Societal/policies of gene and cell doping in sport: Evolution of anti-doping policies vis-a-vis science and societal changes

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Science *and* ethics in doping

- Scientists and scholars claim to know things in many fields by exploring the world and human relations to it and within it in many ways
- Unlike empirical ways of knowing the world that measure, weigh, identify causes, predict effects etc.
- Philosophy is an essentially conceptual enquiry
- Not laboratory but *thought* experiments
- WADA needs bi-focal lenses: the specificities of medical knowledge, the specificities of ethical judgement too.


Methodology: conceptual engineering

“I would prefer to introduce myself as doing conceptual engineering. For just as the engineer studies the structure of material things, so the philosopher studies the structure of thought. Understanding the structure involves seeing how the parts function and how they interconnect. It means knowing what would happen for better or worse if changes were made. This is what we aim at when we investigate the structures that shape our view of the world. Our concepts or ideas form the mental housing in which we live. We may end up proud of the structures that we have built. Or we may believe that they may need dismantling and start afresh. But first we have to know what they are.” Blackburn, S. (1999) Think, 1-2
Bioethical experiment: future children

Harris (2007) a proper concern for the welfare of future human beings implies that we are morally obligated to pursue enhancements.

Savulescu (2008) we are morally obligated to produce the best possible children.
Bioethical explorations: theoretical background

Savulescu explicitly defends the rights of parents to choose children with disabilities; a genetically engineered paralympic athlete??

Ethical theoretical considerations: both are broadly speaking, liberal consequentialists
The best (sports) child possible

We ought to want to bring up the best possible (sports)child.

Seems like an idea everyone should be committed
It is empty though – it has only rhetorical force.

What would the best possible child look like; what would they do and not do; what would they enjoy or hate; how would they related to friends or siblings; how much can we know? Might we find most joy in things we are not excellent at?
The right to an open future

- What the right to shape our children’s futures might look like (from the sex selection, or de-selection according to, eg, a disability)
- How does the parental duty to assist in the shaping of their children’s future turn into liberal eugenics?
- The comparison between choices of religious ways of life, or cults and other life limiting choices made by parents/guardians
Planning the future genetically?

Commercial tests for genetic predisposition

BUT

Genetic testing for predictive purposes such as talent identification or performance profiling is potentially in breach of the Council of Europe Bioethics Convention and the Genetic Information Non-Discrimination Act in the US.

Problems with consent

Hypping genetic testing (cf genotype and phenotype)

What if genetic interventions were safe ...

still against the spirit of sport ....?

Some people believe that the widespread use of enhancement technologies should force WADAs to soften its conservative stance on enhancement and restrict their list of banned products and processes to harm minimization.

What follows for sport from the fact, if it is a fact, that societies (which?!?) are becoming more liberal about enhancement products Does sport not have its own norms? Cf spirit of sport
The spirit of sport is the celebration of the human spirit, body and mind, and is characterized by the following values:

- Ethics, fair play and honesty
- Health
- Excellence in performance
- Character and education
- Fun and joy
- Teamwork
- Dedication and commitment
- Respect for rules and laws
- Respect for self and other Participants
- Courage
- Community and solidarity
Spirit of sport

• Although modernity is partly characterized by considerable degree of heterogeneity, a “spirit of sport” criterion for evaluating doping decisions, at least offers a framework for athletes to flourish.
Not medicalizing doping

• What if the banned list was comprised only of products that were enhancing *and* harmful?
• Medicalizes doping and anti doping: its only about harm.
• But when ought we to worry about which harms?
• NB anti doping loses its ethical rationale
• All the language/rhetoric focuses on cheats, fair play, justice...
• That’s certainly what athletes think

Conceptual vagueness not an absolute obstacle
Keep spirit of sport but enhance robustness and operationalisation
Criticism of the spirit of sport

“that a substance may be banned on the grounds that it is held to be damaging to the health of athletes and is contrary to the vague and undefined ‘spirit of sport’ even though the substance may have no performance-enhancing effect.”

• Waddington, 2012
• (cf gene doping)
Understanding the spirit of sport

The criterion must be understood in a spirit of critical idealism” so as not to descend to the views that simply express the lowest common denominator, or a mere *modus vivendi* between stakeholders.

Gratuitous logic

CF IPC + Beta blockers; no TUE
Nussbaum on athletic excellence

“... the Greeks ... praise outstanding athletic performance as a wonderful instance of human excellence. ... But clearly, such activity has point and value only relatively to the context of the human body, which imposes certain species-specific limits and creates certain possibilities of movements rather than others. To excel is to use those abilities especially fully, to struggle against those limits especially successfully.”  (1990: 372)

But there must be limits on the means of that struggle if the athletes are still properly to command our admiration:

It’s not about performance enhancement *per se*, but the specific means of performance enhancement also ..
Kant and Nussbaum on ‘limits’

“Human limits structure the human excellences, and give excellent action its significance.”

“Like Kant’s dove removing limits is self-defeating....

“The light dove, in free flight cutting through the air the resistance of which it feels, could get the idea that it could do even better in airless space.”
So too, some feel that without limits like anti doping we could fully reach or enhance our potential.
Two questions for ADP (for those who say, it’s just about science)

1. Is it unreasonable that states parties who have an interest is the order of civil society, its health, and its values, seek to influence attitudes and behaviour to modes of (eg genetic) enhancement?

   **NO**

2. Can the concept of the Spirit of Sport be made more precise, and can its use by the PL sub group make more transparent their use of it as a criterion?

   **YES**, but a proper answer to both questions will require the kind of ethical expertise that is currently underemployed, and often unemployed, in AD policy making.
Summary

• All human activities are suffused with values
• Society’s values and norms are not simply written onto sports
• We cannot simply adopt norms from other social spheres (eg medicine) without critical adaptation – genetic interventions over-value success at the price of shared human values and limits that are worth preserving
• Elite sport is suffused with conflicting values
• Anti doping instantiates key human values like competitive striving within ethically justifiable limits – these are idealised in the spirit of sport
• The challenges is to better operationalise them and to have sports institutions (WADA, NADOs, IFs etc) sports and medical scientists to critically engage with philosophers and social scientists to better articulate them.