Waddington, I., Møller, V. (2014). Cannabis use and the spirit of sport: a response to Mike McNamee. *Asian Bioethics Review, 6*, 246-258.

ARTICLES

Cannabis Use and the Spirit of Sport: A Response to Mike McNamee

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> 'When I use a word' Humpty Dumpty said in rather a scornful tone 'it means just what I want it to mean—neither more nor less'.
> 'The question is' said Alice, 'whether you can make words mean so many different things'.
>
> —*Through the Looking Glass*, chapter 6.

Introduction

In a recent article in this journal, Mike McNamee (2012: 374–92) noted that "one particularly problematic aspect of present anti-doping policy relates to the existence of what are often and variously referred to as 'social drugs', 'recreational drugs' or 'substances of abuse', in the list of prohibited methods and substances that comprise 'doping' as defined the [*sic*] global body responsible for anti-doping: the World Anti-Doping Agency". The focus of his article was, he wrote, "whether and how the presence of Cannabinoids on the Prohibited List (PL) is justified or not" (McNamee 2012: 374). He noted that many "scholars, scientists and key actors have argued that it should not be included" but he argued that, on the contrary, "Cannabinoids should be retained on the Prohibited List; that its [*sic*] use may be thought of as doping; and that the Spirit of Sport criterion, though vague, is still a defensible criterion for the demarcation of 'doping' " (McNamee 2012: 374–5). As part of his argument, he criticised a recent call signed by many members of the International Network of Humanistic Doping Research (INHDR 2012) calling for cannabis to be dropped from the prohibited list. As signatories to that call, we wish to reply to his criticisms of our position.

The central aspect of the INHDR statement to which McNamee objects is our argument that marijuana should be dropped from the prohibited list because it is not performance enhancing; in this regard, we argued that since any athlete using the drug will not derive any unfair advantage from its use, it cannot be considered as a form of cheating. More specifically, we argued:

> … it is nonsensical that an athlete can be banned under WADA rules for consuming a drug which has no performance-enhancing effects, for *it is precisely the performance-enhancing nature of a substance which is the central defining characteristic of doping*; in effect, this regulation means that athletes can be punished under the anti-doping code for a form of behaviour—the use of recreational drugs which are not performance-enhancing—which is not cheating and which does not constitute 'doping' in any meaningful sense of the term. (INHDR 2012)

McNamee argues that, in suggesting that performance enhancement is the central defining characteristic of doping we are making an "essentialist claim"; he further argues that, on the contrary, "it is perfectly 'meaningful' that if one prescriptively defines a concept (doping) in relation to three defeasible criteria [performance enhancement, health and the spirit of sport], then recreational drug use may be thought of as doping" (McNamee 2012: 382). Drawing upon the philosophy of Wittgenstein, the central thrust of McNamee's argument revolves around questions concerned with the definition of doping and the criteria which may be used to define what substances or techniques are included on WADA's prohibited list, and a discussion of these issues therefore constitutes the central part of our response.

McNamee's claim that we operate with an essentialist definition of doping is difficult to understand, not least because it runs directly counter to the position we have consistently taken in our published work. For example, in a longer version of the statement on the INHDR website, in which we developed our argument in more detail, we noted in the opening paragraph that substances believed to be performance enhancing have been used in sport and sport-like events for some two thousand years and that for almost all of this time they have been used without infringing any rules and without the practice giving rise to the highly emotive condemnation and stigmatisation which so often characterises the debate today. We noted that anti-doping rules only came into operation from the 1960s and pointed out that it was important to recognise that:

> Current attitudes and policies towards drug use are very recent and *do not represent eternal and unchanging sporting values, an 'essence' of sport*; rather,

> they were developed under specific social circumstances and expressed particular concerns at that time. (Waddington, Christiansen, Gleaves, Hoberman and Møller 2013, italics added)

Indeed, not only is it the case that we have consistently recognised that what is considered "doping" is socially defined and therefore subject to change but, in our empirical work, we have tried to follow through the implications of this by seeking to analyse the broader social context, including the growing public concern about drug use within the wider society from the 1960s, within which modern concepts of doping and anti-doping policies have been developed (Waddington 2000; Waddington and Smith 2009). Given our position outlined above, we were surprised to find our position in the doping debate misrepresented as essentialist; suffice it to say that, as social scientists, we are acutely aware of the fact that doping is socially defined and this view has consistently informed our work. The key difference between our position and that of McNamee is that while we follow through and analyse some of the ways in which conceptions of doping have changed—for example with the inclusion of marijuana on the prohibited list—he adopts a static approach which does not allow him to do this. This is a serious problem in terms of the issue of mission creep, which McNamee himself raises.

As noted above, McNamee (2012: 382) raises the question of whether there may have been "mission creep" in WADA's definition and policies. This is indeed a key question, but McNamee simply notes that WADA's "definition of doping is consistent between 2009 and the proposed 2015 Code" (McNamee 2012: 376). This does not provide an adequate answer to the question of whether or not there has been mission creep. For this, a more detailed analysis is required that takes into account the longer term processual or historical dimension.

WADA's Mission Creep and the Concept of Doping

According to Müller (2012), the word "doping" was first mentioned in an English dictionary in 1899 to describe the use of a mixture containing opium which was administered to horses. "Dope" was, he suggests, a spirit prepared from grapes which Zulu warriors in South Africa imbibed at fights and religious ceremonies and which was also reportedly called "doop" in Afrikaans. The word "dope" was later extended to other beverages with stimulating properties. The idea of dope as stimulating or enhancing performance was therefore integral to the original meaning of the word and the element of performance enhancement has long continued to be regarded as central to the concept of doping.

For example, one of the earliest definitions of doping within the sporting context was that by the Council of Europe in 1963:

> Doping is the administration to or use by a healthy individual of any agent or substance not normally present in the body and/or of any physiological agent or substance when introduced in abnormal additional quantities and/or by an abnormal route and/or in an abnormal manner, with the purpose and effect of increasing artificially and in an unfair manner the performance of that individual during the period of competition. (Technische Universität München)

The fact that doping artificially boosts performance has continued to be a central defining characteristic of doping and has, along with stated concerns for the health of athletes, provided a key underpinning for the development of anti-doping policies, including the publication of lists of prohibited substances, since these were developed in the 1960s. For example, in 1999, on the eve of the Lausanne conference which established WADA, the IOC defined doping as: "The use of an expedient (substance or method) which is potentially harmful to athletes' health and/or capable of enhancing their performance" (IOC 1999).

The issue of performance enhancement has also long been central to the anti-doping policies of national organisations such as the Sports Council in Britain, which defined doping as:

> the taking or use of substances or participation in doping methods prohibited by the International Olympic Committee and by International Sports Federations. … The Sports Council condemns the use of doping substances or doping methods to enhance artificially performance in sport … Doping is cheating and is contrary to the spirit of fair competition. (Sports Council 1996)

More recently, the Dutch Anti-Doping Authority has argued that WADA policy should optimise "the possibility to catch cheating athletes and their supporting personnel by prioritising on the criterion of performance enhancement" (Ram 2012).

As several authors have noted (e.g. Black 1996; Kayser et al. 2005), since anti-doping policy developed from the 1960s, the two major justifications for including substances on the prohibited list have been those relating to the performance-enhancing qualities of some substances (i.e. their use constitutes a form of cheating) and the claim that they may be damaging to athletes' health.

Prior to the establishment of WADA, it was the IOC which, since the 1960s, had overarching responsibility for anti-doping policy in sport but, unlike WADA, the IOC did not include marijuana on its list of banned substances. The reason for this was clear and explicit; in the words of the then president

of the IOC's medical commission: "Marijuana does not affect sporting performance". A similar position was expressed by Professor Arnold Beckett, another leading member of the IOC medical commission, who stated that: "If we started looking at the social aspect of drug-taking then we would not be doing our job" (*The Times*, 14 September 1988). In brief, their position was clear and reflected the widely and long held view which may be simply paraphrased as follows: if it does not enhance performance, it is not doping.

This longstanding definition of doping—almost universally understood to involve the element of performance enhancement—as well as the list of actions which were defined as doping, and the list of banned substances, all underwent a radical process of extension—mission creep in McNamee's terms—after the establishment of WADA. WADA in effect redefined the concept of doping in a way which simply ignored the socially accepted understanding within sport of what doping involved and, in the process, took unto itself the power to sanction athletes for actions which had previously been permitted. A critical policy shift in this regard related to marijuana.

Under section 4.3 of its Code, WADA stated that a substance or method is considered for inclusion on the prohibited list if WADA determines that it meets any two of the following three criteria:

i. Medical or other scientific evidence, pharmacological effect or experience that the substance or method … has the potential to enhance or enhances sport performance;
ii. Medical or other scientific evidence, pharmacological effect or experience that the use of the substance or method represents an actual or potential health risk to the athlete; and
iii. WADA's determination that the use of the substance or method violates the spirit of sport. (WADA 2003: 15–6)

The fact that a substance or method may be banned on the grounds that it meets any two of the three criteria involved a radical redefinition of what constitutes doping and this, we suggested, created a major problem: that a substance may be banned because it is held to be potentially damaging to the health of athletes and that its use is also held to be contrary to what McNamee concedes is the conceptually vague "spirit of sport", *even though the substance may have no performance-enhancing effect*. In effect, WADA has redefined what constitutes "doping" in a way that means that, for the first time, athletes can be punished under the anti-doping code for a form of behaviour—the use of recreational drugs which are not performance-enhancing—which no one (not, we imagine, even McNamee) would argue was cheating. When we argued that

the use of marijuana "does not constitute doping in any meaningful sense of the term", we were not arguing for an essentialist concept of doping, as McNamee suggests; rather, we were simply pointing out that WADA's radical redefinition of doping had purged the concept of what had always been regarded as a central element, namely the element of cheating associated with unfair performance enhancement.

But McNamee does not see this as a problem, arguing, as we noted earlier, that "it is perfectly 'meaningful' that if one prescriptively defines a concept (doping) in relation to three defeasible criteria … which includes [*sic*] the spirit of sport … then recreational drugs may be thought of as doping". In adopting this position, WADA has unilaterally abandoned the longstanding and widely understood meaning of doping within sport and has simply said that doping is, in effect, anything which WADA decides to label as doping. By this manoeuvre, WADA not only eliminates the need to provide a real definition, but it also makes the organisation immune to potential criticism for adopting policies which are not consistent with whatever definition the organisation might have provided. Moreover, as long as key concepts are not properly defined, they can be used manipulatively in order to extend the political power of organisations or governments and to enhance their social control over those subject to their power. George Orwell's novel, *Nineteen Eighty-Four*, in which the term "newspeak" was introduced, vividly illustrates the potential exploitation of the non-committal approach to language. Newspeak "was so constructed as to give exact and often very subtle expression to every meaning that a Party member could properly wish to express, while excluding all other meanings and also the possibility of arriving at them by indirect methods" (Orwell 1949: 210). As Orwell reminds us, mission creep can be a dangerous process.

The downside of the non-binding use of concepts is, of course, that it undermines one's ability to produce cogent arguments. Whereas this may not be a problem for those who use language as an ideological tool to extend their power or to maintain social control, it is a real problem if we wish to engage in meaningful discussion about right and wrong, good or bad, true or false in human life and society.

As Moritz Schlick reminds us, philosophy is essentially a search for truth. Thus whereas historians can read the history of ideas and be excited by the beauty of the various thought systems that have been developed during the course of time, "The philosopher cannot be satisfied to ask, as the historian would ask of all the systems of thought, are they beautiful, are they brilliant, are they historically important? The only question which will interest him is the question, 'What truth is there in these systems' " (Schlick 1992: 43).

In light of this, it is not immediately clear why McNamee has so willingly accepted WADA's woolly concept of doping and defended its inclusion of the vague "spirit of sport" criterion. However, McNamee draws on the work of Ludwig Wittgenstein, who argued that philosophy was doomed to fail because it was shackled to language which, he held, was insufficiently precise to warrant any essential meaning. It may therefore be useful to take a brief detour to examine some aspects of Wittgenstein's philosophy on which McNamee draws.

Wittgenstein and Linguistic Philosophy

McNamee outlines a key element of Wittgenstein's philosophy as follows:

> Wittgenstein used the word 'game' to illustrate the plasticity of meaning, revealed in the myriad of comprehensible uses to which the word 'game' might be put, which seemed to have no essence but that were loosely related to each other. All that the different uses of the word had in common were a number of 'family resemblances'. This openness, he noted, did not hinder our use of those words or concepts. (McNamee 2012: 378)

McNamee overlooks, as many before him, that Wittgenstein's example would not make sense, had the reader not already established a fundamental, albeit tacit, understanding of the word "game". What makes Wittgenstein's example seductive is that "game" is polysemic. It encompasses a number of concepts which must be defined separately. "Family resemblances" is an evocative expression of the real wonder that humans are able to extract meaning in conversation, given the myriad of ways in which some words are used, but it is no explanation of the fundamental process of understanding. As the internationally recognised Wittgenstein expert David Favrholdt[1] notes, Wittgenstein's idea about language games could not have been formulated without using fundamental descriptive language. "The concepts we use in the various language games are all either defined or grafted upon the concepts that are used in descriptive language. If we have to do with an order like 'Shut the door!' the order is only comprehensible if we know the descriptive use of 'to shut' and 'door' " (Favrholdt 1999: 131).

Wittgenstein's suggestion that we understand the word "game" in various contexts because of "family resemblances" is unconvincing for another reason. Wittgenstein suggests that, although the word "game" is used to describe a variety of games, we should stop thinking about what all games have in common. Instead, we should look at the various games. "For if you look at them you will not see something that is common to *all*, but similarities relationship,

and a whole series of them at that. […] I can think of no better expression to characterize these similarities than 'family resemblances'" (Wittgenstein 1986: §66–7). Famous as it is, this idea is misleading as should be evident from the following example, inspired by Favrholdt's work on aesthetics (Favrholdt 2000).

Think of a sculpture. An artist has just made the final chiselling. Satisfied with his work, he puts his mallet and chisel aside. The sculpture is ready for exhibition and sale. The artist took a year to create this artwork and, every day from start to finish, he took a photograph of the work in progress. The photographs documented little change from day to day and hardly any between the finished sculpture and the sculpture the day before the artist decided "this is it". Anyone who did not think about it but only looked at the photographs would surely see "family resemblance" between the sculpture and the sculpture photographed the day before it was finished as they would between days 364 and 363, days 363 and 362, etc. So if we judged solely on how phenomena looked, we would, by inspection of the 365 photographs, find family resemblance between the raw stone and the sculpture. Wondering why we have two words, "sculpture" and "stone", we might be unable to establish whether a stone is a kind of sculpture or a sculpture is a kind of stone. However, we do not do that. Whilst it makes perfect sense to say that a sculpture carved in stone is in essence a stone, it does not make sense to say that a stone formed by an artist is in essence a sculpture, although it is a sculpture by definition. Thus, it is of course incorrect to refer to the carving stone during the creation process as a sculpture. What makes the difference is that the term "sculpture" refers to an artefact that may or may not be valued by the social construction we call the art institution. A lazier artist than our hardworking sculptor might decide to bring the rough stone to the exhibition and insist that, since he picked it up and placed it on a pedestal, it is a piece of art. It does not matter whether or not the art institution accepts the artist's claim that the stone is a piece of art; it is still essentially a stone. It is true that "stone", like "game", is a superordinate term that comprises soapstone, alabaster limestone, marble, granite, etc., but although you can make sculptures from any of these types of stone, "sculpture" is not one of stone's hyponyms. We trust the above examples suffice to show that McNamee's Wittgensteinian approach is a non-starter if the aim is to form a rational and coherent understanding of things or problems in the world. As hard as it may be to detect and define the essence of experienced phenomena, "our minds", as Steven Pinker explains, "harmonize well enough that, most of the time, what we think about corresponds to what we *think* we think about" (Pinker 2008: 290).

In keeping with the philosophical argument set out above, we find it philosophically untenable (as well as politically authoritarian) to disregard, as McNamee does, the many objections by those subject to WADA rules—the athletes themselves, as expressed by athletes' unions—to the inclusion of social drugs on the prohibited list and also to reject the view of the majority of the heads of National Anti-Doping Organisations who agree with the athletes unions that it should not be part of their anti-doping obligations to test and punish athletes for recreational drug use. McNamee concedes that there is consensus among those who are subject to and administer the anti-doping system; that it is the use of performance-enhancing means and methods that constitutes a punishable doping offence. Given that this is the case, it is inevitable that, if athletes continue to be punished for "doping offences" which have nothing to do with cheating through the use of performance-enhancing means, then the perception of the term "doping" will change in ways which will raise serious social/moral concerns. Since words are shackled to things and experiences in real life, it will no longer be possible to understand the concept of "anti-doping" positively as protection of fair competition. In order to establish correspondence between the word and the reality to which it refers, the understanding of the term will tacitly change to signify an Orwellian surveillance regime designed to control not just the sporting lives, but also the private lives, of athletes. This will be likely to undermine the legitimacy of anti-doping in the eyes of the athletes for the following reason. The current invasion of athletes' privacy, associated with the testing process and, more particularly, with the WADA whereabouts policy (Waddington 2010; Møller 2011) is legitimised by the recognition of the right of clean athletes to compete on a level playing field. However, the inclusion of social drugs on the prohibited list leads to the suspension of athletes and, associated with this, financial and other losses, and sometimes premature career termination, for behaviour which has no negative effect on the opponents' chances of winning. In other words, it is irrelevant to the fairness of sporting competition and can only be understood as social-technological surveillance of athletes' private lives outside of the sporting context.

McNamee offers a further, and in some respects disturbing, defence of WADA's reluctance to remove cannabinoids from the prohibited list. He writes:

> Under the 2009 tri-partite defeasible system, Cannabinoid use if detected would constitute an ADRV [Anti-Doping Rule Violation]. Since ADOs [anti-doping organisations] do not actually catch so many doping cheats this is not unimportant. According to WADA's 2011 figures, there were 445 positive tests for Cannabinoid use including famously the multi-Gold-medal-winning figure Michael Phelps. This datum represents the third highest category of

> doping (prohibited substances) for which athletes were tested for [*sic*]. Might its exclusion lead to a diminution of WADA's legitimation? After all, there appears to be some relationship between the credibility of a system which places a burden on athletes and the positive effect of those burdens. (McNamee 2012: 384)

It is true that McNamee adds that "[o]n the other hand it might be argued that their legitimacy was enhanced by a focus only on illicit performance enhancement" (McNamee 2012: 384). Our view, which we set out below with supporting empirical evidence, is that the latter scenario is much more likely than the former. However, it is surprising that McNamee leaves this important issue without further discussion, thus leaving the reader with the clear impression that he accepts the former scenario. What is particularly disturbing is that McNamee gives no indication whatsoever that he finds it ethically indefensible to punish non-cheating athletes for recreational drug use in order to enhance the number of positive tests, thus creating the illusion that anti-doping policy is more effective than is actually the case. It is not overstating the case to suggest that McNamee appears to be "putting politics first and tailoring a philosophy to suit" (Rorty 1999: 178), to use a famous phrase from another leading advocate of linguistic analysis.

For the reasons set out above, we suggest that keeping cannabis on the banned list does not make anti-doping policy more effective but, on the contrary, it can serve only to undermine the legitimacy of anti-doping policy by making a central aspect of anti-doping policy a target for athletes unions which, understandably, seek to protect the rights and interests of working athletes, including the right to a private life outside of the sporting context which is not subject to surveillance and control by sporting organisations. In this regard, we would argue that removing social drugs from the prohibited list would make a useful contribution to increasing the legitimacy of anti-doping policy among the athletes whom anti-doping was initiated to protect in the first place.

Our views concerning marijuana use within sport are widely shared by athletes, sports administrators and, indeed, anti-doping bodies within sport, and for the same reasons we set out in the INHDR article to which McNamee took exception. For example, in a document prepared for the Lausanne conference which established WADA, an IOC committee recognised that while the IOC "has strong grounds in sport ethics for seeking to eliminate doping … It is not clear why sport, or the Olympic Movement should be part of a general campaign to eliminate … marijuana use" (IOC 1988). In May 2012, the Coalition of Major Professional Sports in Australia called for marijuana to be removed from the prohibited list, arguing that it should not be grouped with

drugs, like human growth hormone and steroids, which are clearly performance enhancing (Kelland 2012). The Danish Elite Athletes' Association has similarly argued that "social drugs which are not performance enhancing should be removed from the list" (Blæsild 2012) while EU Athletes, representing no fewer than 100 player unions and 150,000 European athletes "takes the position that the use of cannabis and other such substances with no proven performance enhancing qualities … be treated under national labor and criminal law rather than as a doping offence" (EU Athletes 2008). More recently, EU Athletes pointed out that testing for marijuana used up valuable resources that could have been targeted at "real doping cheats" (EU Athletes 2012: 5). The wording of this statement is important; not only do EU Athletes regard this as an inappropriate use of WADA's scarce resources but, equally clearly, EU Athletes do not regard those who use marijuana as "real doping cheats". The Dutch Anti-Doping Authority has recently argued that "the use of a substance [marijuana] that is most likely to have a negative impact on athletic performance should not be part of the anti-doping program" (Ram 2012), while representatives of Sport New Zealand and the New Zealand Federation of Athletes have also criticised the ban on marijuana (Various authors 2012). The logic of their argument is clear; like almost everyone else in the world of sport, they regard performance enhancement as a central element of doping or, to put it another way, they do not regard marijuana use as doping in "any meaningful sense of the term". Since WADA and those who defend WADA's position in relation to marijuana appear to have adopted Humpty Dumpty's position—"When I use a word it means just what I want it to mean", then Alice's response—"The question is whether you can make words mean so many different things"—is particularly apposite.

Note

1. For those unfamiliar with Favrholdt, we recommend his thesis, "An Interpretation and Critique of Wittgenstein's Tractatus", which received a rave review in *Mind* by James Griffin in 1965, one year after Favrholdt himself had published in *Mind* his article "Tractatus 5.542" in which he presented a key to the understanding of Wittgenstein's Tractatus.

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