

WHAT'S AT STAKE? CONSIDERING THE IMMATERIAL COSTS OF REVERSING CURRENT OLYMPIC DOPING CONTROL POLICY

Ken Kirkwood

Assistant Professor of Applied Health Ethics

Faculty of Health Sciences

University of Western Ontario

Abstract

This chapter examines the emergent notion that World Anti-Doping Agency doping control policies should move towards legalization and regulation of performance-enhancing drug use amongst athletes. The examination looks at Olympic sport and its elements of Olympism ('Olympic myth') as an embodiment of sacred values. This consideration leads to the ultimate concerns around if, and how, a policy of permissiveness towards doping might violate Olympism as a sacred social value.

There seems to be a growing tide of scepticism in the academic literature of the English-speaking world about the pragmatic and ethical value of prohibiting performance-enhancing drug (PED) use. This tide of argument has pushed anti-doping advocates to demonstrate the reasoning behind such prohibitions. These demands have largely been ignored, isolated, or replied to through trite refrains.

While these two sides entrench, the question that emerges revolves around the possible immaterial considerations that might suggest the continued ban on drugs in sport. While some arguments have offered justifications from this perspective, they haven't succeeded. The purpose of this chapter is to examine the value of the Olympic myth as a sacred-yet-secular global aphorism, and to determine if the invalidating this myth is sufficiently harmful to sustain a justification for ignoring the considerable material arguments for changing doping-control policies.

Heretics in the Church of Sport

As long as there have been those who attempt to justify prohibitive stances, there have been those who found those stances unconvincing.¹ Since 2004, a noticeable challenge emerged from scholars who doubted the existing moral and pragmatic justifications for the prohibition on performance-enhancing drugs. These challenges posed new alternatives to replace the existing prohibitions which and thought to be unjustifiable: proposals of a movement towards harm reduction², to a regulated legalization of drug use³, or a celebratory embrace of enhanced human performance.⁴

What these authors share is a demand that the defenders of prohibitions on PEDs demonstrate in some material, observable, and naturalistic manner⁵, the exact nature of their objections to drug use in sport and subsequent support for prohibition. Many of the moral arguments put forward are arguably naturalistic in their predictions of physical or medical risk of harm, propagation of drug use in lower-level sports (particularly amongst children), and harm to other athletes. Other scholars have put forward non-naturalist arguments, such as *internalism*⁶, to defend the value of drug-free sport, and the

prohibitions against drugs in sport. This line of argument has failed to move the sceptics,⁷ leaving us intractably deadlocked.

But what of the perceived value of the prohibitions on drug use in sport, particularly in the Olympics? There is moral weight to the myths of the Olympic movement if they create positive outcomes? Given the widespread gravitas of Olympism, and the great value many people put on the Olympics over and above other forms of sport, it behoves us to consider what a reversal of doping control policy might entail for this sacred exemplar of sport.

The Sacred – With and Without God

When we speak of human perceptions of the sacred, we must speak of a distinction of value, usually between higher value and lower value. Ronald Dworkin clarifies that distinction in terms of extrinsic and intrinsic value.⁸ When we consider the extrinsic value, we usually speak of an entity for which a value can be calculated and expressed, often as a product of market forces addressing the entity's instrumental utility. By contrast, intrinsic value is viewed as beyond such calculus. The value is not subject to measurement, and is not easily, if at all, assigned a commercial value.⁹ For example, one cannot, as the old cliché goes, put a price on happiness.

For Dworkin, intrinsic value itself subdivides into two categories: the first being incremental, and the second being sacred. For the incremental, the value we determine for an entity or attribute, can often lead us to want more of it, to replicate it so that we might enjoy greater supplies of it. The example Dworkin uses to illustrate this category is knowledge. We feel entitled to search for knowledge, and to expand our knowledge and

multiply our resource of understanding and appreciation of everything we can know. To do so expresses its intrinsic value.

When Dworkin speaks of the sacred, he defines it as external entities that we intrinsically value for what they already are. Consider religious iconography as an example. A commonality to such icons across all religions is that these images are sacred precisely because they represent the ideal and invoke devotion within believers.

One fundamental feature of sacredness is its inviolability. To define something as sacred necessarily implies that one could, but should not violate the sanctity owed to that person, place or thing. Put another way, to define an entity as sacred simultaneously precludes contrary properties within the same context.

Critics of this notion of the sacred, root their distaste for the concept in what they see as the intractable taint of God saturating the whole notion. For Atheist critics such as Nigel Warburton, the existence of the sacred is completely and wholly dependent on religious belief.¹⁰ If the world had been spared the development of religious belief, we would also have had no linguistic imperative to develop a notion synonymous to the sacred. The corollary to the essentialist claim that the notion of the sacred is wholly dependent on the existence of religion is that a hypothetical future failure of religion signals the antiquation of the notion of sacred. This assumption rests on a faulty understanding of two important points. First, the observation that one of the few global elements common to all pre-colonial societies was a belief in spirituality, deities, and some form of continued existence post-mortem.¹¹ Fr. Wilhelm Schmidt famously articulated this phenomenon by noting that, "In the beginning, human beings created a God who was the First Cause of all things and Ruler of heaven and earth."¹² This

commonality speaks to some shared experiential element of human existence (probably death) that gave cause for reflection and mythologizing on a global scale prior to global flows and influences. Secondly, this human tendency to mythologize is not limited to the fate of any single organized religion. Peter Berger noted this in his seminal work on the subject of religion, *The Heretical Imperative*. Berger notes that as a society moves in and out of periods of affinity with dominant forms of religious belief, the intrinsic value society finds in sacred people, places and things displaces into civil-religious forms: flags, revolutionary ideologies, or nation-states can all rise to positions of significance in the roster of sacred iconography.¹³

When we consider the flexibility of the objects of sacred valuation in the context of sport, it is very clear that sport too, can become sacred. Michael Novak made his impassioned plea for the consideration of sport within the realm of the sacred in American society. For Novak, the ritual of sport matches closely with the ritual aspects of religions:

For a game is a symbol; it is not precisely identified with what it symbolizes. To lose symbolizes death, and it certainly feels like dying, but it is not death. The same is true of religious symbols like Baptism or the Eucharist; in both, the communicants experience death, symbolically, and are reborn, symbolically. If you give your heart to the ritual, its effects on your inner-life can be far-reaching.¹⁴

Novak was criticized for overstating the similarities between sport and religion.¹⁵ When we consider the related claim that sport, represented by the aphorism of Olympism, can be regarded as sacred, we make a more specific, less grandiose claim.

Olympism as Myth and Creed

When one describes the value of the Olympic myth¹⁶, we trace the interpretation to elements of its articulation by the International Olympic Committee (IOC). The preamble to the Olympic Charter defines Olympism as:

...a philosophy of life, exalting and combining in a balanced whole the qualities of body, will and mind. Blending sport with culture and education, Olympism seeks to create a way of life based on the joy of effort, the educational value of good example and respect for universal fundamental ethical principles.¹⁷

I would contend that there is a common sense that Olympic sports are morally differentiated from other forms of high-performance sport. Many people have faith in the belief that Olympic sports embody higher moral elements that temper the credo of *citius, altius, fortius* with intrinsic goods of joy, effort and good sportsmanship.¹⁸ It seems evident that this common sense of Olympism defines sport as a manifestation of universal moral values that transcend sport. It is this notion that Olympic sport, as an exemplar of Olympic values, is somehow connected to a more noble vision of sport than the vision of professional leagues around the world. In the minds of many, the Olympics is the hybrid of two particular virtues that relate to Olympism: the highest level of competition conducted in an environment that is less affected by the vices of other modern high-performance sport and is more referent to some amorphous sense of purity, honesty, and virtuosity. This complex of sentiment is best summated by philosopher Robert Osterhoudt who noted that the myth of Olympism effected the 20th century so strongly that it alone kept the essentially human component of humanity within sport, and defended sport from the general decline to its current state of being as an “instrumental beast.”¹⁹

*Radix malorum cupiditas*²⁰

In the history of sacred icons, there is historical cycle of violation and sacralising that reflects Dworkin's categorical distinctions between that which is sacred and that which is at our disposal. Many entities endowed with sacred value often fail us, and a portion – often a large portion – begin to see that entity as defiled and subsequently abandon their reverence for the fallen beliefs or maintain some level of adherence for more pragmatic reasons of utility, and with less or no reference to any sacred values.

In North American sport, no where has this issue been more obvious than in major league baseball. Many, many historians and sociologists have developed insights into how baseball has a unique relationship to the American way of understanding themselves to each other, and how the constitutive rules of the game create a compelling allegory for the meaning of America and its history.²¹ The less glorious chapter of that story began in 2003, when the BALCO scandal broke, and began a string of investigations and implications that ensnared a number of baseball's all-stars in allegations of PED use.²² It is a common assertion that PED use is not recreational, but tactical. PEDs are deployed for their utility to gaining external goods.²³ According to Dworkin's conception of the sacred, baseball can still be valued, but the nature of its value changes from being revered for its current qualities, to an appreciation for its value as a good or service with some commercial value.

Baseball arguably had been in the de-sanctification process for some time, but certainly the fallout from the BALCO scandals hastened the transformation. When that which is previously sacred falls into the domain of the everyday, some common reactions

appear. Stanley Hauerwas describes one particular reaction as “reactionary absolutism,” wherein feelings of betrayal manifest into even stronger feelings of attachment and reverence in the damaged belief system, even when less self-satisfactory reason for believing exist.²⁴ This reaction to baseball can be personified by American President George W. Bush who condemned drugs in baseball during his 2004 State of the Union address, or American Senator Joseph Biden, who railed against doping in baseball:

Baseball is the national pastime, but it's the repository of values of this country. There's something simply un-American about this. This is about values, about culture, it's about who we define ourselves to be.²⁵

The other side of Hauerwas' reactionary absolutism is the de-sacralisation of sport, and its ultimate fate as predominantly commercial in value. While Catholics refused to attend mass in New England's parishes following the exposure of predatory sexual abuse perpetrated by priests in the 1990s as their protest against the profane conduct of sacred agents,²⁶ baseball fans have had no such reaction. Contrary to Senator Biden's delusions, Americans are quite content buy tickets to the watch American pastime in greater numbers in this age of drugs, than in the years of blissful ignorance.²⁷ Returning to Dworkin's categories of value, it seems that baseball sells tickets in ever greater numbers because the value of the game is fully and completely commercialized. People attend the games because it suits their consumerist desires, not because it places them in touch with some great American tradition.

When we turn our attention to Olympism, we see a slightly different aspect to Dworkin's categories of value. While Major League Baseball has packaged their history into the marketing of their sports entertain product, the IOC has excelled at this particular aspect by flattening the distinctions in Dworkin's model. A large portion of the global

target audiences for Olympic sport feel that the Olympics are distinctive from other high-level sports in several illustrative ways:

- 1.) The Olympics are thought to embody “better values” than other organizations.
- 2.) The Olympics are perceived as the highest level of international sporting competition
- 3.) Doping is considered negative, but blame is on the athletes, not on the Olympics itself.²⁸

This perception is the product of the work of Juan-Antonio Samaranch, Horst Dassler, and the master of implementation, Richard W. Pound. When populations watch Olympic programming, they feel as if they are taking part in a sacred observation, reminiscent of Novak's concept of sport as a form of religion, and observing sport as a form of religious experience. Particularly during Samaranch's commercialization of the Olympic Games, there was a simultaneous emphasis placed on extolling Olympism as their guiding system of virtue. For a point of comparison from the documentary evidence, the term Olympism only occasionally appears as doctrine until de Coubertin's article in *La Gazette de Lausanne*, in 1918.²⁹ In official IOC publications, there are only eight mentions of 'Olympism' from 1901 to 1930, and none of those are expository on the meaning of the term.³⁰ By contrast, during Samaranch's reign from 1980-2001, the word “Olympism” is mentioned 1,550 times, which constitutes 69% of the 2,257 total references to Olympism in the IOC's official publication *Olympic Review* (1901-2001).

Such deployment of evocative vernacular coincided with the marketing programs of the IOC and the anti-doping crusade of Richard Pound during his time at WADA,

people view other levels of professional sport as commercial, and drug use within those leagues as proof of the inherent corruption of those sporting organizations. By contrast, WADA rooted its rationale squarely in support of the values of Olympism via the World Anti-Doping Code.³¹ This allowed for justificatory connections between PED use as vice and 'anti-Olympian' and the moral rectitude of Olympism. When doping appears at the Olympics, it can't be a sign of corruption of the IOC, because they profess adherence to a higher standard of virtue – to the appearance of sacred values – therefore it is the athlete primarily, if not entirely, to blame.

Theologian Harvey Cox refers to this process of collapsing the sacred into the commercial as “reverse-transubstantiation.”³² In Catholicism, ordinary items such as bread and wine are transformed into sacred entities through transubstantiation. In reverse-transubstantiation, objects or notions of the sacred are mass-marketed, or in the vernacular, made ordinary or profane. Through the careful creation of the Olympic 'brand,' the IOC has marketed itself as embodying values that Dworkin would categorize as sacred, and the consuming public will apparently purchase. In short, the IOC has put the sacred on sale, and business has never been better.

Authentic Sources of the Sacred

If the sacred in sport is not either defiled by commerce or has been collapsed into the Olympic brand, is there any hope left at all? Is our inspiration for sport, and intrinsic reasons to reject doping all left for dead?

Some hopeful answers emerge from a truly unusual place. The existential theologian Nicolai Berdyaev roots the true experience of the sacred in largely

individualistic terms. Senses of reverence are true expressions of intrinsic value, and authentic relationships between people and their particular spirituality.³³ While Berdyaev attributes the sacred to God, his fundamental assertion of intrinsic values applies when we remove God from an essential role in the sacred. Intrinsic values are profoundly subjective, and external prescriptions of exactly what those values should and will be, or what he calls *exteriority*, is precisely that which Berdyaev saw as a form of slavery.³⁴ Exteriority – the moral and sacrilising authority exercised by social structures external to the adherent – is what we see when we speak of sacred values packaged with the Olympic sports. To create meanings and structures external to people for the express purpose of defining their intrinsic values is an unacceptable exercise in domination and control.

What does this mean for doping control policies? The fundamental premise of this chapter was to examine the social value of the Olympic myth to determine the redemptive power such myth had on PED prohibitions in the face of compelling arguments against such bans. What comes through is:

- 1.) The mythology of Olympism is not an embodiment of intrinsic values
- 2.) Olympism is, or functions as, a commercial brand in the sports entertainment marketplace
- 3.) Sacred and commercial are mutually exclusive categories
- 4.) Intrinsic values are not authentic if they originate from external dogma.

Ultimately, the IOC and WADA can continue to enforce a doping ban over Olympic participation by simple virtue of the fact that the IOC operates the Olympic Games, and has the rights of ownership, which includes setting arbitrary regulations, such as those that apply to drug use. What it cannot continue is perpetrate the fraud that such policies emerge as manifestations of virtuous adherence to their understanding of Olympism, unless Olympism is acknowledged for what it is: one of the most remarkable marketing projects in the history of commerce.

Conclusion

While we recognize the role of the sacred in our lives, this chapter defined the sacred as a fundamentally intrinsic in value, and not material or extrinsic, such as in matters of commerce or utility. Olympism, in direct contrast to other sports such as Major League Baseball, is recognized as having sacralised elements. Novak noted how sport constituted a 'lower form' of religion, and while drug use is often an exemplar of the decline of sport into purely commercial entertainment, the IOC and WADA have successfully marketed an image of sacred sport into their own sporting product, by connecting strong prohibitive stances on drug use to the image of the Olympics moral distinctiveness in the marketplace. While this is a masterpiece of business, it is purely crass commercialism, and unrelated to the understanding of the sacred.

- ¹ W. Miller Brown, Paternalism, Drugs, and the Nature of Sports, *Journal of the Philosophy of Sport* XI (1985), 14-22.
- ² Ken Kirkwood, Good as Gold: Commercial Aspects of WADA's Development, in *Cultural relations old and new: the transitory Olympic ethos: seventh International Symposium for Olympic Research*, eds. Kevin B. Wamsley, Scott G. Martyn and Robert K. Barney (London, ON: Centre for Olympic Studies, University of Western Ontario, 2004), 199-212.
- ³ Julian Savulescu, Bennett Foddy and Mark Clayton, Why we should allow performance enhancing drugs in sport, *British Journal of Sports Medicine* 38 (2004), 666-670. Bengt Kayser, Alexandre Mauro, and Andy Miah, Viewpoint: Legalisation of performance-enhancing drugs, *Lancet* 366 (2005), S21.
- ⁴ Nick Bostrom, In Defense of Posthuman Dignity, *Bioethics* 3 (2005), 202-214.
- ⁵ For the purposes of this paper, naturalism is a moral realism, wherein moral truths are empirical, material facts. Non-naturalism suggests that moral statements are not based in realism, or observable fact.
- ⁶ Robert Butcher and Angela Schneider, Fair Play as Respect for the Game, *Journal of the Philosophy of Sport* XXV (1998), 1-22.
- ⁷ W. Miller Brown, As American as Gatorade and Apple Pie, in *Ethics in Sport*, eds. William Morgan, Klaus Meier and Angela Schneider (Champaign, IL: Human Kinetics, 2001), 142-168.
- ⁸ Ronald Dworkin, *Life's Dominion* (New York: Vintage, 1994).
- ⁹ Ibid.
- ¹⁰ Nigel Warburton, Is Art Sacred? in *Is Nothing Sacred?*, ed. Ben Rogers (London, UK: Routledge, 2004).
- ¹¹ Thomas Luckmann, Shrinking Transcendence, Expanding Religion? *Sociological Analysis* 2 (1990), 127-138.
- ¹² Karen Armstrong, *The History of God: The 4000-Year Quest of Judaism, Christianity and Islam* (New York: Knopf, 1993), 3.
- ¹³ Peter Berger, *The Heretical Imperative* (New York: Anchor, 1979).
- ¹⁴ Michael Novak, *The Joy of Sports* (New York: Basic Books, 1976), 20-21.
- ¹⁵ Peter Newly, Joyless Sport, *Cross Currents* 4 (1977), 456-459.
- ¹⁶ Olympism and Olympic myth will be treated as synonymous in this paper.
- ¹⁷ International Olympic Committee, *The Olympic Charter*, (Lausanne: International Olympic Committee, 2004).
- ¹⁸ This point was reinforced to me recently with the debate in Canada about boycotting the Beijing Games. At the point of measure, popular support amongst Canadians for a boycott was barely 10%, and much of the qualitative responses reflected people's belief that the Olympics were something greater, and more 'high-minded' than other high-level sports, such as NHL, NFL and MLB. Greg Weston, Push for Olympic Boycott Fizzles, *Winnipeg Sun*, Thursday, May 29, 2008.
- ¹⁹ Robert G. Osterhoudt, Modern Olympism in the Conjunction of Nineteenth and Twentieth Century Civilization: Olympism as the Transformative Concept of Purpose and the Human in Modern Sport, in *Olympism*, eds. Donald Chu and Jeffrey Seagrave (Champaign, IL: Human Kinetics, 1981), 358.
- ²⁰ Chaucer's line "greed is the root of all evils"
- ²¹ For a particular 'strong' form of this, note the *Baseball as America* exhibit at the American Museum of Natural History; <http://www.amnh.org/exhibitions/baseball/>
- ²² Dave Sheinin, Baseball has a Day of Reckoning in Congress, *The Washington Post*, March 18, 2005.
- ²³ George J. Mitchell, *Report to the Commissioner of Baseball of an Independent Investigation Into the Illegal Use of Steroids and Other Performance Enhancing Substances by Players in Major League Baseball*, December 13, 2007.
- ²⁴ Stanley Hauerwas, *The Peaceable Kingdom* (Notre Dame, IN: University of Notre Dame Press, 1983), 3.
- ²⁵ Thomas Heath, Senate Warns Baseball on Steroids Testing, *The Washington Post*, March 11, 2004.
- ²⁶ Paul Lakeland, Understanding the Crisis in the Church, in *Church Ethics and its Organizational Context*, eds. Jean M. Bartunek, Mary Anne Hinsdale and James F. Keenan (New York: Sheed & Ward, 2006).
- ²⁷ In 2001, only Seattle, San Francisco and the New York Yankees averaged over 40,000 for home attendance, so far in 2008, 7 teams are averaging over 40,000 with the Yankees well over 50,000. ESPN, Major League Baseball Attendance Report; http://sports.espn.go.com/mlb/attendance?sort=home_avg&year=2008&seasonType=2
- ²⁸ Synovate Inc. *How Do the Viewing Habits and Perceptions of Olympic Games Audiences Differ around the World?* Chicago, IL. 2004.
- ²⁹ Pierre de Coubertin, "Olympism is a State of Mind," *Olympic Review*, no. 227 (September 1986), 525.

³⁰ 'Olympism' doesn't appear in the IOC's Official Reports of Olympic Games until the report of the 1932 Games in Los Angeles. While Samaranch mentioned the values he later synthesized into 'Olympism' at events like the opening ceremonies of the 1896 Athens Games, they only became a 'whole' later on. Denis Oswald, "The Fundamental Principles of Olympism," *Olympic Review*, no.28 (August-September 1999), 39.

³¹ World Anti-Doping Agency, *World Anti-Doping Code* (Montreal QC: WADA, 2003), 6

³² Harvey Cox, The Market as God: Living in the New Dispensation, in *The Atlantic Monthly*, March 1999.

³³ Nicolai Berdyeav, *Slavery and Freedom* (London, UK: Scrivener's, 1944).

³⁴ Ibid.