

**‘Against Doping in Sport’  
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**Introduction**

Should elite athletes be allowed to use performance enhancing drugs (‘PEDs’)? From Lance Armstrong’s systematic doping during his seven Tour de France victories (USADA 2012) to Russian state-sponsored doping at the London 2012 Summer Olympics and the Sochi 2014 Winter Olympics (McLaren 2016), the use of PEDs – ‘doping’ – has been the source of some of sport’s biggest scandals. Cheating by doping has done more than perhaps any other type of misconduct in elite and professional sport to erode public confidence in the credibility of athletic performances and the legitimacy of sporting results.<sup>1</sup> Since the 1980’s, a sophisticated and extensive infrastructure has developed to ensure that sport is doping free. This includes the World Anti-Doping Agency, the World Anti-Doping Code (WADA 2021), the Anti-Doping Division of the Court of Arbitration for Sport, national anti-doping agencies, national anti-doping policies, anti-doping education programmes, and, in some countries, even doping related criminal offences.<sup>2</sup> However, does anti-doping rest on a mistake? Beneath this legal and regulatory infrastructure lies an ethical question: should doping be prohibited or should athletes be allowed to use whatever performance-enhancing drugs they wish? I focus my attention exclusively on the case against the permissibility of doping.<sup>3</sup> I canvas three arguments against doping: the harm argument, the fairness argument, and the excellence argument.

If even one of these arguments succeeds then *some* restriction on doping is ethically justified. Which argument succeeds will determine the precise contours of that

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<sup>1</sup> The scope of anti-doping has recently extended to eSports (International Esports Federation 2020), so as the boundaries of sport reach new frontiers, familiar problems reproduce themselves.

<sup>2</sup> For example, in countries such as Italy, France, and Germany.

<sup>3</sup> A survey of arguments for and against the prohibition of doping can be found in Devine and Lopez Frias (2020) and Lopez Frias (2017). Møller, Waddington, and Hoberman (2015) provides a book-length treatment of ethical issues in anti-doping.

restriction. For example, a ban that is justified on harm prevention grounds will prohibit a different set of substances to a ban that is justified on sporting excellence grounds – harmful substances do not always undermine sporting excellence and vice versa. Similarly, a ban that is justified on fairness grounds will deliver a different prohibited list to one that is justified on excellence grounds.

My concern is whether *any* regulation of PEDs is morally justified, not whether *prevailing* regulations are morally justified. I defend a restriction on the use of PEDs, though the basis and contours of that restriction may be quite different to the World Anti-Doping Code. So, my argument is not a defence of the *status quo* in anti-doping but an attack on a ‘hard libertarian’ approach to doping that would permit athletes to employ whatever PED they choose (Brown 1980; Tamburrini 2000) as well as the ‘soft libertarian’ approach that would permit athletes to use any ‘safe’ PED they choose (Savulescu et al 2005).

Enhancement in sport assumes many different forms. Bodily enhancement enables athletes to alter their bodies (perhaps even their genes) to improve their athletic performance (e.g. LASIK eye surgery); equipmental enhancement facilitates athletic performance through an improvement in the implements used by athletes in their sporting endeavours (e.g. full-body 100% polyurethane swimsuits); technical enhancement allows athletes to refine their technique to achieve higher levels of performance (e.g. the ‘Fosbury flop’ in the high jump); and epistemological enhancement affords athletes access to data or coaching advice that is conducive to the improvement of their athletic performance (e.g. on-court coaching during tennis matches). The question of doping, which is the concern of this paper, is whether there are any ethical limits to the *pharmacological* enhancements that may be morally justified to improve athletic performance.<sup>4</sup>

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<sup>4</sup> My focus is on ‘prohibited substances’ as per Art. 2.1 and 2.2 of the World Anti-Doping Code (WADA 2021). I set aside ‘prohibited methods’ such as blood doping that are also prohibited by the Code.

I begin by examining whether a prohibition on doping is justified because doping is harmful to athletes. In Section 2, I turn to fairness-based arguments against doping, and, finally, in Section 3, I examine excellence-based arguments against doping. While each of these three arguments has normative force, I propose excellence-based arguments as especially promising.

### **1. Doping and Harm**

Imagine a drug that enhanced athletic performance significantly, was cheap to purchase, but presented a substantial risk of permanent harm to, or even the death of, the user. Should such a drug be permitted? Perhaps the most common argument offered for the prohibition of doping is that performance-enhancing drugs are harmful to athletes. Performance enhancing drugs can ameliorate athletic performance in myriad ways, for instance, by helping athletes to grow stronger, to develop more stamina, or to recover from injury or training more quickly. However, substances such as anabolic steroids and erythropoietin (EPO) pose a risk of permanent harm to the user's health, and perhaps even a risk to their life. The misuse of anabolic steroids risks side-effects such as heart failure, hypertension, liver abnormalities and tumours, psychiatric disorders (e.g. depression) and aggressive or violent behaviour (Chester 2022). The misuse of EPO risks side-effects arising from blood hyperviscosity such as stroke and heart failure (Mottram and Chester 2022). So, the abuse of certain PEDs poses a substantial risk to the health of athletes. In addition to direct harms to the user, doping can pose a risk of indirect harm to their competitors, especially in collision or combat sports such as American football, boxing, or mixed martial arts.<sup>5</sup>

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<sup>5</sup> I leave aside arguments from more remote indirect harm that might be caused to the wider sporting community (e.g. children) who are enticed to dope so that they might emulate their sporting heroes. See Lopez Frias (2017; 67-68).

A concern for ‘athlete welfare’ has become a guiding ethical principle in sport. It is now widely acknowledged that sports governing bodies have a moral duty of care to athletes, and the rules, policies, and practices that govern elite and professional sport should be formulated with a concern for the well-being of athletes in mind. The conception of ‘welfare’ that underpins these policies has expanded beyond protection from physical and sexual abuse to a more holistic view that incorporates a concern for the athlete’s physical and mental health (Lang 2020; 20). Should athletes be allowed to assume any risk to which they freely and informedly consent or could a concern for athlete welfare ground a ban on the use of PEDs?

In assessing the permissibility of any risk in sport, it is important to distinguish between inherent and incidental risk. For example, being punched in the face is an inherent risk of boxing and being tackled to the ground is an inherent risk of American football. To remove such risks from these sports would alter the nature of the sports themselves. However, the risk associated with anabolic steroid use is merely incidental to boxing or American football. We can remove anabolic steroid use from these sports without compromising the challenges that give each sport its distinctive purpose and value. Unlike the risks associated with being punched or tackled, doping related risks can be removed from sport without compromising or fundamentally altering the intrinsic nature of the sports in question.

Sports authorities have a moral duty of care to athletes to protect their welfare and not to expose them to unnecessary risks to their health.<sup>6</sup> This is not to say that sport should be risk-free. Dangerous sport has a distinctive value as competitors test their resilience and explore the limits of their being (Russell 2005). However, risk should not be courted gratuitously. At a minimum, we should ensure that sport is as safe as possible for competitors without compromising the nature of the sports themselves. If our duty

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<sup>6</sup> Pike has argued that athlete safety is lexically prior to any other moral value in sport, at least in collision sports such as rugby union (Pike 2021).

of care to athletes requires that they not be exposed to risks that are inessential to the purpose of their sport, there is harm-based reason to prohibit the incidental risks of doping.

This harm-based argument arises from the paternalist conviction that, for their own good, there are certain risks that we should not allow athletes to run. If doping were permitted, athletes would ingest harmful amounts and types of performance enhancing substances that would cause serious and irreversible harm to their health or could cause harm to competitors. So, the harm-based justification in its simplest form is an attempt to save athletes from themselves – to prevent them from taking a risk that they would otherwise take.

It is important to note that, even if this argument succeeds, it could justify the prohibition only of *dangerous* performance enhancing drugs. It would not justify restrictions on the use of performance enhancing drugs that do not pose an unacceptable risk (directly or indirectly) to the health of athletes.

### **Objection: Doping as an Expression of Autonomy**

While health is an important aspect of athlete welfare, one might object that another important aspect of athlete welfare is autonomy. On this view, provided that athletes autonomously choose to dope, any doping-related harms that accrue are morally unproblematic. Doping-related harm is not morally suspect if the athlete validly consents to the risk of harm. For consent to count as valid, it must be both ‘free’ (i.e. the agent’s choice is not the product of pressure or coercion) and ‘informed’ (i.e. the agent understands the risk they are running). To justify a ban on doping on harm-based grounds, it is not enough to identify that some forms of doping harm the athlete. Instead, we should distinguish ‘wrongful harm’ from ‘non-wrongful harm’, where only wrongful harm merits moral concern. The athlete’s consent means that any

setbacks to health that follow directly or indirectly from doping are not morally concerning, as they are not wrongful harms.

Athletes should be free to make up their own minds about the risks they run in pursuit of sporting excellence. As long as athletes are not coerced and understand the risk they are taking, authorities have no reason to interfere. An approach that respected athlete autonomy would allow free and informed athletes to choose whether and what performance-enhancing substances they use and whether they choose to compete against those who use these substances. The harms that arise from doping are, in most sports, self-regarding harms. They are harms that the athlete chooses to risk for themselves. A foundational political principle of liberal societies is that individuals should be free to pursue whatever life they choose, provided that this does not harm others (Mill, 1859). People should be free to make their own decisions about the risks to which they expose themselves, for example, through sport. Part of protecting the value of individual autonomy is allowing people to make their own choices, even if we think we know what is better for them. Consequently, sometimes, we should allow people to do things that are harmful to them. On this view, the prohibition of PEDs denies athletes the chance to decide for themselves whether to dope. Doping regulation effectively treats athletes as children, incapable of assessing risk for themselves or tailoring their decisions to reflect their plans and aspirations. According to this objection, athletes should be allowed to decide for themselves whether to assume the risk of direct and indirect harms associated with doping.

However, the harms to which athletes are exposed through doping are not necessarily harms that they choose. They are often harms that are imposed on them against their will or without their knowledge.<sup>7</sup> Athletes can be subject to intense pressure from their

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<sup>7</sup> I leave aside cases where doping is purportedly coerced because it has become necessary to dope to remain competitive. This coercion argument is less persuasive, because it cannot distinguish between doping and other morally unobjectionable ways that athletes increase the sacrifice necessary to be competitive in sport. For example, one can raise the bar for one's competitors by undertaking a more demanding training regime or,

coaches, parents, teammates, club, or even government to expose themselves to health risks that may increase their chances of sporting success. When goods such as money, medals, and fame, or, indeed, family, club, and national pride are at stake, athletes can find themselves pressured into taking risks that they would prefer to avoid. Moreover, athletes may be forced to ingest PEDs unknowingly. For example, without an athlete's knowledge, their physio may apply a cream during treatment that contains a prohibited substance or their coach may spike their recovery drinks with a prohibited substance.

Lifting the ban on PEDs would render athletes, especially vulnerable athletes (e.g. the young, poor, or soon to be out of contract) susceptible to coerced doping – doping to which they do not validly consent. Coercion is notoriously difficult to identify, and the surveillance and monitoring required to ensure valid consent to doping would require more intrusion into the private lives of athletes than would be consistent with their human rights. If it is right to assert that our primary moral duty is to protect the most vulnerable, sports authorities should prioritise the protection of vulnerable athletes from the risk of coerced doping. Consequently, instead of embarking on the near impossible task of ensuring that athletes' decisions to dope are autonomous, authorities should adopt a risk-averse policy to wrongful harms by prohibiting doping.

In addition to a concern for athlete welfare, a second type of argument against doping stresses the need to preserve the fairness of competition. I turn now to fairness-based arguments now.

## **2. Doping and Fairness**

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in a sport like gymnastics, executing more complex and dangerous skills. For a consideration of this type of coercion argument, see Veber (2014).

Consider a PED that is safe, significantly improves performance, but is very expensive to buy. Should the use of this substance be permitted in sport? This PED raises questions of fairness. Two different conceptions of fairness should be distinguished: ‘formal’ and ‘substantive’ fairness. Formal fairness is a minimal form of fairness that is concerned with the impartial and equal application of the rules to each competitor (Hooker 2005; 329). A contest is formally fair if the same rules are applied to each participant and any violations of the rules are identified and sanctioned equally according to the rules. Lifting the ban on PED’s may advance formal fairness as it would eliminate an important avenue by which cheaters could gain an unfair advantage by violating the rules while evading sanctions. It is difficult to know with certainty how prevalent of doping is in elite sport, but most agree that it is many times higher than the rate of detected doping (Petroczi et al 2022). So, the vast majority of cheaters by doping remain unsanctioned. This creates formal unfairness with respect to those athletes who comply with anti-doping rules (and indeed those who do not comply but are sanctioned for doing so).

By contrast, substantive fairness extends beyond the application of the rules to the content of the rules themselves and the background conditions that influence one’s chances of sporting success. For example, if the rules of tennis awarded two points for every point ended by a volley, this would be substantively unfair to baseline players. Similarly, if a particular racket conferred a sizeable advantage on its user, but only a small number of wealthy players could afford the racket, the permissibility of this racket in competition would create substantive unfairness between those with and those without the racket.

Now that we have fixed our attention on substantive fairness I will assess two different varieties of the fairness-based argument against doping: (a) unfairness between contemporaries, and (b) unfairness between generations.



**a. Unfairness Between Contemporaries**

Lifting the ban on PEDs would create substantive unfairness between contemporaneous athletes, that is, athletes competing at the same time (i.e. during the same era or even in the same competition). PEDs would become a further avenue by which the wealthy could gain a competitive advantage over their less well-off rivals. Athletes from wealthy families, clubs, or countries could leverage their economic power to access the safest and most effective PEDs, monitored and administered by the best doping scientists and medics. Conversely, those with comparatively few financial resources may have access only to PEDs that are cheaper because they are less safe or less effective, and they may have no access to skilled doping support personnel. Consequently, economic inequality would generate unfairness in sport because doping would become a further respect in which the wealthy could improve their prospects of sporting success at the expense of the less well-off.

Doping-related unfairness grounded in economic inequality would not be limited to unfairness between individual athletes, it would extend to unfairness between different clubs and even different countries. State-sponsored doping programmes run by economic superpowers such as the United States or China could attract the best research scientists and pharmaceutical companies to create the safest and most effective PEDs; it could provide their athletes with access to skilled doping medical support to minimise the risk and maximise the efficacy of their PED use; and it could provide a PED supply so that athletes could access the best PEDs free of charge. Athletes from economically less developed countries would have to settle for drugs that are less safe and less effective, for mediocre medical support, and perhaps for limited access to PEDs. As a result, a wider performance gap is likely to develop between athletes from wealthy countries and athletes from less wealthy countries. Elite sport would become even more profoundly determined by economics rather than excellence.

### **b. Unfairness Between Generations**

A second fairness worry arises when we consider the effect of removing the ban on doping not between athletes of the same generation but between contemporary athletes and athletes of the past (Douglas 2007). Call this ‘diachronic formal unfairness’ (Hooker 2005).

A prized aspect of elite sport is our ability to compare athletes of different eras – to contrast Jesse Owens with Usain Bolt and Nadia Comaneci with Simone Biles. Such intergenerational comparisons require a similarity in the circumstances (including the rules) of competition in which both compete. A significant discontinuity in competitive circumstances diminishes, and may extinguish, our ability to make meaningful comparisons between their respective performances. The introduction of doping would mark as a watershed moment in sports history. Such is the potential for performance gains arising from doping, we could no longer meaningfully compare athletes from the pre-doping and post-doping eras, because the latter would be subject to many fewer constraints on their performance than those in the pre-doping era. The introduction of legitimate doping would create a discontinuity in the record books. So, doping raises fairness concerns both between athletes of the same generation and athletes of different generations.

#### **Objection 1: Doping is One Source of Unfairness Among Many**

Critics may point out that sport is replete with avenues by which wealth can confer a competitive advantage on an athlete. There are many and varied ways by which the wealthy can flex their economic muscle to improve their athletes’ sporting performance. The wealthy can acquire the best equipment, coaching, and data analytics; they can enjoy valuable international competitive and training experiences; and they can train full-time without the distraction of having to earn an income independent of sport. What justifies our intense focus on doping while we ignore other sources of substantive unfairness in sport (Savulescu 2004; 668 and Tamburrini

2005; 208-209)? Unless we can distinguish doping from other sources of enhancement which we allow but which also generate fairness concerns, it seems our objection to doping is morally indefensible.

However, the existence of some unfairness in sport does not justify further unfairness. The fact that we already tolerate a lot of unfairness does not justify our tolerating more. Perhaps we have already tolerated enough unfairness and any further unfairness would be unacceptable.<sup>8</sup> Alternatively, perhaps we should combat the unfairness that we currently allow in addition to combating sources of possible further unfairness such as doping.

### **Objection 2: Intergenerational Fairness in Sport Requires Conservatism about the Development of Sport**

A concern to protect the possibility of meaningful comparisons between contemporary athletes and those of previous generations would require us to halt sport's evolution and cast sport into a time warp, unable to advance in tandem with developments in Sports Science. The development of sport in light of scientific progress would be hamstrung on account of a concern to ensure that intergenerational comparisons remain uncompromised.

On this view, while intergenerational comparisons may be of some value, the opportunity cost of preserving the conditions necessary to allow such comparisons is too great. Ensuring the possibility of intergenerational comparisons would require sport to forgo too many benefits of scientific progress. While the loss of our ability to make meaningful intergenerational comparisons may be regrettable, it is justifiable nonetheless.

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<sup>8</sup> Admittedly, this argument is unlikely to provide a stable foundation for anti-doping, as we may be able to limit unfairness to a tolerable level by the reduction of a different source of unfairness while allowing unfairness created by doping.

This objection does not prove that we should abandon our interest in records though. The ability to compare the present generation's performances with those of *adjacent* generations may have more normative weight than comparisons with *remote* generations. Our ability to compare the career of Usain Bolt from the 2000's with Donovan Bailey's from the 1990's may be more important to preserve than our ability to compare Bolt's career with Jesse Owens' from the 1930's. Consequently, a concern to maintain meaningful performance comparisons with adjacent generations may commend *modest* change rather than no change in light of scientific development. Crucially, it would prohibit radical changes that would create discontinuities between the playing conditions of adjacent generations. So, this argument may justify an incremental approach to change in sport rather than a radical one. An incremental change to anti-doping rules may involve a progressive easing, rather than a complete lifting, of the ban on PEDs. Thresholds at which the presence of a substance in an athlete's sample would trigger an anti-doping rule violation may be increased, and thresholds may be introduced for substances that are not currently permitted at all.

So, the fairness argument – in either the substantive or fairness varieties – may provide no more than modest grounds for a ban on PEDs. I turn now to the final argument to be considered – the argument from excellence.

### **3. Doping and Sporting Excellence**

Consider a PED that is safe to use, cheap to buy, and grants its user a significant performance gain. Should this PED be prohibited? The third argument for a prohibition on doping concerns the relationship between doping and the very purpose of sport. The fundamental idea underpinning the excellence-based argument is that doping corrupts sport because it undermines sport's central purpose. This is the argument that I propose most strongly.

At first glance, the value of excellence would seem to support the use of PEDs. After all, PEDs allows runners to run faster, high jumpers to jump higher, and weightlifters to lift heavier. Anti-doping rules appear to stifle those who are truly committed to exploring the limits of human athletic potential as these rules prohibit means that would allow athletes to improve performance. How, then, could a concern for sporting excellence ground a prohibition on doping?

Sport is an excellence-based activity. Central to the purpose of sport is the cultivation and display of excellences of body, mind, and will that allow one to excel in the challenges presented within sporting contests. Each sport tests a different set of excellences. Any proposed change to a sport must be evaluated in light of the excellences that sport in general and the given sport are designed to test. On the excellence-based argument, by lifting the ban on doping, we would corrupt sport by introducing means that undermine its fundamental point and purpose.

It is uncontentional that sport must allow, and indeed encourage, enhancement. The guiding value of modern sport is to train, to improve, to enhance one's performance. The doctrine of 'marginal gains' – perhaps the leitmotif of modern sport – celebrates the attempt to seize any opportunity within the rules to ameliorate one's performance. Equally clear, however, is that rules to limit enhancement are essential to protect the purpose of sport (Sandel 2007). The fundamental role of rules in sport is to place obstacles in the way of athletes reaching their intended goal, where the obstacles presented can be reliably overcome only by the demonstration of specific athletic skills and capacities (Suits 2014). Prohibitive rules are sometimes necessary to protect the excellence-based purpose of sport: the use of ladders and trampolines is prohibited in the high jump because the high jump is designed to test jumping ability; the use of bicycles, cars, and helicopters is prohibited in the marathon, because the marathon is designed to test running ability; and the use of guns, knives and baseball bats is prohibited in boxing, because boxing is designed to test punching ability.

Sports are human creations, so if we wish to change the rules, it is within our gift to change them. However, while the rules of sport are made by us and can be changed by us, they are not arbitrary – they can be rationally evaluated according to whether they are consistent with the values that underpin both sport in general and individual sports in particular. Whether we should ban PEDs depends on what we think is important about sporting competition and the sport for which the PEDs would be used. The fairness argument appealed to the fact that sporting competition is comparative – it ranks athletes according to their performances. However, sporting competition is also concerned with the display of sporting excellence. The pursuit of sporting excellence may not always be harmonious with the pursuit of fair competition (Roache 2008). It is possible that, even if fairness concerns arise with respect to PEDs, the importance of sporting excellence may outweigh those concerns. In short, might excellence be more important than fair competition? Even if formal fairness would be promoted by lifting the ban, does the value of excellence (and the related value of achievement (Bradford 2015)) justify the retention of a ban?

There are two ways to respond to this excellence-based argument for enhancement. Firstly, one might argue that, where fair competition and excellence conflict, excellence is outweighed, or even trumped, by fair competition. The second response is that PEDs do not, in fact, advance sporting excellence – their enhancing effect is at least sometimes only apparent – so the conflict does not obtain. It is this latter argument that I advance here.

Sporting excellence is not solely a matter of outcomes. Excellence is path-dependent: whether some performance constitutes a display of sporting excellence depends on whether the outcome of the performance was brought about by appropriate means. It is a misnomer to label a bicycle in a running race an ‘enhancement’. On the contrary, the bicycle is a ‘corruption’ of the race, because the race is no longer a running race.

By cycling down the track, the athlete is not displaying the skills and capacities – the excellences – that the race is designed to test.

Can PEDs corrupt sport in a similar way? I argue elsewhere (Devine 2022) that sporting excellence may be undermined in any of four ways. I consider now two such ways in relation to doping.<sup>9</sup> I argue that doping may undermine sport as an excellence-based activity by undermining the sport's 'cluster of excellence' or 'balance of excellence'.

#### **a. Cluster of Excellence**

Each sport is designed to test a specific set of excellences. Roughly speaking, the 100m tests sprinting ability, the long jump tests jumping ability, and the javelin tests throwing ability. Complex sports such as tennis, soccer, and rugby test a wide array of excellences, but each sport tests a limited set. Tennis does not test punching, kicking, or swimming ability, for instance. The set of excellences that a sport is designed to test constitutes that sport's 'cluster of excellence'.

The first way that doping might undermine sporting excellence is by altering the set of excellences that are tested in the sport (i.e. contracting or expanding the sport's 'cluster of excellence'). For example, consider betablockers in the use of target sports such as shooting or archery. One of the foremost challenges posed to athletes by such sports is to control the effect of competition-induced stress on one's performance. Even the slightest tremor in one's hand caused by one's heartbeat can compromise the accuracy of a shot. Archers, for example, train psychological techniques to slow their heartbeat to allow them to manage the physiological effects of stress during competition. However, this same calming effect can be secured by ingesting beta-blockers which artificially slow one's heartbeat. Despite an athlete being in a state of

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<sup>9</sup> I first explored excellence-based arguments against doping in Devine (2011).

panic about the competition, beta-blockers can ensure that the effects of their anxiety do not manifest themselves as an unsteady hand.

If a central purpose of target sports is to test competitors' ability to manage the physiological effects of competitive stress, then the use of beta-blockers to mask those effects undermines a central excellence of these sports. While the archer's performance may, on to a surface level analysis, appear to be more excellent on account of the beta-blockers due to the greater number of points scored, the means of achieving that enhanced accuracy was to contract the sport's cluster of excellence by eliminating one of the sport's central challenges which could be reliably overcome only by the display of a distinctive kind of excellence.

#### **b. Balance of Excellence**

A second way that PEDs can undermine sporting excellence is by altering the relationship between the excellences within a sport's cluster of excellence. Sports are designed not only to test a certain set of excellences, they are also designed so that, among the excellences tested, some are ascribed greater importance than others.

When a change to the way a sport is played by those who are successful within it elevates the importance of certain excellences over others in a way that is inconsistent with the appropriate relationship between the excellences around which the sport is based, a balance of excellence concern arises. Certain excellences are intended to contribute more than others to the performances of those who succeed within the sport. If an excellence that should contribute prominently is relegated to only a minor role, and another excellence that should play a minor role assumes an elevated role among the performances of the sport's elite competitors, then the balance of excellence has been disrupted and may require correction.



Doping can undermine a sport's balance of excellence by elevating the relative importance of capacities that are amenable to enhancement by PEDs – for example, strength, power, and stamina over those less amenable. Capacities such as agility, strategic nous, or psychological resilience are not as readily enhanced pharmacologically. So, the introduction of PEDs would privilege certain excellences over others, and this may have the effect of disrupting the sport's balance of excellence in ways that betray the sport's central purpose.

In rugby union, for example, the use of anabolic steroids would create bigger, stronger players. This would lead to more violent collisions, thereby privileging strength and power over skills such as evasiveness and elusiveness. The playing focus would likely shift to dominating collisions thereby deemphasising excellences such slick handling or evasive running.

So, doping can undermine sporting excellence in at least two ways: by contracting the sport's cluster of excellence or by disrupting the sport's balance of excellence. An important implication of this excellence-based analysis is that doping should proceed on a sport-by-sport basis, not according to the prevailing 'one size fits all' approach with minimal sport-specific regulations.

## **Conclusion**

My aim has been to refute the libertarian proposal that no restriction should be replaced on the use of PEDs in sport. I have not attempted to specify what contours that ban should take. Indeed, my argument here, when fully developed, may justify a doping ban that looks quite different to the existing World Anti-Doping Code (WADA 2021). Instead, I have demonstrated the significant disvalue associated with a sporting world in which PEDs are a normalised and permitted part of sporting practice.

As a product of human imagination and ingenuity, we can reshape and reconstitute sport however we wish. We do not have unfettered discretion though. As stewards of sports that are designed to test a specific cluster of excellence exhibited in a particular balance, we should formulate rules so that they accord with our commitment to sport as an excellence-based activity. PEDs threaten athlete welfare, the fairness of competition, and, perhaps most fundamentally, the very purpose of sport. We should stand against doping in sport.

## References

- Bradford, Gwen. 2015. *Achievement*. Oxford: Oxford.
- Brown, W.M. 1980. Ethics, Drugs, and Sport. *Journal of the Philosophy of Sport*. 7. 15-23.
- Chester, Neil. 2022. Anabolic Agents. *Drugs in Sport*. David R. Mottram and Neil Chester eds. Oxford: Routledge. 8<sup>th</sup> ed. Ch. 8.
- Devine, John William. 2022. Elements of Excellence. *Journal of the Philosophy of Sport*.
- Devine, John William. 2011. Doping is a Threat to Sporting Excellence. *British Journal of Sports Medicine*. 45. 637-639.
- Devine, John William and Francisco Javier Lopez Frias. 2020. 'Philosophy of Sport'. *Stanford Encyclopedia of Philosophy*, URL: <https://plato.stanford.edu/entries/sport/>.
- Douglas, Thomas. Enhancement in Sport, and Enhancement Outside Sport. *Studies in Ethics, Law, and Technology*. 1:1. 1-15.
- International Esports Federation. 2020. *Anti-Doping Rules*. URL: <https://iesf.org/governance/anti-doping>.
- Lang, Melanie. 2020. Developments in International Policy on Athlete Welfare. *Routledge Handbook of Athlete Welfare*. Melanie Lang (ed.). Oxford: Routledge. Ch. 1.
- Lopez Frias, Francisco Javier. 2017. The Legitimacy of Using Steroids and Other Drugs to Improve Performance. *Philosophy: Sport*. R.S. Kretchmar (ed.). Michigan: Macmillan. 59-74.
- McLaren, Richard. 2016. *McLaren Independent Investigation Report – Part 2*. URL: <https://www.wada-ama.org/en/resources/mclaren-independent-investigation-report-part-ii>.
- Møller, Verner, Ivan Waddington, and John M. Hoberman (eds). 2015. *Routledge Handbook of Drugs and Sport*. Oxford: Routledge.
- Mottram, David and Neil Chester. 2022. Peptide Hormones, Growth Factors, Related Substances and Mimetics. *Drugs in Sport*. David R. Mottram and Neil Chester eds. Oxford: Routledge. 8<sup>th</sup> ed. Ch. 9.

- Pike, Jon. 2021. Safety, Fairness, and Inclusion: Transgender Athletes and the Essence of Rugby. *Journal of the Philosophy of Sport*. 48:2. 155-168.
- Petroczi, Andrea, John Gleaves, Olivier de Hon, Dominic Sagoe, and Martial Saugy. 2022. Prevalence of Doping in Sport. *Drugs in Sport*. David R. Mottram and Neil Chester eds. Oxford: Routledge. 8<sup>th</sup> ed. Ch. 3.
- Roache, Rebecca. 2008. Cheating and Enhancement. *Expositions*. 2:2. 153-156.
- Russell, J.S. 2005. The Value of Dangerous Sport. *Journal of the Philosophy of Sport*. 32:1. 1-19.
- \_\_\_\_\_. 2017. The Problem of Cheating. *Philosophy: Sport*. R.S. Kretchmar (ed.). Michigan: Macmillan. 93–110.
- Sandel, Michael J. 2007. *The Case Against Perfection: Ethics in the Age of Genetic Engineering*. Cambridge: Harvard.
- Savulescu, Julian, Bennett Foddy, and Matthew Clayton. 2004. Why We Should Allow Performance Enhancing Drugs in Sport. *British Journal of Sports Medicine*. 38. 666-670.
- Suits, Bernard. 2014 [1978]. *The Grasshopper: Games, Life and Utopia*. New York: Broadview Press.
- Tamburrini, Claudio. 2000. What's Wrong With Doping?. *Values in Sport: Elitism, Nationalism, and Gender Equality and the Scientific Manufacturing of Winners*. Torbjörn Tännsjö and Claudio Tamburrini (eds). Oxford: Routledge.
- USADA. 2012. Statement From USADA CEO Travis T. Tygart Regarding The U.S. Postal Service Pro Cycling Team Doping Conspiracy. URL: <https://www.usada.org/statement/statement-from-usada-ceo-travis-t-tygart-regarding-the-u-s-postal-service-pro-cycling-team-doping-conspiracy/>.
- Veber, Michael. 2014. The Coercion Argument Against Performance-Enhancing Drugs. *Journal of the Philosophy of Sport*. 41: 2. 267-277.
- WADA. 2021. World Anti-Doping Code. URL: <https://www.wada-ama.org/en/resources/world-anti-doping-program/world-anti-doping-code>.

