, 2013).

On the other hand, the increasing efforts to fight doping are legitimised by a perceived ineffectiveness of anti-doping efforts. The argument used by the WADA Working Group to support the assumption of a lack of effectiveness reads as follows:

“Pre-WADA, approximately 150,000 tests were administered annually, compared with the current total of approximately 250,000. On the other hand, despite the significant increase in testing and the ability to detect more sophisticated substances, there has been no apparent statistical improvement in the number of positive results” (WADA Working Group, 2013, 10).

Besides this apparent logical flaw in the argument of the WADA Working Group, we find further hints that anti-doping policies are neither effective in practice nor perceived as effective. These hints come from anecdotal and empirical evidence. Anecdotally, the fight against doping is ineffective in terms of detecting and sanctioning dopers, like the cases Marion Jones or Lance Armstrong. This evidence includes findings that EPO was used during the Tour de France 1998 by winner Marco Pantani, Jan Ulrich and 16 more riders, and an additional 12 riders who provided suspicious samples (MacMichael, 2013). Empirically, there is evidence that doping tests are not as dependable as they should be (Lundby, Achman-Andersen, Thomsen, Norgaard, & Robach 2008).

In the context of remedying ineffective testing, the WADA Working Group fails to raise the question whether the techniques used so far are appropriate. Instead, they only question if the tests are conducted in the right manner. Additionally, scientists have adopted this question as appropriate:

“The first is to look at ways to make prohibition work more effectively. That is, take the lessons of the past that have worked well and try to fix the bits that have failed” (Mazanov, 2013).

Moreover, there are critiques that this process could evolve faster:

“Unfortunately, the 2015 update to the World Anti-doping Code looks like it will consolidate the existing system. For example, there is still no indication of what is meant by the Spirit of Sport, the 11 values of Olympism that doping is fundamentally contrary to” (Mazanov, 2013).

While claiming that the suggestions of the WADA Working Group might lead to an even more unbalanced allocation of resources, Backhouse (2013) cites Richard Pound’s comments: “The elephant in the room is the human factor, not the science, not the system” (AP, 2013, May 15). Backhouse (2013) argues against the “bias towards testing and compliance” adversely affects anti-doping education. Interestingly enough, while arguing against the measures suggested by the WADA Working Group, Backhouse does not argue against the implicit logic these suggestions are based upon.

## 2. Implicit assumptions and tacit premises

This development of the ADTR can only be understood if the techniques which were used so far are (at least perceived to be) appropriate. Thus, this development implicitly refers to two tacit premises which underlie the construction of the fight against doping by testing and sanctioning.

The **first premise** is related to actions and decisions met by institutional stakeholders in this field, such as WADA, National Anti-Doping Organisations (NADOs) and major international sports federations. While the WADA Working Group explicitly mentions the “human factor” is problematic, human “politics” are not criticised by principle. The shortcomings of “politics” are identified in the relative meaning of the fight against doping for the different stakeholders, while the stakeholders’ interest in the fight is never addressed. Furthermore, regarding WADA and NADOs, the question of insufficient commitment is never raised. All this shows that, within the anti-doping community, the following premise is apparently thought to hold:

*P1: WADA, NADOs, laboratories, and sport federations are genuinely aiming at eradicating (or at least effectively reducing) doping.*

In the notion of the aforementioned Working Group, this premise addresses the fact that weaknesses within the ADTR are seen as caused by individual or collective actors’ deviation from the – by principle – working self-commitment of stakeholders to the World Anti-Doping Code (WADC). This means that, despite the fact that competing evidence is well-known concerning the athletes’ self-commitment to anti-doping, the structurally identical pattern is thought to work on the side of collective agents in this field. It is not really straightforward to assume that a self-commitment to a rule which potentially damages chances to be successful in competition works for the (mostly unregulated) competition between nations, national sports organisations and even IF’s for outcomes like media presence, influence and resources, while it apparently fails when it comes to the (highly regulated) competition between athletes for honour and little money. Emrich and Pitsch (2011) show that, from an economic perspective, this premise cannot be taken for granted for even the most prominent agonist in the fight against doping – the International Olympic Committee (IOC).

The **second premise** refers to the joint efforts of ADOs, Accredited Anti-Doping Laboratories and both national and international sporting federations:

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