



Considerations about Doping in Sport: A New Solution



Jerzy Kosiewicz*

Department of Philosophy and Sociology, Josef Piłsudski University of Physical Education, Poland

Submission: March 12, 2018; **Published:** March 23, 2018

***Corresponding author:** Jerzy Kosiewicz, Department of Philosophy and Sociology, Josef Piłsudski University of Physical Education, Poland,
Email: jerzy.kosiewicz@awf.edu.pl

Barriers and Exclusions in Sport

At the turn of the 19th and the 20th century various institutions connected with sport created redundant barriers, which slowed down development of modern competitive sport including its Olympic forms. It refers, among others, to restrictions put on participation in the Olympic Games, which were introduced by Pierre de Coubertin and restricted it to an elite social group which could afford the expensive sports extravagance. In 1899 Thorstein Veblen [1] called them the leisure class. It refers, *inter alia*, to aristocracy and other persons who have inherited big money. It concerns also individuals and social groups who grew rich in the heyday of the self-made man social model-that is, in the heyday of growing and prospering capitalism. It led to a conclusion-which was proclaimed also by Pierre de Coubertin-that competitive sport should be practiced by those individuals who can afford that and who can fulfil their personal hedonistic needs connected with physical effort and specialized movement activity unimpeded. It referred to a definite sport requiring an appropriately long and costly effort-especially in the time free of earning activity-and extraordinary expenses connected with sport.

The majority of people talented in movement activity could not take part in various sports events-among others, because of the fact, that:

- a) They had to work hard for a dozen or so hours a day, including Saturdays and Sundays, for a low wage which was barely sufficient for living costs.
- b) They could not afford proper sports clothes, sports equipment, and a club fee or renting a stadium, a sports hall, a skating rink, a swimming pool; moreover they had no free time, because work and recovering lost strength before another day-long effort filled almost the whole day.

Summing up, it can be said that exhausting work, low wages, chronic lack of free time and restrictions which were consciously introduced into the axiology of modern Olympism by Pierre de Coubertin were efficient in eliminating wage labouring young people and adults from sports life and participation in the games.

Exclusion from sports activity connected with the Olympic Games refers also to women. Pierre de Coubertin refused them participation in the form of competition in the Olympic Games he had renewed and made Olympic sport accessible only for so-called gentlemen coming from financially well-off social strata. It refers, among others, to the then parasitic aristocracy as well as to capitalists, who were consumed by extremely ravenous hunger of surplus value then, and to rich bourgeoisie consciously increasing and consolidating unjust social differences.

Bankrupted Pierre de Coubertin found out how important and how universal women's sport can be among others during the Olympic Games in Berlin in 1936. Then as John Mac Aloon writes-he manifested covertly corrupt support for the choice of just that place for the discussed games, supported with German-that is, tainted with blood-fascist money [2]. That way he consolidated-fully advertently, because people in France and Switzerland were fully aware of a social situation in Germany after 1933-Adolf Hitler's criminal and even felonious internal policy as well as his prestige and significance on the international stage. Coubertin's curse and fatal decision restricting women's participation in sport still weighed heavily on Olympic sport-and hence on global sport-as late as in the 21st century, in spite of the fact that they continued demanding their rights. Only during the Olympic Games in London in 2012 all teams for the first time included not only men but also women. They had been waiting for it for a very long time-116 years. Baron Pierre de Coubertin contributed to it shamefully too. He also-as I have already mentioned-exerted a negative influence on participation of youth and adults coming from the working class in the Olympic games, because they did not fit the category of gentlemen.

Development of Training Methods and Technologies, Professionalization and Commercialisation of Sport

Nor did the French baron foresee that the main factor stimulating development of competitive, record oriented, spectacular, Olympic sport, which nowadays is also described as elite sport, top level sport or marketable sport-besides aggressive (especially nowadays), highly expansive, more and more modern

economy as well as more and more refined training methods (which inhumanely exploit and deform a human organism), would be its professionalization. Its aftermath-that is, a result of Pierre de Coubertin's nonsensical restrictions were decisions of his successors in the position of the International Olympic Committee's chairperson until the times of Avery Brundage and including him, who eliminated and excluded professional athletes from the Olympic games, while professionalization (or covert professionalization, like in the so-called socialist countries), similarly as increasing commercialization of sport-were major factors contributing to a qualitative leap in sport, to heightening the level of sports achievements in general and to making spectacular and simultaneously competitive sports more attractive. Nowadays it refers mainly to competitive sport; record oriented sport, professional sport, spectacular sport, Olympic sport, top level sport, elite sport or marketable sport.

In the times of promoting amateur sports in the Olympic Games the commercialization of sport used to be commonly condemned. It referred also to the other abovementioned forms of sport. It was emphasized that the discussed commercialization is some shameful and blameworthy fetish of our modern times, which diminishes or even compromises the significance of sport, its supposed autotelic values appearing only during the Olympic Games. When it turned out that the Olympic games-and other competitions of global importance-are too expensive and donations from budgets of particular states are insufficient, rich sponsors (and others with sufficient resources), who, thanks to their costly donations, could also increase and broaden the range of advertising and their companies' offer as well as increase their profits, started to be invited for close cooperation. It was one of the reasons why it was possible to intensify investments in the abovementioned forms of sport significantly that is, enrich and modernize its infrastructure, optimize research, provide production of better and more expensive equipment, increase athletes' and coaches' remunerations significantly, invest more money in staff taking care of excellent teams and outstanding athletes. The superior aim was-and still is-to make spectacles more attractive, increase viewership of sports events as well as to inspire new advertisers and to encourage longstanding ones for further activity, which significantly increase sports budgets enabling intensification of various investments qualitatively strengthening various ultramodern athletic infrastructures.

A negative attitude towards commercialization of sport-which was supposed to be its shameful malady-and a negative evaluation of its professionalization, which was to lead to its degeneration, changing competition into its own caricature and athletes into regrettable clowns-considerably slowed down development of competitive sport, record oriented sport, professional sport, spectacular sport, Olympic sport, top level sport, elite sport or marketable sport. Hosting cities and governments of particular states were-according to the IOC's opinion-the only subjects to bear the costs of holding the games.

That view was radically changed during Antonio Samaranch's presidency and thanks to him. He made the committee which was directed by him a company in the strictly business sense too. He strove for the highest possible and all-embracing income for his institution. The optimization of income, besides sports competition, became-and still is-the main aim of the IOC's activity.

Factors Facilitating Development of Sport

Nowadays we witness an unprecedented period of fantastic development and full bloom of the abovementioned forms of sports as well as of broadening and increasing its reception and attractiveness. The view about its deepening crisis is outmoded and archaic and it smells exaggerated attachment to:

- a) Coubertin's and Brundage's idea of supposedly autotelic character of competitive sport, record oriented sport, professional sport, spectacular sport, Olympic sport, top level sport, elite sport or marketable sport. The abovementioned forms of activity what is only too obvious do not include and do not support such a value as the highest one. Sports activity which is required in their field is not an aim in itself at all; it is an instrumental value making it possible to achieve a variously understood sports success of praxeological (effectively-oriented, after Tadeusz Kotarbiński 1982) and pragmatic (bringing a relativistically conceived benefit and utility, after William James [3]) character.
- b) Assumptions of Marxism or Marxism-leaning Catholic personalism, especially according to Emmanuel Mounier's and partly Jacques Maritain's interpretation, pointing out that intense professional activity reifies, depersonalizes that is, deforms a human individual's personality and, as a consequence, alienates and dehumanizes, makes a human being an individual involved only in horizontal (that is, social and material) relations and not in spiritual relations: vertical ones, oriented towards God and developing a person [4-6].

The abovementioned contemporary forms of professional sport similarly as other manifestations of professional activity are saturated with a subject's reified dependency on an employer, who appoints tasks and expects demanded and relevant (to the proposed remuneration) effects of activity (the subject undergoes obvious reification in that case). It is a normal and common dependency, because it concerns all people undertaking work: doctors, nurses, paramedics, politicians, firemen, guards, teachers, clerks, policemen, coaches or masseurs. These types of relations are not a proof of any dehumanization or alienation. In spite of that, some individual deviations or pathologies are possible in those forms of professional activity similarly as, for example, in family relations or among priests, but they are not binding norms as they were in the case of the optimal and common exploitation of an employee in the times of the 19th century capitalism.

Of course, in the abovementioned forms of sport there are various deformations, aberrations, deviations and social pathologies. However, they do not reflect the magnitude of manifestations of social pathologies, deviations and deformations appearing out of sport proportionally. Breaking regulations of the Penal Code, the Civil Code and the Administrative Procedure Code among persons connected with sport is significantly less frequent than in society as such. For example, drug addiction or other criminogenic behaviours are present to a much smaller degree. Murders, kidnappings or theft are rather absent. Athletes and the connected milieu focus on striving for a broadly understood sporting success. A big problem is constituted by gambling, which is, however, imposed by a non-sport mafia milieu and brings criminals from outside of sport enormous profits. Some of the abovementioned restrictions which appeared in sport stopped its development in the past. Nowadays it is slowed down first of all by a negative attitude to various forms of doping such as pharmacological doping, genetic doping or doping connected with blood transfusions [7-11]. It is possible to distinguish several main factors advantageous for development of sport:

- a) Proper individual or team qualities of an athlete or athletes: physical, mental and relational ones,
- b) Sports training more and more enriched with new technical solutions and methods, requiring huge sacrifices,
- c) Highly developed technology, which is applied, among others, for production of sport suits, facilities and equipment- for example, bicycles, motorcycles and cars, and of modern sports infrastructure, which requires almost billion-dollar expenditures.
- d) Highly effective and attractive commercialization of sport.

Sport Doping as a Necessary Stimulator of Sport Development

Probably one of the last besides professionalization and the abovementioned commercialization and technologization attempts at accelerating development of sport will be abolition of a ban on sport doping by sports authorities and penal codes in several countries. Its negation has mainly irrational, baseless and mythologized that is, mythical foundations of secular character. It inevitably leads to coming into being of a "grey area" of doping, what has already resulted in tragic deaths of young cyclists (for example, of Joachima Halupczok), shortened lives of, among others, former Bulgarian, Turkish or Soviet weightlifters or painful lasting medical complications e.g., of hormonal character or concerning a liver at an advanced age.

It is said that inevitable harmfulness of forbidden doping or undermining the principle of equal chances supposedly valid in sport resulting from using doping are also myths (but myths of secular character). The aim of activity in competitive sport, record oriented sport, professional sport, spectacular sport,

Olympic sport, top level sport, elite sport or marketable sport especially in the time of preparations is increasing one's own chances in confrontation with rivals as much as it is possible. It is achieved thanks to, among others, innovatory coaching methods which have not been disclosed yet, purchasing the best athletes, employing the most excellent coaches, introduction of the newest and the most expensive technological solutions which are unaffordable for other teams. Application of sport doping which is forbidden nowadays, but which be probably permitted in the futures going to contribute not only to possible and maybe radical increase of chances of competing athletes and teams, but also to development of particular sports.

Statements about high harmfulness of doping e.g., of pharmacological doping -which are presented in papers and during conferences, are also a myth. There is no certainty regarding that issue. In that case we have at most to do with a working hypothesis, because there has not been done any empirical research concerning using doping by children (and it will probably never happen), which could affirm or falsify that myth and we have to do with a metaphysical supposition. Abolition of a ban on doping implies also necessary and competent medical care pharmacological one as well as that provided by doctors fostering optimization of sports results and simultaneously neutralizing its harmful influence. That type of doping is going to significantly contribute not only to further substantial progress in sports results, but also to significant increase in interest in and attractiveness of sports spectacles and to considerable intensification of financial investment. It means that its skilful use is going to release considerable capacity, endurance and proficiency potentials which have not been used yet. They are going to be objectivised without any harm for health that is, without physical injuries which now are caused by excessively exploitative modern sports training. Nowadays correctly used doping contains the greatest reserves for sports development, which is not only possible, but also necessary. A ban on doping must be abolished and it will certainly be. The sooner it happens, the better it is for sport.

Presently that ban is an anachronistic relict, similarly as the fair play principle, which is sometimes still conceived in a strange and mistaken way as the highest value in contemporary and Olympic sport [12,13]. In sport in its forms which are considered in this paper all normative ethical systems are, at most, of secondary or tertiary importance in relation to rules of a particular discipline. Those rules and not variously (pluralistically, subjectivistically, relationally, relativistically, discretionarily or panthareistically) as fluent and changeable) conceived demands of normative ethics (including fair play values) determine principles of conduct during sports competition, including Olympic agon [14]. Each institutionalized sport must be legally approved (together with its regulations) that is, registered together with particular institutions which are connected with it and professions which are planned by it by proper National Court Registers.

Pharmacological institutions are going to optimize doping in the qualitative sense and, taking into account their own reputation and possible enormous profits, compete in creation and providing proper (that is, tested) doping substances, similarly as they do in the case of drugs which are necessary in pharmacological therapies applied by doctors. The supply of defective or just harmful substances on the market is going (what is obvious) similarly as in the case of other past and possible pharmacological cases to result in serious legal sanctions, which can even ruin pharmacological producers, provided for by regulations of the Penal Code, the Civil Code and the Administrative Procedure Code of a given country which has registered that substance, a country where a harm has been done or a country a harmed athlete comes from. A similar responsibility is going to rest with hospitals and surgeons who will decide for an operation connected with genetic engineering doping as well as with those hospitals and doctors who will make, for example, unfortunate blood transfusion [9,11]. The abovementioned cases are going to be connected with the same legal consequences as in the case of a defective plastic surgery.

The existing anti-doping institutions, such as the World Anti-Doping Agency, the American Anti-Doping Agency as well as other anti-doping commissions and the connected ultramodern laboratories, are going to change their professional profile radically. They will not prosecute athletes who use doping anymore. They will hunt down unfair producers and distributors as well as other bidders of various forms of doping, because they will examine content of doping substances placed on the market and, if it is possible, issue permissions for selling and distributing them. They will also examine, certainly more thoroughly, athletes themselves that is, their organisms in order to find possibly harmful elements and aspects of applied doping. Legal and financial penalization will, first of all, concern unfair producers and other bidders of doping dangerous for health. Financial penalization will especially take the form of compensations paid athletes whose health has been put at risk. Hence potential wrongdoers will be hunted not only by public and transnational institutions examining content of offered doping substances, but also by athletes themselves and their employers, because they will be interested in the highest possible quality of offers and services from the field of doping and if necessary in the highest possible restitution more than anyone else.

Such a solution can lead not only to optimal eradication of harmful effects of doping, but also to a further progress in sporting results and to making sports spectacles more attractive and profitable. It requires introduction of proper legal regulations, what sooner or later will indubitably be made. Initiation of such changes will result in avalanche (concerning all possible legal subjects) and universal legalization of doping. Doping is the future of sport and the presented text is also a form of encouragement for its development, controlling its quality and supporting pro-doping attitudes. Nowadays doping can be divided into the following forms:

a) When it is incompetently prepared, badly chosen and incorrectly applied, it is irreparably harmful for the organism;

b) When it is correctly chosen, prepared and applied, it stimulates the human organism without causing its present or future dysfunctions for challenges connected with breaking new records.

An example of the second is situation is provided by doping used by a remarkable cyclist Luis Armstrong, who led his ailing organism exhausted by fighting cancer to the greatest successes in history of contemporary cycling without any further damage to health. It refers also to covert doping in the form of anti-asthmatic drugs which was successfully tested during at least two last winter Olympic Games in 2010 and 2014 and in the winter season 2016/2017 it was overdosed by Norwegian female and male ski runners (over dosed that is, unlawfully applied).

Verner Moller points out that the most common argument against doping substances are their supposed anti-health qualities, whereas as he writes sugars, salts, vitamins or minerals which are included in them have a positive effect on the human organism [15]. It obviously undermines legitimacy of an orthodoxy negative (mythical) attitude to doping. It has also turned out that (the abovementioned) supposed doping or covert doping based on anti-asthmatic drugs does not have a negative effect on the human organism too (similarly as doping substances used by Luis Armstrong). V Moller emphasized also that the final definition deciding what is doping and what is not doping has not been formulated yet. According to my opinion, such a definition will never take its final shape. He points also out that institution which have been founded for this purpose cannot conduct a coherent, consistent, logical campaign and provide it with a suitable justification.

Nota bene, doping has the same meaning, assumption and aim as sports coaching that is, using abilities or reserves included in the human organism to the maximal degree. It can contribute to sporting successes in another way than excessive increase in training load. Considerations on harmfulness of forbidden doping in the context of intense and devastating training and sporting exploitation of young organisms of athletes practicing competitive, record oriented, spectacular or Olympic sport have an undercurrent of false altruism and hypocritical care [16].

a) By 1914 realization of the Olympic idea had consumed a great part of Pierre de Coubertin's huge fortune. The First World War, unfortunate investments and stock manipulations brought the baron to financial ruin, radical lowering of living standards and a resulting necessity of giving up social work in the International Olympic Committee. Many years later, on the occasion of the 50th anniversary of its activity, there was organized fundraising for "Pierre de Coubertin's Fund". Fifty thousand Swiss Francs were collected that way and used for supporting his family. In spite of that, Coubertin's material situation was very difficult. It was the reason why

he contributed for 14.000 Deutsche Marks to issuing a recommendation concerning publishing of the official IOC's bulletin in Berlin and placing the Olympic Institute there. Unfortunately from the historical viewpoint he permanently coupled universal values of Olympism with the then Nazi ideology. It also exposed his duplicity and moral hypocrisy. He refused athletes the right for remuneration for sporting activity, but he made use of his achievements connected with sport and the Olympic legend to obtain marks for him. At the end of his life striving for guaranteeing his wife's and daughter's livelihood he, among others, applied for getting a chair in the University in Lausanne (sic! In spite of the fact that he was only a bachelor) and for a position of an administrative director of the Suez Company [17] in spite of the fact that he was a "professional" aristocrat.

b) For example, volleyball players and their care providers are aware of health hazards connected with competitive sport and, in spite of that, they continue their careers. Dr. Robert Śmigielśkia traumatologist and an othopedist, the director of the medical mission of the Polish Olympic Committee during several Olympic Games maintains, talking about volleyball players from Olympic teams, that "Achilles tendons and ankles are most at risk, then a knee-joint with a quadriceps, a spine, and shoulders. 99.9% of the present basketball stars are going to come to a doctor with their injuries" [18]. He also laments that the most famous athletes are maximally exploited in a way which is too destructive for their organisms and he doubt whether it is profitable "to be a star for money they earn. It is after all too low prices for impaired Achilles tendons, knees and spine after the end of the career". He points out that he has "several patients who are in danger that they will have to use a prosthetic knee or who barely get up from a chair and wonder if it was worth it".

c) Avery Brundage obstinately and consequently following Baron Pierre de Coubertin's example defended the idea of amateurism in the Olympic movement. He was the man who divided athletes, it seemed that finally, into amateur athletes (pure and noble in their intentions, focusing on the non-financial essence of sport) and into professional athletes "gladiators" in pursuit of "dough", treating noble, autotelic sports competition in an instrumental way unworthy of an Olympic athlete: as a means of growing wealthy. The latter were treated by him according to his assumptions as second-class athletes. He forbade them participation in the Olympic Games. A famous event connected with that issue preclusion of an outstanding Austrian Alpine skier Karl Schranz, who without any sanctions had taken part in other most important competitions for amateurs and professionals, from the winter Olympic Games in Sapporo in 1972 had a spectacular and soulless, inhuman and non-humanistic character [19].

d) In the times of the Cold War, before the carnival of *Solidarity* started in Poland and the Berlin Wall was demolished in 1989, competitive, record oriented, spectacular sport had been treated in socialist countries as a form of amateur sport [20]. Athletes from those countries did not get monthly remunerations for practicing sport. They were paid for fictitious full-time jobs in the army, the militia, the mining or the steelmaking industry and in many other production plants. They got there their wages and they dealt only with sport. In the formal sense they were amateurs, who after a supposed day-long work came to practice and (in supposed days off) went to sports camps as well as to competitions. In fact they did nothing but practiced sport on the highest national, European and world level. During the Olympic games, world championships or European championships they vanquished athletes from Western countries that is, real amateurs from Western countries, who, unlike their counterparts from socialist states, really worked and earned a living in non-sport companies and only after day-long drudgery, really tired, started their hard training. They were basically the only athletes meeting requirements of amateurism demanded by various sports organizations until and in the times of Avery Brundage. The abovementioned forms of competition did not allow for participation of professional athletes from Western countries, who like, for example, boxers, hockey players or basketball players achieved a much higher level than their colleagues real amateurs.

Hypocrisy concerning relations amateur - professional was in a given case universal and especially unjust for professionals from Western countries. They were those who were not admitted to international and global amateur competitions including the Olympic games unlike covert professionals (in fact, real professionals) from socialist countries. Authorities of the International Olympic Committee were, of course, aware of that real hypocrisy and of resulting social injustice. It means that they favoured totalitarianism, an anti-democratic socialist system and enslavement of supposed amateurs coming from there. However, it suited them to maintain that solely amateurs come from socialist countries to take part in the games. They supported and continued Coubertin's idea of amateurism, but they did it in an Orwellian context in the form of pseudo-amateurism. It was utilized by totalitarian governments of socialist states, which sent professionals in the strict sense of the word to sporting events and paid them for practicing sport as if they were amateurs that is, a pittance; almost nothing in comparison with remunerations of Western professional. Exploitation was in that case absurdly ruthless and soulless (for example as Jerzy Kulej told Polish boxers got 20 USD per person for winning a gold medal during the Olympic games in Tokyo in 1964). It was a downright extreme display of ravenous hunger

for surplus value, a proof of the peak voracity of the government of one of socialist countries.

A statement by Artur Pasko is worth adding. He wrote that at the beginning of the 1970s "Polish athletes won competitions of the highest repute, during the Olympic games, world championships and European championships. They achieved a high level in various sports. Officially they were amateurs, but in fact their status was disputable. In the West they were called "state amateurs" that is, the state provided them a livelihood. Officially they worked in production plants; in fact they dealt only with sport. On the example of the sport which was the most popular in the country football we see that their financial status, if compared with that of their counterparts from Western countries, was low. An excellent player of "Górnik" Zabrze, Jan Banaś, recalls that for a victory over Manchester City in the final of the Cup Winners Cup Polish players were promised 300 dollars per persons and Englishmen were to get 12 thousand pounds then".

Nota bene, when in 1973 I was taking part in a two-week student tour to England during which we were visiting London (for example, the British Museum for several days) and its surroundings (for example, the royal Windsor Castle, Stratford on Avon including William Shakespeare's house and the Oxford University) and in 1975 (when I took part in a month-and-a-half international student work camp in a Guinness hop farm) one British pound equalled 5 USD. A prize for winning the cup was extremely high then. After having paid each British footballer 60 thousand dollars (that is, 12 thousand pounds) about a million USD in total the authorities of the British club still had a multiple of that sum at their disposal. Polish authorities simply robbed their athletes. They paid those 300 instead of 60 thousand USD per person!!! (p. 256). It is just a good example reliably illustrating moral superiority of socialism over capitalism. Moreover, it is worth pointing out that when it was proposed to sign contracts with athletes, who would include regulation of duties of each party in a form close to the Western model of professionalism, they were described as "a synonym of exploitation of man" [21].

The main aim of such a type of activity as it is pointed out in the main text certainly is not cultivation of any autotelic values, but a variously conceived sporting success. Physical and mental capacities, multi perceptively understood health is in the discussed form of sport only instrumental values. Moral, religious, political, ideological convictions can at most play an additional and secondary role, but only on condition that they have turned out to be useful for the course of competition and realization of its main aim. Legalization of doping is going to make it possible to avoid such situations like in Norwegian cross-country skiing, where there is present covert pharmacological doping officially sanctioned by international sports unions, anti-doping institutions and supported by legislation and Norwegian authorities [22].

Moreover, it is a fact and such a situation will probably last for a long time (maybe forever) that there is a deficit, lack of full knowledge about properties of doping. It refers to its differentiated, positive and negative, influence on a human individual. The latter manifests itself when homemade doping is badly prepared: hastily, without proper laboratory facilities and without adequate testing (what often happens nowadays). It is also more and more often noticed that doping can influence beneficially on human health or in a way which in the end turns out not to be significant if we compare it with harmfulness of super-intense training and increased exploitative fights, matches, races and other forms of competition during a sport season. They cause and fix mental, social and physical destruction of an athlete. They permanently devastate his organism changing it too often in a wreck. I strongly disagree with a ban on doping and especially with justifying it by referring to moral arguments. The issues of using doping according to my opinion should be settled clearly and unequivocally solely by legal norms being in force in particular communities and, in the second place, by regulations of particular sports organization and rules of particular sports. Transparency of legal regulations is indispensable and necessary, because what is not forbidden is permitted.

If doping (or covert doping) is openly banned by law, then it is possible without any controversies of relativistic character to proclaim that an athlete using covert doping or forbidden doping breaks the law and should be subjected to suitable legal procedures, regardless the content of sports directives, regulations and rules. If doping is forbidden only by principles referring to a particular sport, a kind and extent of punishment can be determined by a proper commission of an interested sports club, union, organization or federation. That type of sanctions has also legal character regarding the fact that activity in the field of a definite discipline of competitive sport, record oriented sport, professional sport, spectacular sport, Olympic sport, top level sport, elite sport or marketable sport (and of the connected rules of procedure) must be institutionalized and accepted by a proper court register on the basis of the Administrative Procedure Code which is in force in a given country. Hence, in a sense, we have to do with:

- a) Indirect penalization resulting from rules of a definite sports organization, sanctioned by law being in force in a given country that is, by administrative law;
- b) A direct sanctions that is, punishment resulting, first of all, from regulations of the penal code like, for example, in Italy or the United States of America. Athletes using doping and persons connected with those operations are treated as criminals on the strength of the penal law.

A possible moral sanction has no significance in that case, because:

- a) It is secondary and ancillary in its relation to legal provisions,

b) It results from assumptions of normative ethics, whose character is pluralistic, relativistic, changeable, and fluent [3,14] as well as discretionary (that is, ambiguous), what undermines and neutralizes possible purposefulness and efficiency of its influence (compare the above argument with the content of all parts of a joint publication *Sport in the Global Society* edited by AJ Schneider [23], and especially with a statement by C Tambourine [24].

There has also appeared an interesting, albeit surprising, conception putting in doubt a necessity of regulating sports activity by law and of using connected penalizations such. It refers to the above mentioned Claudio Tambourine, who points out (and even “believes”) that various forms of social activity including sport “have a life of their own and often develop in ways we cannot always judge, at least on first sight, as desirable” [25]. However, I am not of an opinion that Tamburini’s rudimentary statement deserves any application especially in the fields of competitive sport, record oriented sport, professional sport, spectacular sport and Olympic sport. National and international sports institutions and various connected athletic competitions should be founded and organized on the basis of the existing legislation.

References

1. Veblen T (1971) *The Theory of Leisure Class*. PWN, Warszawa, Poland.
2. Mac Aloon JJ (1984) *The Great Symbol: Pierre de Coubertin and the Origins and the Modern Olympic Games*. University of Chicago Press, USA.
3. Kosiewicz J (2016a) Moral Universalism and Pluralism, Relativism and Panthareism. In: *Ethical Landscape with Doping in the Background*. In J Kosiewicz, *Morality and Sport*. Międzynarodowe Towarzystwo Nauk Społecznych o Sporcie, Warszawa, Poland, p. 5-49.
4. Mounier E (1960a) Two Alienations. In: *What Is Personalism? Społeczny Instytut Wydawniczy “Znak”, Kraków, Poland*, pp. 200-209.
5. Mounier E (1960b) Perspective, Method, Obligation. In: *What Is Personalism? Społeczny Instytut Wydawniczy “Znak”, Kraków, Poland*, pp. 248-252.
6. Maritain J (1965) Individual and Person. In: *Philosophy and Sociology of the 20th Century*. Wiedza Powszechna, Warszawa, Poland, pp. 78-84.
7. Miah A (2005) *Genetically Modified Athletes*. Biomedical Ethics, Gene Doping and Sport. Routledge Taylor & Francis Group, London, UK.
8. Tamburini C, Tonsjorn T (2005) *Genetic Technology and Sport*. Ethical Questions. Routledge, London, UK, pp. 223.
9. Tamburini C (2007a) After Doping: What? The Morality of the Genetic Engineering of Athletes. In WJ Morgan (Eds.), *Ethics in Sport, Human Kinetics, Champaign 2(8)*: 285-297.
10. Munthe C (2010) Ethical Aspects of Controlling Genetic Doping. In M Mc Namee (Eds.), *The Ethics of Sport: A Reader*. Routledge Taylor & Francis Group, London, UK, pp. 194-205.
11. Browne A (2001) The Ethics of Blood Testing As an Element of Doping Control in Sport. WJ Morgan, KV Meier, AJ Schneider (Eds.) *Ethics in Sport. Human Kinetics*, pp. 196-204.
12. Kosiewicz J (2014) The Ethical and Legal Context of Justifying Anti-Doping Attitudes. *Physical Culture and Sport. Studies and Research 66*: 75-87.
13. Kosiewicz J (2016b) Ethical and Legal Context of Justification of the Anti-Doping Attitude. In: J. Morality and Sport. Międzynarodowe Towarzystwo Nauk Społecznych o Sporcie, Warszawa, Poland 62(1): 108-163.
14. Kosiewicz J (2015) Why Pluralism, Relativism, and Panthareism: An Ethical Landscape with Sport in the Background. *Physical Culture and Sport. Studies and Research 62*: 48-63.
15. Moller V (2010) Legislation of Doping. In: *The Ethics of Doping and Anti-Doping*. Routledge Taylor & Francis Group, London, UK, pp. 107-122.
16. James W (1911) *Pragmatyzm: Dylematy determinizmu*. Warszawa, Poland.
17. Kosiewicz J (1988) Pierre de Coubertin in the Circle of Olympia and Laokoon. *Sport Wyczynowy 7(8)*: 54-64.
18. Iwańczyk R (2011) *Śmigielski: Volleyball Players Test the Limits*. Gazeta Wyborcza, Poland.
19. Kosiewicz J (2004) Dilemmas of Olympic Sport. In: *Philosophical Aspects of Competitive Sport*. Wydawnictwo BK, Warszawa, Poland, pp. 323-340.
20. Kobierecki (2017) Struggle for Political Prestige in Cold War Sports Competition. In *Sports War of the Worlds*. Wydawnictwo Ibidem, Łódź, Poland, pp. 74-130.
21. Pasko A (2012) *Competitive Sport in State Politics*. Wydawnictwo AVALON, Kraków, Poland.
22. Holm S (2010) Doping under Medical Control Conceptually Possible but Impossible in the World of Professional Sport. In M Mc Namee (Eds.) *The Ethics of Sport: A Reader*. Routledge Taylor & Francis Group 1(2): 135-145.
23. Schneider AJ, Hong F (2007) *Sport in the Global Society*. Taylor & Francis Group, London, UK.
24. Tamburini C (2007b) Are Doping Sanctions Justified? A Moral Relativistic View. *Taylor & Francis Group 9(2)*: 199-211.
25. Houlihan B (2008) *Sport and Doping*. In *Sport and Society*. Sage Publication, London, UK.



This work is licensed under Creative Commons Attribution 4.0 License
DOI: [10.19080/JPFMTS.2018.02.555590](https://doi.org/10.19080/JPFMTS.2018.02.555590)

**Your next submission with Juniper Publishers
will reach you the below assets**

- Quality Editorial service
- Swift Peer Review
- Reprints availability
- E-prints Service
- Manuscript Podcast for convenient understanding
- Global attainment for your research
- Manuscript accessibility in different formats
(Pdf, E-pub, Full Text, Audio)
- Unceasing customer service

Track the below URL for one-step submission
<https://juniperpublishers.com/online-submission.php>