

Response to WADA Consultation on Hypoxic Chambers, submitted to UK Sport (2006, July 24).

by Dr Andy Miah, University of Paisley, UK.

This response is directed towards the final question asked by the WADA, which is informed by the work of its Ethical Issues Review Panel, Chaired by Dr Thomas H. Murray:

‘Do artificially induced hypoxic conditions violate the ‘spirit of sport’?’

‘Anti-Doping programs seek to preserve what is intrinsically valuable about sport.’

This phrase ‘intrinsic value’ is important to clarify in this context. Following the renowned philosopher Alasdair MacIntyre, ‘intrinsic goods’ are those goods that are unique to a particular practice. The good of experiencing a particular motion or emotion within sport falls into this category. For instance, if one is a volleyball player, the good of executing a perfect ‘spike’ is unique to the practice. If the game were transformed and lost this element, it would violate its integrity. This is why matters relate to technological change are relevant to Ethical inquiry. For instance, the transformation of the bicycle has given rise to precisely these kinds of discussion.

The intrinsic values outlined by the WADA Code ‘spirit of sport’ are not unique to sports. Rather, they are a collection of values or ideals that WADA seeks to associate with sport. Moreover, they can be interpreted as those values we seek to identify in a champion athlete. However, it is important to recognise that there are other values that athletes accept in order to achieve, which would not be on this list. For instance, if one is a team player within a soccer club, then characteristics of leadership might also involve aggression, assertiveness, ruthlessness, being unapologetic about decision making and so on. My point is that the values that constitute a successful athlete’s character are not merely those values we would typically identify as ‘ideals’ or ‘virtues’. Indeed, it is our uncertainty about what makes a champion that gives sports achievements value. We know that struggle and courage are relevant, but we also know that they might not be sufficient to explain sports results. To this extent, my view of WADA’s spirit of sport is that it constitutes a manifesto of ideals, rather than an exposition on what kind of character sports competitions or athletes must exhibit.

The Ethics Panel begins its report by asking what it is about sport that people find honourable, admirable, and beautiful. I am doubtful that this is the relevant question to ask or, at least, it neglects other ways in which people value sport. The Panel identifies what people value in an athlete’s achievement, but this does not mean that all of the actions of athletes must have virtuous content, or that non-virtuous actions – actions lacking virtuous content, rather than un-virtuous acts such as cheating – lack value.

The Non-Virtuous Perfection of Natural Talents

If an athlete is taught by the best coach in the world and gains insights, knowledge and tips on training that will benefit his or her performance, then we would recognise this as a valued part of sports competition. Yet, the athlete will not have undertaken any virtuous sacrifice to access such knowledge. The mere conscientious following of advice and accepting it, does not, in my view imply virtue. Indeed, as is often the case in the world of sport, an athlete will follow the advice of the coach and continue to do so providing that performance improves. The role of virtuous action here is unclear but doubtful. To this extent, it is false to suggest that the spirit of sport necessitates that *only* virtuous action is valued. Consequently, one can accept without controversy that non-virtuous action can also have value in sport. The Panel mentions that ‘improved running shoes...requires interactions between the athlete and the technology; the human athlete utilizes, masters and controls the technology, not the other way round’. I doubt that one would talk about new running shoes as having been mastered by the skills of athletes. It is more likely that good performance technology is ‘seamless’ for athletes; it appears as an extension of one’s body that demonstrates its synergy with sporting actions by evidence that it is making the body perform better. Alternatively, information from a nutritionist to eat the right foods for sport performance does not entail virtue, but the mere following of advice that will lead to demonstrable benefits.

I agree with the statement that ‘the means’ are ethically relevant in sport, but do not accept that only virtuous means are valued. The Panel concludes that the crucial test will be ‘whether it supports or detracts from sport as the expression of natural talents and their virtuous perfection’ but I suggest that neither might be affected by the introduction of a particular performance enhancing technology. Requiring that any enhancement is earned through virtuous action is too great a requirement, which should not be interpreted as too high an ideal. Non-virtuous action does not mean that it lacks value.

Technology and the Athlete

The Panel recognise that technology and expert systems have improved sports, but that the athlete’s performance is the crucial factor that gives sport value. I dispute the distinction between these two concepts. Moreover, I am concerned that their separation propagates an unhealthy relationship between the two where, indeed, such a concept as ‘expert systems’ would appear separate from the athlete. The athlete should be part of the ‘expert systems’ surrounding technological development in sport. Indeed, many athletes are experts in sports science, to the extent that their own educational formation involves studying this subject. I would suggest that the separation of athlete from the ‘expert systems’ within performance enhancement in sport is a crucial factor in understanding the negativity connotations of doping in sport. We remain haunted by stories of the GDR, which are articulated as systems of manipulation and human experimentation. Moreover, we expect that any state-funded programme to improve athletes will have such a character. This is more broadly contextualised within views about human enhancement more generally. Without a vigilant permissive environment for human enhancements, this will remain a prospect. As such, the burden must be on critically establishing the conditions through which legitimate human enhancements could be permissible.

Technology in Progress

It seems remarkable that, for so many years, athletes have used hypoxic training without their appearing to be moral outrage. In various presentations, I have heard that athletes do not much like the form of this kind of commitment. The idea of spending time locked in a room cannot easily be allied with the practice ethos of sports. However, this view of what hypoxic training entails is also ambiguous. It is my view that a considerable amount of concern relates to the aesthetic character of the technology. The chambers resonate with popular intuitions that athletes should be in the natural

environment, rather than a laboratory. However, to implement moral judgements on this basis would be both mistaken and contingent. For instance, there already exist rooms, which resemble regular rooms within a home. Moreover, one could envision its construction as a space of reflection on an athletic life or for learning essential information about the practice of sports. The point is that a hypoxic chamber is a work in progress and that the moral judgement of this technology on how it seems to occupy a quite different social space compared with the idea of athletes running in mountains is neither accurate or relevant. Moreover, the development of this technology is only likely to become more ‘seamless’ in the way that I mentioned earlier. I am concerned that the WADA seeks to institute rules that prescribe a ‘way of life’ for athletes. While such an aspiration could be valuable, it is not the role of the current WADA Code.

Passiveness

Closely related to this is the Panel’s concern that hypoxic chambers are ‘passive’ and, thus, lacking in virtuous character. As I have mentioned before, non-virtuous actions are not devoid of value and sport is full of non-virtuous actions that help to bring about performance enhancement. On a scientific level, one can debate what would really constitute ‘passiveness’ since one could claim reasonably that sleep is constitutive of performance capacity. One imagines that sleep would not be seen as un-virtuous by the WADA on account of it being passive. In short, while it is preferable that a performance enhancement in sport involves some active engagement from the athlete, it cannot be a necessary criterion for permitting the technology.

The Panel rightly concludes by indicating that the spirit of sport cannot require ‘an absolute levelling of athletes’ circumstances’. However, where positive action is required to prohibit a sufficiently safe technology that could allow a more egalitarian form of equality to emerge, then it is counter-intuitive to undertake such action. For this reason, the claim that hypoxic chambers violate the ‘spirit of sport’ is not proven. Moreover, I have argued how such use can quite comfortably correspond with the non-virtuous actions of athletes, which are also constitutive of sports value.

In short, it is possible for a performance enhancing technology to be of no detriment to the spirit of sport, but simply involve a re-description of the activities an athlete undertakes in order to remain competitive. The intrinsic value of sports – the skills required to bring about sporting performance – are unaffected by hypoxic chambers. At the very most, their use will raise the standard of sporting achievements, which is precisely what gives elite sports their unique social value. Undertaking action that curbs such technological development within sport compromises the broader intrinsic value of the sports community, which themselves are undervalued within the Panel’s report. As I mention earlier, the ideal to approach is one where technologists are seen not merely as secondary to athletes, but integral to bringing about the sport performance. While it is inevitable that circumstances arise where an athlete is simply introduced to a new performance enhancing technology, it is crucial to remember that every part of that technology’s development has involved members of the athletic community. Indeed, as is true of other technologies, it is likely that open access to this innovation will lead to a more nuanced culture of use.

Concluding Comment

This is the first WADA Ethical Issues Review Panel report and it would be unfortunate that its conclusions were met by widespread disapproval from scientists working within and around sport. I believe that many scientists will challenge the authority and expertise of this committee. Thus, there remain important bridges to cross between the scientific and ethical community within the world of sport. Outside of sport, this relationship is somewhat more healthy and integrated.

I suspect that an easier conclusion for the Panel would have been that there is nothing wrong with hypoxic chambers, so it shows incredible integrity that it has pursued this line. I am aware of many scientists and engineers who feel that a decision to prohibit this technology would raise serious questions about WADA's work. However, I think it is crucial to consider how the Panel undertakes its work. What relationship exists between national anti-doping agencies to develop national Ethical Panels on these subjects, which could contribute to the Panel's work.

Dr Andy Miah is Lecturer in Media, Bioethics and Cyberculture at University of Paisley in the UK. He is author of 'Genetically Modified Athletes: Biomedical Ethics, Gene Doping and Sport' (2004, Routledge) and many articles on performance enhancing technology in sport. In December 2005, he was invited by the WADA to speak on the ethics of gene doping at the landmark meeting in Stockholm.

e: email@andymiah.net

w: <http://www.andymiah.net>

t: +44 7891 850497

a: University of Paisley, Ayr Campus, Ayr, KA8 0SR.