Sport Policy in Canada

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The Modern Olympic Games have always been plagued by the fundamental tension that exists between Baron Pierre de Coubertin’s original, lofty vision for the Games and the realities of modern, competitive sport. Throughout the twentieth century, this opposition has grown as the forces of modernity have increasingly permeated more and more aspects of the Olympic Games, but nowhere is the tension between de Coubertin’s original aspirations and the cold, calculated pursuit of victory more evident than in the use of performance-enhancing substances.

After a brief overview of some of the central aspects related to de Coubertin’s vision of the Modern Games and the forces that led to the introduction of performance-enhancing substances into the Olympics, this chapter focuses on the development of Canada’s policies regarding banned, performance-enhancing substances.

**Steroids and the Cold War Games**

De Coubertin launched the Modern Olympic Games to change the course of European cultural history as the nineteenth century was giving way to the twentieth. Sharing with other cultural conservatives like Samuel Coleridge (1849), Thomas Carlyle (1896), J. H. Newman (1915) and Matthew Arnold (1932) the same deep concerns about the impact capitalist industrialization and the forces of
modernity were having on traditional European culture and values, de Coubertin (2000, p. 559) sought to save European youth from a world in which they were being “trained into the mentality of the anthill.” Subscribing to the Classical Greek notion that character is not created solely by the mind—it “is formed above all by the body”—de Coubertin (2000, p. 532) believed that sport could play a major role in reviving the spirit and drive of European youth while reaffirming and instilling Europe’s traditional, aristocratically based value system in a new elite.

Grounded in the proper philosophical foundation, the Modern Olympic Games would foster “a delicate balance of mind and body, the joy of a fresher and more intense life, the harmony of the faculties, [and] a calm and happy strength” (de Coubertin, 2000, p. 534). In complete contrast to commercial sport, the Olympic Games would be “a lofty, uplifting experience that built character, spirit, and vision.”

“The athlete enjoys his effort” de Coubertin (2000, p. 552) maintained. “He likes the constraint that he imposes on his muscles and nerves, through which he comes close to victory even if he does not manage to achieve it.” “Imagine” he continued, “if it were to expand outward, becoming intertwined with the joy of nature and the flights of art. Picture it radiant with sunlight, exalted by music, framed in the architecture of porticoes.” It was this vision of honourable men becoming brothers-in-arms as they engaged in fair and chivalrous competition that served as the foundation to de Coubertin’s Olympic project.

From the inaugural Games of 1896 through to the 1932 Summer Games at Los Angeles and Winter Games in Lake Placid, de Coubertin and the International Olympic Committee (IOC) were moderately successful in containing the tension between the Games’ lofty ideals and the realities of competitive sport in the modern, industrialized world. The 1936 Games in Nazi Germany, however, changed the nature of the Olympic Games irrevocably. The Berlin Games clearly demonstrated the symbolic and political potential of the Games, laying the groundwork for the increasing politicization of the Olympics in the post-World War II period. At the same time, from the 1936 Games onward, the Olympics were faced with the growing impact of modernity and the increasing influence of commercial forces on de Coubertin’s project.

As much as the 1936 Games stand as a key point of transition and transformation, it was the 1952 Games in Helsinki that served
as one of the most significant watershed points in the history and nature of the Modern Olympic Games—especially with respect to performance-enhancing substances. The 1952 Games were more than the first Cold War confrontation between the United States of America (USA) and the Union of Soviet Socialist Republics (USSR)—important as that was. The Games were the first in which athletes, selected, trained and developed within a national athlete development system, competed with the overall goal of pursuing victory for national aggrandizement. The Helsinki Games served as a powerful impetus for the creation of national, athlete development systems on both sides of the iron curtain and accelerated the professionalization of Olympic athletes over the course of the next half century. At the same time, the 1952 Games took the overt politicization of the Games which began in 1936 to a new level of significance—the Olympic Games became the symbolic struggle between not just two super-powers, but two vastly different economic, political and social systems.

As important as all those factors were, it was the introduction of steroids in athlete preparation programs that are among the most dramatic developments in Olympic sport during the 1952 Games. Although the stories vary—John Ziegler (1984), the American weightlifting team’s physician argues that it was in response to Soviet use of steroids that he developed methandieone (Dianabol) to give to American weightlifters to level the playing field, while Paul Dimeo (2007) indicates that Ziegler’s story is too convenient and self-serving, placing the onus on the Soviets for the introduction of steroids into the Games—there is no doubt that steroid use among high performance athletes increased dramatically in the 1950s and 1960s (cf. Dimeo, 2007; Dubin, 1990; Franke & Berendonk, 1997; Todd & Todd, 2001; Yesalis & Bahrke, 2002).

While steroids were, in retrospect, a significant issue in the early East/West confrontations, at the time, they really were a low-profile issue. The IOC’s major concern was the very real threat that a win-at-all-costs approach to high performance sport was destroying the Games. The drama of a no-holds-barred athletic confrontation between the two superpowers was the direct antithesis of de Coubertin’s lofty aspirations for the revived Games. As a result, IOC President Avery Brundage defended the Movement’s central principles and emphasized their particular relevance for the Cold War era. The Olympic Games kept “the flag of idealism flying,”
Brundage maintained, and if the spirit of fair play and respect for the adversary could ever prevail in international affairs then “the cat force, which rules there now, will slink away, and human life will emerge for the first time from the jungle” (as cited in Guttmann, 1984, pp. 115–116).

Although steroids would eventually become the performance-enhancing substance of most concern, Danish cyclist Knud Jensen’s death, allegedly from a nicotinyl titrate and amphetamine cocktail at the 1960 Summer Games, was the pivotal event that brought the use of performance-enhancing substances to centre stage. And even though Jensen’s death was due to extreme dehydration resulting from his and his time trial teammates’ unwavering commitment to the pursuit of victory in a race held in 40+ Celsius temperatures—and not an amphetamine overdose—the strength of the rumour and the rush to judgement demonstrated how much concern there was over the use of performance-enhancing substances in international sport (Møller, 2006).

Faced with growing concerns over the use of performance-enhancing substances at the Games, Brundage appointed Arthur Porritt, the Chair of the British Association of Sports Medicine (BASM), as the first head of the IOC’s anti-doping commission in 1962 (Dimeo, 2007). Porritt shared Brundage’s views on performance-enhancing substances. “Doping is an evil—it is morally wrong, physically dangerous, socially degenerate and legally indefensible” Porritt had argued (as cited in Dimeo, 2007, p. 108). Drug use, he continued, reflects a “weakness of character” and is a “temptation in this fast-moving dynamic and somewhat amoral world” which had to be controlled.

Porritt and the BASM hosted the first major, international conference on drugs in sport—an issue that had added urgency with the death of British cyclist Tommy Simpson in the 1967 Tour de France (Dimeo, 2007). The conference provided an international stage for Porritt and others to emphasize the moral grounds for strictly controlling pharmaceuticals in sport (Dimeo, 2007). By the end of the year, the IOC had defined “doping,” drafted the first list of banned substances—ranging from cocaine, pep pills and vasodilators, to alcohol, opiates and hashish—adopted the principle of testing athletes for banned drugs and enshrined it all in Rule 28 of the Charter. Despite the inclusion of steroids on the list, there was no test for them until 1973, and the IOC did not conduct tests until 1976. For
more than two decades world-class, high performance sport was an open competition in which athletes used steroids without fear of detection (Todd & Todd, 2001). The all-out pursuit of world record, athletic performances at the outer limits of technologically-enhanced human potential was constrained by mere moral authority.

**The Scandal in Caracas: Canada Confronts Steroids**

Although testing began in 1973, it was the sophisticated techniques employed at the 1983 Pan American Games in Caracas that demonstrated the scope of steroid use in international sport. Nineteen competitors, including two Canadians—weightlifters Guy Greavette and Michel Viau—tested positive, were ejected from the Games and suspended for two years. More important, dozens of athletes either left the Games for “personal reasons” or performed well below their normal standards to avoid testing. The Caracas Games showed that testing was improving—driving drug use further underground.

In Canada, the Caracas suspensions showed the dividing tension between the founding principles of international competition and the now prevalent modernist forces. Canadian Chef de Mission Barry Nye maintained that anabolic steroid use “can’t be condoned on a moral or ethical basis” while Jack Lynch, the Canadian Olympic Association’s (COA) technical director, noted that although the COA encouraged athletes to perform on the basis of their natural abilities, “Let’s face it, this is competition. You play to win. This isn’t recreation” (Fraser, 1983, p. 1). The events in Caracas initiated a debate that occurred partly through public media but largely within the policy-making bodies of the IOC and the different NOCs and sport organizations throughout the sport system (Johnson, 1983).

The response in Canada was quick and decisive. Sport Canada (1984b) left no room for debate: Canada’s policies would stem from de Coubertin’s founding principles irrespective of how much the Games had fundamentally changed. Each NSO had to develop a plan that would eliminate drug use by Canadian athletes. There were 11 points the NSOs had to cover, including a detailed policy statement, an operational plan for regular testing, educational activities, international lobbying strategies for “the eradication of drugs in sport,” stipulated penalties for positive tests, due process guarantees for any appeal, and commitments to not use, possess and to discourage the use of banned substances.
That same year, the COA (1984) issued its own formalized policy on banned performance-enhancing substances. The COA emphasized that its policy stemmed from the desires to ensure that competition among athletes was fair and equal as well as the need to protect athletes’ health. The COA indicated that its policy did not represent the development of an independent, COA drug testing program; the COA policy stemmed from, and complemented, Sport Canada’s (1984b) national policy on drug use and doping control. The COA policy was written to make it clear that the national sport policy would be applied to any athletes eligible for nomination to, or performing as a member of, any team participating in sport competitions that fell under the COA’s jurisdiction (e.g., the Summer and Winter Olympic Games, the Pan American Games). The policy clearly indicated that the COA policy did not extend to other sport events.

Like the Sport Canada policy, the COA indicated that the use of substances or procedures prohibited by the Olympic Charter and all substances prohibited by the IOC Medical Commission was strictly forbidden. Like Sport Canada, the COA would respect all sanctions imposed by the IOC and other appropriate IFs while reserving the right to impose greater sanctions for competitions falling under the COA’s jurisdiction. Both policies ensured athletes’ rights to due process, athletes’ obligations to follow all doping control procedures, and required all personnel comprising a COA sponsored team to sign a declaration that they were aware of the COA policy on doping and that they were not in violation of that policy.

Finally, the IOC’s (1984) Medical Commission published a Medical Guide which purported to outline structural changes in the Medical Commission that would allow it to do more than issue longer and longer lists of banned substances and sanctions. While it would continue to condemn drug use, the Medical Commission would point out natural methods to improve performance (IOC, 1984, p. 19). The Biomechanics and Sports Physiology Subcommission would take on the role of proving “that there are scientific training methods which make it possible to improve performance quality without danger and without cheating” (IOC, 1984, p. 19, see also pp. 21–23). But aside from three pages devoted to coverage of biomechanics and sport physiology, the remaining 31 pages deal with drugs and drug testing.

In 1985, Sport Canada issued a revised, stronger policy. Despite Canada’s more aggressive stance on banned performance-enhancing substances, just before the weightlifting competition began at the 1984
Los Angeles Games, two Canadian lifters—Terry Hadlow and Luc Chagnon—were suspended when pre-Games tests revealed traces of methyltestosterone (Christie & Fisher 1984). These suspensions, which embarrassed Sport Canada and the COA, along with a change in government as the Progressive Conservatives won the 1984 election leading to Prime Minister Brian Mulroney’s appointment of Otto Jelinek to the post of Minister of State (Fitness and Amateur Sport), led to a revised national policy. Jelinek, a former pairs figure skater, Olympian, and, with his sister Maria, 1962 World Champion, was heavily invested in the predominant neo-liberal ideology of the Progressive Conservative Party, holding the individual responsible for his or her successes and failures; he was also a strident anti-communist. Because of his background—athletic and political—Jelinek was a very ‘hands-on’ Minister of State (Fitness and Amateur Sport) who wanted to return the Olympic Games to their founding principles, eliminate drug use from sport, and remove, as much as possible, any perceived advantages that the Communist Bloc athletes enjoyed—especially in the use of banned substances. As a result, Jelinek wanted Canada to be a leader in the war against drugs in sport. In view of the above, Sport Canada issued a revised and stronger policy in 1985.

In the preamble to the policy, Jelinek indicated that from the 1983 policy onwards, Canada was “not only doing its duty to ensure that standards of fair play and the protection of the health of participants are upheld,” it was also providing “significant international leadership in this important area” (Sport Canada, 1985, p. 1). The revised policy made the Canadian government’s position clear:

On the premise that the use of drugs which artificially enhance performance in training and competition is harmful to health, ethically wrong and ultimately a threat to high performance sport as we know it today, Sport Canada has developed this policy to lay the groundwork for measures which have as their objective the eradication of the use of performance enhancing substances, not only by Canadian athletes but also by their international counterparts. (Sport Canada, 1985, p. 4)

No matter what other countries’ athletes were doing, Sport Canada would impose the highest standards possible. To make its position crystal clear, the new policy had a lifetime ban from all federal government sport programs and benefits for any athlete who
violated “antidoping rules involving anabolic steroids and related compounds” (Sport Canada, 1985, p. 6). In cases involving other banned substances, the suspension was for a minimum of one year. The new policy also stipulated that “the only relief from life suspension is through direct appeal to the Minister of State, Fitness and Amateur Sport” (Sport Canada, 1985, p. 7).

A week before the 1986 Commonwealth Games, Jelinek banned six athletes—Rob Gray (discus), Mike Spiritoso and Peter Dajia (shot put) along with weightlifters Jacques Demers, Glenn Dodds and Mario Parente for positive tests for steroids (Christie, 1986). With the new policy only allowing an appeal through the Minister, Jelinek told reporters that although he was “always prepared to listen, I can’t see how I could change my mind” (Christie, 1986, p. S1). Assured there was no chance of error, Jelinek was categorical: “Their amateur careers have come to an end. There’s no use pussyfooting around on this issue . . . they didn’t think I was serious . . . they were warned. I have to stick to my guns” (McAuley, 1986, p. A1).

In 1987, the COA approved a policy that reflected Sport Canada and Jelinek’s stance on positive steroid tests. The COA (1987, p. 2) could now impose a lifetime ban from all COA-sanctioned events on any athlete “found guilty of a doping offence within the scope of this policy.” A hearing would be held “to determine the circumstances relating to the offence, and the sanction to be imposed” but the athlete could not challenge the results of any test conducted by an IOC-accredited laboratory.

While Sport Canada and the COA were implementing stringent policies to try and legislate fair play and a humanist approach to sport, Canadian sport leaders continued to deal with the modernist reality of world-class, high performance sport. The recommendations from a task force commissioned by the next Minister of State (Fitness and Amateur Sport), Jean Charest, to guide national sport policy into the next millennium appeared in Toward 2000: Building Canada’s Sport System (Government of Canada, 1988). Until Own the Podium—2010 (Priestner Allinger & Allinger, 2004), it was the most modernist, achievement-oriented document in Canadian high performance sport history. “A commitment to excellence has been developed within the Canadian sport community” the report (Government of Canada, 1988, p. 28) emphasized, “a commitment which has produced results, which has given young athletes a sense of confidence that Canada can achieve, and which has changed the attitude of Canadians to high performance
sport and sport generally.” Despite progress, Canada’s high performance sport system “is still in its infancy” . . . “There is a need to build on the accomplishments of this last quadrennial [1984–1988] and to take advantage of the momentum which currently exists.”

The task force (Government of Canada, 1988, p. 35) noted that “a mature high performance sport system” required professionalized coaching, improved performances by Canadian athletes, better facilities and a stronger financial commitment from the private and public sectors. The report recommended prioritizing sports, a fully integrated system of athlete development, and promoting “the concept of sport excellence such that achievement in high performance sport will be recognized and valued by the Canadian public” (Government of Canada, 1988, pp. 36–37).

Two specific recommendations are particularly noteworthy. Recommendation 2.3.2.3 proposed the creation of national, multi-sport, high performance centres employing professional administrators, coaches, sport scientists, and sport medicine practitioners to serve high performance athletes, coaches and clubs across Canada (Government of Canada, 1988). Recommendation 2.2 established specific goals for the next quadrennial: Canada would rank “among the top three leading Western sporting nations” and among the top six nations overall at the Albertville Games with medals in six of the 10 winter sports; Canada would rank sixth to eighth overall at the Barcelona Games with medals in 18 of the 28 summer sports (Government of Canada, 1988, p. 36). The report presented an unabashed commitment to medals in world-class, high performance sport.

Much of the enthusiasm in Toward 2000 stemmed from the federal government’s 1982 approval of the “Best Ever ‘88” Winter Olympic Team Project which would ensure the “best performance ever in Winter Olympic competition” at the Calgary Games (Sport Canada, 1984a, p. 1). Best Ever injected CA$ 25M into the winter sports, doubling the existing commitment. In August 1984, the government extended Best Ever and committed an additional CA$ 38M to the summer sports. Canadian policy seemed to have fully embraced the modernist forces that dominated the Olympic Movement.

**The Steroid Debacle in Seoul**

Despite the pervasive, modernist rationalism in professional and high performance sport, the humanist principles of sport still had
powerful defenders. Thus, before the 1988 Seoul Games, *Sports Illustrated* initiated a concerted attack on the use of steroids and articulated the framework within which ensuing discussion of steroids in sport would take place (Johnson, 1985; Todd, 1983). After Ben Johnson’s positive test following his dramatic victory in the 100 metre final—the premier event of the Games—the magazine printed, with renewed zeal, another series of agenda-setting pieces that criticized steroids and their use (Chaikin & Telander, 1988; Johnson, 1988; Johnson & Moore, 1988; Telander, 1988, 1989).

In concert with *Sports Illustrated*’s intervention, Senator Joe Biden presided over the Senate Committee on the Judiciary’s 1989 deliberations *Steroids in Amateur and Professional Sports: The Medical and Social Costs of Steroid Abuse*. Biden had been instrumental in establishing the USA’s first major steroid legislation—the *Anti-Drug Abuse Act of 1988*—by successfully linking steroids to America’s war on drugs (United States Sentencing Commission, 2006, pp. 3–4).

At the 1989 hearing, Biden wanted to classify steroids with heroin, crack, and cocaine as controlled substances (Assael, 2007). To succeed, Biden needed to demonstrate that steroids were a genuine threat to the public so he focused on steroids in sport—paying particular attention to the National Football League (NFL). “The NFL’s words and actions, together with those of successful college and pro athletes and coaches around the country, can demonstrate that taking steroids is dangerous [and] wrong,” Biden told the Committee (as cited in Assael, 2007, p. 51). Tens of millions of Americans, he maintained, look to the “stars on the athletic field as the role models in our schools, in our colleges, and in our lives” (as cited in Assael, 2007, pp. 51–52). If athletes are able to benefit from steroid use without penalty, Biden emphasized, “then it seems to me the message is overwhelmingly clear to the rest of America that drug abuse in any form is not that big a deal” (as cited in Assael, 2007, p. 52). A seasoned politician, Biden burned into the public psyche his main themes—steroids are dangerous, their use is wrong, knowing star athletes use them will corrupt young people and ignoring steroid use is tantamount to giving heroin junkies a free pass. In a parallel House of Representatives’ inquiry, the same themes prevailed—steroids pose potential health risks for athletes, they contravene the rules and spirit of sport and their use sends the wrong message to American youth (Assael, 2007; House of Representatives, 1989, 1990).
The American events are important for Canadian policy because even though Johnson’s positive test triggered the federal *Commission of Inquiry into the Use of Drugs and Banned Practices Intended to Increase Athletic Performance*, the inquiry did not take place in a vacuum. Dubin (1990) drew upon the American developments even as the same process of contextualizing steroid use was developing in Canada through the media, among politicians and within the legal system.

Three things made the Canadian inquiry such a landmark in Canadian policies on banned substances. First, and most obvious, the inquiry’s recommendations shaped the legal and policy structure for banned performance-enhancing substances. Second, it concentrated so much information into one, highly respected report. Finally, a point rarely recognized, Dubin’s report is fraught with the same divisive forces that tear the Olympic Movement in two directions—de Coubertin’s original humanist, philosophical principles versus the real, embodied forces of modernity. It is this dimension of Dubin’s report that merits attention here.

By the end of the inquiry, Dubin (1990, p. xv) recognized that Olympic athletes were not amateurs “who competed only for the thrill of competition and the chance of victory.” World-class, high performance sport involved athletes who “engage in sport on a full-time basis and for monetary reward” (Dubin, 1990, p. xv). But as much as Dubin recognized all of the modernist features of world-class, high performance sport, his overall frame of reference stemmed from the same principles that de Coubertin had tried to establish in and through the Games. “A commission of inquiry should not dwell solely on the past” Dubin (1990, p. xxii) wrote. One must understand the past to determine what went wrong and to define the issues but one must then “seek to correct the errors of the past.” Dubin (1990) articulated the fundamental premises upon which he assessed the state of high performance sport:

The use of banned performance-enhancing drugs is cheating, which is the antithesis of sport. The widespread use of such drugs has threatened the essential integrity of sport and is destructive of its very objectives. It also erodes the ethical and moral values of athletes who use them, endangering their mental and physical welfare while demoralizing the entire sport community.
I have endeavoured to define the true values of sport and restore its integrity so that it can continue to be an important part of our culture, unifying and giving pleasure to Canadians while promoting their health and vitality.

I have also sought to protect and advance the interests of Canadian athletes and have endeavoured to obtain for them a healthy athletic climate in which they can compete honourably in the future, both nationally and internationally, in accordance with the true objectives of sport. (pp. xxii–xxiii)

For Dubin, it was the “true values of sport,” “its integrity,” and the honour of “the true objectives of sport” that guided his overall assessment of the evidence presented to him and the recommendations he made. At the same time, he could not ignore the realities of late twentieth century, high performance sport. The result was a set of recommendations that tried to pull back the forces of modernity, the professionalization of high performance athletes and the realities of the Games as an athletic spectacle in which the pursuit of athletic accomplishment, at the outer limits of human performance capacities, drew world audiences and generated political rewards and enormous revenues for specific constituencies in international sport.

To demonstrate the extent to which his guiding philosophy was deeply influenced by de Coubertin’s image of what the Games should accomplish, Dubin (1990, p. 516) placed his recommendations within the context of the Olympic Movement’s fundamental principles as they are enshrined in the Olympic Charter: the promotion of physical and moral qualities through sport; educating young people through sport to build understanding, friendship and “a better and more peaceful world”; and “to spread the Olympic principles throughout the world, thereby creating international goodwill.” According to the Charter, Dubin (1990, p. 516) emphasized, the Games “unite Olympic competitors of all countries in fair and equal competition [italics in original quotation].” “Unfortunately,” Dubin wrote, “the noble sentiments and lofty ideals proclaimed in the Olympic Charter are a far cry from the reality of international competition.”

Dubin (1990, p. 525) captured the contradictory tensions within the Canadian context as he continued to emphasize the spirit of Olympic competition and how that could justify government involvement in sport as “worthy social and national objectives.” “However,”
he continued, “as the degree of involvement in and funding of sport has increased, there has been a shift of emphasis in the nature and focus of that involvement.”

While task force reports and government white papers acknowledge the broad objectives set forth above and the benefit of widely based participation in sport, in fact government support of sport, particularly since the mid-1970s, has more and more been channelled towards the narrow objective of winning medals in international competition. Notwithstanding presentations to the contrary, the primary objective has become the gold medal. This is evidenced by the most recent task force report—Toward 2000: Building Canada’s Sport System—in which the proposed long-term goal of government funding and the measure of its success are clearly related to the winning of medals. (Dubin, 1990, p. 525)

Dubin (1990, p. 526) maintained that the “changed emphasis from the broad-based support of sport for the general community of ordinary Canadians to high-level competitive sport demands a re-examination.” He went a full step further in his first recommendation which stated that “the mandate for those responsible for administering funds provided by the Government of Canada for sport reflect a commitment to those principles on which government funding of sport was originally based” (Dubin, 1990, p. 527). Dubin’s next three recommendations sought to return government involvement in sport to de Coubertin’s founding principles.

The recommendations that had the most immediate impact concerned drug testing in Canada and projecting a strong anti-drug image internationally. “Canada’s leadership in the fight against doping in sport,” Dubin (1990, p. 535) emphasized, “is a matter of record, not merely of national pride.” He reiterated points made earlier concerning the First Permanent World Conference on Anti-doping in Sport that Canada hosted, its strict domestic policies beginning in 1983 and strengthened in 1985 as well as Sport Canada’s leadership in pressing for more stringent controls on athletes.

At the same time, Dubin (1990) was openly critical of resistance in some NSOs to the policies and the overall failure of Sport Canada and the NSOs to properly implement them. As a result, Dubin (1990, p. 538) recommended that the Sport Medicine Council of Canada
should “expand its present role to become the central independent agency responsible for doping control of Canadian athletes and coordination of Canada’s anti-doping activities.” This recommendation put added force behind the policing of performance-enhancing substances among Canadian athletes even though it did not address the reality of high performance sport at all. Aware of the contradictory tensions between world-class, international sport and de Coubertin’s original principles, Dubin was advocating prohibition and testing, hoping that sanctions would keep athletes more in line with the by-gone ethos of amateurism rather than following the modernizing forces that controlled the overall nature of international sport.

The World Anti-Doping Agency Takes Control

At the end of 1990, Bob Porter and John Cole, the Chairs of the Sub-Committee on Fitness and Amateur Sport, prepared a status report on high performance sport in Canada that centred on Toward 2000 and the Dubin inquiry (Porter & Cole, 1990). The committee’s deliberations and recommendations established the framework and institutional structures that continue to govern Canadian policy in the use of performance-enhancing substances up to the current point in time.

Within the sub-committee’s report two points are particularly important. First, the sub-committee noted the tension between the approaches found in Toward 2000 and Dubin (Porter & Cole, 1990). While Toward 2000 had targeted medal counts and objective performance expectations, Dubin (1990) had argued for a system that allowed athletes to perform as best they could without the pressures of taking performance-enhancing substances to reach the top of the podium. The sub-committee preferred Dubin’s position.

Second, the sub-committee supported Dubin’s (1990) position on the Sport Medicine Council of Canada and recommended that its mandate expand “so that the Council can become the central agency in policing and enforcing anti-doping policy” (Porter & Cole, 1990, p. 19).

In 1991, the federal Minister of State (Fitness and Amateur Sport), Pierre Cadieux, established the Canadian Centre for Drug-Free Sport, providing it with a 13-member staff and a CA$ 3.1M budget (Corelli, 1996). With this step, the government formally backed its claim that Canada was at the forefront of the war against drugs in
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high performance sport. Following federal government cutbacks to sport in the early 1990s, the Centre was merged with Fair Play Canada to form the Canadian Centre for Ethics in Sport (CCES). Based on the foundational principles of its predecessors—fair play and drug-free sport—the CCES stands as an independent, non-profit organization that implements, manages, and oversees Canada’s Anti-Doping Program (Canadian Centre for Ethics in Sport, 2011).

The final major policy document that continues to shape Canada’s stance on performance-enhancing substances was Sport in Canada: Everybody’s Business (Mills, 1998). In “Part V, Recommendations,” “Section 1: High-performance Athletes and National Sport Organizations,” “B. Problems and Solutions,” the first recommendation of the Mills (1998) report reinforced Dubin’s first recommendation in his Commission of Inquiry—the government should “maintain a substantial commitment to and support for sport in Canada over the long-term due to its overall benefit to Canada.” The report maintained that funding must be tied to specified ethical standards “including provisions for drug-free sport” (Mills, 1998). It also recommended that the CCES continue to receive federal funding, remain an independent agency responsible for the promotion, monitoring and evaluation of ethics in sport and that it continue to promote drug-free sport in Canada.

Although steroids were not involved in the 1998 Tour de France drug seizure, that event became the catalyst for several far-reaching decisions concerning the use of performance-enhancing substances in sport. The events began with a rather unprecedented seizure of 24 vials of human growth hormone and testosterone, 234 doses of erythropoietin (EPO) and 60 capsules of the blood thinner Asaflow from the Festina cycling team’s van by customs officials at Reims. Two weeks later, TVM team director Cees Priem and team doctor Andrei Mikhailov were arrested for transporting poisonous substances and the possession of dangerous merchandise (Beamish & Ritchie, 2006).

Those events took on a much higher profile when, in an interview published by the Spanish daily newspaper El Mundo, IOC President Juan Antonio Samaranch stated that if a performance-enhancing substance could damage an athlete’s health then that was a problem but if it simply improved performance, he did not think it was doping (cf. Beamish & Ritchie, 2006, p. 1; Assael, 2007, pp. 161–162). Samaranch’s remarks virtually forced the IOC to support
a proposal it had long resisted—the creation of an independent body to oversee the testing of all Olympic and world-class athletes. Created in 1999, the World Anti-Doping Agency (WADA) quickly dominated all discussions and policies related to banned, performance-enhancing substances in sport. Houlihan (2004) has emphasized the power and influence that WADA would exert. Prior to the formation of WADA, the movement opposing the use of banned performance-enhancing substances was “characterized by fragmentation of effort, mutual suspicion among key actors, a general lack of momentum and a severe lack of resources. While there was much activity, there was little effective action” (Houlihan, 2004, p. 19).

WADA came into existence following the first World Conference on Doping held in Lausanne, Switzerland in February 1999. The Conference involved participants from various government, inter-governmental and non-governmental organizations, the IOC, IFs and NOCs. Those delegates passed the “Lausanne Declaration on Doping in Sport” (1999). Clause four stated:

An independent International Anti-Doping Agency shall be established so as to be fully operational for the Games of the XXVII Olympiad in Sidney in 2000. This institution will have as its mandate, notably, to coordinate the various programs necessary to realize the objectives that shall be defined jointly by all the parties concerned. Among these programs, consideration should be given in particular to expanding out-of-competition testing, coordinating research, promoting preventive and educational actions and harmonizing scientific and technical standards and procedures for analyses and equipment. A working group representing the Olympic Movement, including athletes, as well as the governments and inter-governmental organizations concerned, will meet, on the initiative of the IOC, within three months, to define the structure, mission and financing of the Agency. The Olympic Movement commits to allocate a capital of US $25 million to the Agency. (Lausanne Declaration, 1999, pp. 17–18)

When it was constituted in Switzerland, WADA had an explicit mandate. Its first objective was “to promote and coordinate at the international level the fight against doping in sport in all its forms” (WADA, 2009, p. 1). “[T]o this end,” the mandate continued:
the Foundation will cooperate with intergovernmental organizations, governments, public authorities and other public and private bodies fighting against doping in sport, inter alia the International Olympic Committee (IOC), International Sports Federations (IF), National Olympic Committees (NOC) and the athletes; it will seek and obtain from all of the above the moral and political commitment to follow its recommendations. (WADA, 2009, p. 1)

WADA’s first order of business was the creation of a set of universally applicable regulations concerning the use and detection of banned substances. Over its first 18 months in existence, the World Anti-Doping Code team consulted with a number of relevant groups, organizations, and individuals. The list included several national anti-doping organizations, several IFs, internationally recognized experts in drug testing and detection, athlete groups, various national governments, the Council of Europe and the International Intergovernmental Consultative Group on Anti-Doping in Sport (IICGADS).

By April 2002, a draft code had been completed which was then vetted by many of the same individuals, groups, and organizations consulted originally. On the basis of that feedback, a second draft was prepared by October, followed by further consultations. The third draft was completed in February 2003 and presented at the second World Conference on Doping in Sport which was held from May 3–5, 2003 in Copenhagen. The conference was attended by members of the IOC, representatives from 80 governments, 60 NOCs, 70 IFs, 30 national anti-doping organizations, as well as some athletes. At the end of the conference, the delegates agreed to the “Copenhagen Declaration on Anti-Doping in Sport” (Copenhagen Declaration, 2003). The declaration positioned WADA as the primary, international actor in the anti-doping movement and established the WADA Code as the basis for establishing the list of banned performance-enhancing substances and the procedures by which they would be controlled. The purpose of the Declaration was “to articulate a political and moral understanding among Participants” to four key points:

1.1. Recognise the role of, and support, the World-Anti-Doping Agency (WADA);
1.2. Support the World Anti-Doping Code (the “Code”) adopted by the WADA Foundation Board at the World Conference on Doping in Sport (Copenhagen, 3–5 March 2003);

1.3. Sustain international intergovernmental cooperation in advancing harmonisation in anti-doping policies and practices in sport; and

1.4. Support a timely process leading to a convention or other obligation on points 3–8 below, to be implemented through instruments appropriate to the constitutional and administrative contexts of each government on or before the first day of the Turin Winter Olympic Games. This process should draw upon the expertise of representatives of governments from all the regions of the world and international organisations. (Copenhagen Declaration, 2003, p. 3)

Because WADA was constituted as a private organization it could not force any jurisdiction to formally comply with the code. As a result, WADA sought to bind governments, as much as possible, to the Copenhagen Declaration through a UNESCO Convention.

At the Third International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport held in Uruguay in December 1999, ministers had “expressed concern over unethical behaviour, in particular doping in sport” and urged the international community to take action (UNESCO, 2010). While finalizing its Code, WADA also worked with UNESCO to gain its support and involvement. In January 2003, during the 32nd session of the UNESCO General Conference, UNESCO (2010) agreed to “to tackle the question of doping in sport through an international convention.” The Convention provided the legal framework that would permit governments to act in domains that are outside of the domain of various sport organizations. The Convention was drafted, revised and finally adopted in October 2005 at which time it was ratified by almost 100 countries (cf. UNESCO, 2005a, 2005b).

While many have applauded the creation of both WADA and the WADA Code—and there is a strong argument that can be made for the existence of a single code administered by one body—there are some important, negative consequences that have emerged from WADA’s creation. The most important implication, by far, is the loss of national autonomy in the deliberations over, philosophy behind, implementation and control over policies related to
performance-enhancing substances. The interpretation and direction of all such policies are now directly and indirectly controlled by an international body that is heavily resourced and can act with considerable freedom and independence. Regional, national, and/or local variations in culture, values, sport history and sport objectives are all lost under the powerful forces of WADA.

For Canada, the adoption of the WADA Code in 2003 meant a complete overhaul of the Canadian system. The resulting policy, *The Canadian Policy Against Doping in Sport* (Sport Canada 2004), which came into effect on June 1, 2004, replaced the 2000 *Canadian Policy on Doping in Sport* and the 1991 *Canadian Policy Against Doping in Sport*. Indicating Canada’s complete surrender of autonomy in the policies governing performance-enhancing substances in sport, under the heading “International Harmonization,” the 2004 policy stated:

The *Canadian Policy Against Doping in Sport* commits to the implementation of the mandatory and other portions of the World Anti-Doping Program, including the World Anti-Doping Code, the mandatory International Standards and the Models of Best Practice. The POLICY further recognizes the role of the World Anti-Doping Agency in setting global standards and co-ordinating anti-doping world-wide. The mandatory International Standards and Models of Best Practice address, among other things, the Prohibited List, Doping Control, doping violations and consequences, and appeals, and are situated in the Rules and Standards of the Canadian Anti-Doping Program. (Sport Canada, 2004, paragraph 8)

The 2004 policy was revised in 2008 and again in 2011 (Sport Canada, 2008, 2011). The *Canadian Policy Against Doping in Sport* serves as the basis for the Canadian Anti-Doping Program, which is administered by the CCES. The Canadian Anti-Doping Program has gone through two versions, a 2004 version and the recent 2009 program,3 both of which recognized “the role of WADA in setting global standards and coordinating anti-doping worldwide” and “adopts and applies the anti-doping rule violations set forth in the [WADA] Code” (CCES, 2011, p. 2).

Among the more controversial aspects of WADA’s regulations, imposed on Canadian athletes through the Anti-Doping Program, are the requirements for athletes to be subject to testing at any time and
in any place, necessitating them to submit a “Whereabouts Filing” to the CCES (CCES, 2011, p. 25). That filing must provide “accurate and complete information about the Athlete’s whereabouts during the forthcoming quarter, including identifying where he/she will be living, training and competing during that quarter, so that he/she can be located for Testing at any time during that quarter” (CCES, 2011, p. 27). The failure to submit the filing is considered a “Whereabouts Failure” which can be constituted as an “anti-doping violation” (CCES, 2011, p. 65).

Another controversial feature of the WADA Code and the Canadian Anti-Doping Program is the issue of strict liability. Clause 7.24 states that: “It is each Athlete’s personal duty to ensure that no Prohibited Substance enters his or her body. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples.” As a result, “it is not necessary that intent, fault, negligence or knowing Use on the Athlete’s part be demonstrated in order to establish this anti-doping violation” (CCES, 2011, p. 64). Because some of the banned substances may be found in over-the-counter medications—pseudoephedrine, an ingredient in many cold medicines has caused the most controversy through inadvertent use, including costing Canadian rower Silken Laumann a gold medal at the 1995 Pan-American Games, its removal from the banned list in 2004 and subsequent return in 2010—there is an inordinate amount of pressure on athletes to monitor every aspect of their lives.

Finally, in any anti-doping violation—termed an “adverse analytical finding” (CCES, 2011, p. 71)—the standard of proof is simply “greater than a mere balance of probability but less than proof beyond a reasonable doubt” (CCES, 2011, pp. 74–75) which, given the possible outcome of suspension, has grave consequences for the athlete on the basis of information that leaves room for reasonable doubt.

Modernity versus Humanism: Harm Reduction in High Performance Sport

Even though the humanist premises and the transcendental image of the spirit of sport that de Coubertin wanted to instill as the foundation for the Modern Olympic Games remain moving and inspiring principles, the realities of contemporary, high performance sport are impossible to deny. World class sport today requires
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athletic performances at the outer limits of human potential. As a result, unless one is prepared (and able) to dismantle the entire socio-political foundation and edifice of international sport and the national systems of athlete development as they have evolved over the last half century; to disband the armies of applied sport scientists, chemists, technology experts, medical and paramedical personnel who support the quest for increasingly high-risk, athletic performances at the outer limits of human capacity; to replace a well-entrenched spectator thirst for athletic mega-spectacles, and the media and corporate appetite for the financial rewards that accrue for covering and sponsoring athletic performances of an increasingly incredible magnitude with some other entertainment forms then one must accept the reality that performance-enhancing substance use in high performance sport will continue. The most well thought through policies of prohibition and repression have failed.

While an invigorated appeal to the ethics of fair play and the spirit of sport might temper substance use, this approach has not had much impact either. A fundamental change is required with respect to the ethical questions and actual practices that shape policies regarding performance-enhancement in high performance sport—and that change is required with increasing urgency although WADA has well entrenched interests in maintaining the current regimes of repression and prohibition.

The key ethical shift that must occur is one that focuses directly on the real, human athlete at the centre of high performance sport. The major concern in high performance sport must be the safety of a fully informed, knowledgeable independent athlete who is free to make choices. Canadian policies on high performance sport need to adopt the harm-reduction strategies that are becoming increasingly widespread in the field of public health (cf. Kayser & Smith, 2008). A harm reduction approach would have several significant outcomes. First, it would allow sport scientists to systematically gather robust data on the long-term health effects that various performance-enhancing substances have on people. This vital information simply does not exist at present.

Second, it would not eliminate athlete testing. Under harm reduction policies, however, one would test for health impacts rather than the presence of drugs. How a particular substance, at specific dosages, affects an athlete’s short and long-term health could be closely monitored.
Third, the open use and monitoring of substances would allow sport scientists to determine the extent to which different training regimes and practices—those with and without substances—actually affect athletes’ performance capacities. Do certain substances really enhance performance significantly? If so, in what sports and how? What are the alternatives?

These three steps would allow athletes, coaches, scientists and medical professionals to replace the existing truncated, scientific knowledge and locker room ‘ethnopharmacology’ with reliable data on training, performance and health so that athletes could make genuinely informed decisions about how they would develop their athletic talents and capacities. In a world so thoroughly informed and guided by scientific knowledge, it is concerning that high performance athletes are denied vital elements to the knowledge systems upon which their lives are so dependent.

Fourth, a harm reduction strategy that opens sport to the use of all potential performance-enhancing substances would bring world-class sport in line with the existing, broader social attitudes to a number of personal and performance enhancement practices. At present, despite the widely growing use of drugs, surgery and technology to improve personal appearance, performance and quality of life, high performance sport prevents athletes from using the most up-to-date and effective drugs to overcome injuries, recover from increasingly demanding training regimes, or simply enhance particular elements in the execution of athletic skill and prowess. Within the current context of world-class sport, not allowing the use of all the most advanced technology and knowledge puts athletes’ health at risk in far too many ways—and that is avoidable.

In 1967, to protect the fundamental humanist principles and spirit upon which de Coubertin launched the Modern Games from the encroaching forces of modernity, the IOC chose to ban certain performance-enhancing substances, technologies and practices. When the IOC eliminated the amateurism clause from the Olympic Charter and revised the eligibility code in 1974 to formally permit professionalized athletes to participate in the Games, it abandoned de Coubertin’s cardinal principle and brought the Games more in line with the reality of the modern, twentieth century world (Beamish & Ritchie, 2006). In 1990, Dubin detailed the tension between de Coubertin’s original, fundamental principles and the forces of modernity and he advocated forcefully for the former. In the two decades
since his report, the forces of modernity have made high performance sport more spectacular as athletes perform at levels previously thought humanly impossible in contests that are increasingly high-risk and competitors are separated by mere thousandths of a second. In view of the fundamental change to the Olympic Charter in 1974 concerning athlete eligibility and the realities of contemporary sport entertainment, it is time to ask—how does one best manage high performance sport under modernity’s full impact? Most important, what policies best ensure the health and safety of the athletes at the centre of modern, high performance sport?

Notes

1. For a detailed account of the impact of modernity and the politics of the Cold War upon the Olympic Games, see Beamish (2011).
2. This document is also referred to as the Mills Report since Dennis Mills, a member of parliament, was chair of the committee that produced the report.
3. The 2009 Canadian Anti-Doping Program was revised in October 2010 and March 2011 (CCES, 2011).

References


