特別寄稿

The Ethics of Drug Testing Student-Athletes: International Implications of a Canadian Problem

サラ・ティーツェル（マニトバ大学）

本寄稿論文は2012年度の日本体育・スポーツ哲学会第34回大会での講演がもとになっている。大会が終わってから、編集委員がティーツェル博士に原稿を依頼し、それに博士が応える形で寄稿された。


今回は近藤良享教授（中京大学）のご尽力でティーツェル博士の来日公演が実現した。近藤教授に記してお礼申し上げる次第である。また、解題は本誌副編集委員長の阿部悟郎教授（仙台大学）によるものである。（関根記）

Sarah TEETZEL, Faculty of Kinesiology and Recreation Management, 112 Frank Kennedy Centre, University of Manitoba, Winnipeg, Manitoba, R3T 2N2, CANADA

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日本体育・スポーツ哲学学会第 34 回大会は、2012年8月18・19日に、大阪大学中之島センターで開催された。この大会初日、第4セッションにおいて、近藤良享教授（中京大学）の司会のもと、サラ・ティーツェル Sarah Teetzel 博士（マニトバ大学 University of Manitoba）による「Debates Surrounding Anti-Doping Policy and Education for Student-Athletes」と題した特別講演が開催された。ここに掲載する論文は、ティーツェル博士がその講演内容をもとに起稿されたものである。

まず、ご多用の中、講演をお引き受け頂いたティーツェル博士に対してお礼申し上げるとともに、本学会のために講演内容を論文形式に改め、そしてご寄稿頂いたことに、心よりの感謝を捧げなくてはならない。

さて、この2012年は、スポーツ界にとっても重要な一年であっただろう。たとえば、第30回オリンピック・パラリンピックがロンドンで開催され、それに前後してオリンピックムーブメントが高揚するなか、やはり多くの問題が露呈した。もはや「残念ながら」という表現は適切ではないだろう。その問題の全てが、われわれ人類の理性に問いを突きつけてくる。スポーツは人間のために？それともスポーツはスポーツのために？やはり競技スポーツは半ば自動化した装置に堕しながら当代の個々人をヒステリックに巻き込んでいくのか。昔日のホイジンガによる近代スポーツ批判が想起させられる。

まさにこのタイミングで、このティーツェル博士の論文を読むことができるのは幸運であるかもしれない。ある講演では、カナダの学生スポーツに横行するドーピング問題に対する驚きとともに、学生アスリートの人権への配慮といった観点がとても新鮮であった。そして、此度、ティーツェル博士によって寄せられた論文は実に興味深い。とりわけ、この副題にティーツェル博士の意図が見え隠れしているだろう。もちろん、その論議の仔細についての解釈は読者の良識に委ねるとしても、随所に施された倫理的吟味が、法的な規制のありかたについての議論を隠れ蓑にしながら、実は人間の知性の発展に光をあてているように読めてしまう。そして、このことが、われわれの思考を充分に喚起してくれる。

考えてみれば、よい小児科医はめったに強い薬を用いない。その子どもの自然治癒力を信頼し、負担の軽い薬を用いながら、時間をかけて自己治癒能力を高めてくるという。親ともなれば、心配のあまり早い解熱や劇的な快癒を切望するが、このような穏やかな治療は結果としてその子を丈夫にしてくれるのであろう。もしかしたら、スポーツにおいても、厳罰化による外側からの規制圧力もさることながら、内側からその高められた知性によって問題解決に導くことも必要であるだろう。

われわれは、体育・スポーツ哲学の学徒ではあっても裁判官ではない。事態を性急に判ずることよりも、とことん熟慮を重ね、その知性を高めていく必要がある。倫理的問題は、まさに道徳的判断ではなく、このような熟慮を要請する。この意味において、この論文は、現代社会におけるスポーツのありかた、ひいては学生スポーツの価値や意味を考える上で、とても刺激的であるだろう。

ぜひ、この特別寄稿論文の、一つ一つの文字を追いながら、そしてその行間の含意を愉しみながら、この興味深い議論に参加されることを願いたい。
The Ethics of Drug Testing Student-Athletes: International Implications of a Canadian Problem

Drug use in university sport has become a problem in Canada and has led to a call from sports administrators for new solutions to decrease student-athletes’ use of banned substances. However, many ethical issues arise as a result of requiring student-athletes to provide samples for drug testing as a condition of eligibility to participate in university-level sports. Canada’s anti-doping agency, the Canadian Centre for Ethics in Sport (CCES), and the administrators of university sport, have drafted several new policy recommendations and guiding documents. However, many of the suggestions included in these documents require much more ethical scrutiny before implementation. Examination of these possible new methods in the fight against doping in sport has not occurred from an ethical perspective and, as a result, the implications of these recommendations in the context of athletes’ rights, generally, as well as privacy and confidentiality concerns, specifically, has not transpired sufficiently. This paper highlights the dangers involved in moving toward a system of doping detection focusing on utilitarian thinking and pragmatic results, rather than on ethically-grounded principles, which is becoming increasingly tolerated in sport in Canada. In support of this analysis, this paper includes:

1) an overview of doping in the Canadian university context;
2) a critical examination of the new recommendations to decrease doping in sport in Canada;
3) analysis of the potential social and ethical ramifications of the new recommendations; and
4) the ethical concerns stemming from applying utilitarian and pragmatic thinking in sport.

1. Doping in Canadian University Sport

Similar to many countries, students attending university in Canada have the opportunity to participate in high-performance sports competitions against the best athletes from other universities throughout the country, and the best student-athletes are selected to represent Canada at the Federation Internationale du Sport Universitaire (FISU)’s Summer and Winter Universiades. The Canadian university sport system, known as Canadian Interuniversity Sport (CIS), is similar to the structure of the National Collegiate Athletic Association (NCAA) in the United States, but operates on a much smaller scale with more emphasis on amateur ideals. Rumours of the use of banned performance-enhancing drugs by Canadian student-athletes received very little media attention until March 2010. Prior to this time, doping was not a major concern in university-level sports in Canada, and the CIS enjoyed a reputation as a sport system relatively free of doping.

In Canada, performance-enhancing drug testing and education is handled by the CCES, which arranges the collection and then analysis of samples at a lab accredited by the World Anti-Doping Agency (WADA), using the same procedures conducted in Japan by the Japan Anti-Doping Agency (JADA). Protocols outlined in the Canadian Anti-Doping Program, based on requirements described in the World Anti-Doping Code, govern the CCES’s testing, public disclosure, and confidentiality practices. The CCES also
provides educational information on banned performance-enhancing substances and methods to Canadian athletes at all levels, including an online educational seminar designed for student-athletes.

From the statistics on athletes who have received a sanction and period of ineligibility for committing a doping violation, it is clear that drug use in sport is a much larger problem in Canada than it is in Japan. Yoshitaka Kondo explains that in Japan, most doping violations stem from athletes’ ignorance rather than intentional violations of the rules (Kondo, 2006, p. 297). Drawing on Naoomi Kusabuka’s writings, he demonstrates that doping is considered a shameful action, which can be more serious that a violation of the law due to the resulting ostracism that guilty athletes face. Consequently, “external pressure of the public has been nurtured as an element of the unique spiritual culture of Japan” (Kondo, 2006, p. 310) and very few doping violations are committed by Japanese athletes. In Canada, however, the same degree of shame and ostracism is not applied, and many more doping violations occur. For example, 38 athletes and support personnel were included on the Canadian Sport Sanctions Registry in 2012, which lists all of the people in Canada who are ineligible to participate in sport due to committing a doping violation (CCES, 2013).

The scandal in the Canadian Interuniversity Sport league occurred between March and August in 2010. At this time, police in the Canadian city of Waterloo (a city known for science, technology, and engineering innovations, and most notably as the headquarters of the company Research In Motion, which produced the blackberry smartphone), discovered a very large amount of banned drugs, including steroids, growth hormones and erythropoietin (EPO) in a football player’s home. Because of the quantity of performance-enhancing drugs, which included enough to supply many athletes, the administration of the University of Waterloo requested that all of the members of the university’s football team undergo drug testing, and the CIS together with the CCES began a full-scale investigation into doping in Canadian university sports.

In the Canadian sport system, doping tests are rarely done on request; instead, they are almost always conducted at championships or as part of the random unannounced testing system endorsed by WADA. Diverging from the usual system, the University of Waterloo administration requested that the CCES test the entire University of Waterloo Warriors football team. Due to fears that the doping operations were large enough to supply the region with banned performance-enhancing drugs, a selection of student-athletes from nearby universities and players hailing from the same hometown as the arrested players were also tested. A student at the University of Waterloo, who had once played on the university’s football team, was arrested and charged with possession and trafficking of anabolic steroids, among other offenses. Based on the newspaper coverage in the province of Ontario, which included interviews with the University of Waterloo football coach and two players, team-wide testing of the football team does not appear to have been conducted to expose a scandal, but instead was motivated by an attempt to prove to critics that the rest of the team was ‘clean’
and abiding by the rules. At least part of the motivation to test the entire team seems to be to ease the public’s fear of systemic performance-enhancing drug use at the University of Waterloo, an institution which is known for its rigorous academic standards rather than its athletics program. Other reasons include curtailing damage to the University's image and decreasing suspicion that performance-enhancing drug use is rampant in football. In other words, the testing was motivated by public relations concerns. However, when the CCES released the results of the team-wide tests at a press conference in June 2010, the results caught many Canadians by surprise.

Urine samples were taken from 61 of the 62 players from the UW football program, and “as a result of intelligence gathered from a number of different sources” (CCES, 2010, 8 September) 20 of those players were selected to provide a blood sample as well. The source of the intelligence was not disclosed to the public, but is assumed to involve interviews with people involved. The resulting violations of the World Anti-Doping Code and Canadian Anti-Doping Program involved athletes who refused to take the doping test, admitted using banned drugs, or who produced adverse analytical findings for the banned drugs Oral-Turbinabol, methyl-1-testosterone, stanozolol, tamoxifen, and, for the first time in North America, a confirmed analytical positive for human growth hormone (Zwelling, 2011). Anti-doping violations were committed by 9 of the 62 players. The leader of the CIS, Marg McGregor, told reporters that the CIS was hopeful that the doping rule violations in Waterloo constituted an isolated incident, and that drug use was not rampant throughout university sport. Media sources reporting the story were more skeptical, and many suggested that the issue of steroid use in football was more prevalent than originally thought (Pyette, 2010).

Random unannounced testing of approximately 500 football players from other CIS football programs raised the doping violation count to 14, which represents a positive test rate of almost 3% among the athletes tested (CCES, 2011, May 10). Compared to the approximately 1% of samples that test positive worldwide, Canadians could no longer sustain the belief that the university sport system was free of doping. The empirical evidence, coupled with the knowledge that the initial discovery of the banned performance-enhancing drugs was by the Waterloo police, and none of the accused football players had ever failed a doping detection test before the incident, raised questions regarding the value and accuracy of the current drug testing protocols, which had allowed many cheating athletes to avoid detection. The CCES appointed an independent task force to investigate the use of banned substances in sport and make recommendations for promoting drug-free sport in Canada. However, before recommendations can be made, a solid understanding of the current context of doping is necessary, and determining the actual frequency that doping violations take place in the CIS is a more challenging task than many people expect.

As far back as 1944 when Herbert Hyman published his cautionary article, "Do They Tell the Truth?" researchers have been aware that
people implicated in socially unacceptable behaviors are unlikely to disclose their involvement—particularly if they fear negative repercussions will occur (Yesalis, Bahrke, Kopstein & Baruskiewicz, 2000). The methodological issues and constraints associated with obtaining accurate information about socially stigmatized behaviors have thus been known for many years. Understanding the extent of drug use by university student-athletes in Canada is challenging due to the difficulty in using self-reported data to obtain accurate information about doping in sport. Athletes’ willingness to self-disclose their knowledge of doping can impact the veracity of any self-report data collected by researchers. Athletes may distort their responses by minimizing their knowledge or involvement in undesirable behaviors or by providing what they think are socially desirable responses (Pétróczi & Nepusz, 2011). Even in one-on-one interviews with athletes, there is no guarantee that the athletes will tell researchers what they think or know about doping in sport; athletes willing to break sport’s anti-doping rules are also likely willing to lie to researchers.

In light of these methodological challenges, a study using semi-structured interviews with 38 student-athletes at three Canadian universities sought to gain insight into student-athletes’ perceptions of doping in sport (Weaving & Teetzel, 2012). The results of the study identified that male athletes have more to gain from doping at the university sport level than female athletes because of the lack of professional sports opportunities for women in Canada after completing their degrees. Many student-athletes (both female and male) believe that university football players must break doping rules if they want to make it to the professional level, the Canadian Football League. The prospect of playing professional football was identified as a major motivation for male football players to contemplate taking banned performance-enhancing drugs. For women athletes, university sport marks the final level for high-performance competition in Canada; hence women have less incentive to engage in doping because they do not have the prospect of obtaining a professional contract as a result of their achievements at the university level (Weaving & Teetzel, 2012).

The same study found that student-athletes in Canada believe the number of drug tests conducted throughout the regular university sport season is inadequate. Based on their experiences, the student-athletes shared their perceptions that if they were going to be tested it would be at the national championships, not during the offseason or in regular season play. In addition, most student-athletes interviewed perceived that if doping occurred, the members of the coaching staff would be aware. One football player interviewed in this study explained that in his five years competing at the CIS level, he had not once been tested (Weaving & Teetzel, 2012). Other participants echoed that they thought their chances of being tested in their five-year eligibility periods were very low, and that the infrequent and predictable testing would not function as a deterrent to an athlete thinking of using banned substances or methods. According to statistics from the CCES, out of the approximately 2800 doping tests conducted each year on Canadian athletes, only 150 to 250 of those tests are on
student-athletes competing in the CIS system (CCES, 2011, May 10). Yet the same sample of student-athletes believe that there ought to be stricter punishments when athletes are caught doping. Several student-athletes had heard rumors of other student-athletes across Canada committing doping violations but not receiving a punishment in accordance with the doping act committed. As a result, these participants suspected that results had been discarded or somehow covered up (Weaving & Teetzel, 2012).

With this information in mind, the University of Waterloo doping scandal should not have come as a surprise to anyone aware of Canadian university football culture. Perceptions of this nature, accurate or not, highlight that many student-athletes associate university-level football with doping, regardless of the veracity or accuracy of that linkage (Weaving & Teetzel, 2012). Similar observations were echoed in the CCES’s Task Force report.

2. New Recommendations to Decrease Doping in Sport

In June 2011, one year after the team-wide drug testing occurred in Waterloo, the CCES released a report, which contained 52 recommendations for improving anti-doping testing and encouraging anti-doping attitudes in student-athletes. The CCES Task Force that created the report was chaired by the Chief Medical Officer of the Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games (VANOC), Jack Tauton, with Paul Melia, the CEO of the CCES, serving as the administrative chair. Administrators from university sport, College Football Association (CCAA), Football Canada, Canadian Football League (CFL) and the CCES, as well as athlete and coach representatives and other key football stakeholders, also served on the Task Force. The resulting report, entitled Performance Enhancing Drugs Pose a Significant Health Risk for Athletes, Children and Youth: Final Report of the Task Force on the Use of Performance Enhancing Drugs in Football (Task Force Report), integrates recommendations stemming from two reports published earlier: the Ontario University Athletics (OUA) Performance Enhancing Drugs Education Task Force Final Report (OUA, 2011), which in turn utilized the data conducted in the creation of the Review of the University of Waterloo Football Program in Relation to the Use of Banned Substances (Graville & Thomson, 2010).

With a mandate to make recommendations in an advisory role, the recommendations put forward include: 20 education recommendations, 8 testing and analysis recommendations, 8 intelligence recommendations, 5 policy and sanction recommendations, 2 partnership engaging recommendations, and 9 funding recommendations. Media reporting of the report highlighted the recommendations to increase both anti-doping education and the number of football players being tested each year from 2-3% to 30%. Other recommendations making headlines in the coverage of the release of the report include the proposals to introduce team-wide suspensions and the possibility of applying financial penalties to teams that break anti-doping rules (Christie, 2011; “Too Many Athletes Still Use Drugs,” 2011). All of these suggestions were highlighted in a
positive manner by the Canadian media.

One constructive recommendation stemming from the Task Force Report is the idea that protecting the health and well-being of all athletes, not just those who abide by the anti-doping rules, should be a prime focus in doping policies. Specifically, the report states, “It is vitally important that the health sectors and governments of our country recognize the seriousness of this issue and come together to find ways of eradicating it from our society” (CCES Task Force, 2011, p. 7). Moreover, the report acknowledges that “consideration must be given to the care of athletes who test positive with consideration given to the development of an athlete rehabilitation program on the same level as health care and education and assigned a similar level of priority” (CCES Task Force, 2011, pp. 34-35).

An enhanced focus on harm reduction, steroid cessation, and rehabilitation programs acknowledges the responsibility of the system that creates the desire in athletes to take drugs to also help them stop. Recognizing that most athletes who opt to engage in doping practices do so to increase their chances of achieving athletic success, and earn a professional contract, acknowledges the complicity of a system that rewards enhanced performance. The attention given to athletes’ health and well-being in the Task Force’s Report is important and efforts to help student-athletes change their behaviors are progressive and encouraging.

Yet a more troubling set of recommendations addresses ‘target testing’. Defined as “doping control tests conducted based on analytical or non-analytical evidence which assist in focusing doping control testing on specific sports and/or athletes” (CCES Task Force, 2011, p. 67), target testing is framed as an effective method of addressing doping in sport. Target testing involves gathering intelligence, and consists of “the product of logical and systematic evaluation of information gathered by an anti-doping organization” (CCES Task Force, 2011, p. 67). Information gathered for this purpose can then be used to make decisions about which athletes to test and when to test them. These tactics are intended to apply to high-risk athletes, which the Task Force defines as athletes thought to be at a heightened risk of committing a doping violation, based on factors such as the sport he or she plays, his or her physique and physiological markers, changes from past performances, and information gathered through other forms of intelligence (CCES Task Force, 2011, p. 67).

According to the Task Force Report, intelligence functions as an important component of an effective anti-doping program. Through collecting and analyzing performance data and gathering intelligence about suspected doping violations, athletes who meet the profile of a high-risk athlete based on their position, team, and risk level will be susceptible to the frequent drug testing outlined above (CCES Task Force, 2011, p. 43). The methods listed by the Task Force to obtain intelligence include “a variety of sources including but not limited to players, player performances, ‘tips’, whereabouts information, analytical results, doping control staff observations and law enforcement agencies” (CCES Task Force, 2011, p. 45). To assist in gaining intelligence, the Task Force Report calls for the creation of a “report
doping in sport” telephone hotline and website application; these tools would enable people to anonymously accuse athletes of breaking anti-doping rules.

Efforts to gather intelligence on suspected banned performance-enhancing drug use through the creation of an anonymous tip line contributes to the establishment of an intelligence-based targeted drug testing program. Intelligence gathering is postulated as a way to combat and challenge the culture of silence associated with teammates protecting each other. Commenting on the culture of silence typically associated with doping, members of the CCES Task Force explain, “jeopardizing the trust of the team or a teammate may be seen as far more harmful than an anti-doping sanction” (CCES Task Force, p. 21). The pressures faced by athletes and the pervasiveness of the win-at-all-cost mentality are theorized to explain the development of a culture of silence on some teams, where anti-doping rule violations can be overlooked or passively condoned by coaches and other players. Unlike in Japan, honour is not a strong deterrent for many athletes in Canada. Intelligence and target testing of specific players and teams are proposed as ways of combating this silence.

To maximize the effectiveness of the anti-doping system, the Task Force’s intelligence recommendations extend to include both the adoption of WADA’s Anti-Doping Administration and Management System (ADAMS) whereabouts reporting system and the introduction of financial penalties for failing to be present at the specified location by sample collections officers. To facilitate the gathering of intelligence, the Task Force advocates that drug testing authorities offer coaches the option of receiving a reduced doping sanction if they facilitate their players assisting in the investigation by providing additional information and intelligence. Specifically, incentives of this nature are intended to “encourage the coach to compel players who may have information to cooperate in investigations into doping behaviour” (CCES Task Force, 2011, p. 47). In addition to calling for coaches to encourage their athletes to engage in surveillance of their peers, these recommendations support imposing financial penalties on universities and teams that commit doping violations, ranging from fines to the loss of scholarships (CCES Task Force, 2011, p. 56).

Serious ethical and social implications stem from these recommendations.

3. Potential Social and Ethical Ramifications

The Task Force’s report is the first wide-scale examination into doping culture in Canada since Charles L. Dubin published his influential Commission of Inquiry into the use of Drugs and Banned Practices Intended to Increase Athletic Performance in 1990. More than twenty years have passed since the publication of the Dubin Report. In that time, the fight against doping changed considerably: doping policy leadership was transferred from the International Olympic Committee’s Medical Commission to a centralized, transparent organization to coordinate year-round drug testing; the World Anti-Doping Agency was created; athletes’ bio-passports were introduced; deep freezer storage of
samples and whereabouts testing began; punishments without direct positive analytical findings were introduced; and now discussions of imposing legal penalties for committing doping violations are occurring, particularly in Australia. It is easy to overlook the increasing loss of athletes’ privacy and autonomy that have occurred in the name of doping deterrence over the last two decades. Relying strictly on utilitarian thinking, these changes have surely contributed to more effective anti-doping practices and testing procedures. Pragmatically, these changes are needed to keep up with the advanced methods of doping that some athletes use. However, one must also consider the price that athletes must pay in terms of loss of autonomy and privacy as a result.

The coercion and surveillance techniques that form the backbone of the recommendations discussed in the previous section could lead to the harassment of student-athletes with more developed musculature or who demonstrate improved performance compared to the norm. Implementation of these recommendations could replace the current culture of silence with a culture of suspicion, which has the potential to cause more harm than good in intercollegiate sport. There are thus serious implications for athletes’ privacy, confidentiality, and autonomy wrapped up in the Task Force’s recommendations.

The relative emphasis on individual autonomy in Western and Japanese cultures is discussed by philosophers Ryuichi Ida and Susumu Shimazono. In discussing science, technology and what alterations to humans are possible and permissible, both Ida and Shimazono add important perspectives regarding our relationship with nature and others. Specifically, Ida discusses the differences in Western and Japanese approaches to the body, noting Western philosophers tend to take a dualist perspective in separating body and nature in discussions of performance enhancement (Ida, 2010). Ida stresses that most Japanese philosophers view humans as part of nature, not objects that can be separated and improved. Building on this analysis, Shimazono explains that in Japanese bioethics, more emphasis is placed on the value of relationships than on self-determination and individual autonomy. These discussions highlight how Western philosophy generally places greater emphasis on each person’s ability to decide for himself or herself what he or she will consent to be involved in. However, Shimazono notes that while more emphasis is often placed on interpersonal bonds and relationships in Japan compared to autonomy and dominance, an increase in acceptance of individual autonomy as a value has occurred since the 1970s (Shimazono, 2010). As a result, Ida points out philosophers in Japan and the West can highlight different ethical consideration in addressing an issue (Ida, 2010, p. 66).

In the specific case of the ethics of drug testing in sport, it is possible that Canadian philosophers put more value on individual athletes’ autonomy than on the collective good of sport. This is similar to Hata and Sekine’s observation that areas of interest in the philosophy of sport are different in Japan than in English-speaking countries (Hata & Sekine, 2010, p. 215). For example, the research literature by Japanese philosophers on theories of the body that uses phenomenological methods
is very well developed. As a result of the preference of editors, “in recent years, articles in the *Journal of the Philosophy of Sport*, have often focused on ethical problems in sport, and the ethical study of doping in particular has been an ongoing important theme” yet “in the *Journal of the Philosophy of Sport and Physical Education*, however, papers on ethical problems concerning sport are few” (Hata & Sekine, 2010, p. 220). Adding to the articles on sport ethics published in English-language journals by Yoshitaka Kondo, Masami Sekine, Takayuki Hata, Naofumi Masumoto, and Mizuho Takemura, this article seeks to highlight the ethical issues involved in the new recommendations for drug testing student-athletes.

What’s troubling about the recent football doping scandal in Canada is that the primary reaction has been a call for more extensive testing in the CIS system. The renewed call for more tests and harsher punishments by both the experts included on the Task Force and from student-athletes is one solution that, given a bigger drug-testing budget, would be easy to implement. Testing every player would identify the ones who were breaking the doping rules. However, an emerging theme in the social science doping literature is that anti-doping policies and programs based on detection and punishment, or search and sanction tactics, are bound to be ineffective (Mazanov & Connor, 2010). From a medical perspective, personalized counseling and treatment programs are more effective than imposing sanctions, which remove athletes from their social and professional environments (D’Angelo & Tamburrini, 2010). Rather than stress the need to change athletes’ behaviors using established health promotion and harm minimization tactics, the continued push for additional search and sanction measures continues in Canada, despite the growing realization that this approach can be counterproductive and lead to the denial and avoidance of the message (Hanstad & Waddington, 2009). The reaction of the CIS in promising more tests and harsher penalties echoes the typical response witnessed around the world following most doping scandals. Yet the effectiveness of addressing doping in sport by funding more drug tests has been called into question by doping researchers (e.g., Mazanov & Connor, 2010).

4. Concerns from Applying Utilitarian and Pragmatic Thinking in Sport

By advocating for a ‘report doping hotline’ and offering financial rewards or reduced periods of ineligibility for additional information supplied by teammates and coaches about their peers, these recommendations run the risk of promoting a culture of suspicion where athletes place their competitors and teammates under surveillance. The privacy infringements, rumours, and potential to harass opponents by making false doping allegations against them cannot be discounted. Many ethical questions remain. It is not at all clear if universities are morally justified in proactively testing all of their own players, like the University of Waterloo opted to do, above and beyond the protocols outlined by WADA. Moreover, it is unclear if universities have the legal authority to require student-athletes to submit to mandatory drug tests (Gray & Schoof, 1993;
Pernell, 1990). The moral acceptability of target testing student-athletes based on their athletic abilities and body composition is inconclusive at best and at worst an unacceptable form of profiling and harassment.

In an attempt to brainstorm innovative methods to rid sport of doping, the Task Force’s report contains many recommendations intended to help eradicate doping at the university level, but, one must ask, at what cost? The modes of decreasing doping in university sport outlined in the Task Force’s report would likely be very successful. Results could be achieved swiftly. However, many unexpected negative consequences could result as well. To ensure student-athletes choose to respect the doping rules, it is not at all clear why profiling, threatening financial punishments, and requiring athletes and coaches to report on their peers would be warranted. A line needs to be drawn between acceptable and unacceptable methods of promoting drug-free sport at the university level. Interventions that lead to cleaner sport with less doping are not automatically acceptable just because they get the job done. It is also essential that any new doping policy respects athletes’ autonomy and does not subject them to unfair profiling or harassment simply because they have a muscular body or play a sport associated with doping in the past.

The recent doping scandal in Canada helped to bring to light the complex doping problem in university sport in Canada, where it was once thought very few university athletes were involved in doping. However, the methods suggested to achieve this goal have the potential to be problematic if the process violates privacy rights, targets and harasses muscular athletes, and encourages teammates to act as informants about their peers’ behaviour. Innovative changes require ethical scrutiny first, not after implementation or as reactive measures to address unintended negative consequences. The policy recommendations suggested by the CCES’s Task Force emphasize information gathering and sharing to help combat and eradicate doping in sport; however, we must remember that both of these processes of intelligence have the potential to be used in coercive, manipulative, and morally problematic ways. We must be cautious about replacing a culture of silence with a culture of surveillance in university-level sport, because to do so can have overall detrimental effects on the fight against doping in sport.

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Notes

1 The author would like to thank Professor Yoshitaka Kondo for providing the opportunity to present this topic at the 2012 Annual Meeting of the Japan Society for the Philosophy of Physical Education and Sport, and Professor Masami Sekine for kind assistance preparing this paper.

2 The Canadian Centre for Ethics in Sport provides an e-learning program targeted to specific groups, including Canadian Interuniversity Sport. For more information on the program see http://www.cces.ca/en/education.

3 It may be the case that the student-athletes interviewed were misinformed or merely speculating about rumors.

4 The fine suggested by the Task Force is $5000 CDN per anti-doping violation to be paid to the CIS or equivalent sport governing body to fund additional doping detection tests.

5 Several media reports that discussed the UW scandal compared it to the magnitude of Ben Johnson’s positive test for stanozolol at the 1988 Olympics (Masters, 2011).