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Surveillance and control in sport: a sociologist looks at the WADA whereabouts system.

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Abstract

This paper draws upon the sociology of Norbert Elias to examine some central aspects of the whereabouts system introduced by WADA as part of its anti-doping policies. More specifically, the paper aims to (i) locate the whereabouts system within the context of broader social processes, including changing practices and ideas concerning surveillance and control, personal liberty, privacy and democracy; (ii) examine the impact of the introduction of the whereabouts system on the relationship between elite athletes and WADA; and (iii) examine some of the difficulties in developing and implementing anti-doping policy. In relation to the latter, it is suggested that the introduction of the whereabouts policy has had a number of unplanned consequences which, from WADA's perspective, will almost certainly be seen as unwelcome: the alienation of large numbers of athletes, whose cooperation is essential if the system is to operate smoothly and efficiently; the deteriorating relationship with other key organizations such as the EU; the emergence of a challenge, led by the European Elite Athletes Association, to the legitimacy of decision-making processes within WADA; and finally, the uneven application of the whereabouts requirements which has led to the creation of what many athletes see as a new form of unfairness.

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Introduction

In 2003 the World Anti-Doping Agency (WADA) introduced a system under which all elite level athletes were required to provide anti-doping organizations with information relating to their home address, contact telephone numbers and training, competition and travel plans in order to facilitate no-notice out-of-competition drug testing. In 2008, WADA introduced a revised system which required athletes to provide much more detailed information about their whereabouts and which, in particular, required athletes to indicate their precise whereabouts for each day in the following three months, with athletes being required to make themselves available for testing on every day of the year. This new whereabouts system, as we shall see, has met with unprecedented criticism from large numbers of athletes, with claims that WADA has introduced a 'Big Brother' system of surveillance and control which infringes athletes' right to privacy and their civil liberties.

It is not the object of this paper to argue either that the whereabouts system can or cannot be justified, for this is a philosophical or moral issue rather than a properly sociological one and my main concern here is to look at the whereabouts system through the eyes of a sociologist. In this regard I want to: (i) locate the whereabouts system within the context of broader social processes, including changing practices and ideas concerning surveillance and control, personal liberty, privacy and democracy; such an approach will, I hope, highlight some of the characteristics of what is – at least within liberal democratic societies – an extraordinary system of surveillance and control of people who have committed no

offence; (ii) examine the impact of the introduction of the whereabouts system on the relationship between elite athletes and WADA; it is hoped that this will help us to understand some of the opposition to, and the major difficulties associated with, the introduction of this system; and (iii) examine some of the difficulties in developing and implementing anti-doping policy, particularly with reference to the unplanned outcomes of the policy process.

The theoretical underpinning for this paper is drawn largely from the work of Norbert Elias. More specifically, in discussing the issue of athletes' consent to WADA's system of surveillance and control, I will draw on Elias's discussion of *Homo clausus* and *Homines aperti*; in examining some aspects of the process of taking urine samples for the purposes of drug testing , I will draw on Elias's work on civilizing processes; and in examining some of the unplanned outcomes of the introduction of WADA's whereabouts system I will draw on Elias's game models. These theoretical underpinnings are elaborated at appropriate points in the text. Let us begin by outlining the WADA whereabouts system.

The WADA whereabouts system

Under the WADA Code adopted in 2003, all international and national sport federations were required to establish a Registered Testing Pool of elite athletes and to carry out in-competition and out-of-competition testing (WADA 2003a). In order to facilitate out-of-competition testing, all anti-doping organizations were required to collect the following information from athletes in the testing pool: name, sport/discipline, home address, contact telephone numbers, training time and venues, training camps, travel plans, competition schedule and any disability which might affect the testing process (WADA 2003b).

The WADA Code stipulated that athletes who receive three warnings within an eighteen month period for failing 'to provide accurate whereabouts information … or a combination of failure to provide whereabouts information and missed tests, may be subject to an anti-doping rule violation' which could result in a suspension of between three months and two years. The whereabouts system was revised in 2008 and the obligations on athletes were extended; under the new rules which came into effect in January 2009, athletes in a Registered Testing Pool have to provide: a complete mailing address; details of any disability which might affect the sample collection; for each day during the following three months, the full address where the athlete will be staying (e.g. home, temporary lodgings, hotel etc), and the name and address of each location where the athlete will train, work or conduct any other regular activity; their competition schedule for the next quarter, including the name and address of each location where they are scheduled to compete and the day(s) on which they will be competing (WADA 2008). In addition each athlete must indicate, for each day during the following quarter, one specific 60-minute time slot between 6am and 11pm when s/he will be available for testing at a specific location. Athletes may also be tested without notice outside this one hour window, though they cannot be charged with a missed test outside of this 60-minute period. Under the Code, a failure to provide accurate, up-to-date information is classed as a filing failure, which counts as an infringement of the Code in the same way as a missed test. Any three whereabouts failures (which may be a combination of filing failures and/or missed tests) may result in suspension from competition. Under the new system the minimum period of suspension for breaching these rules was also extended from three months to one year.

The whereabouts system, civil liberties and privacy

Major sporting organizations have not infrequently been criticized for their alleged indifference to civil liberties and human rights. For example, Hoberman has drawn attention to what he calls the Olympic Movement's 'amoral universalism', exemplified in the IOC's failure to condemn the pre-Olympic repression in Mexico in 1968, in which an estimated 325 student protesters were killed by government troops, or its similar silence in relation to the repression preceding the Moscow Olympics of 1980 (Hoberman, 1986). More recently, concerns have been expressed about other aspects of the relationship between sport, human rights and civil liberties (David, 2005; Giulianotti and McArdle, 2006). As we shall see, the whereabouts system has raised a number of issues relating to the civil liberties and privacy of elite athletes.

Writing in 2001, the sports philosophers Schneider and Butcher noted that it 'has become apparent to those involved with doping control that, despite some "in-competition" positive tests, the only effective way to test for banned substances is to introduce random, unannounced out-of-competition testing'. However, they argue that the 'demand that athletes be prepared to submit to urine testing at any time, with no notice, is a serious breach of their civil and human rights in North America'. They go on to suggest that 'that sort of intrusive intervention in people's lives could only be warranted by the need to protect others from serious harm. It is questionable whether the depth of harm required to warrant such extreme interference with personal liberty can be established at the present time' (Schneider and Butcher 2001, p. 130).

It should be noted that the comments by Schneider and Butcher were made *before* the introduction of the WADA whereabouts system, which has intruded into the lives of elite athletes in a much more significant way. It should also be noted that within liberal democratic societies, there is no longer any serious debate about whether drug testing involves a breach of privacy; as Teetzel has noted, as long ago as

1992, the Canadian Privacy Commissioner bluntly acknowledged that drug testing constitutes an invasion of privacy, noting ‘the principle (sic) privacy issue flowing from drug testing is not whether it is intrusive. It is’ (cited in Teetzel 2007, p. 166). In terms of privacy, the key question is therefore not whether drug testing in general and the whereabouts system in particular constitute invasions of privacy – they clearly do – but rather, whether such invasions of the privacy of athletes can be justified. Again I emphasize that I am not seeking to answer that question directly, but rather to locate the ongoing debate within the context of broader social processes; particularly relevant in this regard as a basis of comparison with the WADA whereabouts system are recent policy developments relating to the surveillance and control of those who have committed serious breaches of the criminal law.

It is a sobering thought that there is only one other group of people who immediately come to mind as being required regularly to report their whereabouts to the authorities, that is convicted criminals who have been released from prison early on parole, and criminals who are considered particularly dangerous, such as those who have been convicted of sexual offences against children. In the case of convicted criminals released on parole, the moral basis for monitoring their whereabouts and the associated restriction of their liberties is clear and generally accepted and lies precisely in the fact that they have been convicted of particularly serious offences which in most people generate a deep sense of revulsion. But elite athletes who are required to provide information about their daily whereabouts have not committed any criminal offence; indeed, they will be regarded by many people as being involved in a worthwhile and socially valued activity, and many of them will have represented their countries, sometimes with great distinction, in international competition.

Given these differences in the social status and public perception of elite athletes and convicted criminals, a comparison of the surveillance and control of these two groups is particularly revealing. We have already noted the requirement on elite athletes to report and update their whereabouts. But how does this system compare with the surveillance and control of, for example, convicted paedophiles? In Britain, those who have been convicted of sexual offences against young children are, under the Sex Offenders Act of 1997, as amended by the Sexual Offenders Act of 2003, required to register with the police within three days of being released from prison and they must re-register with their local police on an annual basis. They must also inform the police if they change their name or permanent address, if they intend to spend seven days or more away from home or if they intend to travel abroad (Batty 2006). Convicted paedophiles – who, it should be noted, constitute one of the most reviled groups in modern societies – are thus required to provide less information about their whereabouts to the police than elite athletes are required to supply about their whereabouts to anti-doping organizations. Given this situation, one can perhaps understand the recent comment of Yves Kummer, the President of the European Elite Athletes Association, that 'paedophiles and criminals on probation have more rights than athletes' (Kummer 2009). There is little doubt that most people would find this situation quite extraordinary.

As we noted earlier, unlike convicted paedophiles and criminals released on parole, most athletes have not been convicted of any wrongdoing. It should also be borne in mind that while convicted criminals who are subject to police reporting have been found guilty of serious breaches of the criminal law, even an athlete who tests positive for performance-enhancing drugs will not normally have broken any criminal laws, but will simply have broken the rules of

sport.[1] It is difficult to see any obvious basis for the use of more intrusive methods of surveillance and control to enforce the rules of sport than are used to ensure the protection of young children against sexual predators.

But this is not the only extraordinary aspect of the system of surveillance and control established by WADA, for WADA has successfully claimed for itself powers which are not normally available to any other organization, not even the state, in liberal democratic societies. As Schneider (2006, p. 152) has pointed out, in 'most countries, the state is not permitted to subject its citizens to random tests for the use of illegal drugs unless there is some direct risk of harm to others (e.g. [airline] pilots)'; it might be added that, even where the state does claim the right to subject specific groups of workers to drug testing on grounds of public safety, those workers, unlike elite athletes, are not subject to drug testing 365 days a year but only during their working hours. As Schneider (2006, p. 152) has noted, we are entitled to ask if there are 'compelling reasons why sports organizations have a power denied to the state?'. It is a legitimate question.

The athletes' response

Data on athletes' attitudes towards the whereabouts system are available from a variety of sources. The most reliable data come from systematic surveys of the attitudes of elite athletes. To date two such surveys have been carried out, one in Norway and the other in Great Britain. These data have been supplemented by a Google search which yielded a very large number of 'hits', many of them from newspaper reports, on the attitudes of elite athletes in many sports and many countries towards the WADA whereabouts system. Although newspaper reports, especially when reporting the views of high profile athletes, offer less systematic data than do national surveys, they nevertheless provide useful supporting data. In addition, several

organizations representing large numbers of athletes – in the case of the European Elite Athletes Association some 25,000 elite athletes – have also made clear their views about the whereabouts system. Such a triangulation of data sources enables us to be reasonably confident about conclusions drawn from these several sources particularly when, as in this case, all data sources point in the same general direction. What, then, has been the response of athletes to the whereabouts system?

The first systematic survey of athletes' views – in this case of all athletes in the Norwegian Registered Testing Pool – was undertaken by Hanstad and his colleagues in 2006, the results of which were published in 2009 (Hanstad and Loland 2009, Hanstad, Skille and Thurston 2009). Norway and its athletes have long enjoyed a reputation as being particularly supportive of anti-doping policies and it is therefore perhaps surprising that 'when [Norwegian] athletes are asked about the justification of the whereabouts system, they report considerable scepticism and raise a number of objections, in particular that the system is not implemented for all athletes [in other countries] and therefore is unfair, and that the system requires information about their whereabouts every day, all year round which is seen as an intrusion and violation of individual privacy' (Hanstad and Loland 2009, p. 6).

A quarter of all athletes in the Norwegian survey regarded the WADA system as a 'Big Brother' system and one in four of the athletes reported that 'the joy of elite sport is reduced by anti-doping surveillance and measures such as this one' (Hanstad and Loland 2009, p. 7). This view was most clearly expressed by one athlete who said that with the new regulations it would be a relief to quit:

> Anti-doping work is very important, but the requirement to report, and the risk of a doping verdict when the doping control officer shows up and you are not

there, I think is wrong. It will be a relief to escape this the day I retire.

(Hanstad *et al*., 2009, p. 40)

The authors note that 'the expressed views of the athletes may go some way towards explaining why just 43% agreed that the whereabouts system was necessary to carry out efficient doping controls' (Hanstad *et al*., 2009, p. 40).

One year after the Norwegian survey, the British Athletes Commission (BAC) undertook a survey of the attitudes of British athletes towards the whereabouts system. There were of course some differences between the two surveys. For example, while the Norwegian survey was conducted on athletes in the Norwegian Testing Pool, the British survey was carried out on athletes in receipt of lottery funding. Moreover, since there were at that time some minor differences in the precise reporting requirements to which athletes were subject in Norway and Britain there were inevitably some differences in the precise questions asked. Nevertheless both surveys were designed to achieve the same general objective: to elicit information on how athletes perceived the WADA whereabouts system. The British survey, like the one in Norway, indicated widespread dissatisfaction with the whereabouts system and revealed many similarities in the attitudes of Norwegian and British athletes. Like the Norwegian athletes, the British athletes were in favour of doping controls but felt that the system introduced by WADA was unacceptable in several respects. In particular, British athletes felt strongly that they should not be required to be available for testing on seven days of the week, with just 12% supporting this idea. British athletes also echoed the widely-held view by Norwegian athletes that the system was not fair because it was not effectively implemented in many other countries and 66% of the British athletes felt that the whereabouts system was not the most effective way to catch/deter drug users (British Athletes Commission [BAC], 2007).

It is important to note that both these surveys were carried out before the revised whereabouts system, which places even more obligations on athletes, came into effect in January 2009 and it is almost certainly the case that if these surveys were to be repeated they would reveal even higher levels of hostility by athletes towards the new system. That this is so is indicated by the fact that since the new system came into operation there has been an outpouring of protest from athletes from numerous countries and from a wide range of sports.

Central to these criticisms has been the claim that the whereabouts system constitutes a violation of athletes' privacy, while many athletes also indicated that it is a constant source of anxiety which reduces their pleasure in sport. Just one month after the new WADA system was introduced in January 2009, Raphael Nadal, then the world's No 1 tennis player, said that the rules showed 'a lack of respect for privacy' and, drawing a parallel between the treatment of elite athletes and the treatment of criminals, he added 'we are humans and we do not have to feel like criminals just because we do sport' (*Independent*, 28 January 2009). More recently, Nadal has renewed his criticism of the whereabouts system, saying: 'It's too much to have to say where you are every day of your life' (BBC Sport 2009a). The British No. 1, Andy Murray, similarly claimed that the 'new rules are so draconian that it makes it almost impossible to lead a normal life'. Murray added: 'I may miss a flight or a flight may be delayed, yet I have to let WADA know exactly where I will be, even when I am resting. They even turned up at my hotel in Miami while I was on holiday' (*The Times*, 6 February 2009). In objecting to the system of surveillance and control, the US hurdler Lolo Jones said 'Maybe in the future they will find a tag they can put on us like dogs have', (*SI.com,* 2009a), thus echoing a comment by Carolina Klüft, the Swedish Olympic heptathlon champion who, in an interview with a Swedish

newspaper,‘[h]alf jokingly … suggested having a data chip implanted into her body so that the doping controllers could monitor her at all times!’ (Hanstad and Loland 2009, p. 7). In February 2009, sixteen British world and Olympic rowing medallists published an open letter in which they expressed ‘grave reservations about the principles underpinning the “Whereabouts” regime, and its implementation’ and they added: ‘We spend our days panicking: having always to think about when our nominated hour is on that day’ (*rowing service*.com 2009).

Objections from individual athletes have also been echoed by many organizations within sport. The British rowers’ criticisms were supported by the International Rowing Federation (*Around the Rings* 2009) while the Professional Players Federation, an umbrella group of professional player associations in the UK, described the WADA system as a ‘fiasco’ (BBC Sport 2009b). *Sports Illustrated* reported that, in football, the chairman of the FIFA medical committee had asked: ‘Is this the time of the inquisition, or what?’ (*SI.com,* 2009a). The official view of both FIFA and UEFA is that ‘both on a political and juridical level, the legality of the lack of respect of the private life of players, a fundamental element of individual liberty, can be questioned’ (FIFA 2009). Shortly before the new code came into effect, the European Elite Athletes Association (EEAA), which as we noted earlier represents 25,000 elite athletes, issued a lengthy statement in which it said: ‘The new code seriously undermines the rights of professional athletes as both European citizens and employees. Furthermore, some of the key areas of the new WADA Code are of questionable legality’ (EEAA 2008).

The legality of aspects of the Code has also been questioned by the European Union (EU). In August 2008, the EU’s Data Protection Working Party considered a draft of the WADA Code and expressed concern about the degree to which the Code

met EU standards in relation to privacy and personal data protection; on this basis, and acting in their capacity as members of WADA's Executive Committee and Foundation Board, European governments tried, without success, to get WADA to postpone the introduction of the whereabouts system (EU 2009a). In April 2009, the EU Working Party, in a second opinion, expressed regret that WADA had not fully taken into account its comments on the earlier draft Code and indicated its continuing concern about 'matters which the Working Party believes continue to be problems in the context of European requirements for privacy and personal data protection' (EU 2009b, p. 2-3). In its conclusion, the Working Party emphasized that it was aware of the importance of the fight against doping but added that it 'insists on pursuing this fight with respect for the fundamental rights of athletes and their entourage, particularly for the right to protection of their privacy and personal data' (EU 2009b, p. 18).

The legal basis of the Code, and in particular the question of whether it breaks European Union privacy laws, is set to be challenged in a Belgian court. The action has been brought by 65 athletes who have been brought together by Sporta, the organization representing professional sportspeople in Belgium. The solicitor representing the athletes has claimed that the whereabouts system is 'a draconian measure' that 'gives WADA a pass to invade the privacy of athletes' and amounts 'to putting the whole town in prison to catch one criminal' (BBC Sport 2009c, ESPN 2009).

Protests against drug testing in sport are, of course, not new. In 1966, when the first drug tests were introduced into professional cycling, they triggered a riders' protest strike (Mignon 2003, p. 241) while more recently, riders staged a sit-down protest against the police investigation into drug use in the 1998 Tour de France.

However, such protests have, previously, been limited to particular sports, notably cycling, which has from the earliest days of professional cycling been characterized by a culture of acceptance of drug use (Waddington and Smith 2009). What is striking about the current criticisms of the WADA Code is that they have been made by such large numbers of athletes, from many disciplines and many countries. As the *New York Times* (22 March 2009) observed, 'never before has there been so much protest regarding out-of-competition testing', adding that athletes 'in nearly every sport … have publicly criticized the doping agency's regulations'. *Sports Illustrated* similarly noted that 'hardly a day goes by without more athletes or groups complaining about the system' and it added: 'From Raphael Nadel to Serena Williams to Michael Ballack, from athletics to skiing, it seems no one is happy' (*SI.com,*2009a). Most recently, the CEO of the Anti-Doping Authority of the Netherlands referred to the 'unprecedented number of objections from individual elite athletes and athletic organizations' (Ram 2009). It is both the huge number and the diversity of sources of such objections to the WADA Code which mark this out as a distinctive development in the history of anti-doping policies and, perhaps, also in terms of the relationship between elite athletes and anti-doping organizations. But how have WADA and associated anti-doping organizations responded to critics of the Code?

WADA's response to its critics

We have already noted that WADA rejected a request from European governments to postpone the introduction of the whereabouts system and that, in their second opinion, the EU's Data Protection Working Party expressed regret that WADA had not fully taken into account its comments on the draft Code. WADA rejected all the criticisms of the EU Working Party in an almost contemptuous manner, dismissing their opinion as 'incorrect' and 'inaccurate', and accusing the

Working Party of making objections based on a ‘flimsy pretext’, of using ‘petty examples’, of having ‘unrealistic expectations’ and making ‘unrealistic requests’, and of lacking ‘any grounding in reality’. WADA also, rather surprisingly, suggested that ‘the aim of the [EU] opinion is less to offer a balanced and accurate assessment … and more to promote other agendas’, though the nature of these alleged ‘other agendas’ was not clear (WADA 2009). Given the choice of words used by WADA, it is perhaps surprising that it should also have accused the EU working Party – whose report is written throughout in very considered and restrained language – as being ‘overtly confrontational’!

WADA has shown a similar lack of empathy with all its critics. In January 2009, following the early outpouring of criticism of the new system, David Howman, WADA Director General, claimed in a press interview that athletes who criticized the system simply did not understand the rule and undiplomatically suggested that they should ‘Find out something more before you open your mouth’ (*SI.com,* 2009b). In February, Howman came to London where he met with critics of the new system; afterwards Howman made it clear that this ‘was not a negotiation’ and ‘Nothing is about to change’ (*Daily Telegraph*, 17 February 2009). Howman appears to have made no attempt to address athletes’ many publicly expressed concerns about privacy, civil liberties and the practical difficulties of providing in advance three months whereabouts information, but dismissed these as ‘some people … just reacting negatively to change’ (UK Sport 2009a). Within Britain, bodies charged with anti-doping responsibilities have been equally dismissive of athletes’ objections. Thus criticisms of the earlier whereabouts system, revealed in the survey by the BAC, were claimed by UK Sport to indicate ‘a lack of understanding of procedures, and particularly why such procedures are in place’ (UK Sport 2007a) while, at a

conference on doping sponsored by UK Sport and held at Loughborough University in March 2009, the Director of Regulatory and Legal Affairs at British Swimming dismissed athletes' objections to the system as a 'no brainer' (Gray 2009). Perhaps most indicative of the communication gap between regulatory bodies and elite athletes was UK Sport's earlier description of the whereabouts system as 'athlete-friendly' (UK Sport 2007b).

But perhaps the athletes' objections are not important. Perhaps the bottom line is, as Howman uncompromisingly put it, 'a lot of people complain about changes but these are the rules of sport' (*Daily Telegraph*, 17 February 2009). Of course, whether athletes simply have to accept that these are the rules of sport will depend partly on the judgement in the court case being brought by the 65 Belgian athletes. But even if the court decides that the WADA system does not break EU privacy laws there are other, non-legal, issues which may be no less important in terms of the relationship between athletes and WADA. These issues relate to consent and associated issues which concern not just the legality but, perhaps more importantly, the perceived legitimacy, of WADA policy and, by implication, of WADA's authority. Let us explore these issues further.

Legitimacy and consent as problematic

Since the WADA regulations may be both challenged and enforced in law, it might be suggested that they constitute, in effect, a contract between WADA and elite athletes. However, as the French sociologist Emile Durkheim observed over a century ago, not everything in the contract is contractual, for the effective enforcement of contracts is dependent on a number of non-contractual elements which underpin and give meaning and legitimacy to the contract. In this regard, Durkheim noted that it is not enough 'to desire that engagements contracted for be kept; it is still necessary …

that they be spontaneously kept. If contracts were enforced only by force or through fear of force, contractual solidarity would be very precarious' (Durkheim [1893], 1933, p. 382). A similar idea has recently been expressed, specifically in relation to anti-doping policy, by Hanstad et al. who point out that it is important to understand how athletes view the whereabouts system 'if it is assumed that the effectiveness and efficiency of the system will, to some degree, be dependent on the co-operation and compliance of athletes' (Hanstad *et al*., 2009, p. 32). There is good evidence that such an assumption is valid.

In this regard, a brief examination of the development of anti-doping policy in professional cycling is useful. The longstanding existence of what may be called a 'culture of tolerance' in relation to drug use in cycling has been documented in detail elsewhere and it is clear that, for very many years, the widespread acceptance of this culture within cycling effectively undermined attempts to control the use of drugs in the sport (Waddington 2000, Waddington and Smith 2009). As we noted earlier, the first attempts to introduce drug testing in 1966 were met with riders' strikes while, as Hoberman has noted, when the Tour de France came under attack during and after the 1998 drug scandal, its organizers, team managers and riders reacted as a 'closed community' (Hoberman 2003, p. 107) which sought to defend 'what many members of the cycling subculture regard as a utilitarian doping regimen that is no one's business but their own' (Hoberman 2003, p. 111). The degree to which those involved in cycling were able to render drug testing more or less ineffectual was clearly demonstrated by the fact that, although the police investigation in the 1998 Tour established beyond doubt that drug use was widespread, systematic and highly organized within teams, not a single rider tested positive for any drugs as a result of drug tests carried out by the Tour organizers.

However, at a time when drug use was both widespread and generally tolerated within cycling, the international governing body of cycling, the Union Cyclist Internationale (UCI), successfully introduced in 1997 a blood test of riders which has proved extremely effective as a means of controlling the use of erythropoietin (EPO). It has been argued elsewhere that this may well be the most effective policy which has ever been introduced to control the use of drugs in sport; certainly the new policy has resulted in the exclusion from racing of many more riders than have ever been excluded as a result of failing a conventional drug test for EPO (Waddington and Smith 2009, p. 227). How then, can we account for the successful introduction of this test, even in a climate of hostility to conventional drug testing in cycling?

In this regard it is important to note that, even though riders had long resisted conventional drug testing in cycling, the new test was introduced with the support of riders and teams. Although the UCI could not, at that time, compel riders to provide a blood sample, riders voluntarily cooperated in providing the blood samples required for the test and there is no doubt that the riders' acceptance of, and support for, the policy has been critical to its success; in short, the test was from the outset accepted as legitimate by those at whom the tests were targeted. This legitimacy rested on several key aspects of the test, but central to its acceptance by the riders was, firstly, the fact that it was introduced as a health check rather than a conventional drug test and, secondly, the fact that it was seen as an appropriate response to what was recognized, not just by those responsible for organizing the testing but, more importantly, by the drug-using cyclists themselves, as a serious health concern, namely the dangerous side-effects of EPO use, which had been associated with a spate of deaths among young professional cyclists in the 1990s.

Clearly the consent of those who are subject to drug testing may have important consequences for the effective implementation of anti-doping policies. On a general level, there is no doubt that anti-doping policies are likely to be more effective if they have the support of the athletes themselves. As Houlihan has recently noted, athletes will be more effectively motivated to comply with an anti-doping programme if the moral basis for that programme is clear; more specifically, he noted that the motivation to comply will be stronger if there is a perception by those subject to the regulations that those regulations are reasonable, that they are reasonably implemented and that they are enforced fairly (Houlihan 2009). The available data on athletes' perceptions of the whereabouts system suggest that it is problematic – and therefore lacks legitimacy in the eyes of many athletes – on all three grounds identified by Houlihan.

A broadly similar point has recently been made by the CEO of the Netherlands Anti-Doping Authority who, in the context of the problems associated with the WADA whereabouts system, observed that 'making anti-doping policies more democratic also makes them more effective' (Ram 2009). But here again WADA policy, as it currently stands, faces major problems. In this regard, Houlihan (2006) has noted that in 'relation to public policy toward sport in general and doping in particular athletes are routinely relegated to the margins of debate' and he adds that sport policy 'is generally made for, or on behalf of, athletes, rarely in consultation with athletes, and almost never in partnership with athletes'. Where athletes committees do exist, the members of such committees are, he notes, 'selected by officers rather than elected by their peers and consequently lack the capacity to speak authoritatively on behalf of their fellow athletes and have no obligation to act in an accountable manner'(Houlihan 2006, p. 129-130). Houlihan's description fits almost

exactly the relationship between WADA and the athletes who are subject to WADA regulations.

Although Hanstad and Loland have pointed out that WADA policy has the support of the Athletes' Committee within WADA, it is clear that the Athletes' Committee can hardly claim to be the legitimate representative of athletes in general. In its statement on the WADA Code, issued in November 2008, the European Elite Athletes Association stated:

> The WADA Athletes Committee is not a representational body but is made up of 12 individuals who are appointed, given a certain status by WADA and then are asked to give their personal opinions regarding doping regulations. A review of the Athletes Commission's 'meeting outcomes' reports reveals that the Athletes Commission is involved in and gives input regarding many important decisions and consultations without any mandate from other athletes to do so. EU Athletes has no confidence in the independence of the WADA Athletes Committee or in its ability to negotiate the necessary protection of the privacy and data protection rights of professional players. In no way can this structure be substituted for social dialogue or collective bargaining with independent and truly representative athletes associations. (EEAA 2008)

More recently, Yves Kummer, the President of the Association, has said that the WADA Athletes Committee has 'no constituency' and that elite athletes 'do not feel seriously represented' (Kummer 2009). In this regard, it might be noted that when those who are subject to a body of regulations have no representation on the body which frames those regulations, then – particularly when those regulations are generally acknowledged to be intrusive – the legitimacy of those regulations is likely to be called into question.

Implicit in much of the previous discussion is the issue of consent, which is also raised in the examination of the whereabouts system by Hanstad and Loland (2009). Hanstad and Loland were the first researchers systematically to document elite athletes' views of the WADA whereabouts system but, despite the fact that, as we have seen, they documented widespread criticism of the system by athletes, they nevertheless concluded that the system can be conditionally accepted as constituting justifiable anti-doping work. I do not wish to examine here their general conclusion which clearly falls within the field of moral philosophy, but I do want to focus on one thread of their argument which raises some sociological questions relating to the key issue of athletes' consent. In this regard, they suggest that, if athletes do not agree with the whereabouts system, they 'can withdraw from the surveillance' by withdrawing from sport; in this regard, they suggest that the 'point argued by, among others, Rune Andersen of the WADA, of sport as a voluntary practice … is a relevant one' (Hanstad and Loland 2009, p. 8).

This argument, like many other aspects of WADA policy, is based on a highly individualized conceptualization of the elite athlete, who is presented as an asocial, isolated individual who is able to make a more or less free and unconstrained choice about whether or not to participate in sport and therefore in the surveillance which goes with it. But such a conceptualization is fundamentally flawed. It reflects what Norbert Elias called a '*Homo clausus'* conceptualization of the elite athlete (significantly, conceptualized in the singular) as a 'closed man' or 'closed personality', rather than a more adequate conceptualization of athletes (in the plural) as '*Homines aperti'*, that is 'open people' bonded together with others in various ways and degrees and whose choices are constrained, sometimes very severely, by those bonds with others (Elias 1970).

The idea that athletes have a free choice about whether to participate in sport has, perhaps, some limited applicability in relation to young people who may be deciding whether or not to play sport, though even here we know that the choices of young people are heavily constrained, particularly by parents and peers (Coakley and White 1999, Smith 2006, Smith, Green and Thurston 2009). But the suggestion that elite athletes who are subject to the WADA whereabouts system can freely choose to withdraw from athletics if they dislike that system is simplistic and misleading. Let us reflect on some aspects of the careers of elite athletes.

Elite athletes will have taken the key decision to participate in sport many years prior to attaining elite status. In order to attain that status, they will have shown a very high level of continuing commitment and dedication to improving their sporting performance over many years. They, and sometimes also their parents, will often have made a huge emotional investment – and perhaps also financial and other forms of investment – in their sporting careers. In many cases they will have sacrificed other opportunities in relation to education or training and employment in order to concentrate on their athletic careers. Many will have struggled to overcome pain and injury in the pursuit of athletic success. Their lives – including their friendships and even their marital and other family relationships – will for many years have been structured around the demands of training and competition. Becoming a successful athlete will have become, for many, an increasingly important part of their self-identity and an increasingly important source of a positive self-image. And, after many years, they will have attained elite status and, in many cases, enjoyed the celebrity status and huge financial rewards enjoyed by successful athletes, which greatly exceed the very modest rewards which is all that most could expect to earn outside of the sporting context. It is clear that withdrawing from elite sport would

involve such huge costs and sacrifices that it cannot in any meaningful sense be considered a realistic option for most elite athletes.

The EU Working Party, in its second report on the whereabouts system, showed a much greater understanding of the constraints on elite athletes and, as a consequence, it was quite unambiguous about the issue of consent. The Working Party expressed regret that WADA had not taken into account its earlier remarks about the validity of the participants' consent and it pointed out that under an EU directive, consent was defined as 'any freely given specific and informed indication of his wishes by which the data subject signifies his agreement to personal data relating to him being processed'. They add that the 'sanctions and consequences attached to a possible refusal by participants to subject themselves to the obligations of the Code (for example by providing whereabouts filings) prevent the Working Party from considering that the consent would be, in any way, given freely' (EU 2009b, p. 11).

Privacy revisited: some thoughts on privacy, urination and the civilizing process

Houlihan (2006, p. 128) has noted that there 'cannot be many occupations where part of the contract requires workers to be observed by a complete stranger, possibly two or three times a year, urinating' and he describes this as one of the 'indignities and intrusions' to which elite athletes are subject. Kayser, Mauron and Miah (2007) have similarly noted that, under WADA regulations, athletes are required to inform the authorities of their day-to-day whereabouts 'so that they can be obliged to urinate in full view of another person for sample collection'. It is perhaps surprising that no other writers have drawn attention to what is a central aspect of drug testing, for being required to urinate under the watchful gaze of another person would generally be seen as an intrusive and embarrassing procedure and, as such, it

raises some important sociological questions about modern attitudes towards exposure of our bodies and modern concepts of privacy.

As part of his more general thesis in *The Civilizing Process*, Norbert Elias ([1939], 2000) traces the growing regulation, since the late Middle Ages, of bodily functions such as urination and defecation. He notes that in the Middle Ages, the social commands and prohibitions surrounding the performance of these functions were far more lax than is the case today for, at that time, 'these functions and the sight of them were invested only slightly with feelings of shame and repugnance, and were therefore subjected only mildly to isolation and restraint. They were taken as much for granted as combing one's hair or putting on one's shoes'. Indeed, for 'a long period the street, and almost anyplace one happened to be' was considered an appropriate place to urinate (Elias 2000, p. 116). Through his careful analysis of the manners books of the period, Elias traces the development of higher levels of sensitivity and delicacy, and new standards of shame and repugnance, in relation to the public performance of these functions. He notes that in modern industrial societies, bodily functions such as urination and defecation have 'become surrounded on all sides with taboos, with learned feelings of shame or embarrassment' and that attitudes towards, and controls on, exposure of the body have followed a similar pattern of development. As a result, he suggests, such controls have become an important part of our inner selves: 'Precisely because the social command not to expose oneself or be seen performing natural functions now operates with regard to everyone and is imprinted in this form in children, it seems to be a command of their own inner selves and takes on the form of a more or less total and automatic self-restraint' (Elias 2000, p. 118).

In his classic essay on modern medical practice, Talcott Parsons also drew attention to the very strong sentiments, and the social controls, associated with bodily

exposure in modern societies. He noted that '[f]or reasons which undoubtedly go very deep psychologically, certain of the sentiments relative to what Pareto called the "integrity of the individual" are focused on the "inviolability" of the body. Their structuring will vary according to the society and culture. But the amounts and occasions of bodily exposure and of bodily contact are carefully regulated in all societies, and very much so in ours'. He added that it 'is clear … that both the parts of the body themselves, and acts of exposure and of bodily contact are expressive symbols of highly strategic significance' (Parsons 1951, p. 451). In his discussion of modern medical practice, Parsons pointed out that it is essential for physicians to have access to the bodies of their patients, but he also noted that, given the sentiments concerning bodily exposure, this is a potentially very problematic aspect of doctor-patient relationships, for it inevitably involves the physician in what Parsons called 'the psychologically significant "private" affairs of his patients'. As he put it: to 'see a person naked in a context where this is not usual, and to touch and manipulate their body, is a "privilege" which calls for explanation' (Parsons 1951, p. 451).

Parsons suggested that the way in which modern medical practice is structured can be seen as a means of regulating these delicate and sensitive – and therefore potentially disruptive – aspects of the doctor-patient relationship. Put simply, doctors are allowed this 'privilege' because their actions are regulated by a code of medical ethics which protects the patient against sexual or other forms of exploitation and which requires that doctors use their privileged access to patients' bodies only where this is likely to be of direct benefit to the patient him/herself. The analysis of medical practice thus highlights a point of major importance in relation to bodily exposure: not only are there stringent controls on the exposure of our bodies, but where those controls are temporarily lifted – as in the case of medical practice – they are normally

complemented by the imposition of clearly defined and institutionalized controls on those who are given the 'privilege' of looking at the naked bodies of others.

It is by no means clear that similar controls operate on those responsible for collecting urine samples for drug testing; indeed, all the key controls which are operative in the situation of medical practice – a clearly defined code of ethics coupled with a long period of professional socialization in which the key elements of the code are learned and internalized by doctors, together with formal procedures for disciplining doctors who breach those codes of ethics – would seem to be more or less absent from the drug testing situation. And whereas doctors exercise their 'privilege' of access to the bodies of their patients only where there is likely to be a direct benefit to the patient, there appears to be no direct benefit to the individual athlete who provides a urine sample. Given this situation, and given the inherent delicacy and intrusiveness of being observed by a stranger when urinating, one can readily understand why many athletes appear to experience this as an embarrassing, and perhaps degrading, procedure.

Certainly this aspect of the system has been the subject of complaints made by athletes to the EEAA. Thus the Association has recently described a situation in which an athlete was woken at his home early in the morning and then 'forced to go into the bathroom, pull his underpants down around his ankles and allow the control officer to witness him urinating into a cup'. It also described another athlete who was taken out of a meeting at work 'before having to submit to the same treatment – pants around the ankles and urination within sight of the official' (EEAA 2008). A similar complaint has been made by the British tennis player, Andy Murray, who described how a doping control officer came to his home and 'insisted on watching me provide a sample, literally with my trousers round my ankles' (*The Times*, 6 February 2009).

The wording used in all these descriptions – most notably the descriptions of athletes urinating with their trousers or pants round their ankles – makes it clear that all these athletes regarded the process as undignified and demeaning, while the use of the term 'submit' in one of the above examples also brings out very clearly the power balance between athletes and WADA and makes it clear that, while athletes may cooperate in providing urine samples, they may do so reluctantly and only because they effectively have no choice. As the president of the EEAA has commented, being observed while being required to urinate 'can be very intrusive' (Kummer 2009), while the former international table tennis player and now sports journalist, Matthew Syed, has recently referred to the 'indignity of peeing into a cup under the gaze of anonymous testers' (*The Times*, 6 January 2010).

Perhaps the clearest and most detailed description of what it feels like to be observed by a stranger while urinating has been provided in a recent Danish study by Christiansen. In Denmark, the anti-doping system operated by Anti-Doping Denmark means that urine samples may be required not only from elite athletes but also from people who train recreationally in gyms. The following extract is taken from an interview with one gym user who was required to provide a urine sample:

> It wasn't nice. We can all pee when we are at the pub. But it isn't easy when someone is watching. And it isn't easy when you're also under suspicion and therefore nervous too. And you stand there with that f.....g little cup and need to hit the target and it can all be such a mess. It was unpleasant. He stood close behind me with his chin over my shoulder so he could look down at my willy while I urinated. It was necessary for him to stand like that to see if I had a rubber tube with false urine or wanted to cheat in some other way. I am not even sure if they are allowed to do that? Isn't that indecent exposure? And at the same

> time the other officer, who is a lady, sits in the changing room next to us. It's not that she can see anything, but her room is not separated by doors from where I am. So she can hear all what's happening. (Christiansen 2009)

The interviewee clearly regarded the process as intrusive and a violation of his privacy. His discomfort could not be more clear. And it is not without significance that his question – 'Isn't that indecent exposure?' – would be answered in the affirmative in any but a drug testing context. In this regard it might be noted that when, in a medical context, a patient is required to provide a urine sample, s/he is able to do so in private without the presence of any other person. In this respect, the process of providing a urine sample for drug testing is much more intrusive than is the comparable process in medicine, while the former also lacks the institutionalised ethical and professional controls of the latter.

Policy formation and implementation and unplanned outcomes: some reflections on the whereabouts system

The formulation and implementation of sport policy are complex processes (Bloyce and Smith 2010, Green and Houlihan 2005, Houlihan and White 2002). In relation to anti-doping, some idea of the complexity of these processes can be indicated simply by listing some of the key actors, who include representatives of WADA, the IOC, national and international federations, national anti-doping organizations, police and customs officers, coaches, doctors and thousands of athletes (Hanstad 2009, p. 36). As Norbert Elias has pointed out, one of the difficulties of developing and implementing any social policy is that the sheer complexity of these processes often generates unplanned outcomes. It is important to recognise that such unplanned outcomes are not unusual aspects of social life for, as Elias pointed out, the *normal* result of the

complex interweaving of the goal-directed actions of large numbers of people includes outcomes which no-one has chosen and no-one has intended. In recent years, Elias's game models (Elias 1970) have been increasingly used to understand how the complexities of the policy process can generate unplanned outcomes, both within sport (Bloyce, Smith, Mead and Morris 2008, Hanstad, Smith and Waddington 2008, Murphy and Sheard 2008, Waddington and Smith 2009) and other policy areas (Dopson and Waddington 1996). Elias's game models have been outlined elsewhere (Dopson and Waddington 1996) and there is no need to repeat that theoretical discussion here, but it is worthwhile highlighting some of the major unplanned outcomes of the development and implementation of WADA's whereabouts policy.

Given that athletes are commonly held to be the main beneficiaries of anti-doping policies, both in terms of protecting their health and in terms of ensuring a level playing field for all athletes, WADA might have expected that athletes generally – or, more precisely, those athletes who do not use performance-enhancing drugs – would have welcomed the new whereabouts system as a step towards achieving those goals. However, not only does this not appear to have happened but, on the contrary, WADA's new policies have had the very opposite effect, for the whereabouts system appears to have alienated many athletes and to have generated unprecedented levels of criticism from those who are supposed to be the major beneficiaries of that policy.

Moreover, this criticism has come even from those athletes who have previously been among the strongest supporters of anti-doping policies. As we noted previously, Norway and its athletes have long enjoyed a reputation as being particularly supportive of anti-doping policies but in the survey by Hanstad *et al.* (2009) Norwegian athletes expressed serious criticisms of the whereabouts system, which many saw as intrusive and as a violation of their privacy. The fact that one in

four Norwegian athletes said that their joy in sport had been reduced by these surveillance measures is particularly significant in the Norwegian context, for an earlier report by the Norwegian Olympic Committee and Confederation of Sports had identified 'joy' as one of the four fundamental values of sport (Gilberg, Breivik and Loland 2006). In this respect it might be said that a policy which was presumably designed to support what WADA calls the 'spirit of sport' appears to have had the effect of actually undermining what in Norway – and perhaps also in other countries – is considered one of the four fundamental values of sport.

The widespread objections to the system from athletes also raise questions about the difficulties of implementing a policy which lacks legitimacy in the eyes of those who are subject to that policy. Of course, few athletes are likely to refuse all cooperation, as this would inevitably result in the imposition of sanctions against such athletes; however, as the recent case of the Norwegian beach volleyball player Vegard Høidalen indicates, athletes who perceive the policy as lacking in legitimacy can offer a bare minimum of cooperation and thus make the system much more difficult, and costly, to operate (Hanstad 2009).

But the unanticipated consequences of the introduction of the whereabouts policy go much further than this, for the perception by many athletes that the policy lacks legitimacy has led the representative body of elite athletes in Europe to call into question the previously taken-for-granted relationship between elite athletes and WADA and, in effect, to challenge the legitimacy of WADA's decision-making processes. In this regard, a central criticism of the whereabouts system from the EEAA has been that athletes are subject to a system of surveillance and control which was introduced without their consent, by a body on which they have no proper representation. It is too early to say whether this will lead to the 'collective

bargaining' between athletes' organizations and WADA for which the EEAA is calling, but what is clear is that the introduction of the whereabouts system has acted as a catalyst for a more general critique of the relationship between elite athletes and WADA and of the structure of decision making processes within WADA.

But it is not just the relationship between WADA and elite athletes which has been called into question by the controversy over the whereabouts system. As we have seen, the whereabouts system has provoked trenchant criticism from several international federations, including one of the most powerful federations, FIFA. In addition, the CEO of the Anti-Doping Authority of the Netherlands has recently referred to the objections to the system expressed by the data protection authorities of the EU and has pointed to what he described as a 'deteriorating relationship' between the EU and WADA (Ram 2009). This should be a matter of concern to WADA, especially as at the Lausanne Conference in 1999 the EU had been a strong supporter of the establishment of WADA as an independent organization (Hanstad *et al*., 2008).

There is one other unplanned outcome of the whereabouts system which should be mentioned. We noted earlier that one of the key objections by Norwegian athletes was that they felt the system was unfair because it was not implemented in all countries, and athletes in many countries were therefore not subject to the same controls as those in Norway. These sentiments were also shared by British athletes. Indeed, so strongly did the British athletes feel about this issue that they were almost evenly divided between those who felt that Britain should nevertheless apply tough penalties in the UK and set a 'no compromise standard' (53%) and those who felt that penalties and whereabouts requirements in the UK should be reduced until there is a consistent standard worldwide (47%) (BAC 2007).

There is a solid basis to the perceptions of Norwegian and British athletes, for it is one thing to get agreement on an anti-doping code, such as that agreed at Copenhagen in 2003, and quite another to ensure that the code is effectively implemented around the world. In this regard, a study carried out for Anti-Doping Norway in 2005 found that there were huge variations from one country to another in terms of how key aspects of WADA policy had been implemented. At that time, 202 National Olympic Committees (NOCs) had accepted the WADA Code and the authors noted: 'Preferably, these operations are being carried out by an independent, national organisation: a NADO [national anti-doping organization]' (Hanstad and Loland 2005, p. 4). However, the authors added that this ideal was not reflected in reality. Among the 202 NOCs which had signed the Code, fewer than half actually tested their own athletes. Among the 90 which had NADOs which conducted tests, only 40 had programmes which met the testing requirements of WADA. And if we consider other aspects of the WADA programme such as having a registered testing pool of athletes, the provision of athletes' whereabouts information and out-of-competition testing, then there were only 20 NADOs worldwide which the authors considered 'good'. A later study by the same authors (Hanstad and Loland 2008) found similar variations in terms of how WADA's regulations relating to a registered testing pool of elite athletes and the provision of whereabouts information by those athletes had been implemented.

Given this situation it would seem that one unplanned outcome of the introduction of the whereabouts system has been to subject athletes in some countries to constraints in their private lives, and to forms of doping control, which do not apply to athletes in many other countries; in a word, the introduction of the whereabouts system, one justification for which relates to the desire to create a 'level playing

field', has actually given rise to a new and 'unlevel' playing field by requiring athletes in some countries to meet requirements which are not operative in other countries. Given the central value of the concepts of fair play and the 'level playing field' within sport, this must be seen as the most ironic of the unplanned outcomes of the whereabouts system.

Conclusion

An important pre-requisite for understanding the outcomes which have emerged from the development and implementation of the whereabouts policy is the need to locate the whereabouts system in the context of broader social processes, especially those relating to changing practices and ideas concerning surveillance and control, personal liberty, privacy and democracy. A sociological approach of this kind, it is suggested, helps us to make better sense of the policy issues at hand and, in particular, it helps us to understand some of the unplanned consequences which have been associated with the introduction of the whereabouts system.

It has been argued that the introduction of the whereabouts system has had a number of consequences which were unplanned by WADA and which, from WADA's perspective, will almost certainly be regarded as unwelcome: the alienation of large numbers of athletes, whose cooperation is essential if the system is to operate smoothly and efficiently; the deteriorating relationship with other key organizations such as the EU; the emergence of a challenge, led by the EEAA, to the legitimacy of decision-making processes within WADA; and finally, the uneven application of the whereabouts requirements which has led to the creation of what many athletes see as a new form of unfairness.

In a paper by Hanstad *et al*. (2009, p. 40) the authors, after reviewing the critical reaction to the whereabouts system by Norwegian athletes, asked: 'Is it worth the cost?' In other words, do the negative consequences, as seen from WADA's perspective, outweigh the benefits that have been generated? That may well be a question which WADA now needs to ask.

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References

Around the Rings, 2009. *Rowing appeals for changes to WADA rule* [online]. Available at: http://www.aroundtherings.com/articles/view.aspx?id=31547 [Accessed 21 September 2009].

Batty, D. 2006. *Q&A: the sex offenders register* [online]. Available at: www.guardian.co.uk/society/2006/jan/18/childrensservices.politics1 [accessed 6 July 2009].

BBC Sport 2009a. *Doping rules too strict – Nadal* [online]. Available at: http://news.bbc.co.uk/sport1/hi/tennis/8353208.stm [Accessed 10 November 2009].

BBC Sport 2009b. *Wada hits back in doping rule row* [online]. Available at: http://news.bbc.co.uk/sport1/hi/olympic_games/7874306.stm [Accessed 25 June 2009].

BBC Sport 2009c. *Legal threat to anti-doping code* [online]. Available at: http://news.bbc.co.uk/sport1/hi/front_page/7844918.stm [Accessed 20 April 2009].

Bloyce, D. and Smith, A. 2010. *Sport policy and development*. London: Routledge.

Bloyce, D., Smith, A., Mead, R. and Morris, J. 2008. Playing the Game (Plan): a figurational analysis of organizational change in sports development in England. *European sport management quarterly*, 8 (4), 359-78.

British Athletes Commission (BAC) 2007. *Anti-doping and athlete whereabouts questionnaire*. Marlow, Buckinghamshire: BAC.

Christiansen, A. 2009. Testing citizens training recreationally in gyms. Paper presented at conference on *Doping and Legal Rights*. University of Aarhus, August.

Coakley, J. and White, A. 1999. Making decisions. How young people become involved and stay involved in sports. *In*: J. Coakley and P. Donnelly, eds, *Inside sports*. London: Routledge.

David, P. 2005. Human rights in youth sport, London, Routledge.

Dopson, S. and Waddington, I. 1996. Managing social change: a process-sociological approach to understanding organisational change within the National Health Service. *Sociology of health and illness*, 18 (4), 525-550.

Durkheim, E. [1893], 1933. *The division of labor in society*. Glencoe: Free Press.

Elias, N. 1970. *What is sociology?* London: Hutchinson.

Elias, N. [1939], 2000. *The civilizing process*, revised edn. Oxford: Blackwell.

ESPN 2009. *Belgian group challenges WADA rule* [online]. Available at: http://sports.espn.go.com/oly/news/story?id=3863905&campaign=rss&source=OLYH [Accessed 16 April 2009].

European Elite Athletes Association 2008. *EU Athletes Position Statement on Anti-Doping* [online]. Available at: http://www.euathletes.info/news/?no_cache=1&tx_ttnews%5Btt_news%5D=21 [Accessed 16 April 2009].

European Union 2009a. *Report from the EU Working Group on anti-doping*, Second meeting. Brussels, 14 January 2009.

European Union 2009b. Article 29 Data Protection Working Party, *Second opinion 4/229 on the World Anti-Doping Agency (WADA) International Standard for the Protection of Privacy and Personal Information, on related provisions of the WADA Code and on other privacy issues in the context of the fight against doping in sport by WADA and (national) anti-doping organizations*. Brussels: European Union.

FIFA 2009. *FIFA and UEFA reject WADA "whereabouts" rule* [online]. Available at: http://www.fifa.com/aboutfifa/developing/releases/newsid=1040455.html [Accessed 21 September 2009].

Gilberg, R., Breivik, G. and Loland, S. 2006. Anti-doping in sport: the Norwegian perspective. *Sport in Society*, 9 (2), 334-353.

Gray, A. 2009. From new WADA Code to new NADO: the national governing body perspective. Presentation at *ESRC Research Seminar Series: Anti-Doping Policy*. Loughborough University, UK, 31 March.

Green, M. and Houlihan, B. 2005. *Elite sport development*. London: Routledge.

Giulianotti, R. and McArdle, D., eds. 2006. *Sport, civil liberties and human rights*. London: Routledge.

Hanstad, D. V. 2009. Whereabouts information: how an athletes revealed the system's weakness. Paper presented at conference on *Doping and Legal Rights*. University of Aarhus, August.

Hanstad, D. V. 2009. *Anti-doping in sport: A study of policy development since 1998*, unpublished Ph.D. Thesis, Norwegian School of Sport Sciences, Oslo.

Hanstad, D. V. and Loland, S. 2009. Elite athletes' duty to provide information on there whereabouts: justifiable anti-doping work or an indefensible surveillance system? *European journal of sport science*, 9 (1), 3-10.

Hanstad, D. V. and Loland, S. 2008. Athletes' whereabouts: similarities and differences in interpretation and implementation within NADOs'. Paper presented at the *ANADO 10th Workshop*. Lausanne, Switzerland, 31 March-1 April.

Hanstad, D. V. and Loland, S. 2005. *What is efficient doping control?* Norwegian School of Sport Sciences, Oslo.

Hanstad, D. V., Skille, E. A. and Thurston, M. 2009. Elite athletes' perspectives on providing whereabouts information: A survey of athletes in the Norwegian registered testing pool. *Sport und Gesellschaft – Sport and Society*, 1 (1), 30-46.

Hanstad, D. V., Smith. A. and Waddington, I. 2008. The establishment of the World Anti-Doping Agency: a study of organizational change and unplanned outcomes. *International Review for the Sociology of Sport*, 43 (3), 227-249.

Hoberman, J. 1986. The Olympic crisis: sport, politics and the moral order, New Rochelle, New York: A.D. Caratzas.

Hoberman, J. 2003. '"A pharmacy on wheels": doping and community cohesion among professional cyclists following the Tour de France scandal of 1998. *In*: V. Møller and J. Nauright, eds, *The essence of sport*. Odense: University Press of Southern Denmark.

Houlihan, B. 2006. Civil rights, doping control and the World Anti-Doping Code. *In*: R. Giulianotti and D. McArdle, eds, *Sport, civil liberties and human rights*. London: Routledge.

Houlihan B. 2009. Implementation and compliance in anti-doping policy: how much compliance is enough?. Presentation at *ESRC Research Seminar Series: Anti-Doping Policy*, Loughborough University, UK, 31 March.

Houlihan, B and White, A. 2002. *The politics of sports development*. London: Routledge.

Independent, The. 2009. *Nadal rebels against new Anti-Doping Code* [online]. Available at: http://www.int.iol.co.za/index.php?set_id=6&click_id=30&art_id=nw20090128211610864C280941 [Accessed 22 September 2009].

Kayser, B. Maurin, A. and Miah, A. 2007. Current anti-doping policy: a critical appraisal', *BMC Medical Ethics*, 8:2, available at http://www.biomedcentral.com/1472-6939/8/2

Kummer, Y. 2009. Professional athletes views on anti-doping policy. Presentation at *Play the Game Conference*, Coventry, UK, 11 June.

Mignon, P. 2003. The Tour de France and the doping issue. *In*: H. Dauncey and G. Hare, eds, *The Tour de France 1903-2003*. London: Cass.

Murphy, P. and Sheard, K. (2008) Boxing blind: unplanned processes in the development of modern boxing. In: D. Malcolm and I. Waddington, eds, *Matters of sport: essays in honour of Eric Dunning*. London: Routledge.

Parsons, T. 1951. *The social System*. London: Routledge and Kegan Paul.

Ram, H. 2009. Democratic values and the global fight against doping. Presentation at *Play the Game Conference*, Coventry, UK, 11 June, 2009.

rowingservice 2009. Avalaible at: http:www.rowingservice.com/RowingWADAletter09.pdf. [Accessed 21 September 2009].

Schneider, A. 2006. Privacy, confidentiality and human rights in sport. *In*: R. Giulianotti and D. McArdle, eds, *Sport, civil liberties and human rights*. London: Routledge.

Schneider, A. and Butcher, R. 2001. An ethical analysis of drug testing. *In*: W. Wilson and E. Derse, eds, *Doping in elite sport: The politics of drugs in the Olympic Movement*. Champaign, Ill: Human Kinetics.

Smith, A. 2006. *Young people, sport and leisure: A sociological study of youth lifestyles*, unpublished Ph.d. Thesis, University of Liverpool, UK.

Smith, A., Green, K. and Thurston, M. 2009. Activity choice and physical education in England and Wales, *Sport, education and society*, 14 (2), 203-222.

SI.com, 2009a. *WADA, athletes clash over privacy* [online]. Available at: http://sportsillustrated.cnn.com/2009/more/02/23/wada-athletes.ap/index.html [Accessed 25 June 2009].

SI.com, 2009b. *WADA seeks special meeting to discuss new drug-testing rules* [online]. Available at: http://si.printthis.clickability.com/pt/cpt?action=cpt&title=WADA+seeks+special+me [Accessed 30 January 2009].

Teetzel, S. 2007. Respecting privacy in detecting illegitimate enhancements in athletes, *Sport, ethics and philosophy*, 1 (2), 159-70.

UK Sport 2007a. *British athletes back whereabouts system* [online]. Available at: http://www.uksport.gov.uk/news/british_athletes_back_whereabouts_system/ [Accessed 13 February 2009].

UK Sport 2007b. *UK Sport welcomes WADA's athlete friendly whereabouts procedures* [online]. Available at:

http://www.uksport.gov.uk/news/uk_sport_welcomes_wadas_athlete_friendly_where [Accessed 25 June 2009].

UK Sport 2009a. *WADA: Whereabouts here to stay* [online]. Available at: http://www.uksport.gov.uk/news/wada_whereabouts_here-to_stay/ [Accessed 27 February 2009].

WADA 2003a. *The World Anti-Doping Code*. Lausanne: World Anti-Doping Agency.

WADA 2003b. *The World Anti-Doping Code. International Standard for Testing*. Montreal: World Anti-Doping Agency.

WADA 2008. *The World Anti-Doping Code. International Standard for Testing*. Montreal: World Anti-Doping Agency.

WADA 2009. *WADA comments (full version) on the European Working Party advisory opinion dated April 6, 2009, on the International Standard on the Protection of Privacy and Personal Information* [online]. Available at: http://www.wada-ama.org/rtecontent/document/WADA_comments_WP29_Opinion_FINAL.pdf [Accessed 22 September 2009].

Waddington, I. 2000. *Sport, health and drugs*. London: Spon.

Waddington, I. and Smith, A. 2009. *An introduction to drugs in sport. Addicted to winning?* London: Routledge.

Notes

[1] In recent years there has been an increasing tendency for governments to bring criminal prosecutions in relation to such things as trafficking in doping substances. However the use – as opposed to the sale – of performance-enhancing substances by athletes normally represents merely a breach of the rules of sport rather than a breach of the criminal law.