

## Anti-Doping: Is the Cure Worse Than the Disease?

*Editors' Note: Although most participants in the day-to-day hustle and bustle of pro cycling and the mainstream cycling press may not be too aware of it, there is actually an on-going and robust discussion in academic circles regarding the effects of anti-doping regulations on elite sports. Indeed, there is a significant community of scholarly practitioners around the world who are actively researching and debating the longer-term effects of anti-doping programs, conducting regular global conferences on the topic, and writing interesting and provocative papers and books.*

*Two of the primary observers and critics of existing anti-doping approaches are Professors Paul Dimeo of the University of Stirling in Scotland and Verner Møller of Aarhus University in Denmark. This duo has produced a number of recent papers essentially arguing that in the wake of the systematic doping scandals of the past, a sweeping anti-doping hysteria has created what economists refer to as “moral panic” – a perceived crisis which threatens the existing social order. Worried that these scandals could effectively destroy the sport, its leaders have often and impulsively addressed the doping problem in zealous, arbitrary and even irrational ways. Møller and Dimeo argue that differing objectives and an uncoordinated alliance between WADA, national anti-doping agencies, law enforcement authorities, sports organizers and the media has led to an often confusing and disastrous situation – resulting in an array of unintended consequences, inconsistent and inequitable application of the rules, and a situation where anti-doping efforts may actually be doing more harm than good.*

*This perspective may seem improbable or dubious to some. And it is a somewhat politically perilous position to take in today's environment of moral outrage about past doping practices; it is often much easier today for previously fawning fans or journalists to “pile on” to Lance Armstrong and his compatriots, than it is to step back and objectively look at the underlying situation and current approaches. But Møller and Dimeo's thesis is interesting and worthy of closer examination. In their recent paper “**Anti-Doping: The End of Sport**” they review the era of the Festina and Puerto scandals, and make the argument that anti-doping approaches must be more rational, consistent and compatible in order to protect the competitive spirit of sports. The Outer Line has recently had an extended discussion with Professor Dimeo, and he has worked with Professor Møller to provide the following brief summary of their primary ideas and findings.*

Many people within pro cycling are now saying that the war on drugs in cycling appears to be won; the conventional wisdom is increasingly that “things have turned the corner.” It appears that we've had a clean winner of the Tour de France for the last four consecutive years. There have been no major new drug busts or cheating scandals for several years. It no longer appears possible to dope with impunity, as so many riders did a decade ago. Today's riders say that omerta is an anachronism, and that they don't face the same no-win decisions that their elders did a decade or two ago. And all stakeholders within cycling are certainly eager to promote this new vision of a cleaner sport – to help attract new sponsors, larger audiences, and

more television coverage.

One hopes that we have indeed turned the corner, and that the various international and national anti-doping organizations – WADA, USADA, UKAD and so on – formed over the last two decades have finally begun to have a lasting impact on addressing this problem in cycling, as well as in other professional and Olympic sports. But we would argue that the agencies involved with anti-doping and the approaches employed to date to solve the problem are so overlapping and complex, so inconsistently utilized, and so inequitably applied that, in effect, the cure may be worse than the disease. We argue that anti-doping has gone too far and now poses more of a threat to the spirit of athletic competition than a solution.

We highlight a number of well-known examples in pro cycling to illustrate this argument:

- Although many might point to the USADA Reasoned Decision and the “Armstrong affair” as the death knell of the modern doping era, this case itself actually illustrates many of the problems with current anti-doping approaches. We are by no means Armstrong apologists, but we must question the inconsistencies of holding one person (or a few people) responsible for the sins of a whole generation, and more importantly, what this kind of witch hunt implies for the overall nature of competitive sports. Why have Armstrong’s Tour de France victories have been revoked, while those of other well-known dopers remain intact? How far down the list of top finishers during the Armstrong victory years does one have to go to find a certifiably clean rider? It is well known by now that most of the runners-up during those years also had undeniable doping connections. Why has this punishment and sense of moral outrage not extended back to Anquetil, or to Merckx – who also tested positive for drugs three times in his career? We do not condone doping, but we believe that it basically spells the end of competitive sport if we insist on erasing victories when, at any point in the future, it may be found out that the winner was cheating. Cheating has always been part and parcel of sport, and we have to find a way to live with it and try to moderate it in order to maintain any competitive structure for elite sport at all.
- There are numerous situations where this tendency towards anti-doping hysteria has effectively overwhelmed the rules of the sport. Bad decisions have been made – based not upon logic or the regulations of the sport, but upon presumptions, concerns about public image, or perceived credibility issues. A prime example is the forced withdrawal of leading riders – including Basso and Ullrich – from the 2006 Tour de France. This decision was made on the basis of their suspected, but not proven, involvement with Operation Puerto. This deprived fans and sponsors of the best performing riders. Moreover, it undermined one of the essential features of sport – that top races should be a competition of the best talent.
- Another example of perception outweighing the actual rules of the game is the case of Tom Boonen, excluded from the 2008 race due to an out-of-competition positive test for cocaine. This should not have led to a ban because – whatever one’s opinions about recreational drug use – cocaine is only banned within the competition timeframe. These decisions were taken based upon public perception and image concerns – not the rules of the sport.
- Indeed, it often seems that pro cycling is transforming from a sports competition into a

credibility contest. Consider the expulsion of Michael Rasmussen from the 2007 Tour. His dismissal, as well as the exclusions in 2006, was not conducted in the spirit of fairness, and none of these riders, at the time of the event, had actually been caught breaking any rules. Suspicion was apparently preferred to proof by the anti-doping agencies and race organizers, who too often seem willing to bend the rules on a whim.

- Another example where cycling authorities followed their preferences rather than rule book was the 2010 case of Alberto Contador's positive clenbuterol test. This may also be a case where the capabilities of rapidly advancing analytical technology got ahead of both the rules of the sport and general logic. The level of clenbuterol found in Contador's blood was 400 times less than the published WADA minimum standards. Nonetheless, his victory was revoked, and perhaps worse, it took two years just for a decision to be made. Contador's disqualification made Andy Schleck the winner – and Schleck's reaction is illustrative of the fundamental threat that the current approach portends. "I battled with Contador in that race, and I lost. My goal is to win the Tour de France in a sportive way, being the best of all competitors, not in court."
- We cite these examples because they controvert the important sporting dimensions of tradition and progression. We should be able to refer to the record books to see who has won, and we should be able to check the improvement in performance times. We need, fundamentally, to know for certainty that the athlete who wins a race is actually indeed the winner of that race. Yet, the decision to identify certain known dopers and rewrite the history books undermines these dimensions of sport. The consequence is a lack of certainty as to who won anything. The fact that the 1999-2005 Tour de France titles have not been re-allocated is a farce. However, any detailed analysis of the top ten finishers in each of those years would show how hard it would be to find a definitively clean rider to award the title to – so reassigning the victories would also be a farce. This simply demonstrates how detrimental current anti-doping practices have been to the Tour de France, and it is further underlined by the blatant inconsistencies in the administration of the winners' list. Bjarne Riis is still the 1996 winner, despite admitting to doping, but the UCI apparently thinks this goes back too far in time. Armstrong's 1999 victory has been eradicated but Marco Pantani has kept the 1998 title, won partly because of the Festina scandal, even though he too was a known doper. There are numerous other and well-known examples of this sort of directionless administration of the rules.

There has also been broad variability and inconsistency in the application of anti-doping approaches and practices. Armstrong was identified as a ringleader of doping in doping practices, and then was convicted on the basis of witness testimony. He has had a lifetime ban imposed and is being sued by various parties seeking to recover sponsorship and prize money. Yet, most of the witnesses – all of whom also doped – received six-month bans and have largely been welcomed back into the fold. George Hincapie owns a prominent developmental cycling team, a successful sports clothing business, an upscale hotel and other economic interests. Christian Vande Velde is now an announcer for NBC Sports, while Tom Danielson has returned to racing for Garmin Sharp. Many other well-known ex-dopers have settled in to management or team direction with the pro sport – with relatively little concern or fanfare. Some observers will argue that it may sometimes be necessary to make a strong example – as USADA did with Armstrong – but the outcome is that some athletes suffer a great deal more than the others.

So where are we now? Under current regulations, samples can be re-tested for a period of up to eight years, and hence Evans, Wiggins, Froome and Nibali must wait several more years to have genuine acceptance that their Tour victories may stand. However, the absence of a positive test in that time period only proves that they have not been caught; it does not conclusively prove that they were clean. And if a positive test were to be produced, who then would gain the title? Would these winners have to hand back sponsorship and prize monies? And what if they tested positive for a relatively innocuous medical substance or ridiculously low levels of banned substances? Would their careers and reputations be ruined? What are young athletes to think, if their livelihoods can be taken away at any moment just for a lapse of concentration, or the unwitting ingestion of a banned substance. Is this a logical way to try to grow the sport?

Anti-doping enthusiasts might argue that the pro-doping culture of cycling has now been replaced by a healthier anti-doping culture. Yet, the cyclists have not really slowed down that much, competitive pressures on their bodies and minds have not been reduced, and their livelihood is still precariously dependent upon their day-to-day racing performance. In other words, the drivers or the incentives to cheat have not really changed – nor are they ever likely change in the context of competitive sport. There may be more out-of-competition tests, but there are still opportunities to dope during training periods. Moreover, the cultural shift towards performance science means that anti-doping rules are viewed in purely functional terms. If you are allowed to take ten of these pills but not ten of those, then by all means take no less than ten of these. *The spirit of anti-doping is supposed to be about the level playing field, but the spirit of sport is about doing everything possible to gain advantage over opponents.* This is not going to change.

Anti-doping enthusiasts may also argue that the resources and tough decisions that underpinned high profile captures were worthwhile given the outcome. We would contend very simply that fairness and transparency, the competitive nature of sport, as well as athletes' basic rights, should not be sacrificed for the sake of an imagined sense of ethical virtue.

Clearly, there is a significant change going on in the sport, as professional cycling is not now viewed as the corrupt drug culture it once was. But cheating hasn't gone away. The world of cycling still has problems of distrust and speculation. And numerous riders are sanctioned every year, many for reasons that could well be accidental (*check for an upcoming story on The Outer Line for one detailed example of this possibility - editors*). What has instead happened is this: cheaters are more clever, team managers are distancing themselves (in public at least) from doping, and the veneer of sports science has diverted attention from the fact that enhancing performance and gaining advantage are still central to sport. The main difference is that doing so through technology rather than through drugs is more culturally acceptable. The shift in zeitgeist is reflective of broader patterns of modern society – evolving from performance-enhancing chemicals to physiology, nutrition and even psychology – or to new technologies like altitude chambers, more aerodynamic bikes, and the like. This trend is about disallowing choice among the cyclists themselves as to their methods of performance enhancement. Rather than citing a new ethical standard or reduced health risks, we argue that the past ten years can best be understood as a subtle but simple shift in power and in practices.

In conclusion, we believe that current anti-doping campaigns risk destroying the history and relevance of elite competitive sports. When known dopers like Lance Armstrong retroactively lose their titles, a dark shadow is cast across all sport because it is not clear how criminalizing past behaviour can be consistently applied across time and sports. Moreover, it is not clear how far back in time anecdotal evidence can be uncovered and used to pursue a case against an individual athlete. We therefore believe that it is time to move away from the moral crusade approach to a more level-headed and rational strategy which takes the competitive nature of sport into account.

*DISCLAIMER: As with all postings on theouterline.com, our goal is simply to provide ideas and spur debate about what constitutes real change in professional cycling. If you have an opinion about how to repair and strengthen professional cycling, please contact us, and make your ideas or opinions heard.*

Paul Dimeo and Verner Møller, September 8, 2014