

**\* PROMETEUS FILOSOFIA \***  
**CÁTEDRA UNESCO ARCHA**  
**VIVA VOX**  
**Julho- Dezembro de 2016 volume 9 ano 9 n. 20**  
**ISBN: 2176-5960**

**“TRULY PLAY” VS. “PLAY TRUE”**  
**WHY DOPING IS NOT THE PROBLEM IN SPORT**

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**ABSTRACT:** Doping has been a major factor in the recent discovery of sport by philosophers. Doping seems to be an ethical problem in sport, and philosophers are experts in ethics. Therefore, many philosophical publications on sport assess the moral implications of doping in sport. Usually, this topic is discussed by using ethical terms such as “justice”, “fairness”, “equality” or “health” within a framework of discussions on human enhancement. The main part of this article will address some of the results of these philosophical debates. The main goal, however, is to open up new perspectives on a related problem of sport that is underlying and far more fundamental than the problem of doping. My main thesis is that the principal problem in sport is the fact that an attitude, which one could call “amateurism”, has been increasingly lost or forgotten. Without reinstalling the humanistic value of sport, we will not find any intellectually satisfactory and conceptually sound solutions to the doping problem. The humanistic values of sport are undermined by a modern version of sport that is obsessed with specialization and scientific capability enhancement and the mathematization of results and events.

**KEYWORDS:** Sport. Ethics. Doping. Human enhancement. Amateurism. Presence.

## 1. Introductory remarks

In recent years, numerous philosophical studies have been published on human enhancement.<sup>1</sup> Biomedicine has developed so quickly that what had sounded like the strange fantasies of a science fiction writer only a few years ago is practically feasible today and at low risk. The range of what is possible in biomedicine has expanded. At the same time, we live in a competitive world, where human beings that overachieve goals and outperform others are highly rewarded, while many of those who regard themselves and their peer group as top performers perform at the highest level also in their scarce leisure time. Biomedical manipulation becomes very attractive especially in elite sport, a sphere of society that is by its very nature and definition competitive. In elite sport, everything is about winning and losing, being the best and setting records. Economic incentives (either by the market or by states' subsidy schemes), prestige (in peer groups and society) and a strong inclination to self-improvement in athletes (such is their self-concept) are the reasons for the importance of winning, losing and setting records. Yet, in this competitive sphere, the aversion of athletes, sport organizations, and the public to methods of human enhancement is great and the verdict is sharp and clear, condemning the doper as the one who breaches sport's first commandment: "Thou shalt not dope!"<sup>2</sup>

### a) Human enhancement and doping

Let us begin with a definition of human enhancement. It is a broader term than doping, which is the special case of human enhancement through drugs in sport. Human enhancement is defined as "*Biomedical interventions that are used to improve human form or functioning beyond what is necessary to restore or sustain health.*"<sup>3</sup> This classical definition states that whether a certain biomedical intervention is a case of

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<sup>1</sup> An indication for the relevance of human enhancement as a philosophical topic is the entry on "Human enhancement" in the Stanford Encyclopedia of Philosophy, 2015. Some of the arguments found in the first part of my article can be also found in the entry of the Stanford Encyclopedia.

<sup>2</sup> This and the image of sport as the symbolic venue of social debates justify the need for philosophical clarification, states ASMUTH, 2010 in his introduction.

<sup>3</sup> See JUENGST/MOSELEY, 2015 and for the *locus classicus* of the definition, PARENS, 1998. On the history of bioethics, see EISSA/SORGNER, 2011.

human enhancement depends on the circumstances in which this intervention is used. There are three scenarios:

- (1) Is the intervention done to *heal* a disease or an injury?
- (2) Is the intervention done to *prevent* future injury or disease?
- (3) Is it an intervention to *improve* the capabilities of a human being?

The first two scenarios are concerned with health, whereas the third one is concerned with the capabilities of a human being and the aim of the intervention is improvement. On a timeline, the healing of a patient lies after the occurrence of a disease or an injury, the prevention lies before a possible occurrence of an injury. The difference between healing and prevention, therefore, is found on the timeline. The improvement of capabilities by biomedical interventions is primarily not concerned with health, but with the improvement of already existing capabilities or the addition of new capabilities. In sport, the improvement of athletes by biomedical interventions is what we usually call doping. Doping is seen, by large parts of the public, by sport itself, and also by some philosophers, as a “moral” problem that undermines the essence of sport.<sup>4</sup> Philosophers ask for the reasons why doping supposedly contradicts the essence of sport, citing concepts such as “justice”, “equality” and “fairness”. In this article, I argue that it is not enough for philosophers to apply results from ethical deliberations to the subject of sport. Rather it is necessary to find, firstly, an answer to the question of what sport should do and what sport is about. Secondly, once we are in a position to do so, philosophers can decide which ethical principles can be applied to sport and the use of performance enhancing drugs.<sup>5</sup>

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<sup>4</sup> It seems that philosophers are much more inclined to accept performance enhancing drugs in sport than public opinion. Examples for philosophers against a legalization of doping substances: MURRAY, 2009 or MCNAMEE, 2012, who defends the “spirit of sport” criterion to decide which substances have to be banned from sport.

<sup>5</sup> One publication that argues on the path and in the direction that I am recommending here is SCHNEIDER/BUTCHER, 2000. These authors develop an “irrelevancy argument” that is designed to show that the use of performance enhancing drugs does not help athletes to achieve the good that they themselves (should) seek in sport: This goal is to develop skills and overcome obstacles. I hold this argument to gesture in the right direction. But it does not articulate why the overcoming of obstacles and the development of skills is the “true” reason for a person to engage in sport as an athlete. The concept that could fill the explanatory gap of the irrelevancy argument is the concept of presence. I will treat “presence” in the second part of this article. An amateuristic approach to sport, amateurism as an attitude, helps to have moments of presence. An all too scientific approach to sport, which is common today, makes it impossible to draw a line between what should be legal and what should be illegal enhancers – and thereby makes impossible a solution to the problem of doping.

The World Anti-Doping Agency (WADA), whose anti-doping code rules every eminent sports organization, states the following: “Doping is fundamentally contrary to the spirit of sport.”<sup>6</sup> To capture this spirit the WADA delivers the following list:<sup>7</sup>

- a) Ethics, fair play and honesty
- b) Health
- c) Excellence in performance
- d) Character and education
- e) Fun and joy
- f) Teamwork
- g) Dedication and commitment
- h) Respect for rules and laws
- i) Respect for self and other Participants
- j) Courage
- k) Community and solidarity

This list is given in order to argue in favor of the ban of doping. Doping is said to threaten the listed values that make up the spirit of sport. Like FODDY/SAVULESCU, 2007 I see that there are unfortunately only two points on the list that are touched by doping. Doping is forbidden by the rules and insofar it touches the ethics of sport, fair play and honesty (a). The same applies to (h). Doping constitutes an expression of disrespect for rules and laws and insofar it is against the essence of sport as defined by the WADA. But (a) as well as (h) beg the question of why there should be a ban on performance enhancing drugs in sport.

Similarly, all the other listed items are of no help in making the case against the use of performance enhancing drugs in sport, or more precisely, in elite sport on which the debate about anti-doping is focusing.<sup>8</sup> In the following, I will go through the WADA’s list, partly to bring to mind what FODDY/SAVULESCU, 2007 have already shown. But in the following, I will not use the redundant concept of “doping”. “Doping” already includes the infringement of a rule. When going through the WADA list that tries to capture the spirit of sport, we have to find out which kinds of enhancing methods undermine the listed values. According to the WADA’s position, enhancers

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<sup>6</sup> WORLD ANTI-DOPING AGENCY, 2009, p. 14.

<sup>7</sup> WORLD ANTI-DOPING AGENCY, 2009, p. 14.

<sup>8</sup> The rising number of amateur athletes who use performance enhancing drugs is a problem of what I will call “mathematized sport”. Compare the recent reports on doping in amateur cycling in THE GUARDIAN, 2016.

that are excluded by the rules, i.e. that appear on the list of forbidden substances, undermine these values.

“Health” is usually not the reason for which elite athletes practice sport. “Health” is only seen as a means to perform well and is therefore a resource for performance. But in order to achieve excellent performance, you make use of your body without thinking about the long-term (negative) effects on it; and even the short-term effects do not count when we consider that many elite athletes compete while injured or sick and using pain relievers (which are not considered to be a form of doping). The use of enhancers is not contrary to excellence in performance, rather on the contrary, they are used in order to enable excellence in performance. The use of performance enhancing drugs does not spoil a person’s character and does not affect educational purposes of sport. You could only say that as long as the use of drugs is forbidden by the rules, an infringement of the rules is a sign of a spoiled character. As “fun” and “joy” are only very subordinate factors for elite athletes, they do not play an important role if undermined by doping. Many cycling teams, like Lance Armstrong’s US Postal or Jan Ullrich’s Team Telekom, adhered to a strong doping culture, wherefore one really cannot say that teamwork is negatively affected by doping. Dedication and commitment can only be seen to be undermined by doping if one adds “dedication and commitment to the rules”; but, on the contrary, doping can even be understood as a very strong dedication and commitment to the sport. Taking a drug in order to have success can also be seen as courageous. Only as long as doping is forbidden by the rules, one could hold on to the opinion that one disrespects oneself and the other participants of a game; if legal, doping would not be a disrespectful behavior – but the sport value list by the WADA is only one step before some enhancement methods are excluded by naming them doping. And if we presuppose that doping was legal, what kind of solidarity in a community of athletes would be broken? The list delivered by the WADA intends to set the grounds for arguments against the use of performance enhancing drugs. Unfortunately, this has gone wrong, as even a brief examination of the list’s items shows.

#### **b) The aim of the article**

The following considerations will proceed in three steps. At first, some typical arguments of the debate on doping as a special case of human enhancement will be revised. This first part can be seen as a summary of what typically can be found in philosophical literature. Secondly, an attempt is made to capture what sport is all about,

i.e. an attempt to grasp the essence of sport – which is something that is widely neglected in philosophical literature on sport. Finally, it will be found that sport nowadays is not suffering principally from a doping problem, but from a misinterpretation of the concept of sport itself.

## 2. Typical arguments in the debate on doping

### a) Some remarks on the definition of human enhancement

To begin, let us repeat the definition of human enhancement, because this is what the debates on doping in philosophical debates usually take as their starting point.<sup>9</sup> Human enhancement consists of *biomedical interventions that are used to improve human form or functioning beyond what is necessary to restore or sustain health*.<sup>10</sup> Two expressions already fly moral red flags that are also found in debates on doping:

#### (1) “Improvement”

To some, the will to improve human form or functioning, i.e. what is defined as “human nature”, through biomedical interventions seems morally questionable. They hold that it is morally questionable to change or manipulate human nature.<sup>11</sup> On the other hand, some argue that attempts to improve are a natural trait of human beings and that it is even a moral obligation to improve human nature, if one can, to increase overall happiness and well-being.<sup>12</sup>

#### (2) “Beyond necessity”

Interventions done without necessity are to be morally ruled out because the risk of such an intervention, being unnecessary, can never be appropriate to the possible

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<sup>9</sup> See JUENGST/MOSELEY, 2015.

<sup>10</sup> The frontier between human enhancement as “unnecessary” manipulations and *preventive* treatments or *actual* treatments is very often fuzzy when we consider in real cases. Plastic surgery, in some cases, could be seen as preventive against psychological problems resulting from unhappiness with a person’s corporeal appearance. Laser vision correction is a treatment of problems with visual acuity. But for batters in professional baseball or golfers this procedure is used to enhance their ability as baseball players or golfers. So, intention defines whether a treatment is really a treatment or enhancement.

<sup>11</sup> ANNAS/ANDREWS/ISASI, 2002 argue against the manipulation of human nature as undermining human rights and as an initial step towards the extinction of the human species.

<sup>12</sup> BOSTROM, 2003 and SAVULESCU/PERSSON, 2012 as contemporary advocates of human enhancement.

benefit.<sup>13</sup> On the other hand, some argue that autonomous persons dispose of their bodies and should be able to decide for themselves what risks they take or do not take. It is our freedom to choose who we are, and to “become better” cannot harm anyone.

This brief analysis of the parts of the definition of biomedical enhancement already marks the possible philosophical claims and complexities of the debate. The next task is to determine the borders between “human enhancement”, “healing” and “prevention”. What is medically necessary is dependent on what counts as a disease. But what counts as a disease is sometimes contingent and depends on medical knowledge as well as on the medical lobby. Human enhancement procedures are right on the border between sustaining or restoring health and the optimization of health. Very often, what had counted as human enhancement once becomes a healing or preventive procedure after a while. Sometimes a medical intervention by surgery, e.g. liposuction, can be a remedy for a mental problem. The demarcation line between mental or brain diseases and personality traits like depression, for example, or defects due to aging (like forgetfulness) is a philosophical topic in the ontology of medicine.<sup>14</sup>

In this context of the difficult demarcation line between prevention and enhancement and with regard to our topic of sports, downhill skier Bode Miller once argued for the legalization of performance enhancing drugs as a kind of prevention against injuries. Miller pleaded for the legalization of erythropoietin (EPO) in skiing as a kind of necessary prevention against slopes and skis that get faster and faster, putting the skier in high danger of injuries or even life. He said: “Endurance-boosting drugs such as erythropoietin [...] would help keep oxygen flowing to the brain, allowing skiers to make safer decisions [...] You have to make four or five decisions every second in skiing, every turn. [These are] conscious decisions, plus there’s another hundred that are instinct. And when your brain starts to slow down, as if you’re holding your breath for two minutes, it makes it damn hard to make those decisions.”<sup>15</sup> So, Miller has a strong argument, i.e. the health and life of the athlete, for the legalization of

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<sup>13</sup> This equals the usual code of conduct of medical doctors. The principle of beneficence is the core principle of medical ethics. See BEAUCHAMP/CHILDRESS, 2008 and PELLEGRINO, 2001.

<sup>14</sup> EHRENBERG, 1998 gives an example of how the ontological status of a disease depends on cultural and social developments. The reasons for changes of the status of the disease depression lie in developments that have freed man from the ties of tradition, but thereby put on him the heavy burden of self-determination and responsibility. See also CHARON, 2006.

<sup>15</sup> MILLER’s take on doping in alpine skiing: Legalize it? *Ski Racing Magazine* October 2nd, 2005.

EPO in skiing by ranking safety claims higher than the fairness claims put forward by the WADA. Enhancement by drug use turns, in Miller's argumentation, a preventive measure. It comes close to the argument by philosophers (FODDY/SAVULESCU, 2007) who rank health and safety for the athlete as the highest good in sport's policy regarding performance enhancement. The aim of controlling athletes would then not be to detect performance enhancing substances in the athlete's body but to detect health risks and prevent them, if necessary, by using drugs.<sup>16</sup>

## **b) Moral arguments**

The first group of arguments that I want to address is that which centers around "fairness", "justice" and "equality":

The first argument in this category is as simple as this: Doping is banned by the rules of sport. Therefore, an athlete who dopes is also cheating. This conclusion is correct. We have already seen this argument in the introductory remarks on the WADA Anti-Doping Code and in its list capturing the spirit of sport. However, this argument is redundant. It does not explain why there should be rules against performance enhancing drugs in sport. Suppose the current situation in world sport, where the main actors seem to want to ban certain kinds of biomedical enhancement, but obviously do not succeed in doing so, as the far too many cases of violations against anti-doping rules show. If the result of a candid examination of the problem of doping were to ban it from sport, then one method of doping prevention would be already to achieve a better understanding of why there should be these rules against doping.<sup>17</sup>

A second line of arguments is built around the concepts of "fair chances", "distributive justice" and "equality". Already the mentioned argument of cheating also hints at a vicious process known from game theory. If one athlete assumes another athlete to dope, he will also be inclined to dope, with the intention to match up the assumed disadvantage and restore the equal starting conditions.<sup>18</sup> This argument points to a very realistic scenario when one consults the testimonies of confessing athletes, e.g. many professional cyclists of the years 1990 to 2000, when the atmosphere in the peloton was characterized by suspicion: It was very probable that your competitor was

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<sup>16</sup> FODDY/SAVULESCU, 2007, p. 514-515.

<sup>17</sup> From PLATO on it is a recurring theme in philosophy how insight in rules influences the obedience to the rules. PLATO argued that the insight in the good also includes the acceptance of the good. And the good rules the act. See e.g. PLATO, *Politeia*, Book 10, 618c-d.

<sup>18</sup> This is the classic prisoner's dilemma in game theory.

on drugs, but many times not even your teammate actually spoke about it. The suspicion alone is a strong motivation to use performance enhancing drugs in order to create a situation where the competitors are on a level with each other. Only then do they have the impression that the situation is fair. But let us now consider a scenario where any kind of biomedical intervention to improve the athlete's performance is legitimate and there is no doping anymore. Athletes will not have, then, a motivation to use performance enhancing drugs by suspicion; performance enhancing drugs will be a regular part of the game. However, such a situation creates a new problem of fairness, the problem of distributive injustice. The situation will create inequality amongst the athletes, because some have access to drugs or more effective drugs while others do not. Athletes that have better access are more successful. Success in sport means economic success. Therefore, the successful athletes will be able to afford an even better supply of enhancers, and the gap between successful and unsuccessful athletes will increase on grounds that have nothing to do with natural talent.

You can question that distributive justice poses a problem to sport in general, as distributive injustice in sport is omnipresent. The distribution of natural talent is not equal. The distribution of wealth is not equal. For example, the German track and field association might be able to use more expensive training centers than the Jamaican association. The distribution of levels of development is not equal. Children in one country may grow stronger, because their diet is healthier. The distribution of snow is not equal. Skiers from equatorial countries have to undergo tremendous efforts to find slopes, wherefore there are almost no skiers from equatorial countries. The distribution of high altitude is not equal. Runners from countries on sea level have to pay for high altitude training camps or, while at home, sleep in expensive altitude tents or train in even more expensive altitude chambers. These inequalities may lead to the conclusion that comparing athletes with these different and unequal backgrounds in a competition is not fair.

At this point, we have to ask what sport is about. Is distributive justice really a determining factor for fairness in sport? If all the competitors were completely equal, there would not be a game, because nobody could win or lose, which would be very boring. On the basis of this consideration, we can even turn the argument of distributive justice around. If technology advances far enough to influence human bodies and minds in whatever way it wanted, the consequence of a complete legalization of human enhancement in sport would be that technology could destroy distributive injustice. We

want to be able to distinguish between those athletes who inherited their talents passively from their progenitors and those who acquired their talents actively from their physicians.<sup>19</sup>

In citing Bode Miller we have already seen that health is an important argument in the debate. Miller pleads for the legalization of performance enhancing drugs to ensure the health of athletes in the ever more demanding sport of downhill skiing. But also doping often comes with health risks. Showing pictures of former athletes whose health and lives have been destroyed by taking performance enhancing drugs can be powerfully used to counter an argumentation for the legalization of doping.<sup>20</sup> Thus, both advocates of a strict anti-doping policy and advocates of the legalization of the use of biomedical enhancement use health as an argument.

Some of the athletes are willing to try anything to improve their performance. Moreover, the performance development in an athletic life is usually very minutely observed by the athletes and coaches and staff and therefore allows for meaningful conclusions about the efficiency of a new drug. Because of these two facts, a scenario where athletes are used as “guinea pigs” for new enhancement drugs turns out to be very probable. The pharmacist has a consenting and willing “patient” on whom he can try medication, possibly even medication that hasn’t been tested sufficiently and is not yet approved for the market.<sup>21</sup>

The advocates of legalization say, on the contrary, that it would help the athlete if the use of drugs were not kept in the dark. The athlete could dope openly, in clean and sterile surroundings and watched over by competent medical staff who exactly know about the appropriate dosage and are bound by their professional ethics. In this way, the athlete would escape the oily hands of his massage therapist in a shabby hotel room between two Tour de France stages.<sup>22</sup> Another reason in favor of the admission of performance enhancing drugs in sport is the one cited by Miller. Let us suppose a pill that can be used to prevent excessive physical exhaustion of grade Z, occurring after a

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<sup>19</sup> SANDEL, 2007. See also TOLLENEER/STERYCK/BONTE, 2013.

<sup>20</sup> There are many examples of health problems that were caused by the use of performance enhancing drugs. For examples of severe health damages by doping in the German Democratic Republic see BERENDONK, 1991.

<sup>21</sup> For the risk of athletes taken as guinea pigs see CAMPORESI/MCNAMEE, 2014. See also KING/ROBESON, 2007 for one of the first publications that highlighted this risk of “unregulated clinical research” on athletes.

<sup>22</sup> In fact, promoters of human enhancement like SAVULESCU say that doping is permissible as long as it does not endanger the athlete’s health.

marathon, as well as to restore the body after physical exhaustion of the same grade Z after a marathon. The difference of these two cases only lies in the point in time the pill is taken.<sup>23</sup> Taken before the marathon, the pill will prevent an unfavorable physical state of the athlete's body. In this case, it enhances the abilities to absorb physical stress. Taken after the marathon, the pill restores the healthy state of the athlete's body. To which case do we feel morally averse? Arguing from an anti-doping perspective, rather to the one where the pill is taken before the competition. But isn't that a very cruel attitude? Why should the athlete first have to suffer all the pain of exhaustion if it is possible to perform the same way without pain when taking the pill? The question is whether performance enhancing interventions that help to avoid pain in the elite athlete who often exposes himself to severe physical stress should be allowed or even must be allowed. In the case brought forward by Miller, a pill like Z could even save the lives of athletes.

### **c) Authenticity arguments**

Next to the arguments relating to "justice", "fairness", "equality" and "health", one can also often find arguments that concern the relation of the athlete to himself. These kinds of arguments deal with the concept of authenticity. It is argued that a performance brought about with the help of performance enhancing interventions is less authentic than a performance without performance enhancing help. Doping robs those who use it of emotions they otherwise would cherish about their achievements.<sup>24</sup> In the following, I distinguish between "interior enhancement devices" and "exterior enhancement devices".

Let us begin with interior devices, i.e. performance enhancing drugs that are taken and get metabolized by the athlete. The athlete makes these enhancers his own and by training makes use of them to improve his performance. Many opponents of the legalization of performance enhancing drugs, however, seem to argue that the performance is not so much a performance by the agent, but by the performance enhancing drug. If this is the case, we have an argument against doping arising from

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<sup>23</sup> Remember that the difference between healing and preventing is essentially found on the timeline.

<sup>24</sup> SANDEL, 2007.

authenticity concerns.<sup>25</sup> We do not want to see enhancement methods competing against each other, but rather human beings who act by themselves.

On the other hand, athletes who use drugs and enhance their athletic performance have the impression that it is in fact their performance. They are training hard, and even harder than without using drugs, and only in combination with their natural talent can the drug enhance their performance. A fat and unathletic philosopher sitting at his desk all day can take as much erythropoietin as he wants; he will never be a champion in long distance running or of the Tour de France.

The doper takes the drug and uses it, and in combination with many other performance enhancing methods, like training, nutrition, sleep, lifestyle, etc., he processes it into a performance that is very much his own. There is no magic potion on the market yet. But the possibility of genetic manipulation appears on the horizon and challenges even this view of authenticity. Some argue that when parents genetically manipulate their future children to be future elite athletes, the children are robbed of the chance to determine themselves and the authenticity of their achievements is questionable.<sup>26</sup> Others argue that life is at any rate determined by genes, whether genes chosen by the parents or the genetic lottery of nature.<sup>27</sup> Again, in this short review of authenticity arguments, we see that a decision whether a performance enhanced by drug use is authentic or not is not easy to make. But, as we will see in the last part of this article, authenticity arguments are a type of argument that can help to further determine our attitude towards doping.<sup>28</sup> If we got to the focal meaning of sport, we could evaluate whether a performance is authentic with relation to the central meaning of sport.<sup>29</sup>

Let us now turn to the phenomenon of exterior performance enhancing devices. Prosthetic devices much more easily trigger a judgment that the performance is not brought about by the athlete but by the quality of the device. A famous case in this direction is the admission of the double amputee 400 meters sprinter Oscar Pistorius to

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<sup>25</sup> See THOMAS AQUINAS, *Summa theologiae* I-II, qq. 6-17 who distinguishes the human act (*actus humanus*) from the act of a human being (*actus hominis*). Only the former as a special case of the latter can be ascribed to a human person qua human person. Praise and blame only come along with human acts and therefore also a performance in sport only is worthy of praise when brought about by the agent as agent. See on this topic FRANKE, 2012.

<sup>26</sup> HABERMAS, 2001. And contrary to HABERMAS see FLETCHER, 1974 or SINGER, 1999. On a position on the compatibility of free choice and determinism see BUCHHEIM, 2006.

<sup>27</sup> BUCHANAN, 2011.

<sup>28</sup> Compare again the “irrelevancy argument” by SCHNEIDER/BUTCHER, 2000.

<sup>29</sup> It seems that we need to know the focal meaning of an activity to be able to judge whether the person who takes part in that activity is doing so authentically. An actor of *Nathan the Wise* can play Nathan very authentically. But he is Nathan only within the setting of the play.

the 2012 Summer Olympics. The case was much debated and the admission was celebrated as an example of integration of disabled persons, but as well criticized as an unfair treatment of Pistorius' competitors. Is the performance brought about by Pistorius his own achievement or the achievement of the research and development department of the artificial limb producer?

A similar and more actual case is that of the unilateral amputee long jumper Markus Rehm who uses a prosthesis on his right side and uses the prosthesis to jump off. In May 2016, he achieved a result (8.18m) that is above the required international and national qualification mark for the Olympic Games in Rio de Janeiro 2016. But as an answer to cases like this, the International Association of Athletics Federations (IAAF) had established Rule 144.3 (d) in its Competition Rules.<sup>30</sup> It says that it is not allowed to use in competitions “any mechanical aid, unless the athlete can establish on the balance of probabilities that the use of an aid would not provide him with an overall competitive advantage over an athlete not using such aid.” The IAAF introduced this rule in 2015. One problem that has often been criticized is that the rule puts the burden of proof on the athlete. It is very expensive to scientifically prove that a prosthesis does not put the athlete in an advantage over an athlete without prosthesis. But the main problem of this rule is that it is impossible to compare the athlete with prosthesis with the athlete without prosthesis. The objects of comparison are not comparable. A long jumper with a prosthesis is exercising another sport than a long jumper with two legs. The goal is in both cases to jump as far as possible, but this does not make it the same sport. The goal in many sports is to score a goal. But soccer is different from handball, ice hockey, field hockey, beach soccer, futsal, etc. What demarcates long jumping with prosthesis from long jumping without prosthesis is that in the former a tool is used. It demands completely different tasks from the athlete. In long jumping with prosthesis you have to handle a tool in a highly dexterous way. In long jumping without prosthesis, the handling of a tool is no part of the sport at all.

At the beginning of this paragraph we asked whether the performance of the prosthesis jumper is authentically brought about. Very much so! It is an authentic performance, a human act, by the prosthesis jumper – but, of course, the result is caused by the skillful handling of the prosthesis that cannot be subtracted or added from or to the result. The result of scientific testing brought forward in the case of Rehm this year,

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<sup>30</sup> IAAF, 2015, p. 153.

therefore, is of no worth for the decision whether he should be allowed to compete or not. It might, however, be very valuable for the improvement of prosthetic devices.<sup>31</sup>

#### **c) Training as “unfair” enhancement?**

Elite sport, which is professional sport and state “amateurism”,<sup>32</sup> is in itself, by excessive training and planning of the athlete’s career, covering up distributive injustices in natural talent that one could see as the reason for sport being interesting. One could argue that amateur sport comes much closer to the reason of interest in sport than elite sport. Amateurism limits the time people are able to train and increases the visibility of talent. In amateur sport the most talented athlete will win and not the one with the best training. In tennis or golf a strict distinction between amateurs and professionals had been kept up for a long time.<sup>33</sup> Furthermore, the admittance of professionals to the Olympic Games is a very recent development. The founding father of the Olympic Games of the modern period, Pierre De Coubertin, precisely thought that exercising and training are reasons for an unfair advantage of professionals over amateurs.<sup>34</sup> This return to amateurism would reduce the pressure that is put on athletes by economic necessities and thereby reduce the probability to use biomedical enhancement. The probability would not only be reduced because of less economic stress, but also by the simple medical fact that many performance enhancing drugs are only effective when used in combination with excessive training.

#### **d) Conclusion**

The WADA has tried to deliver a definition of “the spirit of sport”. The goal that the WADA is trying to achieve with this definition, i.e. to set the basis for anti-doping,

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<sup>31</sup> In this context, MUNTHER, 2000 asks if there was anything ethically suspect about mounting as a mirror image of the “Special Olympics” for athletes with disabilities a “Super Olympics”, featuring athletes universally equipped with the latest modifications and enhancements.

<sup>32</sup> State “amateurism” existed in the Soviet Union and the German Democratic Republic. But it also exists today for example in Germany, where elite athletes receive their pay as soldiers or police officers, but are released from their duties as soldiers or police officers to train and compete in their respective sport. These state “amateurs” are really professional athletes, paid by the government.

<sup>33</sup> Before the introduction of the open era, when professionals and amateurs alike were given access to the major tournaments in these respective sports.

<sup>34</sup> This spoke against the image of the athlete that DE COUBERTIN invoked, the image of a gentleman who is capable of many things but not a nerd only capable of one very special thing; see EASSOM, 1994, p. 120-123. One famous example of an athlete to whom entries to the Olympic Games were rejected, was PAAVO NURMI. The IAAF council in charge denied him access to the 1932 Olympic Games, when it questioned his amateur status.

does not work out very well, as we have seen. The cited arguments all seem to lead to standoffs between “we should allow doping for the sake of the argument” and “doping is against the spirit of sport”. The idea behind this article is therefore to end with an alternative attempt to grasp the spirit of sport. It will turn out that it is the way in which sport is exercised and presented nowadays that poses a problem to sport. In disregard of the humanistic value of sport and in a pseudo adherence to amateur values for commercial, PR and/or PI-reasons, institutionalized sport fails to deal with the doping problem in a consistent way. This final section should be seen as a starting point for other attempts to find out what the value of sport is, before debating about the use of performance enhancing drugs.

## **2. Amateurism, the value of play and presence**

In order to determine what “the spirit of sport” could be, I will use the concepts “amateur”, “presence” and “liberty”. My main inspirations for the proposed phenomenology of the existential experiences in and through sport derive from two authors. One of them, Hans Ulrich Gumbrecht, has published on the humanistic value of sport, while the second source of inspiration is my own amateur sport experiences that I often shared with my brother. This last part of the article is a stub. You can help sport by expanding it – in capturing the existential experiences you can have in and by sport.

### **a) Gumbrecht’s concept of presence**

One of the few contemporary thinkers to take seriously the task of capturing “the spirit of sport” in a philosophical way is Hans Ulrich Gumbrecht.

He wrote a book that treated sport explicitly and is titled, in the English original, *In Praise of Athletic Beauty*<sup>35</sup>. One can regard this book as an attempt to fulfill the task Gumbrecht set for himself in *The Production of Presence: What Meaning Cannot Convey*. In *The Production of Presence* the author intends to create a way of knowledge production by the humanities that is different from the Cartesian way. The latter is characterized by a search for meaning through interpretation, but thereby neglects the bodily aspects of the world.<sup>36</sup> In his work on presence, Gumbrecht contrasts the Cartesian “meaning-culture” with “presence-cultures”. There have always been attempts

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<sup>35</sup> GUMBRECHT, 2006.

<sup>36</sup> GUMBRECHT, 2003, p. 78.

to overcome the limitedness and lopsidedness of the meaning-based Cartesian lines of thought by stressing another way of coming to terms with the world. This way does not work on the basis of the mental and meaning-creating representation of its parts.<sup>37</sup> In laying out his view on “presence”, Gumbrecht finds an ally in Heidegger and his concept of the “un-concealment of Being”, which he equals with the happening of presence. When presence happens, the un-concealment of the world takes place in a “moment of intensity” that allows us to have an insight into the world. We merge with the world and thereby understand without learning and without having to learn something about its meaning. In a religious evocation, Gumbrecht calls this happening of presence “epiphany”.<sup>38</sup> Moments of epiphany happen suddenly and they are remote from everyday life. Violence, loss of control, focus, serenity and composure are part of the “epiphany” experience. Sport is an activity that involves the body. It can be seen as an example for an access to the world that works in a different way than by intellectual interpretation. When an athlete masters a game, he grasps it, not intellectually, but by merging with it as a whole person. This merging with the game is the true reason for why humans play.<sup>39</sup> And it is one form of grasping the truth. Gumbrecht’s book on sport can be seen as an application of his literary theory on presence. Sport is an excellent example of a human activity that produces moments of the un-concealing of being. For in sport the human being discloses the world by his body; the whole human being, thereby, connects to the world in a way that does not first and foremost produce meaning. An example of moments of presence in sport would be when we are in the crowd at a football match and experience a perfect play, when a tennis player on the backfoot succeeds a clearance shot in a decisive moment, when a sprinter clocks a world record with ease, or when the Tour de France comes down to an irresistible and decisive attack. These moments let the substantial form of the game appear; this ephemeral form pops up and goes away in less than a second. These moments can be prepared, but they cannot be actively brought about. In their timely limitedness they are stabilized by the form of the game that is standing out from all the other events occurring on and around the field. Finally, these moments reveal a “truth” as they

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<sup>37</sup> GUMBRECHT, 2003, p. 86.

<sup>38</sup> GUMBRECHT, 2003, p. 98.

<sup>39</sup> The significance of play for human persons is already stressed by Friedrich Schiller in his *Letters Upon The Aesthetic Education of Man* from 1794. In letters XIV and XV, Schiller identifies the “instinct of play” as the harmonic unity of the “sensuous impulsion” (the physical aspect of a human being) and the “formal impulsion” (the intellectual or moral aspect of a human being).

connect players as well as spectators with the world – without creating meaning, without reference to the reality outside the game itself. Gumbrecht starts his deliberations on sport as this kind of existential experience with a quote by the former Olympian swimmer, Pablo Morales, who said that his desire of “being lost in focused intensity” brought him back to sport. This quotation mentions three aspects of sport’s experience according to Gumbrecht:

- (1) *Being lost*: remoteness from everyday life and Kantian aesthetic disinterestedness.
- (2) *Focus*: temporalized forms appear to spectators and athletes.
- (3) *Intensity*: high awareness of emotions and bodily sensations.

The athlete Morales strikes the point that Gumbrecht is making in his theory of presence. Morales delivers a characterization of the focal meaning of sport that centers around the experience that an athlete is looking for when engaging in sport. This capturing of sport’s essence gives us the reason for which an athlete, an athlete who is “amateuristic” in his attitude, is practicing sport. Morales’ capturing of sport’s essence is much different from the WADA list. Only in “fun and joy” (e) do we find a rather trivialized form of “being lost in focused intensity”. If we now confront the existential talk of epiphany, presence and intensity with the arguments against doping, we get a completely different frame for the debate. We can now ask whether the use of performance enhancing drugs undermines the essential experience of sport. It seems that it does not make a difference to use performance enhancing drugs. However, in my opinion, the attitude towards sport that is materialized in the use of performance enhancing drugs does make a difference. I call this attitude “mathematical”. The use of performance enhancers is embedded in an attitude that conceives of sport as a highly projected endeavor. Athletes are specialized, their results in training and competition are strictly monitored, and hazard or luck are two factors of contingency that modern sport tries to repress. As opposed to this idea, we have seen that in Gumbrecht’s theory of presence it is exactly the coming about of the unpredictable or the possibility that something unpredictable could happen that makes sport a source of intensive moments of presence. Performance enhancing drugs are part of a development in sport that we can name “scientification” of sport or, as I called it, “mathematization”. Quasi-religiously speaking of epiphany, we should also bear in mind mystery. The ancient Greeks staged their Pan-Hellenistic Games around religious sites: They prayed that something magic would happen, and they were thankful when, in a kind of magic,

“truth” un-concealed itself without the spectators having the expectation for this to happen. Modern sport in its mathematized version has almost killed the possibility for magic. It has an obsession for planning and finding measuring methods to evaluate a sport performance. Sport has turned it into something like a planned economy. Athletes, stadiums and spectators look and act alike. Everybody is trained. Sport events (and not only sport events but also other events of the entertainment industry) appear like video games. (It would be interesting to research the question whether the aesthetics of video games influences the appearance of sport events – and in our context of doping in sport, whether the aesthetics of video games motivates athletes to dope; and how the aesthetics of social media, which is the stage for self-dramatization, motivates amateur athletes to use performance enhancing methods.<sup>40</sup>) This kind of “mathematization” diminishes the chance for unpredictability, for the kind of contingency that sport is about. The US-American professional sport leagues were the first to recognize, organize and market sport as a product of the entertaining industry. The way the professional leagues regulate drafting and trading of athletes, of teams that are franchises and the design of stadiums leaves much less room for the kind of nostalgia under which European sport is still trying to hide its US kind of professionalization. FIFA stadium regulations lead to a sameness of stadiums,<sup>41</sup> soccer understood as formation soccer allows for easy replacement of players as they are educated to fit into formations and supporters are trained in their behavior to better control possible emotional and uncontrollable outbursts. Whereas in US-American professional sport athletes are traded during 2<sup>nd</sup> and 3<sup>rd</sup> inning or by the halftime of a game, in European professional sport one is trying to hold up an image of amateurism that tells stories of loyalty, uniqueness, underdogs and surprise. It is for these reasons, it seems, that US-American professional sport has had no morally charged doping problem for a very long time; for doping is just not so interesting in a setting where everything follows a strict (business) plan. Only recently, under the pressure of an internationally promoted image of clean sport, US-sport discovered something morally problematic in doping, even if a real understanding of why it really is problematic has not been built. It seems that European sport long ago

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<sup>40</sup> Amateur athletes use drugs more and more nowadays. Through the Internet it is very easy to get information about how to train like a pro, it is easy to order performance enhancers. And in addition, it is easily possible to record one’s performances, e.g. a lonely jog through the city, and later compare it with other joggers and then share your result and virtual ranking with your social friends.

<sup>41</sup> See the fifth edition of the FIFA stadium regulations that is 419 pages thick in FIFA, 2011.

arrived in a US-like professionalism, but one leg remains stuck in an image of amateurism that lets the audience moan and lament when a soccer player signs a contract for the arch-enemy or when a national hero cyclist is discovered to have used performance enhancing drugs.

As a result of these brief observations, the main problem of sport turns out to be not the use of performance enhancing drugs, but the planning, monitoring and, thereby, leveling of all differences between athletes, stadiums, audiences and tactics. These phenomena undermine what has been brought forward by Gumbrecht as the essence of sport. “To be lost in focused intensity” is nowadays nothing more than a slogan of a campaign that sells sports equipment. Sport should be honest and play true and within its frame of leveling differences and excluding contingency it should accept performance enhancing drugs. If not, sport should be to “truly play”,<sup>42</sup> like my Brother and I have always done.

#### **b) Tennis, cycling, a sprint and my BROTHER**

I would like to end with three examples of situations where I have been lost in focused intensity. It all happened without performance enhancing drugs, with training, without referee, but under strict and binding rules.

The first case was twenty years ago. It was a best-of-five-set tennis match between my Brother and me on a clay court. In my whole life, I was very seldom able to win against my brother, but this loss *I will never forget; it stands out*. With a 2-1 lead in sets, I had two match points at 5-4. Then my brother pretended not to care anymore about the result. Because of his ostentatious, but pretended, carelessness, I completely lost my focus, and could not turn these two chances to a win. The rest is history. Once more I lost a tennis match against him.

The second case of truly playing with my Brother is very recent. Some years ago we started cycling. We bought two road bikes and on sunny days, we went out for a ride of about 100 kilometers through alpine upland. It takes some time to get out of the city. But when we reach the street through a forest where we can go straight on for at least 30 kilometers, we start to ride in the slipstream of each other. After a while, to alternate the lead feels natural, the distance between the thin tires gets shorter and shorter, we ride faster and faster, but it feels safer and easier. Together, *we get lost in our activity and do*

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<sup>42</sup> The anti-doping campaign’s slogan by WADA is “play true”. To solve the problem of sport it should be titled “truly play”.

*not distinguish anymore* between us, us and the racing machines, the racing machines and the street, the street and the Alps.

The third case goes back seven years. It feels like yesterday. It was a triumph for me and my coach, manager and president, all roles represented by my Brother. I left my old track club after a controversy with my coach and together with my family I founded a club of my own. I trained even harder and wanted to show my true colors as a 100 meter sprinter. One day, when everything came together, I went out of the blocks and *I ran without noticing that I was running*. I cannot remember a thing of this run, but when my Brother came down the bleachers, he was smiling gently and raised his pointer finger to the sky. My run felt slow, but I know that my Brother would tell me now that I had clocked a personal record of 10.59 seconds.

These three cases of truly playing happened all without performance enhancing drugs. The first two happened without being written down in any statistics, the third one is objectively too insignificant to be recognized by readers of a statistic that barely anybody reads.<sup>43</sup> But I will never forget these outstanding moments in the history of sport, in which I got lost, together with my Brother, in an activity that connected us to the world in a way that has no meaning other than between me, my Brother and the world.

To find a solution to the problem of doping would be to get back to the true meaning of sport that Gumbrecht and these three examples have shown. We can then overcome the redundancy of the “play true” arguments and the perplexity with which the arguments on doping in the first part of this article have left us.<sup>44</sup>

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<sup>43</sup> I enjoy reading it from time to time: DLV, 2010, p.1: “DLV-Bestenliste 2009 [...] Männer 100m [...] 10,59 (+1,9) Franke, Christopher 83 Vitesse München 25.07. Regensburg”.

<sup>44</sup> I would like to thank Karl Philipp Ellerbrock, Konstantin Franke and Tom Winterbottom. Your help was as dope as you are. Comments and queries from editors and reviewers also helped improve the final version.

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