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Doping and anti-doping: the excesses of enterprise and the tyranny of transparency

Kevin Ryan¹

Abstract

Building on Foucault's theory of the 'enterprise society', this article situates the use of performance-enhancing drugs in sport in the wider socio-economic context, where generalised competition has become a strategic game of innovation and enterprise. Professional sport is shaped through innovation as athletes and teams look for ways to gain a competitive edge over rivals, while the World Anti-Doping Agency resorts to intrusive controls in the name of 'playing true' and protecting the 'spirit of sport'. The central argument is that the problem of drugs in sport is framed as though it amounts to exceptional and excessive – thus governable – behaviour, but this overlooks the extent to which the enterprise society is itself a game of excess. Moreover, examined as a contest between competition and control, the sporting arena provides evidence of how the game of excess intensifies, and also how this institutes a tyrannical mode of governance.

Key words: enterprise society, interactive governance, Lance Armstrong, World Anti-Doping Code.

Introduction

You know what my spouse said to me years ago when we got married? She said that whenever we were apart...I should behave as if there were a camera on me. As if she were watching...But my point is, what if we all behaved as if we were being watched? It would lead to a more moral way of life...That's where the Circle closes. Everyone will be tracked, cradle to grave...

The above quote is from Dave Eggers' novel *The circle* (2013), which reads like an updated version of George Orwell's *1984*. In contrast to the Orwellian spectre of a Big Brother state however, *The circle* tells the story of how a corporatized cult(ure) of openness becomes a tyrannical form of transparency. Unlike other fictional dystopias, *The circle* does not require

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the suspension of disbelief on the part of the reader. On the contrary, Eggers uses the familiar and the everyday to create a portrait of one possible future, and this is what makes it such a compelling – and disturbing – story. Driven by enterprises such as WikiLeaks and Transparency International, ‘transparency’ has become a metonym for ‘democracy’, and as Gallie (1956) argued many years ago, these are stealthy words that shift between fact and value. To say that something ‘is’ democratic is also to say that the something in question is ‘good’ or ‘better’ than something else. Similarly, to argue for greater transparency is to argue on behalf of democracy in the name of accountability; it is a way of saying that no person, corporation, or government should be above the law. However, new forms of control are emerging that make this democratic ideal look archaically quaint.

Accountability is becoming a matter of routinized suspicion, while instruments of control seek to make the actions of individuals and agencies both visible and verifiable. I will be examining this trend in the field of professional and elite sport, focusing specifically on doping controls, though I think it would be erroneous to assume that this is unique to the sporting arena. As Grix argues, convincingly in my view, sport and sport policy can ‘shed light on developments in politics and policy more broadly’ (2010a, p. 160, also 2010b). Examples of routinized suspicion in the wider context might be seen from ongoing state reforms. Public sector employees are governed increasingly through managed and measured performance, while welfare recipients have been recoded as job-seekers, with benefits conditional on the individual’s willingness to provide evidence that she or he is not shirking and is actively committed to the work ethic. This is happening in tandem with the neo-liberalisation of state and society, so that it would be a mistake to equate the new technologies of control with some sort of centralised state power. In other words, this is not Orwell’s Big Brother but something else entirely. In the first part of this article, Foucault’s lectures on biopolitics are used to trace an outline of the ‘enterprise society’, which serves to situate developments in the arena of sport within the broader context of neoliberalism and ‘interactive’ or ‘networked governance’. In part two the focus shifts to the contest between competition and control in the field of high-performance sport, which is examined as a mutually constitutive relation that creates a spiral of intensification. This is by no means a benign process, and it might serve as a warning concerning the future of liberal democracy.

The game of enterprise and the spirit of sport

Foucault's approach to the study of liberalism can be contrasted with the concerns of normative political theory in that the central question – which is stretched between past and present – is *how* liberal thought is made practical and technical. In terms of bringing this approach to bear on neoliberalism, it is tempting to make comparisons with nineteenth century *laissez faire* liberalism, thereby concluding that we are witnessing an historical reversal. Foucault forcefully rejects such a 'resurgence' thesis however (2008, p. 117). There is not space here to present his argument in detail, but an example might serve to clarify the central point: ordoliberalism in post-War Germany. The problem that preoccupied the ordoliberals was not that of determining the limits of legitimate state interference in the market, and neither was it a question of working out how the state could supervise a free market economy so as to minimize its harmful effects, whether this took the form of poverty or unemployment. In the wake of Nazism, and in response to growing state interventionism in the US (Roosevelt's New Deal) and Britain (Beveridge's plan for a welfare state), the ordoliberals adopted a perspective described by Foucault as 'state-phobia', and this framed the problem of how to 'adopt the free market as organising and regulating principle of the state' (Foucault 2008, pp. 116, 187, emphasis added). What this would eventually amount to in practice is now thoroughly familiar, because it has since become an axiom of neoliberal rule. In short, if classical liberalism assumes the market to be a quasi-natural realm of spontaneity, then what distinguishes neoliberalism is an understanding of competition as a mechanism that must be 'carefully and artificially constructed' (Foucault 2008, pp. 118-21).

According to the ordoliberals, for competition to become such a formal mechanism there would have to be fluctuation within what Foucault describes as a 'game of differentiations' (2008, p. 142), meaning well-paid jobs and minimum wage jobs, unemployment as well as job-creation. Or in more general terms, for the game of competition to function correctly there must be losers as well as winners, or inequality among equals. Moreover, when the game is configured in this way it retains its credibility only insofar as nobody is excluded, so that securing the legitimacy of the game also augments its 'dynamism' (Donzelot 2008, p. 130).

This 'formal game between inequalities' (Foucault 2008, p. 120) inevitably generates excesses and irregularities, with innovators cutting corners, bending the rules and otherwise

doing what is deemed necessary to stay in the game and/or gain an edge over rivals. And this in turn necessitates intervention in the form of a 'regulatory framework', not to determine outcomes, but to ensure that contestants play by the rules of the game of enterprise:

Whereas economic regulation takes place spontaneously, through the formal properties of competition, the social regulation of conflicts, irregularities of behaviour...and so forth, calls for a judicial interventionism which has to operate as arbitration within the framework of the rules of the game. If you multiply enterprises, you multiply frictions, environmental effects, and consequently, to the extent that you free economic subjects and allow them to play their game...you inevitably multiply judges (Foucault 2008, p. 175).

It is worth noting that this passage is from a lecture given by Foucault in 1978/79, before the rise of the New Right and also prior to the onset of New Public Management reforms. Yet here Foucault identifies some of the main features of what is today generally referred to as 'governance'. The concept of governance has gained traction in the context of new practices of rule that have taken shape since the 1970s (Bevir 2011, p. 3), and it encapsulates the idea of policy/decision-making as a process of interaction on the part of state and non-state actors and organisations, so that power is decentralised and dispersed across multi-nodal networks of stakeholders (Torring and Triantafyllou 2011; Jessop 2011). When viewed through a normative lens, governance is posited as a potentially more effective, efficient, and desirable alternative to the problems generated by either markets or hierarchies, with 'good' governance associated with practices that generate greater participation, transparency, accountability and legitimacy (Osborne and Gaebler 1992; Considine and Ali Afzal 2011). Foucault's approach however is not normative but diagnostic, and the difference is crucial (see Rose 1999; Dean 1999).

One of the central claims in the governance literature is that interactive/networked governance offers a third way between market and state. Foucault's analysis might serve to counter this claim by pointing out that neoliberalism has in fact instituted a *contest* between competition and control. Otherwise put, and as argued by Dardot and Laval (2013, p. 3), neoliberalism is '*productive* of certain kinds of social relations, certain ways of living, certain subjectivities', so that governing through enterprise shapes the conduct of individuals and organisations in accordance with 'a certain existential norm' which 'enjoins everyone to live

in a world of generalised competition' (Dardot and Laval 2013, pp. 3-4, 302, original emphasis). Furthermore, and to come back to Foucault's rejection of the resurgence thesis, generalised competition is not simply about stretching the logic of the market over the entirety of social and economic life. The enterprise society also institutes controls that reach into the micro-political realm of (inter-) subjectivity, thereby regulating not only the game itself, but also the actions of those who play the game of enterprise.

In what follows I place these initial reflections in the context of the ordinary as opposed to the extraordinary (such as the collapse of Lehman Brothers), i.e. the excesses of enterprise tends to be framed as though this amounts to exceptional and thus governable conduct or behaviour, but this overlooks the extent to which competition in the enterprise society *is* in fact a game of excess. More specifically, the analysis focuses on the issue of performance-enhancing drugs (PEDs) in the world of professional sport, which offers insight into how practices and technologies that attempt to govern the excesses of innovation and enterprise may be instituting a despotic form of neoliberal rule, i.e. tyranny absent a tyrant.

Governing the excesses of enterprise

Whether in the athletic arena or on the battlefield, the use of stimulants and substances to dull pain and/or enhance strength, aggression and endurance can be traced back through the centuries to the ancient world, and it is only very recently that there has been a concerted attempt to prohibit the use of such substances – at least in the world of sport (Houlihan 1999; Waddington and Smith 2009). The first European Conference on Doping and the Biological Preparation of the Competitive Athlete was held as recently as 1963 (Thompson 2008, pp. 231-2). Anti-doping laws soon followed, and two central concerns have since shaped this field of discourse. One is that PEDs are harmful to the health of athletes, and the other is that the use of drugs confers an unfair advantage over athletes who compete 'clean'. There is also however a third and more recent justification for condemning the use of PEDs: the 'spirit of sport', which is how the World Anti-Doping Agency (WADA) enters the frame of analysis.

WADA might be seen as an example of what was referred to earlier, from Foucault, as a regulatory framework that attempts to govern the excesses of enterprise. As Hanstad, Smith and Waddington (2008) have shown, from the late 1980s national governments began to encroach on the International Olympic Committee's (IOC) handling of the problem

of drugs in sport, and WADA is indicative of the extent to which state power has muscled into what was once an 'in-house' problem. The tipping point was a scandal known as the Festina Affair in 1998, an investigation into systematic doping in the context of Tour de France¹, which is the most prestigious (and lucrative) event in the world of professional cycling (see Dauncey and Hare 2003). The investigation commenced after one of the Festina team cars was stopped by custom officials on the border between France and Belgium, with the driver found to be in possession of a large quantity of PEDs (Mignon 2003, pp. 234-5). The fallout from this episode precipitated the World Conference on Doping in Sport, organised by the IOC and held in Lausanne during February 1999, a process that culminated in the establishment of WADA in November of the same year (Waddington and Smith 2009, pp. 179-94).

WADA is tasked with overseeing the 'collaborative worldwide campaign for doping-free sport', thereby seeking to ensure that one and all 'play true' (WADA 2014). As will be seen in more detail in the next section, WADA exhibits features that Foucault attributes to the enterprise society. It is an instrument to regulate the game of enterprise in an arena where the stakes attached to winning ensures constant innovation in a variety of interlocking fields, foremost among them being equipment design and technology, sponsorship deals, broadcasting and media contracts, sports science and sports medicine. In its organisational structure and mode of operation, WADA is also an exemplary technology of governance. It all but dissolves the boundary between public and private, not simply by fusing the political power of states to the organisational capacity and resources of commercial enterprises (including testing laboratories and pharmaceutical corporations), but also in the more literal sense of implementing controls that track the movement and conduct of athletes, irrespective of whether they are competing, training or resting at home. This connects with Dardot and Laval's argument concerning competition as an existential norm. If, as they suggest, the game of enterprise is a mode of subjectivation that produces 'the neoliberal subject' (2013, p. 255), then the world of high-performance sport affords an important perspective on *how* this subject is (being) constituted.

WADA is funded on an equal basis by the Olympic Movement and government representatives of Africa, the Americas, Asia, Oceania and Europe, which also reflects the structure of its management Board and Executive Committee, giving weight and density to the idea of a sporting 'spirit' that must be protected and promoted:

Anti-doping programs seek to preserve what is intrinsically valuable about sport. This intrinsic value is often referred to as 'the spirit of sport', it is the essence of Olympism; it is how we play true. 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 (WADA 2009, p. 14, original emphasis).

This is the 'fundamental rationale' for the World Anti-Doping Code which was adopted in 2003 (revised in 2007 & 2009²), and here can be seen the extent to which the spirit of sport is a meta-narrative that envelops the issues of health and fairness. It is also notable, as argued by Ritchie (2014), that the 'foundation myths' of the Olympic movement – universalism, purity, virtue – are invoked as the essence of the sporting spirit, which is thereby framed as an ideal that transcends the particular. But this is fractured universalism. Since its revival by Baron Pierre de Coubertin in 1896, the Olympic movement has instituted a tension between the value of participation – that taking part is more important than winning – and the Olympic motto *Citius Altius Fortius* (Faster Higher Stronger), which places the emphasis on excelling and succeeding (Mazanov and McDermott 2009). WADA reinstates this tension by including 'excellence in performance' in its definition of the sporting spirit. According to WADA, 'doping is fundamentally contrary to the spirit of sport' (2009, p. 14), and yet when the value of anything less than winning is diminished to the point where participation counts for little (more on this below), then it must be conceded that doping is hardly extrinsic to the spirit of enterprise (see Henne 2014). The game of enterprise rewards innovators, those who gain the edge over rivals and play to win. This is not to say that playing the game in this way does not also give rise to excesses. It clearly does, which is why we are witnessing novel attempts to tighten control – indeed WADA would not exist otherwise – but this increases the pressure to innovate. In other words, regulating how the game of enterprise is played further intensifies the contest. It is this spiral of intensification that is examined in what follows, first by reviewing the case of former professional cyclist Lance Armstrong. I then examine the other side of the

competition/control relation, looking at innovative and increasingly intrusive attempts to govern the use of PEDs.

The game of enterprise: competition and control as a contest

The details of the Armstrong case are by now well known, but a question that still remains to be answered is why Armstrong was given what he refers to as a 'life sentence' (Benson 2013) by the United States Anti-Doping Agency (USADA) in 2012³, a ruling that was subsequently endorsed by the International Cycling Union (UCI). The sanction attached to a 'first violation' of the World Anti-Doping Code (hereafter referred to as the Code) is a time-limited suspension, after which the athlete is permitted to return to competition (WADA 2009, p. 55). However the charges levelled against Armstrong go well beyond the notion of first offence: not just the use of prohibited methods and substances, but also the possession of and trafficking in prohibited substances, the administration of banned substances to others as well as assisting, encouraging, aiding, abetting and covering up anti-doping rule violations. All of this culminates in the idea of a 'doping conspiracy' which is what – according to USADA – justifies 'a period of ineligibility greater than the standard sanction' (USADA 2012a, pp. 7-9). What this means in effect is that Armstrong was stripped of his results going back to 1998, including his seven Tour de France wins, and banned for life from participating in 'any activity or competition organized by any signatory to the Code' (USADA 2012c).

With regard to applying the maximum sanction, the charges of trafficking and administering are highly significant in that article 10.3.2 of the Code provisions for lifetime ineligibility on both counts (WADA 2009). However, the evidence provided by USADA to support these charges bears little resemblance to 'drug trafficking' as conventionally understood⁴. The USADA report lists two instances (in 2001 and 2005) where Armstrong's teammates *asked him* for erythropoietin (EPO), and he provided the drug on the strength of those requests. In a third instance, another of Armstrong's teammates was instructed by the team director to travel to Armstrong's apartment in Spain to obtain EPO, which he did. There are two other instances mentioned, one where Armstrong provided a teammate with testosterone patches (in 2002), though there is no mention of who instigated the transaction, and the other from 2003 noting that Armstrong had been 'observed' using an oil containing Andriol (a form of testosterone) and 'dispensing it to others', a claim which is

followed by the speculative assertion that it is 'highly likely' that he used testosterone in the Tour de France that year (USADA 2012a, pp. 49-50, 58, 66-7, 75).

Given what is now known about the pervasiveness of EPO and other PEDs in professional cycling since the early 1990s, it is very difficult to envision scenarios that differ markedly from these accounts, that is, PEDs shared among teammates (or indeed friends from rival teams) and/or distributed within teams. Thus if USADA's interpretation of trafficking and administration in the Armstrong case was applied across the board, then it might be expected that lifetime bans would occur with much greater frequency than is actually the case. There is something exceptional about the treatment of Armstrong, something that singles him out as warranting extraordinary punishment. If this cannot be explained as the impartial application of the Code, then perhaps it is a targeted attempt to break the grip of *Omertà* in the world of professional cycling. This is certainly implied in USADA's (2012b) claim that Armstrong failed to avail of the opportunity to join his former colleagues in confessing in exchange for a reduced sentence, which is provisioned for in the Code. It has also been argued that Armstrong became a trophy for an anti-doping movement determined to demonstrate its efficacy (see Dimeo 2014). But these are at most partial answers.

USADA brought the full weight of the Code to bear on Armstrong because of his role in orchestrating a conspiracy. Yet the idea of a doping conspiracy is itself a type of code which is programmed by the logic of 'enterprise'. The magnitude of the sanction applied to Armstrong is the key to unlocking this code, and what I want to suggest is that this can only be done by emplacing the Armstrong case in the context of excess mentioned earlier. This is an excess that extends the boundaries of the sporting contest so that the game is played through a combination of cunning and intelligence, or in the vernacular of neoliberalism, through the fusion of innovation and enterprise. Before proceeding further, I wish to stress that I am not attempting to defend or absolve Armstrong. My concern here is not the question of guilt or innocence, but the extent to which Armstrong-the-athlete was the centrepiece of a successful enterprise.

Dialling the numbers

In their cyborgian analysis of Armstrong's 2001 autobiography, titled *It's not about the bike: my journey back to life*, Butryn and Masucci (2003) examine the intimate relation between

body and machine in Armstrong's quest to become the best cyclist in the history of cycling (also Sparkes 2004). He was so fastidious about his bicycle set-up that his support crew dubbed him Mr Millimetre, and he had a very similar approach to his own body, which he related to both subjectively and objectively 'as a playground for manipulation', with his physiological markers treated as variables to be tweaked and enhanced (Butryn and Masucci 2003, p. 130). Winning was a science, and Armstrong describes how he became a 'slave' to calculation, an example being the way he measured his food-intake against energy-expenditure to ensure an optimal ratio between body weight and power output (Armstrong 2001, p. 65). This attitude also applied to kit and equipment, and in his determination to gain the competitive edge over rivals, Armstrong adopted a Formula One approach to hardware, bringing his sponsors together in a bid to coordinate research, to combine the best of what was technically possible, and to integrate every item of kit and equipment so that it would function as a singular and seamless system (Albergotti and O'Connell 2013).

When he was introduced to the sports doctor Michele Ferrari in 1995 (a relationship notably absent from his autobiography), Armstrong met a kindred spirit – someone who was fluent in the numerical language of performance, and who used this language to code his clients so that the athlete became a spread-sheet of numbers representing body-weight, fat-percentage, wattage (power output), and haematocrit (red blood cell count). Ferrari also came up with the magic number of 6.7, or 6.7 watts of power per kilo of body weight, which was what was required, according to his calculations, to win the Tour de France (Hamilton and Coyle 2012, p. 104). Hitting that target required highly structured training, careful attention to the smallest details regarding equipment and nutrition, and also pharmacological assistance, and Ferrari was innovative when it came to staying ahead of doping controls.

In the past the drugs used by racing cyclists were either stimulants or pain suppressants, but the arrival of erythropoietin (EPO) from the late 1980s proved to be a game changer. Developed as an anti-anaemic drug to treat renal failure, AIDS, and cancer, EPO is used by cyclists to boost their oxygen-carrying capacity, in effect enriching the body's 'fuel' by delivering more oxygen to the muscles (Venables 2013). Used in conjunction with human growth hormone, testosterone, and cortisone, EPO enables racing cyclists to train harder and recover faster, thereby increasing speed, endurance and peak power output. Armstrong used the full spectrum of PEDs, and when a test for EPO was finally developed,

Ferrari adapted, so that instead of injecting EPO subcutaneously, the riders injected smaller doses directly into the vein, which reduced the drug's 'glowtime' (Hamilton and Coyle 2012, p. 139). The technique was called micro-dosing, and when the testing regime caught up with it Ferrari adapted again, switching to blood transfusions which proved to be highly effective in longer stage races such as the Tour De France (Hamilton and Coyle 2012).

Even without drilling any deeper into this case, it is clear that 'Armstrong' is much more than an individual (see Connor 2009; Mignon 2003; Safai 2007), but the story would be woefully incomplete without surveying some of the ways that the Armstrong enterprise generated financial rewards. Albergotti and O'Connell's (2013) research indicates that in 2004 – at the height of his career – Armstrong earned US\$4.5 million in salary, an additional US\$10 million in bonuses, and somewhere in the region of US\$16.5 million from endorsements. The bonus money had been negotiated four years previously. Having won the Tour in 1999 and 2000, Armstrong signed a contract with Tailwind Sports, the management company that owned the US Postal Team, guaranteeing Armstrong a series of bonuses if he continued to win, including a US\$5 million bonus if he won a record-breaking sixth Tour. Tailwind in turn sold the risk to SCA Promotions, a Dallas-based insurance company, and when Armstrong did win for a sixth time, SCA was reluctant to pay out amid growing allegations that he was doping. A legal battle ensued, but the arbitration panel ruled in favour of Armstrong (Velonation 2012; USADA 2012a). This was bonus money – performance-related pay – earned on top of salary, but to focus solely on the earnings of elite athletes like Armstrong is to miss the larger picture, described by Albergotti and O'Connell as the 'Lance effect' (2013, p. 128).

When the United States Postal Service (USPS) invested in cycling, only three percent of its annual turnover came from outside of the US. USPS wanted to grow its brand internationally and, by the organisation's own account, it made a handsome return on its investment in cycling, which cost but a fraction of its annual advertising budget (Albergotti and O'Connell 2013, p. 133). The Trek company – which provided both the US Postal and Discovery teams with top-end bicycle frames – tripled its income from a base-line of circa US\$300 million from the mid-1990s to 2012, while Discovery Channel, which invested US\$31 million in a four-year sponsorship deal starting in 2005, made an estimated return of \$100 million during the first year of the deal alone (Albergotti and O'Connell 2013, p. 306). To pull back further from this particular enterprise is to bring the commercialisation of sport itself

into focus. As noted by Waddington and Smith (2009), revenue streams from corporate sponsorship and television rights accounted for 87 percent of the Olympic Movement's income as of 2004, while global sports sponsorship grew by 300 percent during the 1990s, and was estimated to be worth US\$20 billion in 1999 when Armstrong won his first Tour.

Subsequent to Armstrong's interview on the Oprah Winfrey Network (in January 2013), where he publically confessed to using PEDs, SCA Promotions (among others) filed a lawsuit to recover the bonus money paid to Armstrong: he cheated to win the Tour, and thus he cheated SCA. But it might also be noted that SCA took the bet because it was believed the odds were in the company's favour. SCA is contesting how the game was played, not the game itself, and the excesses of the Armstrong case resonate with other manifestations generally tagged as 'scandals' and 'crises', including the sub-prime mortgage induced financial crisis, the News International phone-hacking scandal, and the horse-meat-in-beef-burgers 'food fraud' controversy that rocked Europe in 2013. I am not saying these issues are equivalent, and I am certainly not condoning the behaviours that precipitated them. My point is that these are the excesses of enterprise. Further to this, that the SCA controversy relates to a bicycle race is all but incidental; this could be any number of commercial ventures. When the game is all about winning, then the most talented, driven and ruthless contestants are likely to prevail, and in the absence of talent ruthlessness may well serve to compensate. Either way, being an ethical player does not necessarily confer an advantage. Adding to the complexity of the problem is the diffuse organisational structure of the Armstrong enterprise, which was made possible by a complex network of expertise, goals and interests. It is here that an (admittedly uncomfortable) answer is to be found concerning Armstrong's 'life sentence' which, as noted above, is predicated on the idea of a doping conspiracy. What is unique to the Armstrong case is the extent to which it embarrassed the 'spirit of sport' by taking hold of the excesses that inhabit this normative ideal – excesses which are tolerated, even encouraged within certain limits – and putting them to work by dispensing with the notion of limits altogether. In other words, what the networked athlete did in this case was to take the 'spirit of enterprise' to its logical conclusion by turning the unsavoury aspects of competition into a successful venture: a winning blend of innovation and organisation.

Now that Armstrong has admitted to doping his way to sporting success, it would appear that USADA's reliance on circumstantial and hearsay evidence has been vindicated.

Similarly, the journalists who courted controversy by leading the hunt for Armstrong while he was still the sport's golden boy can now claim a moral victory. But as Møller and Dimeo (2014) have noted in analysing the case of Danish cyclist Michael Rasmussen⁵, there are real dangers attached to trying individuals in the court of public opinion on the strength of rumour, suspicion and inconclusive evidence, foremost among them the way in which this institutes a 'credibility contest' (also Møller 2011, 2014). The next section situates this idea of a credibility contest in the context of an emerging apparatus of control.

Technologies of control

As indicated above, historical continuities notwithstanding, EPO and blood doping have shifted the boundaries of performance enhancement, and with teams and riders looking for ways to gain an edge over rivals, this transition from 'low octane' to 'high octane' drugs has been described by analysts and athletes alike as an 'arms race' (Benson 2013; Hamilton and Coyle 2012; Henne 2012). In 1997 the UCI launched a new rule to try to control the use of EPO which, when viewed retrospectively, now looks like a crude prototype of what was to come. EPO was on the UCI's list of banned substances as early as 1991 (UCI 2001), but there was no test available and riders were dying in their sleep. EPO thickens the blood, increasing the risk of heart attack or stroke, especially while the user is resting or sleeping (Thompson 2008). The UCI's response was to adopt a rule intended to protect the health of riders, and a new regime of blood-testing was implemented. Although not possible to test for EPO it was possible to monitor blood values, and a haematocrit score measures the volume percentage of red blood cells in the blood, in effect serving as an indicator of EPO use. The normal value in healthy adults varies considerably, and the new rule set the maximum at the high end of the scale: 50 percent for men and 47 percent for women (UCI 2001). In this way the UCI reinforced the game of numbers: both for the athletes using PEDs and the authorities attempting to control the use of PEDs, the game would now be played by monitoring blood values (see for example affidavits by Hincapie, Landis, and Leipheimer appended to USADA 2012a). In some cases this was organised at the level of the team with the assistance of doctors, while in others it was more of a do-it-yourself approach with athletes carrying portable blood centrifuges in their suitcase. Some riders risked racing above the 50 percent ceiling, knowing that they could beat the test by injecting saline (Shen and Ashenden 2009; USADA 2012a). But the really significant thing is how antiquated this now appears when

compared with the Whereabouts system, Biological Passport, and Anti-Doping Administration and Management System (ADAMS). These instruments have orchestrated a shift from a mode of surveillance based on population norms (the UCI's fifty-percent rule) to controls that monitor the biological parameters of individuals, which is also a transition from direct detection (a positive test for a banned substance) to indirect detection (the presence of abnormal variations in an individual's haematological and steroid profile) (UCI 2008).

PEDs such as EPO are detectable for only a limited period of time in the athlete's body while the performance-enhancing effects last for much longer, and the Whereabouts system is both a means of conducting out-of-competition testing and a panoptic technology, that is, the regulation of self-regulation⁶ (Foucault 1977; also Park 2005). Moreover, WADA's initiative to retain blood and urine samples for up to eight years reinforces panoptic power by enjoining athletes to bring the future into the realm of present calculations, because they must anticipate the likelihood of new tests being developed (Møller and Dimeo 2014, p. 265). Athletes hooked into the Whereabouts system are thus subject to controls that are stretched between past and future, while the technique of out-of-competition testing works at the threshold of possibility and probability. There is a graphic portrayal of this in Alex Gibney's (2013) documentary *The Armstrong lie*. The scene in question depicts Armstrong, at home, giving blood and urine on two consecutive mornings to control officers from the UCI and USADA. On the first morning blood is drawn and sealed in front of Armstrong's young daughters, one of whom asks 'why are you taking blood daddy?' to which he replies 'for my job'. On the second morning Armstrong's composure in front of the camera gives way to anger, which is palpable as he stares down the doping-control officers and exclaims 'this is fucking ridiculous'. Here is a side of the credibility contest generally hidden from public view, and the fact that Armstrong is now known to have cheated does not alter the problematic nature of this mode of control, meaning the extent to which it overrides civil and human rights relating to privacy (Houlihan, 2004; Schneider 2004).

This leads into two other features of the Whereabouts apparatus worth noting. One is the way it reconfigures sanctions, because guilt – testing positive – is no longer the sole basis of punishment. Breaching the *rules* counts as a violation of the Code, with Article 2.4 of the Code stipulating that athletes can be sanctioned for 'any combination of three missed tests and/or failure to provide accurate whereabouts information within an eighteen-month

period' (WADA 2012a; for a detailed critical analysis see Møller 2011). The second feature, which exemplifies panoptic power, is that the Whereabouts game is framed as a 'flexible tool' that enables 'top-level athletes to show their commitment to doping-free sport' (WADA 2012a). Otherwise put, this is a form of contractual governance that insists on the voluntary acceptance of imposed obligations⁷ (Crawford 2003). In assessing this coercive dimension of the anti-doping apparatus, Møller (2014, p. 937) uses Rousseau's *The social contract* as an authoritative source in arguing that 'voluntary and willed consent' ought to be 'the foundation for people's obligation to obey legislation'. It is not that Møller's normative orientation is flawed, but Rousseau might be more usefully employed in staging a critique of intrusive anti-doping controls. Rousseau's conception of the social contract spanned the rule of law and the 'general will', and he insisted that those who deviate from the voluntary and willed consent invoked by Møller must be 'forced to be free' (Rousseau 1968, p. 64). Doping controls force athletes to be free in accordance with 'democratic' principles of transparency and accountability, and the credibility contest requires at least the outward appearance of voluntary consent, because to question these controls is to invite suspicion. I will return to this point in the conclusion with examples of how imposed-voluntary-compliance is publically staged as a way of demonstrating commitment to WADA's 'collaborative worldwide campaign for doping-free sport'. Suffice for now to note that the upshot of this is that athletes claim credibility for themselves by affirming the legitimacy of intrusive controls, even in situations – such as the one described above – where the athlete questions their validity. First however I want to briefly review two other instruments of control: the Biological Passport and the ADAMS.

The Biological Passport is an electronic document that records test results – blood and urine samples acquired through in-competition and out-of-competition testing – and plots these over time, establishing a baseline that can be used to detect deviations from the individual's 'normal' range of values. In his analysis of this instrument, Fouché (2009) notes the significance of the word 'passport', which more typically serves to regulate the movement of people across state borders. The Biological Passport is similar in that it governs access to the sporting arena. It also moves the 'enforcement location' of clean athletic performance deeper into the scientific laboratory and further into the realm of information technology, in effect 'black boxing' the policing of athletes through the use of increasingly sophisticated diagnostic tools combined with the specialised knowledge

required to interpret and analyse the data (Fouché 2009, p. 98). Sluggett (2011, p. 388) has also examined this trend whereby doping controls shift from detecting the presence of banned substances to documenting indications of abnormal biological values, and he interprets this as an ongoing 'drugs detection game'. Anti-doping authorities try to develop tests for otherwise undetectable drugs, while athletes try to stay one step of the testing regime by looking for new ways of enhancing performance, so that the game becomes an 'escalating spiral of resistance and counter-attack'.

Interfacing with the Whereabouts system, the Biological Passport makes the old binary logic of guilt versus innocence all but obsolete by dispensing with the inertia of the old system (an inconclusive test) and transforming suspicion into a quantifiable risk that can be translated into targeted actions (Sluggett 2011). This is how the ADAMS comes into play. WADA describes this as a 'web-based database management system' that stores and collates information relating to athlete whereabouts, biological profile, Therapeutic Use Exemptions (authorising the use of banned substances for medical reasons), anti-doping rule violations, police reports and medical reports (WADA 2012b). On one level this moves in the groove of conventional practices by monitoring the individual athlete's physical body, but it also constructs what Sluggett refers to as a 'data double' by translating the biological body into code which is analysed and managed at a distance (2011, p. 397). Athletes contribute to this process of doubling their self in that they are required to communicate with ADAMS by using text-messaging and email to update information of their whereabouts. The system in turn stores the athlete's Biological Passport while also sourcing information from elsewhere so that it functions as a 'doping control platform' (WADA 2012b). What this means in practice is that ADAMS interfaces with other data systems such as customs, policing, pharmaceutical companies, and testing laboratories. Information travels through circuits of cooperation in the fight against doping, and this is what enables ADAMS to generate patterns and relationships which, in cases of suspicion, precipitates targeted interventions (Sluggett 2011).

Waddington and Smith argue the point that this machinery 'reinstates and intensifies policies which have a long history of failure' (2009, p. 206). These controls may well be failing to eradicate doping in sport, but they also have a constitutive effect in the way they intensify the contest. There is symmetry between the techniques employed by the enhanced athlete – the athlete plugged into networks of interests and expertise – and the

authorities attempting to control the use of PEDs, in that both sides of the relation meet as allies and rivals in a tactical game of enterprise and innovation (see Mignon 2003). Furthermore, this is an intensely reflexive process that blurs the boundaries of control. For example, the science used to enhance performance is also used to control performance enhancement, and some of the same pharmaceutical and biotech companies that design and develop the drugs used to boost performance also work in partnership with anti-doping authorities (Slugget 2011; Henne 2014). To borrow from Dardot and Laval (2013, pp. 260-1), this 'entrepreneurial governmentality' is constituted through a series of folds: anti-doping authorities are engaged in a struggle to control the 'excessive' behaviour of athletes, who in turn compete in a race to gain an edge over rivals, so that the game of enterprise becomes an on-going contest that continues to intensify, and this has profound implications in terms of how it reconfigures the practice of freedom.

Conclusion: freedom, transparency and accountability in the enterprise society

In the midst of the 2013 Bastille Day celebrations in France, there was a curious yet predictable episode on the steep slopes of Mont Ventoux in Provence. It was stage fifteen of the one-hundredth edition of the Tour de France and an estimated 500,000 spectators lined the roadside, transforming the mountain into a stadium. A British rider, Christopher Froome, was in the coveted yellow jersey of race leader, and when he seemed to defy gravity with a blistering attack near the summit the crowd did not react by shouting encouragement or applauding his effort. Instead there was an eruption of whistles and jeers. Despite the fact that Froome had never tested positive for PEDs he was being accused of cheating⁸. This reaction to extraordinary displays of athletic performance is indicative of the pervasiveness of suspicion which, as suggested in the introduction, is an embedded feature of the enterprise society. But it is also the case that *being* suspect affords an opportunity to demonstrate one's commitment to 'playing true'. Froome's response to public scepticism is instructive here: he staged a counter-attack by surrendering his power data to *L'Equipe* and the French physiologist Frederic Grappe for independent analysis (Farrand 2013). Later in the season, Chris Horner followed suit by making his Biological Passport available for public scrutiny (Beaudin 2013). At the age of 41, and having lost most of the season to injury, Horner faced accusations of doping when he won the *Vuelta a España* and became the oldest rider in the history of the sport to win a *Grand Tour*. Møller

and Dimeo's argument concerning a credibility contest is apposite here, because this is how the game is played; indeed Froome has recently upped the stakes, shoring up his credibility by publically complaining that he was not tested during a training camp in Tenerife (see Benson 2014a, 2014b). This is like swearing allegiance to a tyrannical form of transparency which, as Møller has argued (2004), institutes a juridical practice that seems more at home in the medieval world in that it condemns those who fail to clear themselves of suspicion. Moreover, if evidence is required of the game of enterprise as a mode of subjectivation, then this may well be it.

Whether in sport or politics, governing authorities continue to play the game of control, but the excesses of the enterprise society cannot be explained as the absence of control, or even as a deficit of control. The problem is control itself (Deleuze 1992). Control is welded to competition, but not as a means to some greater end – some noble cause or vision of human progress. Instead the game of enterprise serves the end of more competition, more control, more transparency and accountability, which in practical terms means measuring, counting and ranking things in finer detail and with greater precision. When winning is everything then the contest becomes a game of excess, which leads to a tightening of controls, which in turn leads to innovation in order to gain an edge over rivals in pursuit of success, and so the contest between competition and control continues to intensify. I have tried to show that this is the lesson to be taken from the world of professional and elite sport, but the Olympic ethos of *Citius, Altius, Fortius* is by no means confined to athletic contests. There are many competitive arenas where contestants play a game of excess in pursuit of success, and while discourses of innovation and enterprise tend to invoke the idea of ethical and collaborative undertakings that pave the way for breakthroughs in cancer treatment and clean energy, this is like saying that the true value of sport comes from participation, whereas in fact everyone knows this to be a joke, or a lie, or at best a commendable ideal. Cheating may be contrary to the spirit of sport, but looking for an edge in the quest for success is an intrinsic feature of the enterprise society – this is the spirit of enterprise. When the game is a matter of winning-at-all-costs, then for most it is not even a contest because there can only be one winner, and the majority struggle simply to stay in the game. Furthermore, when the pool of talent is bigger than the requirements of the organisation, company or team, which it generally is, then it becomes imperative to

find a way to stand out, and ethics are likely to be swept aside by the urgency of finding a way to stay in the game.

To be governed in the name of accountability and transparency is to be measured and ranked through comparison to others, and where one stands in the resulting hierarchy is by no means inconsequential, which is perhaps why so many of us are willing to measure and rank ourselves, and by default, each other. In a situation of generalised competition we are all contestants, and if we are to win recognition as the best, or at least not fall too far behind, then we must constantly strive to rise above the rest, and thus the game of enterprise is like a ratchet that tightens the relation between competition and control, thereby intensifying inequality. But it must be acknowledged that this is also a game of opportunity, and we are persistently reminded of this through the use of metrics and other forms of audit: accounting machines that transform actions into enumerated hierarchies of winners and losers. For those lagging behind the leaders it may well be a game of survival (Clegg 2005), but if the game is experienced by some as a fear of failure, for others it is a game of prospects. Either way, this is freedom in the enterprise society.

Endnotes

1. The Tour de France is one of three annual *Grand Tours*, or three week stage races. The other two being the *Giro* in Italy and the *Vuelta* in Spain.
2. A new revised Code has just been published at the time of writing.
3. USADA announced its Reasoned Decision on August 24th 2012, stating that it was imposing 'a sanction of lifetime ineligibility and disqualification of competitive results achieved since August 1, 1998, on United States athlete Lance Armstrong' (2012a, p. 1). The instrument of Reasoned Decision relates to Article 8.3 of the World Anti-Doping Code, which is interpreted by USADA as follows: 'after a sanction is announced because the sanctioned party has failed to challenge the charges against the party, the Anti-Doping Organization with results management authority shall submit to the entities with appeal rights a reasoned decision explaining the action taken' (2012a, p. 1).
4. The United Nations Office on Drugs and Crime for example defines drug trafficking as 'illicit trade involving the cultivation, manufacture, distribution and sale of substances which are subject to drug prohibition laws' (<https://www.unodc.org/>).

5. Rasmussen was leading the Tour de France in 2007 when he was removed from the race by his team for lying about his whereabouts. He was subsequently served with a two-year ban from competition, even though he had not actually tested positive for banned substances. Similar to Armstrong (along with many others) Rasmussen protested his innocence before eventually admitting to doping in 2013.
6. The Whereabouts system was originally 24/7 surveillance, but since 2009 athletes are required to provide information on their whereabouts for one hour each day between 6am and 11pm (WADA 2012a).
7. The contentious issue of 'non-voluntary' consent to doping-controls, and also the extent to which the current system might be challenged on human rights grounds, was discussed at the working athlete's meeting in Switzerland in 2011 (see Møller 2014).
8. During the press conference at the end of the stage, Froome also faced accusations from journalists (video available at: <http://www.youtube.com/watch?v=ay48ZWkoeHU>).

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