Legitimizing the fight? Questions about cross-cultural perspectives on anti-doping strategies in the Pacific

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Abstract: The fight against doping in sport requires support from governments, sporting organizations, athletes, athlete support personnel and the public. Crucial to this support is the perception that the anti-doping fight is a ‘good thing’ to do and that anti-doping policies are perceived to be legitimate. Problematically for the fight there is a growing crisis of legitimacy. Doping rules and processes are continually challenged, sporting organizations, athletes and even some countries only partially buy into the anti-doping message, resources are sparse and cultural differences ignored. Further, criticisms of the value of anti-doping regulations take aim at the manner in which the anti-doping fight is undertaken. Here, we outline our theoretical basis within a World Anti-Doping Agency funded research project to investigate cross-cultural perceptions of the legitimacy of anti-doping regulation. This research empirically examines how various actors perceive the anti-doping framework with the aim of understanding factors that build positive (or negative) perceptions of the legitimacy of anti-doping policies or procedures. We use Braithwaite’s (2003) work around motivations for compliance or avoidance of regulation to frame our approach and to generate an in-depth understanding of stakeholders’ views regarding the legitimacy of the anti-doping “fight.”

Key Words: Doping, Sport, Legitimacy, Regulation, Compliance

Introduction

Support and compliance with anti-doping rules, policies and procedures rely on people and organizations believing in the ideals of drug-free sport. Currently we do not know if, how or why people in the sporting industry believe in the legitimacy of anti-doping regulation, or even if sport should be free of doping (Mazanov & Connor 2011). The limited research carried out in this area suggests that people support fair sport, but are not necessarily committed to or knowledgeable of the World Anti-Doping Agency’s (WADA) platforms or practices (Connor et al. 2010; Connor & Kirby 2011). Moreover, some critics argue that WADA’s policies posit a formation of “First World” governmentality that not only negates
other worldviews, but enforces Western values and practices by holding citizens across the
globe accountable to its rules and terms (Park 2005). Acknowledging this concern, we draw
from earlier research that attests the importance of subjective understandings (and
misunderstandings) of law and regulation (e.g., Braithwaite 2003; Ewick & Silbey 1998).

Here we argue that the body of literature dealing with legitimacy in the political and
governance sphere offers promising insights for research on sport governance, one that also
enables further analysis of cross-cultural difference (Hechter 2009). One particular problem
that we address here is that of cross-cultural variation in anti-doping activities. That is, how
do sport participants from different ethnic and cultural backgrounds understand anti-doping
activities, and are these activities carried out in culturally attuned ways? Culture in this case
includes the dynamic ways in which group memberships (i.e., ethnic, national) shape
individuals’ outlooks and how they make sense of the worlds they occupy (Mitchell 2000).
Socio-legal scholars describe these processes as “vernacularisation” and “indigenisation,”
which capture how global norms and rules become understood, deployed and internalized on
the ground in ways that culturally resonate. They thus can also include sport-specific
influences. Research to date indicates that cultural purviews fundamentally shape
participants’ perspectives on doping, how they relate to authorities and in turn their
understanding of anti-doping rules (Henne, forthcoming). In fact, the same research suggests
that these dynamics can undermine attempts to achieve compliance, because anti-doping
practices are incongruent with cultural beliefs or ways of knowing.

The lived experience, beliefs and attitudes of people involved in the production of sporting
spectacles – members of the “sportsnet” (Nixon 1994) – regarding the legitimacy of the fight
against doping must be explored. The World Anti-doping Code, formulated by WADA,
however, fails to acknowledge how different worldviews and cultural milieu influence the
understanding and delivery of anti-doping services. Consequently, we ask: how do beliefs
and understandings of doping and anti-doping rules vary across contexts? Do these variations warrant changes to current policy? This, we argue, is a serious theoretical and empirical gap in the literature, as current understandings of the motivations underpinning support for the notion of drug-free sport and anti-doping practices has privileged the perspectives and practices of athletes and administrators in the Global North (e.g., Palmer 2013). We anticipate that for some groups, even those supporting drug-free sport, cultural attitudes and values may complicate and even contradict their support for anti-doping practices.

**Legitimate Anti-doping?**

At the heart of this research is a concern for legitimacy and how various groups ascertain such judgments in relation to anti-doping efforts. Max Weber (1969) stressed that any system of authority aiming to maintain social order requires that members of the community perceive claims to legitimacy to be valid. In other words, legitimacy refers to the extent to which an organization is seen to be ‘duly constituted and to have valid authority in a relevant area’ (Donovan et al. 2002:276). However, legitimacy entails a series of negotiations and contestations, and its pursuit can entail a variety of tactics (Suchman 1995). In the context of governmental activity, Hechter (2009: 281) notes that the ‘the key determinant of legitimacy of a state is the perceived fairness of the decision-making process rather than its provision of resources, opportunities, or outcomes’. Rothstein (2009:313) goes further, arguing that ‘legitimacy is created, maintained, and destroyed not by the input but by the output side of the political system’. Simply, legitimacy depends on the quality of governance.

The perception of legitimate governmental activity is often tied to the outcomes of that activity—that is, the perception people have regarding the organization (Connor 2009). In the context of anti-doping regulation, we aim to empirically examine whether the outcomes (e.g., education, testing, sanctions) and the person’s perception and belief in the legitimacy of the process influence their willingness to support anti-doping practices. Importantly, as legalistic
authority (e.g., the World Anti-Doping Code) does not automatically result in legitimacy (Koppell 2008), we ask what other normative and social factors inform these perspectives with the hope of better understanding their regulatory influence. In fact, as research on legal consciousness attests, citizens often maintain a variety of orientations to law and regulation, many of which are not positive, even in instances of compliance (Braithwaite 2003, Ewick & Silbey, 1998).

Regulatory scholars suggest that co-operative and more democratic modes of governance, especially those attuned to local norms and realities, yield great levels of acceptance and compliance from citizens (Ayres & Braithwaite 1992). In contrast, sporting organizations and governing bodies rely primarily on coercive authority with anti-doping regulations that focus on changing individual behavior and enforcing compliance through deterrence-based testing programs, sanctions and education (Connor & Kirby 2011; Donovan et al. 2002). One consequence of a coercive model underpinned by a fear of sanctions is its potential to create resistance (e.g., Hallett 2003, Matheson 1987). Theoretically, for an effective anti-doping strategy with high levels of “buy in” from the sportsnet, stakeholders need to accept, believe in and support the regulatory regime. This is complicated by the fact that the global sporting community consists of a range of stakeholder groups that bring with them diverse interests and objectives. However, despite claims that it is difficult for global regimes to implement more responsive approaches, especially in the Global South, they are possible if the conditions and risks are fully understood and partnerships are developed with local stakeholders that have similar interests (Braithwaite 2006, 2013). Taking account of cross-cultural variations in attitudes towards anti-doping is also important for WADA’s legitimacy, particularly as part of the rationale for its creation was to develop a more sophisticated, less fragmented, anti-doping policy framework. Taking this analysis further, the question here is whether an unintended consequence of a globalized approach is that a failure to consider
varied social and behavioral norms undermines broader regulatory objectives, in this case drug free sport.

Research conducted by Donovan et al. (2002) demonstrates the importance of perceptions of legitimacy and attitudes towards the current anti-doping framework. Donovan et al. (2002:277) suggest legitimacy criteria, which list a number of factors influencing perceptions of the legitimacy of the current anti-doping model, including:

- Anti-doping laws and regulations are seen as just (i.e., a valid basis for anti-doping laws);
- An appropriate agency for enforcement (i.e., scientific credibility, constitutional or legislative authority);
- Testing procedures that acknowledge athletes’ rights, and are fair and applied equitably across athletes;
- Scientifically accurate and effective testing processes; and
- Fair and just sanctions for breaches of anti-doping laws that are applied equitably across athletes.

That research suggested that deterrence and compliance with anti-doping regulations are more effective if organizations applying such strategies are perceived as legitimate. Other research has shown that understanding athletes’ values, beliefs and motives is central to developing effective anti-doping policy (e.g., see British Medical Association 2002; Gucciardi et al. 2010; Mugford et al. 1999). Further, Battin et al. (2008:23) argue that the failure of components of drug regulatory systems to ‘fit together in a mutually supporting whole’ reflects a lack of coherency in the overall system. This indicates that perceptions of legitimacy are important. In the context of anti-doping regulation, perceptions of legitimacy underpin the anti-doping campaign and must match, reflect or enable the attainment of the
goals of that policy (i.e., drug free sport). Buti and Fridman (1994) also point out that the success of any regulatory system, including anti-doping regulation, is dependent upon acceptance of its underlying goals. However, there is increasing evidence that some involved in sport do not believe in how and why the anti-doping fight is currently undertaken (Connor et al. 2010). Adding a cross-cultural dimension to explore perceptions of legitimacy not only helps to grasp these conditions, but develops a more nuanced understanding of their regulatory influence.

**Exploring the variable of “Acceptance of anti-doping”**

Assuming the achievement of drug free sport is even possible (if it is even feasible to remove all deviance, Durkheim 1964) a belief in the purpose and outcome is necessary. At the theoretical level, this is a belief in the legitimacy of the process; at the practical level, it is the actions people engage in to support doping. Simply, the acceptance of the anti-doping regime is the willingness of a person (and the organizations they are part of) to comply with the World Anti-Doping Code, their National Anti-Doping Organization and their sport codes and policies on doping. This willingness to accept is affected by a number of factors related to their perception of doping in terms of the consequences for them and their sport. This is based on their perception of why anti-doping regulation is needed, which is a combination of rules of the game, whether it is perceived as bad for the sport, health impacts, funding and fairness, and consequences of not having anti-doping policies.

We suggest that this acceptance (or not) can be conceptualized by considering their "motivational posture" (Braithwaite 2003), which is an established way of understanding how and why people comply with regulation (e.g. tax laws, OHS rules). In short, people can be resistant, disengaged, accommodating or be captured with the regulatory model. The motivational posture model provides well-validated concepts through which to frame people’s engagement with and feelings toward anti-doping activities. Further, it enables the
exploration of how people come to fit into each category and how their perceptions of the need for anti-doping molds onto varying types of compliance (or rejection). We extend this approach, however, to consider whether there are any cross-cultural variations that influence perceptions of legitimacy for the current anti-doping framework.

Donovan et al.’s (2002) legitimacy criteria, which forms part of their Sport Drug Control Model (SDCM), allows one to view legitimacy in diverse cross-cultural and cross-sporting contexts. Gucciardi et al. (2011) used a survey of elite Australian athletes to test the SDCM. That study suggested that legitimacy was less influential than other elements of the SDCM in terms of athletes’ appraisals of threats and benefits associated with PED use (Gucciardi et al. 2011). However, as Gucciardi et al. note, their focus on elite athletes brings up the issue of examining whether their findings can be generalized to athletes at other levels of competition and the sportsnet. Further, the current body of research into anti-doping does not consider the impact of perceptions of legitimacy held by other individuals involved in, or subject to, sport governance. Given the multi-dimensional and evaluative aspects of legitimacy influenced by the context in which it operates and the nature of the problem to which it is applied, such an approach needs to be explored in any well-rounded examination of legitimacy (Suchman 1995).

This is important because a coherent, consistent drugs policy requires moving to a multi-dimensional model that incorporates the ‘interpersonal behaviour of the individual athlete with the macro orientation of sporting context, structure and culture’ (Stewart & Smith 2008:278). However, the current anti-doping model maintains a Western worldview, and like much sporting activity, fails to account for diverse cultural circumstances (Connor & McEwen 2011). In doing so, some argue that the regime upholds – and even creates – global inequalities that further disadvantage nations and peoples in the Global South (Henne, forthcoming). It is thus crucial to extend our understanding of anti-doping beliefs and
compliance in non-Western contexts (Fischer 2009), considering how they may yield hybridized or conflicted understandings (Henne, forthcoming). Developing a theoretical model that applies legitimacy to the unique nature of sporting bodies and organizations is an area that is not only under-regarded in the current literature, but it is also one that could contribute to our understanding of regulatory compliance via a cross-cultural frame.

**Conclusion**

In light of the limited focus of existing research that addresses what motivates (or deters) people to support drug-free sport and anti-doping practices, we suggest that examining stakeholders’ perceptions of legitimacy and enforcement can play a central role in furthering our understanding of why people support, reject or modify their engagement with anti-doping regulation. Underpinning this approach is an effort to highlight potential tensions that stakeholders face in supporting drug-free sport while negotiating problematic enforcement practices. This is further complicated by the cultural variations in notions of appropriate behavior and governance practices, even across ‘shared’ cultural frames like sporting activities. As such concerns are not limited to anti-doping efforts or sport, these findings have the potential to illuminate factors that can benefit other transnational regulatory regimes.

One of the purported purposes and tasks underpinning the creation of WADA and the World Anti-Doping Code were to bring and maintain order to fragmented anti-doping policies. However, the political nature and contested claims to legitimacy inherent in WADA’s creation continues to contribute to questions around its universality and efficacy. The issue here is whether it is possible – or desirable – to attempt to enforce a homogenized global approach to what is ultimately a varied social question about behavioral norms. If we heed critiques of WADA’s “First World” orientation and insights into how global norms and rules become vernacularized on the ground, perceptions of legitimacy emerge as important barometers through which to get a sense of the effectiveness of existing efforts and how local
actors negotiate these rules. In doing so, they can also provide better insight into these beliefs and how values take shape, offering a more complicated picture of law and regulation in everyday sense than existing critiques posit.
Bibliography


