The Concept of “Risk” in the Fight against Doping

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The fight against doping evolves constantly. While we are writing this paper, institutions are working to implement the 2021 version of the World Anti-Doping Code. However, the process of reflection on the application of a particular measure included in the 2015 Code has not yet been taken very far. We refer to the invitation to become a «lanceur d’alerte» (in French) or “whistleblower” (in English), that is, to “report” any suspicious practice. But these terms are not synonymous. Beyond a question of translation, the history of these two notions shows very different cultures and practices. We propose to clarify them before discussing the consequences of this tension on anti-doping practices and on this chimera that is harmonization.

THE NOTION OF “LANCEUR D’ALERTE”

Chateauraynaud and Torny, developers of a pragmatic sociology of risks (1999) [1], are interested in the processes by which social actors manage to identify a risk or not and to raise an alert to other social actors likely to authenticate it and take the necessary measures to eradicate it or to limit it. The entire process, from the necessary vigilance until its authentication, was the subject of a detailed analysis that was conducted studying sanitary and technological issues. These sociologists were the first to create and develop sociologically this notion of “lanceur d’alerte” in order to designate a social actor who cares about a general interest and decides to make a major risk public, often putting at risk his own situation (especially when he or she acts against the institution he or she belongs to or against his or her interest).

A good example is that of a few doctors in the 1950s who, worried about the dangers run by sportspersons using drugs, alerted decision-makers [2]. Unlike many “lanceurs d’alerte” who fail to mobilize, these doctors managed to organize the famous colloquium of Uriage-les-Bains (1963) which led to the first definition of doping and, two years later, to the first anti-doping legislation (Le Noé, 2001) [3].

The production of evidence is at the heart of the lanceur d’alerte activity (Chateauraynaud, 2004) [4]. If the evidence is too weak, the principle of “precaution” can be invoked to prevent the alert from being transmitted (Chateauraynaud and Torny, 1999 [4], Chateauraynaud 2011) [5].

We find this notion heuristic to describe the work of doctors who were worried about the dangerousness of the consumption of products, as well as the work of other social actors (doctors, pharmacists, police, etc.) who are worried about the diversion of drugs by athletes, counterfeit products made under precarious sanitary conditions or the circulation and trivialization of certain molecules. But is the notion useful to designate an actor who wants to “alert” the anti-doping authorities (WADA, ONAD, FI) of suspicious behaviour by an athlete or by his or her staff?

To assert this, it would be necessary to clarify if the problematic practice presents a risk. We can certainly argue that sport is threatened but we are very far from the danger level that the initial concept carried. The figure of the “informer” is here more appropriate.

The concept of “denunciation” (“dénonciation” in French) developed by Boltanski in 2004 [6], involves a work of de-particularization, which aims to show that the social actor that is denouncing an activity is not driven by the search of particular interests. The denunciation would need to have four different elements in order to be taken seriously: a victim, a person denouncing an activity (who precisely cannot be the victim or it would not respect the principle of de-particularization), a persecutor and an arbitrator or a body with the power to end injustice.

In the book “Le sport et ses affaires” (Sport and its issues) Duret and Trabal (2001) [7] analysed the denunciation processes in sport as well as their regulation. They showed that many denunciations struggled to be taken seriously, either because the victim was the social actor making the denunciation (an athlete complaining that his competitor has doped may be accused of being a bad player) or because the referee was itself part of the denounced activities.

During our researches in anti-doping we have acknowledged that many French social actors interpreted this invitation to denounce doping facts as a call to inform. In France, the notion of “informer” is marked by the recent national history. During the Second World War, French were ordered to inform of the presence of Jews. The notion is therefore not related to the search of general interest, as can be the case for the notions of “lanceur d’alerte” or “dénonciateur” (the person making a denunciation). Informers pursue their own particular interests. In an environment as competitive as sports world, this pejorative term can correspond to different realities: the defence of one
moral order (that is actually contestable) can be a reason to act legitimately from the point of view of certain values; the reason to act can also be its own interest.

Was this the meaning of WADA when it proposed and then imposed this invitation to report doping activities?

LA NOTION DE WHISTLEBLOWER

Symbolic interactionism is a sociological current which has extensively developed the notion of deviance (e.g. Becker). The main thesis consists in affirming that deviance only works if one or more actors point to the deviance, thus recalling the norm. The link is clear between this activity of recalling the rule and “whistling” when offenses are observed (whistleblowing).

The distance between this “call to order” and the action of a whistleblower is noticeable. In the latter case, when the whistleblower informs of a transgression, efforts are made to prevent a major danger in the name of general interest. Interesting studies exist that have analysed the personality of the whistleblower and his motivations (Köbel & Herold, 2017 [8]; Baltaci & Balci, 2017 [9]). Certainly, whistleblowers act to save those social actors who share their same rules. The modelling of this process reveals an agent A belonging to the same group as B (committing the offense), who betrays the solidarity of the group (a “we”) to save the group and thus join another group (a “them”) which wants to defend the integrity of the group in the same way. As Schehr (2007) [10] states, “a spy, an informer, (...) or a friend who reveals a secret that has been entrusted to him is caught in a ternary relationship of the type ‘We/Ego/Them’”. It can be a sportsman who denounces an individual also belonging to the sports family, thus joining the anti-doping community (which is not necessarily in the sports world) to protect his sport.

It is undoubtedly because of the effectiveness of investigative journalism which relies on “informants” that the WADA has considered inviting all those who have knowledge of suspicious acts to report them. According to Vinten (1993) [11], one of the interests of a device developed for whistleblowers consists, above all, in being able to protect them. Müller (2013) [12] cites a historical work by Dimeo which identified some informing actions well before the implementation of this device: Protkop, who was a physician, reported the existence of suspicious syringes on behalf of the ideal of sport (and not for sanitary reasons) and he used the death of a cyclist to defend the purity of the sport.

Thus, the role of doctors may be different. Lopez (2011) [13] takes another example, that of haematologist Randy E. Eichner, who denounced the massive consumption of EPO by cyclists. Lopez labels EPO ‘the drug of mass destruction’ because the existing narrative that affirmed that EPO was responsible for a number of premature death of several healthy young athletes and echoes US President George W. Bush’s unfounded ‘weapons of mass destruction’ justification for his invasion of Iraq. Lopez indicates that similar scare tactics to the war in Iraq helped magnify the doping problem and convince politicians that firm action was needed.

In this case, we are much closer to the whistleblower. It seems to us that sports doctors, witnesses of doping practice must have this debate: should they, above all, serve the sport and report any suspicious action and thus point out those who break anti-doping rules? Should they, on the contrary, give up being whistleblowers and remain able to be real “lanceur d’alerte” when they put their observations end to end, indicate the dangers run by the sportsmen and thus defend a more universal cause? The debate is not new but it has been reformulated with the inclusion of “whistleblowing” devices on anti-doping.

A MIX OF GENRES?

Or could these two concepts converge? One of the keys to this would be to make sure that the person who reports a doping incident acts in the name of public interest. But what interest is this on anti-doping? More specifically, can the moral order carried by the fight against doping be considered as universal?

Many arguments support this interpretation. The inscription of sport as a universal common good by CIGEPS (an international committee under the aegis of the United Nations which calls on all governments to make sport and physical education accessible to everyone) and the International Convention against Doping in sport (2005) suggests that the struggle for clean sport is universal.

Nevertheless, this will is shared by several social actors in public space, but can also be seen differently by social actors having a comprehensive approach towards certain forms of doping behaviour. If certain defences of athletes seem contingent and call into question anti-doping regulations (accidental contamination, detection threshold, etc.), others are built on arguments with a universalist vocation. Some defend a position close to transhumanism arguing that the surpassing of humankind mediated by biotechnology is part of the destiny of the species. As such, the Coubertin motto of surpassing oneself cannot have limits set by an arbitrary moral and political order (Duret and Trabal, 2001 [7]; Miah, 2004) [14]. Others may question the case of these African athletes, made famous by a report on the German channel ARD, who concede to take EPO to win races and earn money in order to support their village and bring all their inhabitants out of misery. The moral order developed here is based on the need to find solutions to poverty and sport money appears to be an opportunity.

There are undoubtedly some other approaches but the coexistence of several moralist orders with a universalist vocation (the development of the human species, the fight against poverty) makes the principles of the anti-doping fight not illegitimate, but relative. In any case, they cannot claim universalism.

To make the notion of “whistleblower” compatible with that of “lanceur d’alerte”, the moral order carried by WADA should be clarified. One way out could be refunding the anti-doping fight on a public health issue. But this comes up against two major problems. On the one hand, a non-public criticism of anti-doping regulations exists. A doctor working for a NADO told us that the consumption of low-dose EPO was good for the health of athletes subjected to frequent efforts. On the other hand, the issue of health is gradually being forgotten in the fight against doping. WADA’s activity is more about compliance with anti-doping regulations and prevention consists essentially in informing all athletes of these rules. In-depth prevention would require, according to the WADA, “education through values”. We are still far from a health
education though, even if some preventologists, often doctors, are working hard for it.

**CONCLUSION**

Independently of the convergence between the notions of “lanceur d’alerte” and “whistleblower”, it would be advisable to study the real practices provoked by this device put in place by Wada. One may be surprised by the lack of literature on this point. Apart from the critical papers (see above), the only publication identified on this subject (Erickson et al., 2018) [15] concerns a review of the websites for reporting, as well as the methods used for the treatment of this information. On the one hand, a study should be carried out on the reports themselves by identifying their number and content; on the other hand, an analysis of the strategies of the readers of these reports should also be conducted in order to identify how readers judge them; we would then approach a famous article in which Boltanski analyzes the judgment of those responsible for reading the letters of denunciation sent to the newspaper Le Monde (Boltanski et al., 1984) [16].

The lack of literature is related to the lack of evaluation of anti-doping devices. Some internal evaluation procedures exist within the Wada and governments also conduct assessments on the policies adopted by them, which largely refer to the World Anti-Doping Code. But there is a serious lack of independent analysis on public policies.

At a global level, these analyses would benefit from studying the whole policy measures, but also each device or procedure implemented on the system. At a local level, it would be relevant focusing on the effects of harmonization as an object. The specific characteristics of “whistleblowers” and “lanceur d’alerte” could be then identified more clearly and the roles of the various social actors, in particular doctors, would then be better identified and demarcated.

**REFERENCES**