

SHARING THE BLAME: COMPLICITY, CONSPIRACY, AND COLLECTIVE RESPONSIBILITY IN SPORT

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While it is difficult to classify an athlete's participation in sport as solely an individual or a collective act, it is easy to make the case that there are both public and private dimensions to sport. Similarly, one can view the athletes competing in a sporting event from the reductionist perspective that sees them as individuals performing their own distinct roles, or from the collective perspective, which identifies them as a group seeking a common goal. However, an examination of athletes caught using performance-enhancing drugs and procedures banned by the World Anti-Doping Agency shows that when it comes to doping in sport, the neater, simpler, and more convenient reductionist position often replaces the collective view and places the blame almost entirely on the individual athlete.

Unquestionably, the athlete makes the final decision to deposit a banned substance in his or her body and is therefore causally responsible for failing a doping detection test. But, I will argue, causal responsibility is not an essential component of complicitous responsibility. Only in the rarest of cases could an athlete research what drugs would be most effective, manufacture the performance-enhancing drugs, and make use of them without the assistance of his or her coaches, trainers, sports medicine advisors, therapists, or other support personnel. Hence, the relationships between the athlete who takes the banned substances and the people who make them available to the athlete are important. I argue that these people together form a collective and are complicitous to the act of doping, which should render them all socially and morally accountable for the act. Except in the most scandalous doping cases where an athlete's positive test result grabs the media's attention and the ensuing public outcry demands that all involved be held accountable, the professionals and ancillary workers who develop, produce, distribute, and condone the use of banned substances are overlooked in favour of blaming the athlete. The collective does not share the responsibility but instead places it entirely on the athlete.

In this paper, I argue that the participatory intentions of the athlete's support personnel make them complicit to the act and therefore partially accountable for the doping offence. Drawing on Christopher Kutz and Margaret Gilbert's accounts of shared intentions and collective responsibility, I argue that the group members' participatory intentions warrant holding the entire group responsible. The implication of this view is that doping is a collective act, rather than an individual one, and anti-doping officials should focus more on the complicitous nature of doping.

Keywords: Collective responsibility, complicity, conspiracy, responsibility, blame, doping.

INTRODUCTION

Individual athletes often act together, as groups or collectives, to achieve shared goals. For example, any sports fan might convincingly argue that all of the players on his or her favourite soccer team want to win their league's 2006 championship, that all members of a team seek to improve the team's abysmal record from last year, or that a national team collectively dreams of vying for the Olympic title in 2008 in Beijing. In team sports, the individuals who make up the team likely have their own independent goals, such as scoring more points than a rival or being named the most valuable player of a tournament, but each player also shares the overall aspirations of the team. One player may try to stop the opposing team's scoring attempts whereas another seeks

to score against the other team, but all perform their specific duties to advance the shared goal of defeating the opponent. The teamwork required to do so makes the collective aspect of team sports very evident; for example, having the best goalkeeper in the league would be fruitless if none of the offensive players could ever score a goal. The individual players on the team clearly work together and form what we might call a team, a group, or a collective.

The roles of the auxiliary and support personnel who work alongside the team are less clear in the team context, and are even more muddled when applied to individual sports like swimming and cross-country skiing where the competing athletes are much more self-sufficient. It is important to note that an athlete's support and healthcare "team" differs significantly from

the “team” made up of his or her fellow players.¹ While members of the same team or club obviously work together to achieve the collective objectives of the team, in this essay I focus on athletes’ relationships and interactions with their support personnel only, not with each other. I discuss athletes who participate in team sports as individuals, not as players on a team, in order to account for athletes who compete in individual sports.²

The list of support personnel who work with elite sports teams is seemingly endless; the number of medical personnel listed on many nations’ Olympic rosters is in the dozens and includes such varied positions as physicians, masseuses, physiotherapists, athletic trainers, nutritionists, biomechanists, pharmacists, and exercise physiologists, to name only a few. When athletes emerge victorious and bestow pride and honour upon their teams, the world views the supporting staff as integral components in the triumphant team’s success. However, when an athlete tests positive for performance-enhancing drug use, governing bodies, such as the International Sport Federation (ISF) of which the team is a member and the World Anti-Doping Agency (WADA), often attribute the act of doping solely to the individual(s) whose test(s) provide definite proof of cheating.³

When drug tests identify an athlete as a cheater, the same people who take credit for the success of the athlete prior to the doping offence often quickly extricate themselves from the guilty parties and purport their shock and astonishment at the allegations. No one, it seems, ever has any idea the athlete found with banned substances in his or her body abused performance-enhancing drugs or was anything less than a wholesome and virtuous athlete. As a result, when WADA and/or the Court of Arbitration for Sport (CAS)⁴ hand out a punishment for a doping transgression, the athlete is often left to face the consequences alone.⁵ In this paper, I argue that doping is a collective act, so attributing it solely to the athlete is inappropriate and unfair. I will attempt to show that the participatory intentions of the athlete’s support personnel make them complicit to the act and therefore partially accountable for the doping offence. Drawing on Christopher Kutz and Margaret Gilbert’s accounts of shared intentions and collective responsibility, I argue that the group members’ participatory intentions warrant holding the entire group responsible. To support this view, I will:

1. critique how doping cases are frequently handled in sport;
2. examine what constitutes a collective;
3. offer reasons for holding an athlete’s support network complicit in doping infractions; and,
4. discuss implications and objections to considering athletic support personnel and athletes part of a collective. From this, I will argue that doping is a collective act because the participatory intentions held by athletes’ support personnel make them complicit to the act and therefore partially accountable for the doping offence.

A CRITIQUE OF HOW DOPING CASES IN SPORT ARE FREQUENTLY HANDLED

A doping offence occurs when a drug testing agency, usually WADA, detects and announces that an athlete’s urine or blood sample contains traces of substances prohibited in the World Anti-Doping Code. Following the authentication of the original test, the athlete receives a punishment, which is generally a two year ban from competing at the elite level and eradication of any recent records the athlete may have set. The World Anti-Doping Code used to recommend that the CAS hand out four year bans to athletes caught using performance-enhancing drugs for the first time and lifetime bans to repeat offenders. However, judges often overruled these stiffer punishments in various public courts. The athletes’ legal representatives argued, successfully, that lifetime bans take away athletes’ primary sources of income and violate their rights to employment. Rather than continually battle municipal, provincial, and federal courts, sport-governing bodies agreed to lower the imposed ban to two years.⁶ The athlete caught doping often faces public scrutiny, shame, and loss of current and potential sponsorship and endorsement opportunities, as companies do not want to be associated with dishonesty and cheating. The majority of positive drug tests play out in this manner, and the disgraced athlete then typically fades from the sporting world, rarely to be heard from again. However, in the most scandalous doping cases where an athlete’s positive test result grabs the media’s attention, the resulting public outcry demands that sport-governing bodies hold additional people accountable and further

¹ This point was raised by an anonymous reviewer of *Acta Universitatis Palackianae Olomucensis. Gymnica*.

² Collective responsibility among players is a subject that requires further research and analysis.

³ See www.wada-ama.org for the World Anti-Doping Agency’s policies regarding drugs in sport.

⁴ The International Olympic Committee (IOC) formed the CAS under the guidance of IOC member and International Court of Justice judge H. E. Kéba Mbaye in 1981. The organization is an internationally recognized court of arbitration with the sole purpose of settling sport specific disputes. For more information, see <http://www.tas-cas.org/>

⁵ For more information on the role of WADA and CAS in dealing with doping in sports and examples of how past doping cases were handled, please see each organization’s respective website, www.wada-ama.org, and www.tas-cas.org/

⁶ This explanation was offered by Richard W. Pound, chair of the World Anti-Doping Agency and partner at Stikeman Elliot LLP, in his address, “Doping in Sport,” at the University of Western Ontario’s Faculty of Law on 24 November 2005.

investigation is often necessary. This is what happened following Ben Johnson's disqualification at the 1988 Olympic Games in Seoul, which resulted in a full-fledged investigation into doping in sport in Canada.

Known simply as the Dubin Inquiry, after Chief Justice Charles Dubin who presided over the court investigations and report, The Commission of Inquiry into the use of drugs and banned practices intended to increase athletic performance was the first full-scale examination of doping in sport that looked beyond the athlete's guilt, prior to the BALCO scandals in recent years. The Dubin Inquiry attributed partial responsibility for Ben Johnson's doping offence to his coaches, trainers, and other consultants, and stands as a case of sports organizations bestowing partial responsibility on individuals other than the athlete for the act of abusing banned substances in sport. While the athlete certainly makes the final decision to swallow the pill or inject the drug, discounting the roles played by the professional and supplementary workers who support, assist, and train the athlete ignores the contributions that these people make to the athlete's use of performance-enhancing drugs. The athlete's job is to train hard and put forth a maximal effort in competitions and training. The overwhelming majority of athletes lack the scientific background, time, and knowledge to research what drugs would be most effective for their particular skills or events, obtain or manufacture the chosen performance-enhancing drug(s), and make use of them without triggering the suspicions of their coaches and other members of their entourages. To think that an athlete gets a hold of performance-enhancing drugs and uses them just prior to major competitions is unrealistic.

The use of banned substances follows a highly scientific cyclical series of high usage culminating at the peak of training, followed by a maintenance phase where the athlete hopes the residual level of drug in his or her body falls below WADA's acceptable limits or can be effectively masked. Realistically, the members of an elite athlete's coaching and training staff, whose job it is to train the athlete and who record and monitor the slightest changes in the athlete's physiological responses, are likely fully aware of the athlete's use of banned substances. The consultants an athlete employs to guide him or her in the pursuit of Olympic medals and world records possess infinite amounts of technical knowledge and specialization in athletic training; it is thus quite a stretch to think they could be unaware of the athlete's misuse of performance-enhancing drugs, although it is possible they may be wilfully blind.

The Dubin Inquiry concluded that it was impossible for Johnson to have single-handedly obtained the drugs and coordinated the dosages to peak at the Olympic

Games. Thus, tantamount to Johnson's ban from participating in elite sport, the Medical Council of Canada and the Canadian track and field federation banned Johnson's physician, Dr. George Mario "Jamie" Astaphan, and his coach, Charlie Francis, from practicing their respective professions in Canada. However, this is the exception to the rule, not the norm. And, as an aside, although they were subsequently reinstated, Francis now coaches international athletes, rather than Canadians, because he is still prohibited from coaching in Canada and Astaphan no longer works in the sports medicine field due to his damaged reputation.

In the time it took to report a positive doping test at the 1988 Olympics in Seoul, Ben Johnson went from a national Canadian hero to a Jamaican-Canadian athlete who brought shame to the country and its track and field program. His resulting comeback attempt following his 4 year suspension was unsuccessful due to his continued reliance on drugs to fuel his performance and his extreme unpopularity with fans. While the Dubin Inquiry led to the acknowledgement of the role some of Ben Johnson's support personnel played in his fall from grace in Canadian sport, subsequent cases of drug use among elite athletes almost immediately returned to punishing only the athletes for doping misdemeanours. The professionals and consultants, who develop, produce, distribute, and condone the use of banned substances, are often overlooked in favour of blaming the athlete and sweeping the problem under the rug, so to speak.⁷ Perhaps due to the difficulty in punishing anyone other than the competing athlete or perhaps due to the desire to easily "fix" the problem of doping in sport, in the majority of cases an individual is wrongly held responsible for a collective act.

AN EXAMINATION OF WHAT CONSTITUTES A COLLECTIVE ACT

Attributing an athlete's positive result for performance-enhancing drug use to people intricately involved in the athlete's preparations acknowledges the complicitous nature of doping and the complicated network of social, moral, and legal factors that influence an athlete's decision to use banned substances. I argue here that a collective, in this context, is a group of agents who are all responsible, or accountable, for an action due to their involvement in bringing about that act. While this definition is clean and simple, difficulty lies in moving from acknowledging the collective nature of doping to holding anyone other than the athlete responsible. It is the athlete, and only the athlete, whose body the positive test sample originates from, and it is ultimately the

⁷ Burstyn, *Sporting life*, 30.

athlete who knows how the banned substance got into his or her system. However, the participatory intentions that Christopher Kutz discusses in his most recent book on collective responsibility "Complicity: Ethics and Law for a Collective Age" are a useful tool for determining whether a group of people constitutes a collective and whether one should attribute any responsibility for the act to them.

According to Kutz, an individual with a participatory intention intends or seeks to contribute to a collective outcome and "act as part of a group".⁸ Members of a collective thus seek the same outcome and strive toward the same goal, even if they play vastly different roles in doing so. Kutz argues that collective actions include the following five elements: 1) the involvement of two or more individuals; 2) task-intricacy, such that each agent in the collective has a distinct role; 3) a cooperative spirit held by the agents; 4) autonomy in how each agent carries out his or her part; and, 5) ends and means that each agent has variable influence over.⁹ One can easily identify the above five criteria in the actions of the consultants and professionals who help train and guide athletes who test positive for banned substances. There are usually several people involved, and all have their own areas of expertise that they contribute to the common goal. Each individual contributing to the collective action does so with the intention of helping to bring the shared goal to fruition. Kutz maintains "jointly intentional action is primarily a function of the way in which individual agents regard their own actions as contributing to a collective outcome", and that the participatory intention this entails is an essential component of joint actions.¹⁰ On this account, the athlete is not acting alone; rather, he or she acts as one part of a collective.

What Kutz's notion of participatory intentions comes down to is that when people share a desire to see a specific outcome occur, and they work together to make it happen, they have intentionally participated in the act and acted as a group or a collective. Based on Kutz's account of participatory intentions and their role in collective acts, one can think of the auxiliary personnel who train and contribute to the athlete's success as a collective or group. Each person involved shares the goal of making the athlete as strong, fast, adept, and efficient as possible and intends for the athlete to achieve international success in elite athletic competitions. This is why the athlete recruited each individual to help him or her in the first place. For example, the physician or pharmacist who

supplies the banned substance does so with the intention of helping the athlete improve and outperform the competition; he or she does not supply the athlete with banned substances merely for personal satisfaction or enjoyment, as doing so can potentially violate his or her professional oath and reputation. As well, the athlete's coaches, trainers, and other advisors, who either condone or ignore the signs of banned substance abuse, intend for the athlete to gain a competitive advantage over his or her opponents. The athlete's entourage of professionals and athletic specialists all share the goal of seeing the athlete enhance his or her performance and thus all share the participatory intention of using their expertise to contribute to the athlete's success.

A slightly different analysis is in order when an athlete can obtain the banned substance without the assistance of medical personnel, such as through the robbery of a drug laboratory, via black market sales, or from purchasing over the counter products that are acceptable outside of the sporting world. Many substances included on the WADA's list of prohibited substances and methods are widely available in pharmacies and health and nutrition stores.¹¹ When athletes abuse these substances, despite the ban placed on them, a participatory intention might still be attributable to the athlete's sports medicine advisors because part of their job description is to counsel the athlete on appropriate and inappropriate nutritional supplements and products. Whoever acts to provide the athlete with the banned substance, whether or not the person has any medical or health credentials, aids in the completion of the act and is an active, intentional participant in the doping offence. Of course, when those involved have no intention of breaking the rules and somehow inadvertently assist an athlete in failing a doping test, they lack participatory intentions. However, for fairness and consistency, sport-governing bodies do not accept unintentional consumption as an acceptable excuse.

Margaret Gilbert's description of group acts accurately depicts the involvement of an athlete's entourage in doping practices. For Gilbert, group acts involve actions performed by social groups who form plural subjects,¹² where plural subjects are groups of people whose "wills are bound simultaneously and interdependently," and thus can refer to themselves as "we" rather than "I" or two individuals.¹³ Due to their participatory intentions, the group can say: "We intend to help the athlete achieve success," despite the different method each individual uses to facilitate the desired outcome. One can

⁸ Kutz, *Complicity*, 67.

⁹ Kutz, *Complicity*, 68.

¹⁰ Kutz, *Complicity*, 74.

¹¹ World Anti-Doping Agency, *Prohibited list international standard*.

¹² Gilbert, *Walking together*, 9.

¹³ Gilbert, *Walking together*, 8.

thus consider the relationship between athletes and their entourages to demonstrate a “we” attitude since they all intend for the athlete to improve, succeed, and emerge victorious, even though their methods of doing so can be far from virtuous. Each expert and professional who the athlete consults has experience and proficiency in an area the athlete is lacking. However, the resources of all these people together contribute to help achieve the desired goal of the group. When prohibited methods are among those utilized to reach the goal, then, as I will argue next, the group as a whole is responsible for the production of the ensuing act.

REASONS TO HOLD AN ATHLETE’S SUPPORT NETWORK COMPLICIT IN A DOPING INFRACTION

If one is to move from considering a group of people a collective to considering them complicit in a prohibited act, one must agree that a person’s intentions are important in determining his or her accountability for that act. As it seems quite unlikely that an athlete could single-handedly plan and orchestrate the intricate details of performance-enhancing drug use, additional people must work with the athlete to do so. It is not the case that doping is always a collective act; it is conceivable and even likely in several prominent doping cases that have garnered media attention in the last decade that some athletes act alone in planning, orchestrating, and implementing a doping regimen,¹⁴ but the number who go about it alone is likely very low, based on the knowledge and resources needed to do so. The conspiracy that results between the athlete and the experts who help coordinate the doping project renders all parties involved responsible, but to what degree is uncertain. Apportioning individual accountability and responsibility in collective contexts and acts is never an easy task, and as a review of the philosophical literature on collective responsibility demonstrates, there is no widespread agreement on how this can be done.¹⁵ How to fairly attribute partial responsibility to individuals complicit in the act of doping, or in any collective action, is still far

from clear and remains a popular topic of discussion among philosophers studying the issue.¹⁶

Kutz’s analysis of complicity, conspiracy, and accountability justifies the responsibility I seek to bestow upon the athlete’s support personnel. According to Kutz’s analysis, it is justifiable to hold complicit individuals partially responsible as he claims: “It is not necessary to show that conspirators in any way aided the commission of the crime, but only that they agreed to its commission, or to the commission of another crime giving rise to it.”¹⁷ Hence the participatory intentions of the behind the scenes players should make them partially accountable for the athlete’s doping violation. Holding more than just the athlete who takes the drugs accountable, by disqualifying entire teams and disciplining coaches, sport physicians, and other consultants with participatory intentions, might be beneficial to eradicating drug use in sport. However, the practicality of doing so is questionable at best because, aside from controlled substances that are illegal for anyone to possess, many performance-enhancing substances that physicians prescribe, coaches recommend, and athletes consume are perfectly acceptable outside the realm of elite sport.

Kutz’s work supports this view as he states: “If the criminal has voluntarily engaged in conduct that he had reason to believe violates a legal standard, and it is not unreasonable to expect his compliance with that standard, then some kind of punishment is fair.”¹⁸ Ignorance of the rules is not an acceptable excuse in sport. Information on banned substances and the consequences of doping is widely available in WADA’s publications and sports organizations expect athletes and their network of advisors to know, and follow, all of the rules. The dominant attitude held by sport officials, most notably WADA president Dick Pound, is that participation in elite sport is optional and therefore if athletes disagree with the rules, they can opt not to participate.

Kutz also argues that one can be complicitous to criminal liability without actually being causally responsible for the harm produced.¹⁹ The harm in question here, which is the use of performance-enhancing drugs, requires the cooperation of the athlete; however, the athlete cannot produce the harm alone. Support person-

¹⁴ An example of this is the adamant and repeated proclamation by Canadian cyclist Chris Sheppard who claims to have coordinated his doping regimen alone, unbeknownst to his family, teammates, coaches, and the cycling world. He is currently banned from competing due to his use of synthetic EPO (Fortems, I cheated).

¹⁵ See Larry May and Stacey Hoffman’s anthology *Collective responsibility: Five decades of debate in theoretical and applied ethics* for several philosophers’ attempts to do so, particularly the essays entitled *Collective Responsibility* by Joel Feinberg and D. E. Cooper.

¹⁶ See, amongst others, Virginia Held’s article “Can a random collection of individuals be morally responsible?” in the *Journal of Philosophy*, 67(14), John Searle’s chapter: “Collective intentions and actions” in *Intentions in Communication*, David Copp’s article: “Collective actions and secondary actions” in *American Philosophical Quarterly*, 16(3), and Margaret Gilbert’s chapter: “What is it for us to intend?” in *Contemporary Action Theory*, 2, *Social Action* for several interesting approaches.

¹⁷ Kutz, *Complicity*, 209.

¹⁸ Kutz, *Complicity*, 225.

¹⁹ Kutz, *Complicity*, 217.

nel who contribute to the athlete's conspiracy to cheat facilitate the athlete's actions. So while the athlete is causally responsible for failing the doping detection test, the other people involved who contributed to the act are also accountable, despite their lack of direct causal responsibility. The parties involved wish to see the athlete emerge victorious, and they all contribute to making it happen, despite their different reasons for desiring that outcome. As such, they are not all equally accountable for the athlete's doping violation but they do hold some responsibility.

Since the act of doping requires the coordinated efforts of many so-called "experts" to develop, acquire, and recommend the banned substances to the athlete, reducing the responsibility to individuals fails to address the problem as a whole. The culpable parties, as a collective, produced an act of harm, which is greater than the sum of the individual acts of harm produced by each person involved.

IMPLICATIONS AND OBJECTIONS TO CONSIDERING ATHLETIC SUPPORT PERSONNEL A COLLECTIVE

Many of the problems typically associated with labeling groups as collectives do not come into play in the context of sport due to the teamwork required in sport and its collective nature.²⁰ For example, it is easier to see the collective nature of doping in sports than to argue that all people who drive cars are part of the collective responsible for environmental pollution, or that all of a country's soldiers are part of a collective that is guilty of war crimes. We tend to over-individualize collective actions in many areas of life, but elite sport need not be one of them. The individual athletes and their support personnel who comprise the collective are not just a random group of people caught in unfortunate circumstances; they are voluntary participants in the act and are often specifically recruited to offer their services to the group. For the same reason, they are not just innocent victims or bystanders. Their involvement in the act is a result of their choice to become involved. No sport physician is obligated to prescribe banned substances to an athlete and not counsel him or her on the consequences of taking a drug. Similarly, no coach is obligated to pressure, coerce, or condone an athlete's desire to increase performance using banned substances or practices. The opposite is true, particularly for team physicians who have the responsibility of ensuring ath-

letes understand the effects of their medications. Therefore if members of the collective deny their involvement and reject their membership in the group, looking at the actions produced by the individual in question on behalf of the athlete should help determine their actual involvement in the collective. Although the members complicitous to the act of harm often re-label themselves as deceived bystanders who had nothing to do with the athlete's poor judgment and decision to break the rules of sport, their actions and participatory intentions often contradict their attempts to downplay their involvement when the athlete gets caught.

The collective aspects present in sport are espoused in philosopher Gunnar Breivik's observation that sports contests test much more than the athlete performing the activity in question. As Breivik notes: "It is increasingly obvious that what we are really testing is not the person, but a system, the performing team with coach, medical support team, psychological team, equipment producers, sponsors, etc."²¹ However, a problem with including an athlete's entourage of trainers and consultants responsible or complicit for his or her doping infraction is that it is difficult to determine where to draw the line on who is included in the collective and who is not. One could argue that many social, moral, and legal factors are at work that influence and coerce athletes to choose performance-enhancing drugs over simple hard work and training to succeed in elite sport. Arguments of this type might claim that the moral nature of sport is lacking and the guilty athlete is only a reflection of a society that values monetary rewards and individual glory over integrity and dedication. The whole sports system, then, seems responsible.

One should not ignore the media's involvement in the drug culture present in elite sport. Corporations reward athletes for their athletic success with sponsorship and endorsement opportunities. Yet, to receive a lucrative endorsement or sponsorship deal, an athlete must consistently win international events and remain extremely competitive in his or her events as companies do not want their names associated with mediocrity. Similarly, companies also do not want their names associated with athletes who use drugs or other forms of cheating to achieve their success.

Some might question if we can hold corporations that sponsor athletes complicitous to the use of performance-enhancing drugs because they create an environment that demands continual athletic excellence and hard to sustain world rankings. The answer appears to be no, since athletes know the difficulty of maintain-

²⁰ The apportionment of partial responsibility among members of a collective has been a serious consideration in business and criminal law for several decades. However, a comparison of collective responsibility in sport and in law is beyond the scope of this paper and is an area that requires much further analysis to determine how the relationships among complicit individuals are established and how punishments are, and should be, applied.

²¹ Breivik, *Against chance*, 149.

ing any sponsorship opportunities they may receive in their primes and they always have the opportunity to pursue a different career if they cannot maintain the requirements of being a full time elite athlete. Just as a person who finds him or herself too old to continue heavy construction, or too weak or inflexible for his or her current job can move on to a less physically demanding job, athletes too can seek employment elsewhere if they cannot maintain their world rankings and sponsorship contracts without the assistance of performance-enhancing drugs.

A similar objection implicates many nations' government policies toward elite sport and claims that these policies inadvertently promote the use of performance-enhancing drugs in sport due to their incredible demands. One must consider if the group of people complicit in the athlete's drug use includes the top officials that govern sport in each nation. In Canada, to achieve financial support from the government to train full time, athletes must consistently rank in the top eight in the world. As former Canadian Olympic athlete and sport scholar Bruce Kidd notes: "To demand that athletes rank among the top eight in the world to qualify for an 'A' card, as Sport Canada now does, puts an enormous premium on performance enhancement. How many Canadians are in the top eight in the world in any field? Imagine making the salaries of Canadian lawyers or judges dependent on that criterion. But that's what we do to our athletes. We tell them, unless you win, you don't eat."²²

The thought of governments eliminating research grants and funding for university philosophy departments, so that only philosophers considered one of the eight greatest thinkers in the world in their area received any payment, seems absurd. One might argue that placing this height of expectation on athletes steers them toward relying on doping to fuel their performances. But, again, this objection can be dealt with by remembering that no one forces elite athletes to be full time athletes. The love and dedication to the sport embodied by elite athletes who reject doping practices shows that human beings can participate in elite sport, with all the pressures of gaining funding and sponsorship, without resorting to drugs for assistance.

Another objection to viewing doping as a collective action stems from the perception that doping involves a high degree of coercion. As outsiders, we cannot be sure of each person's actual involvement, intentions in becoming involved, or reasons for acting. As Kutz points out: "Frequently our knowledge of what others do when we act together is hazy or distorted."²³ However, this

is a problem of epistemology that affects what we can know in general, and it is a problem that is too large to take up here.

Once a person is deemed complicit in the act, the next hurdle comes in determining the extent of each individual's involvement and the appropriate action(s) to take. To do so would require a great deal of investigation by, and cooperation among, sport-governing bodies, such as WADA and CAS. Possible implications for those found complicit in the action could involve marking the athlete's positive doping result on the coach, physician, or other involved parties' licences and records.²⁴ As a result, doing so could lead to changes in how doping cases are currently prosecuted and how the bans are handed out. For example, coaches, physicians, and other support personnel might one day receive bans similar to those currently imposed upon athletes found guilty of doping that prohibit them from working in elite sport for a set period of time if athletes under their care are found to have used banned substances or methods. Recognizing collective responsibility in sport has the potential to alter how doping cases are treated. An extensive study on new methods of prosecution that recognize the partial responsibility of all those found complicit in an act of doping is required.

The Dubin Inquiry looked into who exactly was responsible for doping in sport, but subsequent investigations of doping cases failed to live up to the precedent set by the landmark examination. While one might want to hold everyone who contributes to creating an atmosphere in sport that is conducive to doping responsible, doing so would be very difficult and likely financially unfeasible, to name only a few problems. The sheer number of people involved would be astonishing. Deciphering who is partially accountable, fully accountable, and complicitous to the harms produced by doping is an enormous task. Nonetheless, if anti-doping authorities are sincere in their desire to eradicate performance-enhancing drug use in sport, they will need to rise to meet the challenge, take action, and address one of the neglected roots of the problem. How this should transpire requires further study. Perhaps holding all involved partially responsible will lead to increased tensions, suspicions, and distrust among colleagues and competitors in elite sport. Or perhaps an extreme application of collective responsibility in sport, which might prohibit entire teams or nations from competing for a specified time period, for example, could effectively promote sport governing bodies' steadfast intolerance of doping in sport.

²² Burstyn, *Sporting life*, 24.

²³ Kutz, *Complicity*, 155.

²⁴ This possibility was suggested by an anonymous reviewer of *Acta Universitatis Palackianae Olomucensis. Gymnica*.

Despite the intricate interactions between athletes, teammates, coaches, trainers, and other support personnel, when it comes to documented cases of doping in sport, it is the athlete alone who often shoulders the blame, is held accountable for cheating, and receives the corresponding punishment. Drawing predominantly on philosophers Christopher Kutz and Margaret Gilbert's accounts of intentions and collective responsibility, I have argued that the participatory intentions of an athlete's advisors and training staff warrant holding the entire group responsible when an athlete tests positive for performance-enhancing drugs. A general implication of this view is that doping is a collective act, rather than an individual one, and the complicitous nature of doping should not be overlooked. Failing to do so places the entire blame and responsibility, unjustly, on the athlete.

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SDÍLENÍ VINY:

SPOLUVINA, SPOLČENÍ

A KOLEKTIVNÍ ODPOVĚDNOST VE SPORTU

(Souhrn anglického textu)

Přestože je obtížné označit atletovu účast ve sportu za výhradně individuální nebo kolektivní akt, je snadné obhájit, že sport má jak veřejný, tak i soukromý rozměr. Podobně lze nahlížet na atlety soupeřící při sportovní události z redukcionistického hlediska, které je považuje za jednotlivce plnící své vlastní odlišné role, nebo z hlediska kolektivního, které je označuje za skupinu snažící se naplnit společný cíl. Zkoumání atletů, kteří byli přistiženi při použití látek zvyšujících výkon a postupů zakázaných Světovou antidopingovou agenturou, však ukazuje, že v oblasti sportovního dopingů nahrazuje často jasnější, jednodušší a vhodnější redukcionistické hledisko kolektivní pohled a vinu přičítá téměř výhradně danému atletovi.

Konečné rozhodnutí vpravit do svého těla zakázanou látku bezpochyby činí atlet, a ten je proto příčinně odpovědný za selhání při dopingové zkoušce. Tvrdím však, že příčinná odpovědnost není zásadní složkou společné odpovědnosti. Jen v těch nejvýznamnějších případech dokáže atlet vyzkoumat, které látky budou nejučinnější, sám látky zvyšující výkon vyrobit a použít je bez pomoci svých trenérů, instruktorů, poradců v oblasti sportovního lékařství, terapeutů či dalších podpůrných zaměstnanců. Z toho plyne, že důležité jsou vztahy mezi atletem, který zakázané látky použije, a lidmi, kteří je atletovi opatří. Tvrdím, že tito lidé společně vytvářejí kolektiv a nesou za doping společnou vinu. Z toho důvodu by se měli za tento čin společensky a morálně zodpovídat. Kromě těch nejskandálnějších případů dopingů, kdy atletův pozitivní výsledek zkoušky upoutá pozornost médií a kdy následný křik veřejnosti vyžaduje volat k odpovědnosti všechny zúčastněné, jsou profesionálové a pomocní zaměstnanci vyvíjející, vyrábějící, rozšiřující a umožňující použití zakázaných látek přehlíženi a vina je místo toho přičítána atletovi. Kolektiv nesdílí odpovědnost, ale namísto toho ji klade výhradně na atleta.

V tomto příspěvku tvrdím, že úmyslná účast členů atletova podpůrného personálu je čin ve věci spoluvinnými a tudíž i částečně odpovědnými za porušení dopingových pravidel. Na základě materiálů Christophera Kutzeho a Margaret Gilbertové o společných úmyslech

a kolektivní odpovědnosti tvrdím, že úmyslná účast členů skupiny opravňuje k tomu, abychom činili odpovědnou celou skupinu. Plyne z toho, že doping je spíše kolektivním než individuálním činem a že antidopingoví úředníci by se měli více zaměřit na otázky spoluviny při dopingu.

Klíčová slova: kolektivní odpovědnost, spoluvina, spolčení, odpovědnost, vina, doping.

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