



# Trust, Competition, and Preventive Justice: Responding to Rule Violations in Sport

John William Devine<sup>1</sup> 

Received: 11 July 2024 / Accepted: 28 July 2025  
© The Author(s) 2025

## Abstract

Meaningful sporting competition rests on athletes complying with rules that they can easily violate undetected. From match-fixing, where players attempt to lose by illegitimate means, to doping, where players attempt to win by illegitimate means, sport is replete with trust-based rules. How should sports authorities respond to the breach of such rules? I argue that trust-based rules pose a unique ethical challenge for sports authorities, and their violation requires a distinctive institutional response. Specifically, the principal response to such violations should be preventive rather than punitive. Sports authorities should mitigate the risk posed by violators of trust-based rules to the meaningfulness of future competition rather than punish violators for past wrongdoing. This paper develops a preventive justice approach to the most routinely flouted, and widely discussed, variety of trust-based rule in sport – anti-doping rules. This argument illuminates the treatment of other types of trust-based rule in sport and trust-based rules in certain non-sporting rule-bound competitive contexts.

**Keywords** Competition · Preventive justice · Philosophy of sport · Sports ethics · Trust · Enhancement · Anti-doping

## 1 Introduction

Imagine a world-class athlete who has been judged by an applicable sports authority (e.g. a national anti-doping agency) to have willingly participated in a programme of performance enhancing drug use (‘doping’) over an extended period. Given the severity of their anti-doping rule violation (ADRV) and the absence of mitigation, they have been required to serve a 4-year period of ineligibility from competition.

---

✉ John William Devine  
[j.w.devine@swan.ac.uk](mailto:j.w.devine@swan.ac.uk)

<sup>1</sup> Swansea University, Bay Campus, Swansea SA1 8EN, UK

Throughout this period, they never express remorse, they never attend an anti-doping education programme, they continue to train with a group of athletes among whom doping is commonplace, and they continue to receive guidance from the same coaching and medical teams that sourced their performance-enhancing drugs and coordinated their doping programme. On the eve of their return to competition following this period of ineligibility, the athlete calls the world's sports media to a press conference at their training base. At the press conference, they express excitement about their impending return to competition and they report being in the best shape of their life. They further state that the reason for their failed test four years ago was carelessness, and they declare that this time they won't be so careless—this time they will dope using a potent new undetectable substance.<sup>1</sup> Should this athlete—the 'Shameless Doper'—be allowed to return to competition?

The prevailing anti-doping system, underpinned by the World Anti-Doping Code,<sup>2</sup> would allow their return. The purpose of this paper is, firstly, to demonstrate that the Shameless Doper case is just one of many examples in which the prevailing system delivers outcomes that fail to protect sport from doping, and, secondly, to propose an alternative system, based not on punishment, but on prevention.

The paper proceeds in five sections. In Sect. 1, I clarify the nature of 'meaningful competition', and I distinguish it from two cognate terms. In Sect. 2, I introduce the concept of 'trust-based rules' and I detail the threat posed to meaningful competition by such rules. I argue that, owing to the ineliminability of trust-based rules in sport, the possibility of meaningful competition rests on the trustworthiness of athletes. Then, I focus discussion on a paradigm set of trust-based rules in sport—rules that limit the use of performance-enhancing drugs and methods (i.e. anti-doping rules). In Sect. 3, I challenge the 'Punishment Thesis', which holds that the appropriate response to violations of trust-based rules (such as anti-doping rules) is punitive. I argue that such a response fails to protect meaningful competition in at least four different types of doping case. In Sect. 4, I make the case for a fundamental change of direction in the regulation of doping. Specifically, I contend that preventive exclusion—a non-punitive approach—should form the central plank of our response to doping. In contrast to punishment-based approaches, this protects sport by recognising that meaningful competition hinges both on the inclusion of trustworthy athletes as well as the exclusion of untrustworthy athletes. Finally, in Sect. 5, I defend the preventive exclusion approach against objections.

## 2 The Ideal of Meaningful Competition

Sporting competitions are designed so that, at their conclusion, a ranking is generated that closely reflects the quality of the athletic performances displayed.<sup>3</sup> Such rankings are sometimes supplemented by an absolute value such as a time or distance

<sup>1</sup> This hypothetical is partly inspired by the example of the young offender in Morse (1996: 113).

<sup>2</sup> World Anti-Doping Agency (2021).

<sup>3</sup> This is not to say that luck is absent, or should be absent, from sport. However, in sport that is organised around the display and measurement of sporting excellence, there is reason to reduce the number of

achieved. At the end of a 100 m race, for example, each athlete is provided with the time that elapsed between the starting gun and their crossing the finish line, and they are ranked according to this time against the other runners in the race. In a meaningful contest, the outcome reflects with a high degree of accuracy (though not necessarily perfect accuracy) athletic superiority demonstrated within the contest. That is, meaningful contests track which competitors have manifested superior performance to others in that contest.

This conception of meaningful competition should be distinguished from Harper et al.'s recent discussion of the concept (Harper et al. 2018). On their view, a competition is meaningful 'if all athletes competing have a chance to succeed...' (Harper et al. 2018: 43). 'Meaningfulness', on this understanding, concerns the likelihood of success in competition. A competition would lack meaningfulness if at least one competitor had no realistic prospect of winning. It does not require that all competitors have an equal chance of winning, just that all competitors have at least a non-trivial chance of winning. This might be called the 'prospects of success' conception of meaningful competition.<sup>4</sup>

According to my conception, by contrast, 'meaningfulness' is a function of whether the outcome of competition—performance measurement and ranking—reflects accurately the quality of performances delivered during that competition. Those performances must be achieved while respecting the given normative constraints of, for example, applicable rules and normative principles. Performances that violate these normative constraints typically undermine the contest as a reliable measure of the relevant skills and capacities that the sport is designed to test. So, for a marathon race to be meaningful, it is not enough for all competitors to be accurately timed and ranked—they must also have run rather than cycled. While the prospect of success view concerns whether a contest is sufficiently close, my conception concerns whether the outcome of a contest tracks accurately the quality of performances displayed within it (regardless of whether the contest was close or one-sided). This is the 'accurate measurement' conception of meaningful competition. Henceforth, I use 'meaningful competition' to refer only to the accurate measurement conception.

Meaningful competition should be distinguished from two related concepts: 'successful athletic contests' and 'completed athletic contests'.

## 2.1 Successful Athletic Contests

A 'successful athletic contest' occurs when the outcome of a competition tracks athletic superiority. This is the converse of Nicholas Dixon's concept of a 'failed athletic contest' (Dixon 1999). Dixon identified five sources of failed athletic contests: refereeing error, cheating, gamesmanship, bad luck, and inferior performances by superior athletes. To that list we might add acts of sportsmanship that alter the rankings of an event (e.g. stopping to help an injured competitor, thereby allowing oneself to be overtaken by other competitors). However, not all sources of a failed athletic contest threaten the meaningfulness of a contest. A single contest can be both a failed ath-

---

avenues by which luck can alter the outcome of a contest.

<sup>4</sup> See Pike (2023) for a critique of this conception of meaningful competition.

letic contest and a meaningful contest where, for example, the usually superior team underperforms to lose the given contest and this is reflected in the contest outcome. However, a failed athletic contest that is triggered by cheating or poor refereeing decisions, for example, can also qualify as a contest that fails to be meaningful.

As Dixon describes it, a failed athletic contest is defective *qua* contest on account of its failure to reflect athletic superiority. Athletic superiority is understood by Dixon not in terms a comparison of performances within a single contest, but as a more general form of superiority that transcends the outcome of any given contest. The winner of a contest is not necessarily athletically superior to their defeated opponent. Athletic superiority is a matter of what would *usually* happen if the opponents played in conditions that were conducive to determining the better team. For example, if Player A would defeat Player B 9 times out of 10, the tenth contest in which Player B wins would not establish Player B's athletic superiority over Player A. For Dixon, there exists a truth about which competitor is superior that is separable from the outcome of individual contests, and athletic contests can succeed in tracking this hierarchy to a greater or lesser extent (Dixon 1999: 19).

A meaningful contest does not necessarily identify the 'athletically superior' competitor on Dixon's terms. The less able competitor can win a meaningful contest if, for example, they raise their performance level temporarily and sufficiently to be superior for the duration of the contest. The less able team can be athletically superior for the limited period over which the competition is contested, even if they would usually be athletically inferior.

So, meaningful competition concerns athletic superiority, but it incorporates a narrower conception of athletic superiority than the notion of a successful athletic contest. A competition is meaningful if it roughly tracks athletic superiority defined as performing better than one's opponent(s) *during that single contest*.

Meaningful competition is also a threshold concept, even if the meaningfulness of competition is scalar. A competition can fail to achieve adequate meaningfulness to constitute a meaningful competition. For example, if rule-breaking were widespread among competitors such that the results of the contest would not provide even a rough guide to the quality of performances within the contest, then the contest would fail to achieve adequate meaningfulness.<sup>5</sup> As a threshold concept, meaningful competition can allow for some imperfection in meaningfulness, provided sufficient meaningfulness obtains.<sup>6</sup> For example, if a referee failed to observe a minor infraction that provided one competitor with an unfair advantage, this may erode the mean-

<sup>5</sup> This thought seems to lie behind the UCI's decision not to recognise a winner of the Tour de France for the period 1999–2005 after Lance Armstrong was stripped of the titles following his admission of using performance enhancing drugs during these tours. The decision not to award the titles to riders who followed Armstrong in the final placings was on account of how widespread the practice of doping was among the competitors at the time. See Homewood (2012).

<sup>6</sup> A theory of meaningful competition that required perfect meaningfulness would be susceptible to something akin to the 'Platonic objection' levelled by D'Agostino (1981) against the worst excesses of the formalist normative theory of sport. The view that meaningful competition required a perfectly meaningful contest would have the implausible implication that anything but a perfectly meaningful competition would not be worthy of participation.

ingfulness of the competition, but it may not render the contest an ineffective means of establishing athletic superiority.

## 2.2 Completed Contests

Meaningful competition should also be distinguished from the concept of a ‘completed contest’. Suits recognises the difficulty of achieving a completed contest in *The Grasshopper*: ‘[F]ailing to win the game by virtue of losing it implies an achievement, in the sense that the activity in question—playing the game—has been successfully, even though not victoriously, completed’ (Suits 2014: 84–85).

For Suits, a ‘completed contest’ is one in which the rules have been both followed by competitors (with the required ‘lusory attitude’ (Suits 2014: ch. 3)) and applied correctly by officials. By contrast, a meaningful contest implies, but is not exhausted by, completion. Meaningfulness requires not just rule-following by competitors and correct rule application by officials, it also requires the accurate measurement and comparison of competitor’s performances.

Moreover, ‘completion’ is understood differently to Suits. While, for Suits, sport is constituted solely by formal rules (Suits 2014: ch. 3), on my approach, a meaningful contest may require that non-rule-based norms such as conventions or interpretivist principles be followed.<sup>7</sup> Also, a meaningful contest can withstand some degree of rule violation or failure to apply the rules (or relevant norms) correctly. For example, a failed attempt to cheat that does little to affect the outcome of a contest may not undermine the meaningfulness of the contest.<sup>8</sup> Cheating that influences the outcome significantly, especially in terms of the ordinal ranking of participants, would render the contest no longer meaningful, because the outcome would no longer track the competitors’ displayed athletic excellence.

Having clarified ‘meaningful competition’ and distinguished it from the closely related concepts of successful athletic contests and completed contests, I now consider the nature and moral significance of trust-based rules in sport. I argue that they pose a distinctive threat to the possibility of meaningful sporting competition.

## 3 Trust-Based Rules as a Threat to Meaningful Competition

Competitive sport serves distinctive purposes. Chief among them are the twin goals of testing and ranking participants.<sup>9</sup> In the absence of (roughly) accurate performance measurement and comparison, sporting competition loses its meaning—it is deprived of the distinctive value that makes it worthwhile. There is little reason to compete in a marathon, for example, if one’s performance is not accurately timed and if one’s

<sup>7</sup> On the role of interpretivist principles in sport, see, for example, Russell (1999).

<sup>8</sup> I leave open the possibility that meaningful competition may withstand *some* degree of rule violation. See the concept of ‘playable cheating’ in Gaffney (2018). However, rule violations (of rules that are not defective or at odds with the underlying purpose of the sport) *diminish* the meaningfulness of competition, even if they do not necessarily *extinguish* it.

<sup>9</sup> See Kretchmar (1975) for the distinction between ‘tests’ and ‘contests’, and Kretchmar and Elcombe (2007) for a discussion of the superiority of the latter.

final placing does not closely reflect the quality of one's performance relative to one's competitors. However, meaningful sporting competition is a fragile achievement. Accurate testing and ranking can be undermined in myriad ways, most obviously, by undetected rule violations. Rule violations in themselves do not undermine the meaningfulness of competition. Typically, when a rule is violated, an appropriate penalty is imposed according to the rules and the meaningfulness of the contest is preserved. Violations become defeaters of meaningful competition when they pass undetected and, as a result, go unpenalised.

The challenge to detect rule violations becomes most apparent when we consider the nature of rules in sport. Typically, rule violations occur under the watchful eyes of officials who are well-positioned (whether by technology or their vantage point on the field of play) to identify such violations and to impose an appropriate penalty. However, there is a sub-set of rules that defies such policing. These are 'trust-based rules'. What distinguishes trust-based rules from other rule types is that compliance cannot be ensured through incentives or sanctions, because violations are notoriously difficult to detect. As a result, athletes can violate such rules with relative impunity. In such cases, compliance depends on athletes *choosing* not to violate such rules despite having the opportunity to gain a competitive advantage by doing so.

Trust-based rules include those that prohibit doping, match-fixing, and match manipulation, as well as classification rules that require the declaration of one's age, sex, and disability. Particular sports often also have their own trust-based rules, for example, the rules regarding toilet breaks in tennis or blood substitutions in rugby.<sup>10</sup> These are fundamental constitutive rules of sport, and, as such, they cut to the very heart of the sporting ideal: athletes using their sporting skills and capacities in pursuit of victory over their competitors within the given normative constraints so that accurate measurements and comparisons can be made between their respective performances. Consequently, trust-based rules are a permanent feature of sport.

Moreover, the violation of trust-based rules does not typically occur during competition. Such violations occur usually in spaces to which officials have limited access on account of financial constraints or athletes' right to privacy, or where the available means of detection are ineffective. Doping, the acceptance of bribes, and age fraud, for example, occur away from arena of competition. No athlete can be monitored to the degree necessary to allow officials to guarantee that they do not dope or receive payments to manipulate a part of their competition. Consequently, trust-based rule compliance—and, by extension, the possibility of meaningful competition—rests on the trustworthiness of competitors.<sup>11</sup> Such trustworthiness requires that athletes act on reasons that extend beyond their narrow self-interest—beyond their desire for money, medals, and ranking points.

The existence of trust-based rules means that the role of 'athlete' is a trust-based role. Those capable of fulfilling the demands of the role must, at a minimum, be

<sup>10</sup> Particular sports also have their own trust-based rules, for example, the rules regarding toilet breaks in tennis or blood substitutions in rugby. For details of the most famous abuse of blood substitution rules in rugby, see Monye (2019).

<sup>11</sup> Such compliance may rest also on the trustworthiness of non-competitors such as medics, coaches, and other support personnel who might exert influence or control over athletes, but they are not my concern here.

trustworthy with respect to trust-based rule compliance. Meaningful sport requires rule compliance, and rule compliance with trust-based rules requires trustworthiness among athletes with respect to those rules. In short, meaningful sport rests on a foundation of trust, because the fragility of meaningful competition arises in large part from the existence of trust-based rules.

Sanction-based approaches are effective tools to ensure rule compliance for a range of different rule types, for example, rules that prohibit time-wasting, handballs, and dangerous tackles, because these offences are readily observable by officials on the field of play. These rules do not require trustworthiness among those who are subject to them. However, in the case of trust-based rules, the need for trustworthiness cannot be circumvented. Those who act on (narrowly) self-interested reasons cannot be incentivised to comply with trust-based rules, because their self-interest does not align with reasons for compliance when non-compliance is unlikely to be detected and can lead to significant competitive gains. The opportunities to transgress such rules are too many and the chance of detection too low for appeal to athlete self-interest to constitute a viable strategy for securing meaningful competition.<sup>12</sup><sup>13</sup> Consequently, athletes are required to meet certain standards of conduct that cannot be incentivised adequately through sanctions.

Moreover, the violation of trust-based rules is among the most serious wrongs that one can commit in sport, because it constitutes not only a violation of constitutive rules that is unlikely to be identified by officials, it is also a breach of trust.

The fragility of meaningful competition, which arises from the ease with which trust-based rules can be violated undetected, has not yet been appreciated adequately in the philosophy of sport literature. In my examination of trust-based rules and their implications for sports ethics, I narrow my focus to perhaps the most routinely flouted, and certainly most-discussed, variety of trust-based rules in sport—anti-doping rules. However, the argument may illuminate the examination of other types of trust-based rules in sport. Indeed, the argument may extend to trust-based rule-governed competitive contexts beyond sport, for example, student academic assessments and professional academic research.

With that narrowed focus in mind, the question through which the consideration of trust-based rules proceeds is ‘What is the appropriate institutional response to a

<sup>12</sup> A central challenge for research on doping is the poor evidence base concerning the prevalence of doping among elite and professional athletes. Studies on the prevalence of doping at this level of sport vary widely in their results. For a critical review of existing prevalence data, see Petroczi et al. (2022). They conclude that ‘Collectively, this evidence base sufficiently indicates that doping prevalence “exists”, but it remains inconclusive in terms of the rate across sport in general, and in different sports, levels and countries’ (p. 65). However, anecdotal evidence suggests that the problem is rife. Indeed, David Howman, former Director General of WADA maintains that a large proportion of those who are caught through the prevailing testing system are ‘dopey dopers’ (Baldwin 2019). Dopey dopers, according to Howman, are those who dope inadvertently or who dope intentionally but are negligent in the precautions that they take to avoid detection. The implication is that sophisticated dopers are rarely detected under the current testing system. This view is supported by the fact that recent doping scandals, most notably the scandal involving state-sponsored systematic doping in Russia, have typically come to light through whistleblowers rather than failed tests (i.e. ‘adverse analytical findings’). On the Russian scandal, see the McLaren (2016). McLaren has also noted that the therapeutic use exemption system, which allows athletes to use otherwise banned substances if their use is medically indicated, is ripe for abuse (BBC 2016).

<sup>13</sup> For a game-theoretic approach to the problem of doping, see Breivik (2015).

verified case of doping?’.<sup>14</sup> Specifically, what consequence should follow for an athlete who has been found to have committed an ADRV? The prevailing institutional response to ADRVs rests on the ‘Punishment Thesis’. According to the Punishment Thesis, the appropriate response to doping is punitive (i.e. punishment-based), where ‘punishment’ is understood as the imposition of some treatment intended to be burdensome, on a supposed rule-breaker, for a supposed rule violation, by a sporting body with the authority to do so.<sup>15</sup> I reject the Punishment Thesis, and in its place, I argue for the ‘preventive exclusion’ of athletes from competition as part of a non-punitive, preventive justice-based approach to post hoc anti-doping measures.

While most anti-doping literature within the philosophy of sport has focused on the justifiability of restrictions on the use of performance enhancing drugs and methods, I assume the justifiability of a ban on doping (even if the contours of a justified ban may contrast sharply with the current ban).<sup>16</sup> My concern is not with the ban itself but with the consequences that should follow for an athlete who has been judged by a relevant sporting authority to have committed an ADRV.

I narrow my focus to the ADRVs found in Articles 2.1 and 2.2 of the World Anti-Doping Code 2021 (World Anti-Doping Agency 2021). They prohibit ‘the presence of a prohibited substance or its metabolites or markers in an athlete’s sample’ (Art 2.1) and the ‘use or attempted use by an athlete of a prohibited substance or a prohibited method’ (Art 2.2). These are the paradigmatic doping offences and, arguably, the ADRVs with the most immediate and significant impact on the meaningfulness of competition. The ingestion of performance enhancing drugs (e.g. anabolic steroids, erythropoietin) and the use of performance enhancing methods (e.g. blood doping) can have a profound impact on an athlete’s overall performance—not just one event within a performance, such as a single instance of handball in soccer. The violation of WADA Code Arts 2.1 and 2.2 are especially difficult to detect at the time of violation and even retrospectively. While our understanding of the prevalence of doping in sport continues to rely on ‘weak and disparate’ evidence (Gleaves et al. 2021: 1909), it is not disputed that the prevalence of doping of these kinds is markedly underestimated by the number of documented ADRVs. In such circumstances, cheating can easily pass undetected and remain undetected forever, compromising the meaningfulness of competition in a way that may remain concealed.

Finally, I further narrow the scope of my argument under Arts. 2.1 and 2.2 ADRVs to banned substances the ingestion of which may threaten the meaningfulness of competition. The use of recreational drugs (e.g. heroin) which are proscribed by the WADA prohibited list (World Anti-Doping Agency 2024) may not threaten the meaningfulness of competition, as their use does not confer a performance advantage on the user.

Having laid out the threat posed to meaningful competition by the violation of trust-based rules and narrowed my focus to a specific set of trust-based anti-doping

<sup>14</sup> I set aside cases in which there is factual uncertainty about whether doping has occurred. I am concerned with cases in which a relevant authority has determined formally that an ADRV has occurred.

<sup>15</sup> Adapted from H.L.A. Hart’s definition of punishment (Hart 2008: 4–6).

<sup>16</sup> My view on the justifiability of a ban on doping are captured partially in Devine (2022) and Devine (2023).

rules, I identify now the shortcomings of the prevailing punitive response to such ADRVs. I argue that the punitive approach to anti-doping fails to provide adequate protection for meaningful competition principally because it fails to ensure that trust is withheld from athletes who are untrustworthy with respect to trust-based rules.

## 4 The Poverty of Punishment

The prevailing approach to anti-doping is punitive—those found to have committed an ADRV with respect to WADA Code Art. 2.1 or 2.2 can be suspended from competition (i.e. incur a period of ineligibility) for up to 4 years. Those found to have committed an ADRV with respect to certain other anti-doping offences (i.e. Arts 2.7, 2.8, 2.9, 2.11) can be suspended permanently. While argument persists within the sporting community both about whether a four-year suspension is too lenient for doping offences related to the possession and use of prohibited substances and methods and whether punishments should include lifetime suspensions (perhaps even following a single doping offence),<sup>17</sup> the *practice* of punishment has escaped scrutiny in the ethics of anti-doping.<sup>18</sup> However, punishment should not be assumed a necessary or inevitable part of anti-doping regulation.

### 4.1 The Duty of Meaningful Competition

Sports authorities have a stringent duty to ensure the meaningfulness of the competitions that they sanction. Otherwise, competitions would fail to fulfil their basic purpose of accurate ranking and measurement. This duty has implications for how sports authorities should respond to ADRVs, as those who commit ADRVs threaten the meaningfulness of competition. It is my contention that a condition for the success of any response to doping from sports authorities is the requirement to discharge the ‘duty of meaningful competition’. I argue below that discharging this duty requires a careful and deliberate approach to the values of ‘inclusion’ and ‘exclusion’ in sport.

### 4.2 Inclusion, Exclusion, and Anti-Doping

‘Inclusion’ is a watchword of modern sport. Sports governing bodies, clubs, and schools are increasingly animated by the idea that sport should be accessible to all and that sports communities should embrace all-comers, regardless of (*inter alia*) race, sex, religion, sexuality, disability, or nationality.<sup>19</sup> Of course, inclusion is an estimable goal, not only so that sports communities can satisfy the requirements of justice, but also so that sporting excellence can be best pursued. Unjustifiable exclu-

<sup>17</sup> For example, Adams (2017), BBC Sport (2015), Bloom (2017), Rumsby (2017).

<sup>18</sup> A notable exception is the restorative justice approach to anti-doping governance that has been developed by Salm and Sefiha (2023).

<sup>19</sup> See, for example, the Lawn Tennis Association’s Equity, Diversity, and Inclusion Plan 2025–2029 (Lawn Tennis Association 2025), World Rugby’s ‘Rugby For All’ diversity and inclusion programme (World Rugby 2025); and Sport Ireland’s ‘Diversity and Inclusion Policy’ (Sport Ireland 2022).

sionary policies and practices set back the interests of those wrongly excluded<sup>20</sup> and they also stifle the development of sporting excellence. Much as society loses out when women are excluded or discouraged from the workplace because women possess roughly half of the talent, the sports community similarly loses out when groups of athletes are arbitrarily excluded. In circumstances in which sport is wrongly exclusionary, the practice of sport fails to realise its potential as an avenue for celebrating and testing human excellence.

Moreover, exclusionary practices impede sport playing a valuable democratic role as a sphere in which people who straddle different social classes ‘rub shoulders’ and encounter each other in ways that may contribute to mutual understanding and public discourse. In such a forum, typical social boundaries fade into the background.<sup>21</sup> Exclusionary sport also stifles another vital social role played by recreational sport—fostering sociability and bonds of community in an increasingly isolating world (Putnam 2000). So, the case for inclusion can be made on sporting, political, and social grounds.

However, I will argue that inclusion is not an unconditional good in sport and that, in advocating inclusivity, philosophers and practitioners have overlooked the necessity of ‘exclusivity’ to meaningful competition. As much as sport needs a theory of inclusion, it also needs a theory of exclusion—a normative account of who must be excluded from sport if competition is to fulfil its purpose.

If the sporting community is to be more ‘exclusive’, as I will argue it should, who should be excluded? As sport is an irreducibly trust-based enterprise that demands a distinctive form of trustworthiness (discussed below), the sporting community should admit only those who are trustworthy in the required respect, or at least, it should exclude those who are known to be untrustworthy in that respect. I argue that clear candidates for exclusion are athletes who are untrustworthy with respect to trust-based rules—in the present context, with respect to anti-doping rules.

The inclusion of untrustworthy athletes threatens meaningful sport. So, while inclusion is an important ideal for sport, so too is the exclusion of the untrustworthy. We should aim to limit access to spheres of trust to those who are trustworthy in the required respect. But what does it mean to be trustworthy in the sphere of sport?

<sup>20</sup> For example, the interest anyone has in accessing what Jane English (1978: 270) calls the ‘basic benefits’ of participation in sport: “health, the self-respect to be gained by doing one’s best, the cooperation to be learned from working with teammates and the incentive gained from having opponents, the “character” of learning to be a good loser and a good winner, the chance to improve one’s skills and learn to accept criticism—and just plain fun”.

<sup>21</sup> See Sandel (2012) on sport’s role in fostering a shared life between citizens in which people from different backgrounds ‘encounter one another, and bump up against one another’ and in so doing ‘learn to negotiate and abide our differences, and...come to care for the common good’ (Sandel 2012: 203). While Sandel’s concern is the benefit to democracy of the class-mixing effect of sports fandom, in particular attendance at large stadium sporting events, the democratic argument extends to sporting participation that brings together people from different walks of life—under the aegis of a shared sporting interest—to play, compete, and recreate together.

### 4.3 Trust as the Foundation of Sport

It has been argued that, at its best, sport is not adversarial all the way down—it is a ‘mutual quest for excellence’, whereby competitors challenge each other to call forth the full measure of their sporting excellence. As Robert L. Simon et al. put it, ‘good competition presupposes a *cooperative* effort by competitors to generate the best possible challenge to each other. Each has the obligation to the other to try his or her best’ (their italics) (Simon et al. 2015: 46). Simon et al. also identify cooperation in adherence to the obligations not to break the constitutive rules and not to violate the applicable norms of competitive fairness (Simon et al. 2015: 45). On this view, competitors must cooperate if competition is even to approximate the ‘defensible competitive ethic’ of a mutual question for excellence.

I agree that cooperation underpins sporting competition at its best, even at the highest level. However, another norm lies deeper than cooperation. While cooperation, as Simon et al. describe it, is necessary for competition to be at its *best*, the very *possibility* of meaningful competition relies on a bedrock of trust, or more specifically, trustworthiness.<sup>22</sup>

Cooperation should not be conflated with trust, as cooperation does not imply trust between the parties or that any of the parties is trustworthy. Indeed, cooperation is possible in the absence of trust between parties,<sup>23</sup> for example, if the parties’ interests align or an authority is effective at enforcing agreements between them. However, anti-doping rules are characterised by a conflict between athletes’ interests coupled with the absence of effective oversight. These conditions militate against the alignment of interests and the authority of anti-doping bodies. Anti-doping rules are easily flouted in a way that is notoriously difficult for authorities to detect, and their undetected violation can damage severely the possibility of meaningful sport. Anti-doping regulations require athletes to forgo the pursuit of narrow self-interest and to demonstrate trustworthiness with respect to anti-doping rules.

While trust is an attitude of one person towards another (or others), trustworthiness is a property of a person with respect to a certain task or responsibility (McLeod 2023; O’Neill 2002: 13). A trustworthy person is someone in whom trust may be justifiably placed—someone ‘worthy of trust’ (Baier 2013). A trustee may be the subject of justifiable trust if they meet the following three conditions: they are *willing* to complete the task with which they are trusted (‘volitional condition’), *competent* to complete the task (‘competency condition’), and *free* to exercise their competency to complete the task (‘freedom condition’).

The trustworthy person continues to fulfil the responsibilities with which they have been entrusted in the absence of incentives to do so or even in the face of incentives not to do so.<sup>24</sup> This distinguishes the trustworthy person from the merely

<sup>22</sup> Lopez Frias (2017) makes a complementary point, focused not on the necessity of trustworthiness for the possibility of meaningful competition but on the necessity of trust relations between competitors for the very possibility of game-playing.

<sup>23</sup> See, for example, Hobbes (1651) or Cook et al. (2005).

<sup>24</sup> I remain agnostic on what motivational structure the trustworthy person must have. For present purposes, it suffices to say that the trustworthy person possesses a motive necessary to complete the task

‘reliable’ person whose behaviour is predictable but not necessarily motivated by anything beyond self-interest (Hawley 2014: 2). A trustworthy person remains predictable with respect to a desired task even in the absence or removal of incentives to perform that task. In the sporting context, being trustworthy with respect to doping means being trustworthy with respect to anti-doping rule compliance.

An athlete can be untrustworthy with respect to doping without being a cheater, as doping does not require the intentional violation of anti-doping rules. One’s untrustworthiness with respect to doping can arise from one’s incompetence or unfreedom. Despite the best intentions, an athlete who lacks the resources needed to verify whether their prescribed medication is permitted under the Code is not trustworthy with respect to doping. Nor is an athlete who is vulnerable to coercion by coaches, parents, or teammates. However, even if an athlete is not blameworthy for their doping, they remain a threat to meaningful competition as their performance will still be impermissibly enhanced. The absence of blameworthiness does not imply that athletes should be eligible to compete. The effect on the meaningfulness of competition of intentional, inadvertent, or coerced dopers can be identical.

For sport to be meaningful in such circumstances, competitors must be trustworthy with respect to trust-based rules, not merely willing to comply should their interests happen to align with the dictates of those rules. The apparent ease with which athletes can evade detection by anti-doping authorities means that athletes’ self-interest does not align with their competitors’ or with anti-doping authorities’ in the manner required for it to be self-interestedly rational for athletes to comply with anti-doping rules. So, it is not only sport *at its best* that requires the display of virtue from competitors—sport that aims to constitute *meaningful competition* requires that competitors display the virtue of trustworthiness.<sup>25</sup>

We should ‘aim to trust the trustworthy, but not the untrustworthy’ (O’Neill 2018: 293). Trust should be withheld from the untrustworthy and we should take steps to limit our vulnerability to them. The failure of anti-doping efforts to ensure drug-free sport should be understood not simply as a failure of testing methods or intelligence-led selection procedures, but also as a failure of trustworthiness among athletes. Athletes have failed to act in a trustworthy way and they have also failed to enculturate trustworthiness within the athletic community by, for example, whistleblowing or taking steps to embed norms of trustworthiness.<sup>26</sup> Misplaced trust has had a devastating effect on the actual and perceived meaningfulness of elite sporting competition, and it will continue to do so until sport is orientated towards the idea that meaningful competition hinges on the trustworthiness of athletes.

---

with which they are trusted. Whether that motive fear, commitment, or goodwill towards the trustor, for example, is a further question that I do not take up here.

<sup>25</sup> It is worth noting that an athlete who places themselves in a position of trust which they are unable to fulfil may be an appropriate target of moral criticism. Hawley notes that trustworthiness ‘requires judiciousness in acquiring commitments as well as doggedness in fulfilling commitments already acquired...’. See Hawley (2014: 15). Athletes who are likely to dope have a duty to take the preventive step of refraining from competition until such time as they are no longer a threat.

<sup>26</sup> Perhaps the clearest example of this type of failure was the ‘omerta’ that operated among professional cyclists during the early 2000s. See Cycling Independent Reform Commission (2015: 24–25).

#### 4.4 The Punishment-Based Response

The prevailing approach to non-compliance with anti-doping rules is incentive-based, whereby the threat of punishment provides an incentive for compliance. The system's underpinning normative theory of punishment is broadly 'retributivist'. According to this theory, punishment is justified when it is 'proportionate' to the seriousness of the wrong committed and the wrongdoer's degree of culpability (Moore 1993).

The principal sanction available under the World Anti-Doping Code 2021 is the imposition of a period 'ineligibility' on an offending athlete (World Anti-Doping Agency 2021: Art. 10.2.1.1). The duration of the period of ineligibility is determined by consideration of the type of substance used (i.e. was the substance a 'non-specified substance' that has no use other than the enhancement of athletic performance?) and whether the ADRV was committed intentionally (World Anti-Doping Agency 2021: Art. 10.2.1.1). The period of ineligibility can be removed if the athlete bears 'no fault or negligence' (World Anti-Doping Agency 2021: Art. 10.5), and it can be reduced where the athlete bears 'no significant fault or negligence' (World Anti-Doping Agency 2021: Art. 10.6). So, the system exemplifies the core features of a retributivist system of punishment.

This retributivist approach is distinctive in two respects: it is backward-looking and wrongdoer-focused. It is backward-looking because it determines the appropriate punishment by appeal to the wrongdoers' desert at the time of the offence. For a retributivist, the appropriate response should be 'proportionate' given both the severity of the ADRV and the offender's culpability at the time of the ADRV. If the offender intended to commit the ADRV (or was reckless or negligent with respect to the commission of an ADRV), they receive a more severe sanction than if they had committed the ADRV unintentionally. Crucially, this punishment-based response does not incorporate forward-looking considerations such as the prospects for meaningful competition in the future.

The punishment-based approach is wrongdoer-focused because, in determining the appropriate punishment, it considers only the culpability of the offender at the time of the offence. It does not take account of the interests of other parties, such as fellow competitors who were wronged by the offender.<sup>27</sup> This approach is not concerned with victims or with the meaningfulness of future competition.

#### 4.5 The Problem with Punishment

The fundamental weakness of an exclusively punishment-based approach is that it overlooks the athletes' trustworthiness as a morally relevant consideration in determining eligibility to return to competition. The punishment-based approach is not informed by an athlete's likelihood to violate anti-doping rules again if they return to competition. With the prevailing retributivist approach, athletes can return to com-

<sup>27</sup> It should be noted, however, that under Arts. 7, 9, 10, and 11, the WADA Code provides for the forfeiture of medals, points, and prizes and the disqualification of the athlete's results both from the event at which they submitted a positive in-competition sample and from event(s) in which they competed following that event.

petition once they have served a ban that is proportionate to the offence committed, even if there is no reason to believe that they are more likely to comply with anti-doping rules than when they committed their ADRV. The athlete may understand the rules no better, they may be no more committed to compliance with anti-doping rules, and they may be subject to no less pressure to dope from coaches, teammates, doctors, sponsors, or governments. Yet, on the retributivist schema, no evidence of their untrustworthiness (save for another failed test) counts against their eligibility to return to competition. As a result, in addition to the case of the Shameless Doper described at the beginning of this paper, the prevailing punitive approach also violates the duty to ensure meaningful competition in the following cases:

(a) Innocent doper

Consider an athlete who has doped inadvertently. They may have doped on account of ignorance concerning their obligations under the WADA Code, coercion by a coach or parent, or a lack of the required competencies or resources to ensure that they could avoid doping (e.g. illiteracy or a lack of internet access to verify whether their prescribed medication contained a banned substance). Given their lack of significant fault, they will likely serve a shorter period of ineligibility than an intentional doper who doped to the same extent. However, the cause of their doping is immaterial to the risk that they pose to meaningful competition—a doped athlete has an unfair advantage whether they intended to dope or not. Again, the punishment-based approach fails to protect meaningful competition, because it allows the Innocent Doper to return to competition while the cause of their inadvertent or coerced doping may remain unaddressed.

(b) Legacy doper

Next, consider a doper who intentionally used anabolic steroids for a sustained period. They were found to have violated anti-doping rules, and they were banned for a period of four years. At the end of their period of ineligibility, they retain substantial residual benefits from doping in virtue of their possession of the capacity to reacquire muscle that was developed while they were doping (so-called ‘muscle memory’).<sup>28</sup> These residual benefits impact, perhaps significantly, their ability to compete in meaningful competition. Competing with the advantage of this residual benefit of doping may create an unfairness that erodes the meaningfulness of competition to an extent that should not be permitted. However, a strict retributivist approach would dictate that the period of suspension imposed should be determined in a way that does not consider the residual benefits of their prior ADRV. These residual benefits may persist for years after the expiry of a period of ineligibility that is proportionate to the degree of culpability and the seriousness of the ADRV. Again, the punishment-based approach delivers an outcome contrary to the duty of meaningful competition by

<sup>28</sup> For a review of the muscle memory literature, see Sharples and Turner (2023). For work specifically on the relationship between muscle memory following steroid use, see Egner et al. (2013).

allowing the readmission to competition of an athlete who retains an unfair advantage and, as a result, whose inclusion is inconsistent with meaningful competition.

### (c) Reformed Doper

In the final case, the punitive approach violates the duty of meaningful competition by being underinclusive rather than overinclusive. It delivers an unjust outcome by whom it excludes from competition rather than by whom it includes. Consider a doper who has received a prolonged suspension on account of formerly being an intentional, systematic doper, but who has expressed sincere remorse, completed anti-doping education, and terminated their relationship with their previous coaching, medical, and training teams that encouraged and facilitated their doping. They have done everything they can to demonstrate that they are now committed, capable, and free to compete in accordance with anti-doping rules. A strictly retributivist approach would exclude the athlete until the expiry of their period of ineligibility even if they were safe to return to competition. However, their exclusion diminishes the meaningfulness of competition by excluding an athlete who is trustworthy to compete. The value of one's achievement in competition is determined in part by the quality of one's opposition—victory over less capable opposition is a less valuable achievement than victory over more capable opposition (provided the more capable opposition increases the difficulty of winning) (Bradford 2015). For example, victory in a world championship in which the best player in the world is absent is less of an achievement than one in which the world's best player competes.<sup>29</sup> Consequently, competition is diminished when the best athletes who can be trusted to compete in accordance with anti-doping rules are excluded from competition. Retributivism's overexclusion in this case detracts from the meaningfulness of competition in a similar way to how its overinclusion does in the other cases.

To summarise the key lessons of these case studies: the Shameless Doper described at the outset poses as great a risk to the meaningfulness of competition when they return as when they doped, yet, according to the prevailing retributivist schema, they would be permitted to return to competition. The Legacy Doper continues to undermine meaningful competition following their suspension on account of the residual benefit of their doping, yet they would be allowed to return to competition following the expiry of a period of ineligibility of a duration proportionate to their culpability and the seriousness of their wrong. The Innocent Doper may pose as much of a threat to the meaningfulness of competition as the Shameless Doper because the consequences for meaningful competition of accidental and intentional doping may be identical, yet the Innocent Doper, too, would be allowed to return to competition when they are no better placed to avoid doping. Conversely, the Reformed Doper poses minimal threat to meaningful competition, yet they are excluded partly on account of their state of mind at the time when they doped. In each case, a punishment-based theory delivers ethically objectionable conclusions. It is overinclusive in the first three cases (i.e. allows the athletes to return to competition before they are

<sup>29</sup>This view is captured by former world chess no. 1 Gary Kasparov's description of the 2023 World Chess Championship as an 'amputated event' in the absence of world no. 1, Magnus Carlsen. See Morse (2023).

trustworthy to do so), and it is underinclusive in final case (i.e. it prohibits a trustworthy athlete from returning to competition in a timely way). In each case the retributive approach violates the duty of meaningful competition.

The standard (retributive) approach is backward-looking and offender-focused rather than forward-looking and competition-focused, as required by the duty of meaningful competition. So, the standard approach looks in the wrong direction and at the wrong subject. Crucially, the retributivist response is not informed by an offenders' likelihood to violate anti-doping rules if permitted to return to competition.

In the next section, I develop an alternative approach to anti-doping according to which our response to confirmed cases of doping should be founded on (though not necessarily exhausted by) the non-punitive practice of 'preventive exclusion'. As this approach is both forward-looking and competition-focused, it respects the duty of meaningful competition in each of the test cases above by ensuring the meaningfulness of future competition through the exclusion of untrustworthy athletes and the inclusion of trustworthy athletes.

## 5 The Preventive Exclusion Alternative

Two principal species of justice serve as non-punitive, justice-based responses to wrongdoing: restitutive justice and preventive justice (Garvey 2011). Restitution typically involves the provision of compensation by the wrongdoer directly to the wronged so that the victim is returned to the position they were in prior to the wrong—they are made 'whole' again. Restitution shifts the focus from what punishment the wrongdoer deserves to what the wrongdoer owes to the *victim* (Barnett 1977).

A preventive justice approach addresses the continuing danger posed by the wrongdoer, seeking to prevent harm that the wrongdoer is liable to commit in the future. This approach is concerned not with punishing the wrong that the wrongdoer *has* committed but with preventing wrongs that they *might* commit.<sup>30</sup>

Restitutive and preventive justice approaches are not incompatible and may form different strands of a complete non-punitive, justice-based approach to anti-doping. In this paper, I consider only the preventive element, as this most directly relates to meaningful competition. While compensation may mitigate *ex post* the losses incurred by the victims of doping, it does not restore or protect the meaningfulness of that, or future, competitions. So, what does a preventive justice response to doping require?

A preventive justice approach to anti-doping seeks to negate the risk posed by athletes with a proven track record of doping to the fragile achievement of meaningful competition. An athlete who has committed an ADRV would be preventively excluded from competition as long as they are deemed to pose an unacceptably high risk to meaningful competition through doping. Their past doping demonstrates a capacity, or at least a vulnerability to their being a conduit, for doping activity. To protect the meaningfulness of competition (and to protect competitors and other

<sup>30</sup>Though harms that they have already committed may constitute evidence of the type and magnitude of the risk of future harm that they pose.

stakeholders), the athlete would be excluded from competition until they are deemed to no longer pose an unacceptable risk to the meaningfulness of competition. The commission of an ADRV would establish a rebuttable presumption of permanent preventive exclusion from competition so that this heightened risk of future misconduct could be managed in a way that respects the duty of meaningful competition.<sup>31,32</sup>

This presumption can be rebutted by the athlete providing evidence of their trustworthiness, such as:

- (a) Sincere expression of regret and apology to the wronged athletes;
- (b) Removal of obstacles to their compliance with anti-doping rules (e.g. the acquisition of internet access to facilitate consultation of databases that catalogue which medications are permissible and impermissible (e.g. Global Drug Reference Online (Global DRO));
- (c) The termination of their working relationship with a coach or medic who encouraged or facilitated their doping in the past); or
- (d) Successful completion of an anti-doping education programme so that they achieve a clearer understanding of their anti-doping obligations.

The ultimate determination of their trustworthiness to compete would be made by impartial and independent personnel such as an eligibility review panel. The athlete would be permitted to return to competition provided they were deemed by such a panel to pose a sufficiently low risk of doping.<sup>33</sup> This type of decision resembles those taken by parole boards in the criminal justice system which undertake independent assessments on prisoners to determine whether they can be safely released back into the community.

## 5.1 The Appeal of Preventive Exclusion

Preventive exclusion is a forward-looking, competition-focused approach. It satisfies the duty of meaningful competition by ensuring that those likely to dope do not

<sup>31</sup> On the idea of presumptive permanent exclusion in the criminal justice system, see Duff (1998) and Duff (2001: 170–174).

<sup>32</sup> The athlete's period of exclusion could be specified for a given period such that they would be excluded only for the specified period unless there was good reason to believe that they remained untrustworthy in the relevant sense at the conclusion of that period. Alternatively, their period of exclusion may be indefinite, but reviews would be undertaken on a specified periodic basis. Upon review, the period of exclusion may be terminated if the athlete is judged to be trustworthy in the relevant sense or extended if they are judged to remain untrustworthy in the relevant sense.

<sup>33</sup> The sports authority that excludes the athlete may be required to specify what the athlete must establish for their trustworthiness to be satisfactorily proven. For example, an athlete who was found to have doped on account of coercion by a coach may be excluded from competition as long as they continue to work with the relevant coach (or indeed any coach who has committed an ADRV as a coach). An athlete who lacks the resources to verify whether their medications are prohibited may be excluded until they can prove that they have gained access to the relevant resources. However, the prior specification of what the athlete must prove to establish their trustworthiness to return to competition may (wrongly) allow athletes to return who address their original source of untrustworthiness (e.g. association with a training group among whom doping is endemic) but subsequently become untrustworthy in a different respect (collaboration with a sports doctor who is known to facilitate doping).

return to competition until their participation no longer poses an unacceptable risk to the meaningfulness of competition. Moreover, in positing a *rebuttable* presumption of exclusion, this approach maintains that athletes who commit ADRVs—even the Shameless Doper—are never dismissed as ‘irredeemable’. There is always a possibility of return. This stands in contrast to a ‘one strike and you’re out’ approach advocated by some protagonists in the anti-doping debate.<sup>34</sup>

Preventive exclusion is non-punitive because it lacks an essential feature of punishment—the attribution of moral blame. It determines eligibility based on an assessment of an athlete’s risk of future wrongdoing rather than an assessment of their fault for past wrongdoing. The period of exclusion is determined by the risk that the athlete poses to meaningful competition, not their degree of blameworthiness for damage already done to the meaningfulness of prior competition. The evaluation of risk is different to the evaluation of blameworthiness because risk is morally neutral—the innocent doper who bears no moral responsibility for the risk that they pose may present the same risk as the shameless doper who bears a high degree of moral responsibility for the risk that they pose. On the preventive exclusion view, the moral evaluation of doping behaviour, which is central to a punitive approach, is orthogonal to the task of protecting meaningful competition. As a non-punitive approach, preventive exclusion can justify measures to address threats to the meaningfulness of competition posed not just by intentional, systematic dopers but also by ignorant or coerced dopers, or those who continue to benefit from the residual physiological effects of past doping.

Preventive exclusion is similar to other practices that involve confinements or disqualifications in the absence of fault, such as: quarantine (where one poses a risk of spreading a virus to others); civil confinement (where one is dangerous but not responsible for one’s actions); pre-trial detention (where an accused is held in custody awaiting trial as they are deemed to pose a risk to the public); an indefinite restraining order that can be lifted if the danger posed by the restrained person is deemed to have dissipated; and disqualification from driving on account of, for example, diminished visual or cognitive capacity, being a repeated victim of drink-spiking, or an inability to gauge whether one’s alcohol consumption exceeds the legal limit.

One implication of the preventive exclusion approach is that an athlete may be ineligible for competition only for only a brief period if they can establish their trustworthiness in the relevant respect at the time of, or soon after, their ADRV has been identified by the relevant sporting body. Conversely, an athlete who commits an ADRV may never be permitted to return to competition if they can never rebut the presumption of exclusion by establishing their trustworthiness to return.

## 5.2 Is Preventive Exclusion a Complete Response?

Preventive exclusion may constitute a *complete* or *partial* response to confirmed ADRVs. Understood as a complete response, preventive exclusion would supplant the punitive approach such that there would be no punitive element in response to cases of doping. Understood as a partial response, preventive exclusion would con-

<sup>34</sup> See footnote 21 above on ‘one strike and you’re out’ proposals.

stitute *one* element of a response that would also incorporate punitive elements. Such an approach could constitute a ‘punishment-preventive justice hybrid’. On such a hybrid, an athlete may be banned from competition on a punitive basis for a finite period, and, at the end of this period, they may continue to be excluded from competition on a non-punitive, preventive basis until such time as they are deemed trustworthy to return. It would be impossible for them to return to competition prior to the end of their punishment period, but they would be eligible to return to competition thereafter, subject to their rebuttal of the preventive justice-based presumption of permanent exclusion. A punitive rationale would provide a minimum period of ineligibility that may be extended, potentially indefinitely, on a preventive basis.

It might be argued in favour of the hybrid approach that it would prevent the swift return of a systematic doper who experienced a radical change of heart upon their identification by authorities. Their intentional doping was a serious moral wrong and perhaps the moral disvalue of the wrong should not be overlooked in determining the appropriate response. The hybrid approach would allow this wrong to be acknowledged and blame to be apportioned in a way that a purely preventive approach would not. However, the hybrid approach would exclude from competition some trustworthy athletes, and this would come at a cost to the meaningfulness of competition.

Finally, the argument for preventive exclusion, as developed here, extends only to those who have been found by the relevant authority to have committed an ADRV. I do not propose ‘universal preventive exclusion’, whereby anyone who is deemed to pose a sufficiently high risk may be subject to preventive exclusion, whether or not they have already committed an ADRV (Corrado 1996: 804). Whether evidence of an athlete’s intention to dope could ever justify preventive exclusion where the athlete has no doping record is a further question that I do not consider here. In this paper, I examine preventive exclusion as a response only to verified cases of doping.

### 5.3 Meaningful Competition is One Sporting Value Among Many

A further limitation on the scope of my argument concerns the value of meaningful competition. While meaningful competition may be an important sporting value, I recognise an irreducible plurality of sporting values. Preventive exclusion is designed to protect meaningful competition, but it may stifle the pursuit of other sporting values, for example, ‘inclusion’, ‘equality of opportunity’, or ‘athlete well-being’.

I consider only what follows for our response to ADRVs *from the perspective of meaningful competition*. A wider consideration of other sporting values in tandem with meaningful competition may temper the use of preventive exclusion or defeat it entirely. However, my argument is that a consideration of the value of meaningful competition provides at least *pro tanto* reason (i.e. defeasible but normatively weighty reason) for preventive exclusion in response to confirmed ADRVs.

Having laid out the attraction of the preventive exclusion approach whereby meaningful competition is protected by the inclusion of the trustworthy and the exclusion of the untrustworthy, I now consider objections to this proposal.

## 6 Objections

### 6.1 The Appeal of Preventive Exclusion Does Not Justify its Practice

It might be objected that to demonstrate the *appeal* of preventive exclusion is not sufficient to *morally justify* preventive exclusion.<sup>35</sup> On this view, preventive exclusion involves the violation of the excluded athlete's right to participate in sport, so an independent argument must be offered to justify this rights violation or to demonstrate that no right would be violated by exclusion. In addition to demonstrating how preventive exclusion would benefit sport, it is necessary to justify the apparent infringement of the excluded athletes' right to participate.

Contra Principle 4 of the Olympic Charter which asserts that 'The practice of sport is a human right' (International Olympic Committee 2025: 8), I am doubtful of the purported human right to participate in organised sport and more doubtful of a human right to participate in elite and professional sport.<sup>36</sup> Nevertheless, even charitably granting such a right, the desired justification can be offered. There are two grounds by which one might justify the purported rights violation associated with preventive exclusion: 'risk' and 'rights forfeiture'. These may work in tandem or as alternative justificatory strategies.

The risk-based justification views preventive exclusion as a legitimate means of 'self-defence' by sports authorities against the most serious sporting wrongs.<sup>37</sup> Sports authorities owe athletes (and other stakeholders) meaningful competition and, by implication, protection from those who (culpably or otherwise) would undermine such activity. Such authorities have a positive duty to ensure the meaningfulness of competition, and this requires them to take steps to defend it against threats, even if such threats infringe the right to compete of those excluded.

Exclusion is justified by the risk posed to future competition by the doper—it is not a direct response to the seriousness of their wrongdoing. However, prior wrongdoing (blameworthy or not) may inform the evaluation of the risk that they pose. Those who have committed an ADRV are a verified threat to competition—the commission of an ADRV communicates their untrustworthiness. So, a record of doping erects a rebuttable presumption of untrustworthiness regarding doping.

One immediate objection to preventive exclusion on the ground that the athlete poses a continued risk to meaningful sport is that we cannot predict the future with perfect accuracy, so we should not exclude athletes from competition for what they may or may not do in the future. However, this objection misunderstands the moral assessment that grounds the exclusion: the exclusion is not justified as a prediction (that may or may not prove to be correct) but as a risk assessment (Duff 1998: 151–156; Corrado 1996: 792–794). The assessment is not speculative – it is an evaluation of the threat that the athlete poses to meaningful competition *at the time of the*

<sup>35</sup> Wellman (2012) advances such an argument regarding the justification of punishment. He argues that establishing the *appeal* of punishment is not sufficient to establish its *moral justifiability* where punishment involves the imposition of hard treatment that constitutes a rights violation.

<sup>36</sup> For an argument against the human right to sport, see Imbrišević (2024).

<sup>37</sup> For a self-defence based argument for preventive detention, see Randy E. Barnett (1996: 160–162).

*risk assessment*. That threat may never manifest itself, but it exists nonetheless. The athlete is excluded not for what they might do in the future, but for the risk that they pose currently.

A second justificatory strategy based on rights forfeiture acknowledges that preventive exclusion may, in normal circumstances, *infringe* an athlete's right to compete, but it maintains that those who commit ADRVs forfeit their right to compete, so preventive exclusion does not *violate* (i.e. unjustifiably infringe) the right of those athletes to whom it is applied.<sup>38</sup> A person's rights can be altered by their wrongdoing.<sup>39</sup> Those who dope lose the right to compete in virtue of their violating other athletes' right to compete in meaningful competition. However, this right can be restored when they demonstrate their trustworthiness.

The right to compete is forfeitable.<sup>40</sup> It is forfeited when one acts in ways that undermine the purpose of competition—the right to partake in sport is forfeited when one behaves in a way that undermines the purpose of sport. More specifically, one forfeits one's right to partake in meaningful sport when one's conduct violates the right of others to partake in meaningful sport. This can be, though need not be, a form of rights forfeiture whereby one forfeits the same right that one has violated in others (i.e. if one violates another person's right to partake in meaningful sport, one forfeits one's own right to partake in meaningful sport).

Can the right to participate be forfeited if one doped non-culpably, or does forfeiture require culpable wrongdoing? It is possible to forfeit one's rights in the absence of culpability. Consider, for example, how one forfeits one's right not to be attacked if one poses a threat (intentionally or otherwise) to someone else's life such that the other person's right to self-defence is engaged.<sup>41</sup> Given how important compliance with anti-doping rules is to the possibility of meaningful competition, even inadvertent or involuntary doping may provide grounds for the forfeiture of the purported right to sport.

So, even granting such a right to sport, preventive exclusion would not violate the doper's right.

## 6.2 The Critique of Punitive Responses to ADRVs Overlooks Alternative Theories of Punishment to Retributivism

Perhaps I have been too hasty in abandoning punitive approaches in favour of preventive exclusion. For my analysis of punishment theory focused exclusively on retributivism. Even if my critique of retributivism is correct, perhaps another theory

<sup>38</sup> For a rights-forfeiture theory of punishment, see Wellman (2012) and Wellman (2017).

<sup>39</sup> See, for example, Donagan (1977: 181).

<sup>40</sup> An alternative to forfeiture of the right to compete is one based on a failure to secure the conditions necessary to exert that right justifiably. An athlete's right to compete is contingent on their ability to engage in competition meaningfully—minimally, to compete in ways that do not undermine the purpose of competition. At least in the case of the Legacy Doper, who continues to enjoy the unfair residual benefits of steroid use, this argument would seem to justify their preventive exclusion without relying on a rights forfeiture claim as they are incapable of competing in meaningful competition as long as they continue to enjoy such residual benefits to a level that would create, for example, intolerable unfairness.

<sup>41</sup> On the right to kill innocent threats in self-defence, see Thomson (1991) and Frowe (2014: ch. 2).

of punishment respects the duty of meaningful competition. The two leading contenders in this regard are ‘deterrence’ and ‘moral education’ theories of punishment.

Deterrence theories of punishment maintain that wrongdoers should be punished to the extent necessary to deter the wrongdoer and others from engaging in such conduct in the future. On this approach, athletes who commit an ADRV would be suspended as long as necessary to deter them and others from committing further ADRVs. This approach shares the future-oriented focus of preventive exclusion, but it remains punitive in nature. Would this not satisfy the duty of meaningful competition?

Aside from the well-known objection that deterrence theories of punishment reduce the punished merely to a means to a social end, both through the imposition of disproportionate punishment and the imposition of punishment to deter others (Boonin 2008: ch. 2), deterrence theory also fails to respect the duty of meaningful competition, because what is required for effective deterrence does not track trustworthiness for meaningful competition. Deterrence theory would exclude trustworthy athletes if their exclusion deterred other athletes from committing ADRVs, and it would include untrustworthy athletes if their continued ineligibility did nothing further to deter themselves or others from committing ADRVs. While it comes closer than retributivism to respecting the duty of meaningful competition, it still fails to track the conditions necessary for meaningful competition.

According to moral education theories of punishment, wrongdoing should be met with punishment because immorality deserves correction (Hampton 1984: 238). This theory of punishment does not account for the fact that, as strict liability offences, not all Art 2.1 and 2.2 doping offences are instances of culpable wrongdoing. Some arise from coercion, non-negligent ignorance, or accident, for example. Consequently, a moral education approach would fail to exclude athletes who understand their obligations but are coerced into doping or are insufficiently motivated to discharge their anti-doping obligations, for example. That is, such an approach would not exclude from competition those whose wrongdoing is unattributable to a failure to understand the normative standards by which they are bound. In these cases, it would be overinclusive, permitting untrustworthy athletes to return to competition.

### 6.3 Preventive Exclusion Is Vulnerable to Abuse

One might further object that preventive exclusion, with its open-ended approach to exclusion, may be a means for sports authorities to marginalise athletes who, for example, are outspoken, out of favour, or do not project the image that the relevant sports authority desires for its sport. On this objection, preventive exclusion could be deployed by sporting bodies against the athlete in the service of illegitimate ends that are unrelated to the achievement of meaningful competition.

Firstly, if athletes are preventively excluded, there is a positive duty on the relevant sports governing body to support the athlete in overcoming the barriers to their inclusion (not least on account of the arguments for inclusion outlined earlier). Preventive exclusion should not provide an avenue for marginalisation or ostracization whereby excluded athletes are deemed to lie outside the sports community. Rather, excluding authorities and relevant sports communities should take active steps to help preventively excluded athletes to achieve trustworthiness for competition. In

addition to possible lines of argument that excluded athletes are owed a duty of care by the excluding body, from the perspective of meaningful competition alone, it is desirable that athletes be returned to competition as soon as they can achieve trustworthiness to compete. Excluding athletes who could become trustworthy but have not yet achieved this standard on account of a lack of support deprives competition of their talent. It is in the elite sporting community's interest, as a community organised around the cultivation of meaningful competition, that those excluded from competition are helped to become trustworthy so that they can return to competition as soon as practicable. Such facilitation might include the provision to excluded athletes of assistance to secure a new coach and training group; the provision of accessible anti-doping education opportunities; or the creation of a mentoring scheme to support excluded athletes.

Secondly, the bodies charged with determining the periods of preventive exclusion should be impartial and independent of sporting bodies which determine that the athlete should be excluded. They should be operationally and financially separate from the sporting bodies that pursue anti-doping charges against athletes. This governance mechanism mitigates the risk that preventive exclusion could be misused to exile an athlete for reasons unrelated to meaningful competition.

#### **6.4 Preventive Exclusion, If Instituted, Cannot Rationally Be Limited Only to Those Who Commit ADRVs**

One might object to the purported limitation on the scope of my argument. Why extend the imposition of preventive exclusion only to those who have been found to have committed an Art 2.1 or 2.2 ADRV and not to others who pose a high risk of committing an ADRV? For example, if the Shameless Doper were not returning from a ban—if they had never been found to have committed an ADRV—but had announced their intention to commit their first ADRV and to take steps to do so undetected, would the argument adduced in this paper not justify their preventive exclusion? That is, can I restrict preventive exclusion only to confirmed cases of doping or does the logic of preventive exclusion in that case require its wider use in cases in which there is strong evidence that an individual who has no prior record of doping nonetheless poses a significant risk of doping?

Two responses might be offered, one good and one bad. The bad response is that past ADRVs are the only reliable predictive indicator of future offending, and that moral constraints prohibit the extension of preventive exclusion to those who have not yet been found to have committed the relevant type of ADRV (Duff 1998: 152). I do not subscribe to the empirical claim that past ADRVs are the only reliable means of predicting whether an individual is likely to dope in the future. An athlete's stated intention to dope, for example, would seem to provide a clear counterexample to this claim. However, the moral response is more promising.

On the moral response, preventive exclusion should not be extended to those who are deemed a high risk of doping but who have no previous record of doping because such an extension would be prohibited by the moral principle that athletes should

be afforded a ‘presumption of trustworthiness’.<sup>42</sup> Athletes should be assumed to be trustworthy with respect to doping until they have been found not be trustworthy in this respect. Until that point, even if we have good empirical grounds for believing that they will dope, we should act on the basis that they will not. Assuming athletes to be trustworthy to compete is part of what it means for sporting authorities to respect athletes. However, a verified ADRV shifts that presumption such that the athlete with a confirmed case of untrustworthiness in the relevant respect must re-establish their trustworthiness to compete. Consequently, preventive exclusion should be limited to those who have been found to have committed an ADRV.

### **6.5 Preventive Exclusion Should Not Be Employed in Anything But the Most Serious Cases of Doping**

Finally, one might object to the scope of my argument from the other direction. Rather than a concern that the logic of my argument requires preventive exclusion to be utilised universally, not just for confirmed dopers, it might be objected that preventive exclusion should be employed not for every Art 2.1 and 2.2 ADRV but only in the most serious instances of such violations.

This objection assumes that preventive exclusion will be more burdensome on athletes than punishment. However, the application of preventive exclusion to every relevant ADRV, and not just to the most serious cases, facilitates a swift return to competition for athletes who can establish their trustworthiness more quickly. A system that did not adopt preventive exclusion for cases other than the most serious would lack the capacity to return to competition athletes who can establish their trustworthiness prior to the expiry of the period of ineligibility that would be imposed on a retributivist schema. The punitive approach would wrongly exclude the Reformed Doper, for example. So, the preventive exclusion approach may result in athletes being excluded from competition for either shorter or longer periods than those dictated by a punitive approach. Consequently, preventive exclusion is not necessarily more burdensome on athletes than a punitive approach.

## **7 Conclusion**

I have proposed a paradigm shift in sporting bodies’ response to confirmed cases of doping. The prevailing punitive approach that underpins the World Anti-Doping Code has been challenged, and I have argued that anti-doping rules should take a preventive, non-punitive turn. The Punishment Thesis has been undermined both by demonstrating shortcomings to the responses available within the punishment paradigm to a variety of doping cases and by delineating the appeal of the preventive exclusion alternative.

The foregoing discussion has introduced the ethical significance to sport of trust-based rules. Sport rests on a moral foundation of trust, and the cultivation of trustworthiness among athletes, coaches, medics, and other sporting agents should be

<sup>42</sup>This idea is inspired by Duff’s ‘presumption of harmlessness’ in Duff (1998: 155).

central to our sporting culture. Yet, this feature of sport has been overlooked in the philosophical literature. In the absence of trustworthiness, the opportunities to violate trust-based rules are too numerous and readily available for meaningful competition to be achieved reliably. The picture that I have sketched of the dependence of meaningful competition on the trustworthiness of athletes is not intended to be optimistic about the prospects for meaningful competition. On the contrary, my argument challenges the view that sanction-based responses can ensure compliance with this sub-class of rules. The inherent shortcomings of sanction-based approaches to compliance with this sub-class of rules necessitate this trust-based response.

Finally, more needs to be said about the jurisprudence of our responses to doping and to violations of trust-based rules more generally. Questions of restitution, including compensation, naturally arise at the professional level, and questions of restorative justice arise with respect to the re-introduction of athletes to competition following a period of exclusion. Nevertheless, the overarching aim of this paper has been to initiate a new area of study within the jurisprudence of sport. While the jurisprudence of sport has, in its short lifespan,<sup>43</sup> focused on questions concerning the nature of sport and adjudication in sport, there is rich terrain within specific aspects of sporting practice and institutions in which a consideration of legal philosophy can shed light on philosophical issues in sport. One such area is what should be done after doping.

**Acknowledgements** Early versions of the paper were presented at a British Philosophy of Sport Association ‘work in progress’ seminar and at an ‘author meets critics’ panel hosted by the International Association for the Philosophy of Sport at the American Philosophical Association (APA) Central Division Conference. Thanks to Alister Browne, Paul Gaffney, Francisco Javier Lopez Frias, and John Russell, for their comments at the APA panel. Special thanks to Francisco Javier Lopez Frias for extensive comments on a later draft. Finally, thanks to two anonymous reviewers for valuable and constructive comments.

## Declarations

**Conflict of interest** The author declares none.

**Open Access** This article is licensed under a Creative Commons Attribution 4.0 International License, which permits use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons licence, and indicate if changes were made. The images or other third party material in this article are included in the article’s Creative Commons licence, unless indicated otherwise in a credit line to the material. If material is not included in the article’s Creative Commons licence and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder. To view a copy of this licence, visit <http://creativecommons.org/licenses/by/4.0/>.

<sup>43</sup> The jurisprudence of sport debate was initiated by Russell (1999). The term ‘jurisprudence of sport’ was coined in Berman (2011). An excellent introduction to the jurisprudence of sport is Berman and Friedman (2021).

## References

- Adams, Callum. 2017. Introduce Mandatory Lifetime Bans, Urge Athletes and Experts. *The Telegraph*, 19 Dec. 2017. <https://www.telegraph.co.uk/news/2017/12/19/introduce-mandatory-lifetime-bans-urge-athletes-experts/>. Retrieved 1 July 2025.
- Baier, Annette. What is Trust? Chap. 10 in *Reading Onora O'Neill*, eds David Archard, Monique Deveaux, Neil Manson, Daniel Weinstock. Oxford: Routledge.
- Baldwin, Alan. 2019. Doping—Lab director Hits Back at ex-WADA Head Over Testing Criticism. *Reuters*, 23 April 2019. Retrieved 1 July 2025. <https://www.reuters.com/article/us-sport-doping-interview-idUSKCN1RZ0UW>
- Barnett, Randy E. 1977. Restitution: A New Paradigm of Criminal Justice. *Ethics* 87(4): 279–301.
- Barnett, Randy E.. 1996. Getting Even: Restitution, Preventive Detention, and the Tort/Crime Distinction. *Boston University Law Review* 76: 157–168.
- BBC Sport. 2015. Andy Turner: Former Hurdler Backs 'One Strike' Bans for Doping, 4 August 2015. <http://www.bbc.co.uk/sport/athletics/33773638>. Retrieved 1 July 2025.
- BBC Sport. 2016. TUE System Can Be Abused by Athletes – Dr Richard McLaren, 16 September 2016. <https://www.bbc.com/sport/37382825#:~:text=The%20system%20of%20therapeutic%20use,athletes%27%20stolen%20TUE%20medical%20files>. Retrieved 1 July 2025.
- Berman, Mitchell N. 2011. 'Let 'Em Play': A Study in the Jurisprudence of Sport. *The Georgetown Law Journal* 99: 1325–1369.
- Berman, Mitchell N., and Richard D. Friedman. 2021. *The Jurisprudence of Sport: Sports and Games as Legal Systems*. Minnesota: West Academic Publishing.
- Bloom, Ben. 2017. One Strike and You're Out: Athletes Call for Doping Cheats to Be Barred After Gatlin Team Revelations. *The Telegraph*, 19 December 2017. <https://www.telegraph.co.uk/athletics/2017/12/19/one-strike-athletes-call-doping-cheats-barred-positions-power/>. Retrieved 1 July 2025.
- Boonin, David. 2008. *The Problem of Punishment*. Cambridge: Cambridge.
- Bradford, Gwen. 2015. *Achievement*. Oxford: Oxford.
- Breivik, Gunnar. 2015. Game Theoretic Approaches to Doping in Sport. Chap. 31 in *Routledge Handbook of Drugs and Sport*, eds Verner Møller, Ivan Waddington, John Hoberman. Oxford: Routledge.
- Cook, Karen S., Margaret Levi, and Russell Hardin. 2005. *Cooperation Without Trust?* New York: Russell Sage Foundation.
- Corrado, Michael Louis. 1996. Punishment and the Wild Beast of Prey: The Problem of Preventive Detention. *The Journal of Criminal Law and Criminology* 86(3): 778–814.
- Cycling Independent Reform Commission. 2015. *Report to the President of the Union Cycliste Internationale*. [https://www.sportsintegrityinitiative.com/wp-content/uploads/2016/03/CIRCReport2015\\_Neutral.pdf](https://www.sportsintegrityinitiative.com/wp-content/uploads/2016/03/CIRCReport2015_Neutral.pdf). Retrieved 1 July 2025.
- D'Agostino, Fred. 1981. The Ethos of Games. *Journal of the Philosophy of Sport* 8(1): 7–18. <https://doi.org/10.1080/00948705.1981.9714372>
- Devine, John William. 2022. Elements of Excellence. *Journal of the Philosophy of Sport* 49(2): 195–211. <https://doi.org/10.1080/00948705.2022.2059489>
- Devine, John William. 2023. Against Doping in Sport. Chap. 32 in *Technology Ethics*, eds Gregory Robson and Jonathan Y. Tsou. Oxford: Routledge.
- Dixon, Nicholas. 1999. On Winning and Athletic Superiority. *Journal of the Philosophy of Sport* 26(1): 10–26. <https://doi.org/10.1080/00948705.1999.9714576>
- Donagan, Alan. 1977. *The Theory of Morality*. Chicago: Illinois.
- Duff, R.A. 1998. Dangerousness and Citizenship. Chap. 6 in *Fundamentals of Sentencing Theory*, eds. Andrew Ashworth and Martin Wasik. Oxford: Oxford.
- Duff, R. A. 2001. *Punishment, Communication, and Community*. Oxford: Oxford.
- Egner, Ingrid M., Jo. C. Bruusgaard, Einar Eftestøl, and Kristian Gundersen. 2013. A Cellular Memory Mechanism Aids Overload Hypertrophy in Muscle Long After an Episodic Exposure to Anabolic Steroids. *Journal of Physiology* 591(24): 6221–6230.
- English, Jane. 1978. Sex Equality in Sports. *Philosophy & Public Affairs* 7(3): 269–277.
- Frowe, Helen. 2014. *Defensive Killing*. Oxford: Oxford.
- Gaffney, Paul. 2018. Playing with Cheaters. *New York Law School Law Review* 63(2): 197–218.
- Garvey, Stephen P. 2011. Alternatives to Punishment. Chap. 17 in *Oxford Handbook of Philosophy of Criminal Law*, eds. John Deign and David Dolinko. Oxford: Oxford.

- Gleaves, John, Andrea Petroczi, Dirk Folkerts, Olivier de Hon, Emmanuel Macedo, Martial Saugy, and Maarten Cruyff. 2021. Doping Prevalence in Competitive Sport: Evidence Synthesis with “Best Practice” Recommendations and Reporting Guidelines from the WADA Working Group on Doping Prevalence. *Sports Medicine* 59 (1): 1909–1934.
- Hampton, Jean. 1984. The Moral Education Theory of Punishment. *Philosophy & Public Affairs* 13(3): 208–238.
- Harper, Joanna, Maria-Jose. Martinez-Patino, Fabio Pigozzi, and Yannis Pitsiladis. 2018. Implications of a Third Gender for Elite Sports. *Current Sports Medicine Reports* 17(2): 42–44. <https://doi.org/10.1249/JSR.0000000000000455>
- Hart, H. L. A. 2008. *Punishment and Responsibility: Essays in the Philosophy of Law*. Oxford: Oxford.
- Hawley, Katherine. 2014. Trust, Distrust and Commitment. *Nous* 48(1): 1–20.
- Hobbes, Thomas, 1651. *Leviathan*.
- Homewood, Brian. 2012. No Winner for 1999–2005 Tours, Says UCI. *Reuters*. 26 October 2012. <https://www.reuters.com/article/us-cycling-armstrong-idUSBRE89P0S620121026#>. Retrieved 1 July 2025.
- Imbrišević, Miroslav. 2024. Is Sport a Human Right (for Transgender Athletes)? *Sport, Ethics and Philosophy* (online first). <https://doi.org/10.1080/17511321.2024.2430264>.
- International Olympic Committee. 2025. *Olympic Charter*. 30 January 2025. <https://stillmed.olympics.com/media/Documents/International-Olympic-Committee/IOC-Publications/EN-Olympic-Charter.pdf>. Retrieved 1 July 2025.
- Kretchmar, Scott and Tim Elcombe. 2007. In Defense of Competition and Winning: Revisiting Athletic Tests and Contests. Chap. 12 in *Ethics in Sport*, ed. William J. Morgan. Leeds: Human Kinetics.
- Kretchmar, Scott. 1975. From Test to Contest: An Analysis of Two Kinds of Counterpoint in Sport. *Journal of Philosophy of Sport* 2(1): 23–30. <https://doi.org/10.1080/00948705.1975.10654094>
- Lawn Tennis Association. 2025. *Belonging in Tennis: LTA Equity, Diversity, and Inclusion Plan 2025–2029*. <https://www.lta.org.uk/49c749/siteassets/news/2025/may/2025-lta-edi-plan-final.pdf>. Retrieved 1 July 2025.
- Lopez Frias, Francisco Javier. 2017. A Kantian View of Suits’ Utopia: A Kingdom of Autotelically-Motivated Game Players. *Journal of the Philosophy of Sport* 44(1): 138–151.
- McLaren, Richard. 2016. *McLaren Independent Investigation Report—Part 2*. [https://www.wada-ama.org/sites/default/files/resources/files/mclaren\\_report\\_part\\_ii\\_2.pdf](https://www.wada-ama.org/sites/default/files/resources/files/mclaren_report_part_ii_2.pdf). Retrieved 1 July 2025.
- McLeod, Carolyn, 2023. Trust. *Stanford Encyclopedia of Philosophy* (Fall 2023 Edition), ed. Edward N. Zalta. <https://plato.stanford.edu/entries/trust/>. Retrieved 1 July 2025.
- Monye, Ugo. 2019. Bloodgate Made Us a Laughing Stock But the Collateral Damage Was Brutal. *The Guardian*. 12 April 2019. <https://www.theguardian.com/sport/2019/apr/12/bloodgate-made-us-a-laughing-stock-but-the-collateral-damage-was-brutal>. Retrieved 1 July 2025.
- Moore, Michael S. 1993. Justifying Retributivism. *Israel Law Review* 27: 15–49. <https://doi.org/10.1017/S0021223700016836>
- Morse, Ben. 2023. World Chess Championship 2023: Why Magnus Carlsen Isn’t Playing and Everything Else You Need to Know. *CNN Online*, 8 April 2023. <https://edition.cnn.com/2023/04/08/sport/world-chess-championship-2023-preview-spt-intl/index.html>. Retrieved 1 July 2025.
- Morse, Stephen J.. 1996. Blame and Danger: An Essay on Preventive Detention. *Boston University Law Review* 76: 113–154.
- O’Neill, Onora. 2002. *Autonomy and Trust in Bioethics*. Cambridge: Cambridge.
- O’Neill, Onora. 2018. Linking Trust to Trustworthiness. *International Journal of Philosophical Studies* 26(2): 293–300. <https://doi.org/10.1080/09672559.2018.1454637>
- Petroczi, Andrea, John Gleaves, Olivier de Hon, Dominic Sagoe, and Martial Saugy. 2022. Prevalence of Doping in Sport. Chap. 3 in *Drugs in Sport*. 8th ed. eds. David R. Mottram and Neil Chester. Oxford: Routledge.
- Pike, Jon. 2023. Why ‘Meaningful Competition’ Is Not Fair Competition. *Journal of the Philosophy of Sport* 50(1): 1–17. <https://doi.org/10.1080/00948705.2023.2167720>
- Putnam, Robert D.. 2000. *Bowling Alone: The Collapse and Revival of American Community*. London: Simon & Schuster.
- Rumsby, Ben. 2017. Justin Gatlin Should Have Been Banned for Life After He Was Convicted of Being a Drugs Cheat - Lord Coe. *The Telegraph*, 6 August 2017. <https://www.telegraph.co.uk/athletics/2017/08/06/justin-gatlin-should-have-banned-life-convicted-drugs-cheat/>. Retrieved 1 July 2025.
- Russell, J. S. 1999. Are Rules All an Umpire Has to Work With? *Journal of the Philosophy of Sport* 26(1): 27–49. <https://doi.org/10.1080/00948705.1999.9714577>

- Salm, Joao, and Ophir Sefiha. 2023. Restorative Justice in Sports: Does Restorative Justice Have a Place in Anti-Doping Governance? *Sport in Society* 26(1): 168–183. <https://doi.org/10.1080/17430437.2021.1981294>
- Sandel, Michael. 2012. *What Money Can't Buy: The Moral Limits of Markets*. London: Allen Lane.
- Sharples, Adam, and Daniel Turner. 2023. Skeletal Muscle Memory. *American Journal of Physiology-Cell Physiology* 324(6): C1274–C1294. <https://doi.org/10.1152/ajpcell.00099.2023>
- Simon, Robert L., Cesar R. Torres, and Peter F. Hager. 2015. *Fair Play: The Ethics of Sport*, 4th ed. Boulder, CO: Westview.
- Sport Ireland. 2022. *Sport Ireland Policy on Diversity and Inclusion in Sport*. <https://www.sportireland.ie/sites/default/files/media/document/2022-05/Sport%20Ireland%20Policy%20on%20Diversity%20and%20Inclusion%20in%20Sport.pdf>. Retrieved 1 July 2025.
- Suits, Bernard. 2014. *The Grasshopper: Games, Life and Utopia*, 3rd ed. Ontario: Broadview Press.
- Thomson, Judith Jarvis. 1991. Self-defense. *Philosophy & Public Affairs* 20(4): 283–310.
- Wellman, Christopher Heath. 2012. The Rights Forfeiture Theory of Punishment. *Ethics* 122(2): 371–303. <https://doi.org/10.1086/663791>
- Wellman, Christopher Heath. 2017. *Rights Forfeiture and Punishment*. Oxford: Oxford.
- World Anti-Doping Agency. 2021. *World Anti-Doping Code 2021*. [https://www.wada-ama.org/sites/default/files/resources/files/2021\\_wada\\_code.pdf](https://www.wada-ama.org/sites/default/files/resources/files/2021_wada_code.pdf). Retrieved 1 July 2025.
- World Anti-Doping Agency. 2024. *World Anti-Doping Code International Standard: Prohibited List*. [https://www.wada-ama.org/sites/default/files/2023-09/2024list\\_en\\_final\\_22\\_september\\_2023.pdf](https://www.wada-ama.org/sites/default/files/2023-09/2024list_en_final_22_september_2023.pdf). Retrieved 1 July 2025.
- World Rugby. 2025. *#RugbyForAll*. <https://www.world.rugby/organisation/sustainability/rugbyforall>. Retrieved 1 July 2025.

**Publisher's Note** Springer Nature remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.