



Sport in Society

Cultures, Commerce, Media, Politics

ISSN: (Print) (Online) Journal homepage: <https://www.tandfonline.com/loi/fcss20>

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To cite this article: April Henning & Jesper Andreasson (2022) 'There's a new sheriff in town': the Rodchenkov Act, anti-dopism, and the hegemony of WADA in international sport, *Sport in Society*, 25:6, 1160-1175, DOI: [10.1080/17430437.2022.2064100](https://doi.org/10.1080/17430437.2022.2064100)

To link to this article: <https://doi.org/10.1080/17430437.2022.2064100>



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Published online: 19 Apr 2022.



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'There's a new sheriff in town': the Rodchenkov Act, anti-doping, and the hegemony of WADA in international sport

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ABSTRACT

The World Anti-Doping Agency (WADA) has long been the organization responsible for making and harmonizing anti-doping policies in international sport. As the Rodchenkov Act was signed into law in the United States, however, it became possible for the U.S. to target organizers of systematic doping with criminal penalties even outside their national borders, and in doing so also pose a challenge to WADA's hegemony over the anti-doping narrative. Drawing on official organizational statements and those made by sport stakeholders in media coverage, this article uses the implementation of the Rodchenkov Act as a case study to dissect and analyze the interdependence between national and international anti-doping policy/laws. The analysis shows how the U.S., through the Rodchenkov Act, is pushing the accepted anti-doping paradigm to an extreme and engaging in a form of resistance against WADA's hegemony. By extending its own authority and abilities beyond its national borders and applying tougher sanctions on doping conspirators, the U.S./USADA position themselves as being the party strong enough to lead and shape the anti-doping regime. In effect, they are grabbing power from WADA and dislocating its hegemony in the process. Even as it reordered its national values above global sport values, it was able to leverage anti-doping in service of its own goals of authority.

KEYWORDS

WADA; anti-doping policy; Rodchenkov act; hegemony; national anti-doping organizations

Introduction

For more than two decades, the World Anti-Doping Agency (WADA) has been the main organization responsible for making and harmonizing anti-doping policies for international sport. These policies are set out in the World Anti-Doping Code (WADC) and supplementary documents (e.g. The List of Prohibited Substances, International Standards), providing the framework for much of the global anti-doping effort, especially among Olympic sports. Although WADA is the global leader in anti-doping, holding a hegemonic position regarding how anti-doping policy is formulated and implemented in sport, it also must rely on cooperation and compliance. It requires member organizations and governments to carry out its policies and agenda, which also works to reinforce its position as the global authority

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on anti-doping. National Anti-Doping Organizations (NADOs), in cooperation with Code-signatory international sports federations, implement WADA's policies. National governments have also signed onto global anti-doping through the UNESCO International Convention on Doping in Sport (UNESCO 2005) and in some cases have passed their own national laws to bolster anti-doping efforts even further (Henning and Dimeo 2018). There is thus an interplay between national laws and anti-doping policy, though anti-doping policies often take precedence within the sport context when there are clashes, such as in countries where legal substances (i.e. medications or even some recreational drugs) are available but remain prohibited for athletes. This deference not only keeps countries, national sports organizations, and athletes compliant with the WADC, but also serves to reinforce WADA's hegemonic position.

One of the very successful things anti-doping efforts have achieved is creating and directing anti-dopism – the underpinning ideology of anti-doping – as the dominant cultural narrative around enhancement in sport. However, much of this narrative rests on a rather empty or vague set of values and ideals that often exceed what WADA or any organization would realistically be capable of delivering (Dimeo and Møller 2018). Nevertheless, WADA has helped set the expectation that doping-free sport is possible and that policies and strategies in service of that goal are valid. Yet, because anti-dopism encompasses and requires far more than just WADA for its success, it is open to being deployed by other entities in service of their own goals. WADA's power is derived from sport and government investment in this ideology. As an accepted moral good, anti-doping and WADA have gained strong support from the international community due to a mutual interdependence. Governments need WADA to ensure other countries comply with anti-doping rules. Those countries, in turn, support WADA's position by complying with WADA policies, including through their own national laws. WADA cannot interfere in national law making or compel states to act, but it requires the support of national governments for its power and its funding (Kornbeck 2013). Because its power is incomplete and partly based on the compliance and cooperation of governments, its hegemony is always open to challenge. One example of this is the Rodchenkov Act, a U.S. federal law passed in 2020. The Act criminalizes doping conspirators at international sports events where U.S. interests are represented. The Rodchenkov Act issues such a challenge by attempting to regulate anti-doping in the international sport realm that had been almost completely left to WADA.

Using a case study-based approach focusing on the implementation of the Rodchenkov Act, this article aims to analyze and dissect the interdependence between national and international anti-doping policy/laws. We are interested in questions such as to what extent the adoption of the Rodchenkov Act in the U.S., for example, can be understood as challenging sport values and the dominant position of WADA in international doping policy. More broadly, the implementation of the Rodchenkov Act suggests that the organizing body that actually leads the anti-doping narrative and regime can be debated, which we aim to do. What we are interested in here is thus not the Act itself, nor the legal implications of that policy. Rather, we focus on how anti-dopism has been used to justify the Rodchenkov Act by the U.S. and USADA over the objections of WADA. We draw on official organizational statements and statements made by sport stakeholders in media coverage of the debate to highlight how the narrative of anti-doping has become so powerful on its own that it can no longer be controlled by any one entity, making it available for individuals, organizations, and countries to use in service of their own goals or agenda. We argue that

rather than complying with the established international anti-doping regime, the U.S. is pushing the accepted paradigm to an extreme and engaging in a form of resistance against WADA's hegemony.

Background

Anti-doping organization and context

International anti-doping is no stranger to power struggles with national governments. WADA was founded in 1999 largely in response to the doping scandals of the 1980s and 1990s, after which national governments sought an alternative to the failing IOC system (Dimeo 2014). The IOC had been responsible for anti-doping up to that point, but the Festina scandal ahead of the 1998 Tour de France led to pressure from national governments and the media for further action on doping and more accountability (Dimeo 2014; Hunt 2011). The result was the establishment of WADA as a public-private organization intended to govern global anti-doping, funded equally by – and comprised of members drawn from – the Olympic Movement and national governments (Hanstad, Smith, and Waddington 2008). WADA has regulatory authority over member organizations that allows them to challenge decisions around issues of doping by appeal to the Court of Arbitration for Sport (Chappelet 2016). WADA has been described as a non-governmental organization, meaning it cooperates with, but functions independently from, governments (Kornbeck 2013). This also means that while there is an expectation that member governments will abide by the WADC through the UNESCO Convention, WADA has no power to compel or prevent governments from taking action related to anti-doping (Kornbeck 2013). WADA has also been described as a hybrid organization 'leveraging law-like powers because of its networks across both sport and governmental spheres' while remaining 'nominally' independent, thus allowing it greater influence than many NGOs and less accountability than state organizations (Henne 2010: 320).

Although WADA makes global anti-doping policies, NADOs are responsible for carrying out key functions laid out in the WADC at the national level, including testing and education (WADA 2021). NADOs work with national and international sport organizations to carry out these tasks. Research on NADOs has found that these organizations can vary in terms of their legal status within their country (e.g. non-governmental organization vs. part of a governmental agency) (Backhouse et al. 2014), in their levels of compliance (Houlihan 2014), and levels of funding and expenditure (Martensen and Møller 2017). These differences in implementation do not go unnoticed by athletes and may impact how legitimately athletes perceive anti-doping to be (Efverström et al. 2016). In order to address some of these discrepancies, WADA has introduced International Standards around testing and investigations, therapeutic use exemptions, education, and results management. These are intended to further aid harmonization and consistency between countries (WADA n.d.). Research has also found that the relationship between WADA and NADOs is clearly hierarchical (Zubizarreta and Demeslay 2021). These findings showed that NADOs may feel their voices and interests are not prioritized by WADA in the policymaking process, leading some to aim merely for compliance – or even what looks like compliance – rather than innovating based on local needs and contexts, such as working with police to identify and stop local substance distribution channels (Zubizarreta and Demeslay 2021). Such a strained

relationship is worth highlighting, as NADO compliance is foundational to WADA's strategy and necessary to reinforce its hegemonic position. However, WADA is not the only relevant policymaking body for NADOs and some may turn to their national policy arenas if they feel they are not making progress within WADA, or if they view WADA as going either too far or not far enough in their policies and strategies.

In December 2020, the Rodchenkov Act was signed into law in the United States and set out criminal penalties for organizers of systematic doping. While a criminal law against doping may not seem unusual since several countries have such laws already (Henning and Dimeo 2018), the Rodchenkov Act goes further than the U.S.'s own borders to target doping at events outside the U.S. The Act, named for the infamous Russian systematic doping organizer turned whistleblower Grigory Rodchenkov (Ruiz 2018), makes it possible for the U.S. to prosecute individuals involved in doping conspiracies at international competitions where U.S. interests (e.g. athletes, sponsors, media) are represented (RADA 2019). This was captured in the course of filming the documentary *Icarus – Truth is the New Banned Substance* (2017), as the documentary revealed how Russia's systematic doping program was carried out undetected in international sport. Crucially, it also demonstrated that current anti-doping systems could be bypassed, and the legitimacy of WADA therefore questioned. The Rodchenkov Act criminalizes international doping conspiracies and allows participants in such conspiracies to be prosecuted in the U.S., potentially using extradition, and those found guilty could face sentences of up to ten years in prison and \$1 million in financial penalties (RADA 2019). Even before it became law, the proposed Act sparked a debate with U.S. government officials and the United States Anti-Doping Agency (USADA) on one side and the World Anti-Doping Agency (WADA), the International Olympic Committee (IOC), and other sport federations and governments on the other. WADA especially criticized the Act as overstepping into international investigation and enforcement activities that had been the nearly exclusive purview of WADA itself. Rather than complementing the WADC, WADA and others saw the Rodchenkov Act as undermining the broader anti-doping interests of sport stakeholders. As a result, the Rodchenkov Act raises questions about the state of national and international anti-doping policy as well as the hegemony of WADA.

The anti-doping regime

Within the current anti-doping regime there is an expectation that goals of doping-free sport will be met through anti-doping policies meant to prevent, detect, and punish doping athletes. Anti-doping's slogans and vocabulary are important for understanding the development of what López (2014) calls *anti-dopism*. Drawing on Fairclough's (2001) work on ideologies for maintaining power inequality, Lopez defines anti-dopism as:

'The ideology or the articulated set of beliefs, principles, dogmas, discourses and slogans sustaining and legitimating anti-doping, which is understood as the ensemble of institutions, personnel, regulations and practices aimed at eradicating doping from sport' (López 2014: 214).

López elaborates this concept by linking anti-doping to fear-based propaganda, especially around health, disseminated and reinforced by media and experts to the point that anti-doping has become uncritically normalized within sport and society (López 2014). Anti-dopism

underpins the moral crusade against doping in sport, fuelling the push for more surveillance, advanced testing technology, and harsher punishments. The vagueness of the sport values that justify the anti-doping system regime leaves them open to interpretation and being used to explain and support policies that go beyond the bounds set out by WADA, such as the Rodchenkov Act. This sets up a clash between anti-dopism and WADA's hegemony within the anti-doping regime.

Henne (2015) traced the way anti-doping advocates linked doping to immorality and how science was used as a way to institutionalize this moral view, first within the IOC and then WADA. The creation of WADA fuelled what had become a systemic moral crusade against doping that linked vague ideas of natural bodies and pure athletes with morality, and impure and artificially enhanced athletes with immorality (Henne 2015). The current anti-doping regime is still morally justified with the Olympic values of purity and authenticity of sport (Ritchie 2014) – translated for WADA into the vague but still morally charged *spirit of sport* concept (Malloy, Kell, and Kelln 2007). Indeed, protecting the spirit of sport is used as the fundamental rationale for the WADC, though the definition offered there refers back to Olympism and ‘values we find in and through sport’ (WADA 2021:13). The spirit of sport has no clear legal definition, leaving its meaning open to contest (Kornbeck and Kayser 2018; McNamee 2015) or unable to actually be applied (Geeraets 2018). The imprecision of this concept has been further criticized in various ways by anti-doping scholars (cf. Mazanov and Connor 2010; Smith and Stewart 2015; Waddington et al. 2013). In addition to the spirit of sport, anti-doping organizations have used morally laden phrases and slogans related to notions of ‘clean’ (e.g. ‘clean sport,’ ‘clean athletes’) in order to equate doping with cheating and immorality, and doping athletes as impure or ‘dirty’ (Dimeo 2008; Henne 2015). The notion of ‘clean’ has been critiqued as a mythical vision that only briefly had any logic as a basis for anti-doping (Dimeo 2008), but remains a core part of anti-doping’s messaging and functions as a shorthand for ‘non-doping.’ It is both meaningless, in terms of having any sort of clear or legal definition, and meaningful as ‘clean sport’ is something expected and requiring enforcement. WADA’s promise is that enforcement and eventual delivery of ‘clean’ or doping-free sport is achievable. Such overpromising can damage the credibility of organizations that fail to deliver, especially in a failure to prevent a scandal on the scale of Russia (Ohl, Schoch, et al. 2021).

Conceptual framework: Hegemony and resistance in anti-doping

Hegemony can help us understand how values and ideas are manifest through institutions (cf. Gramsci 1971). For Gramsci and others, hegemony is a type of intellectual and moral leadership. There are a range of interpretations of what hegemony is and how it functions, but many include a mix of power and leadership. Keohane (1984) argued that hegemony has a complex relationship with cooperation, especially as applied to international regimes. Rather than through force, or even the force of law, hegemony works through agreement, consent, and compliance. Anti-doping can be considered such a regime, working through both cooperation with and consent of its sport and governmental partners. As the institution that heads up an international anti-doping regime, WADA has been empowered by its signatories – especially national governments, the IOC, NADOs, and sports federations – to make anti-doping policy. These groups, in turn, consent to abide by and implement WADA’s rules, either as signatories to the WADC or through the UNESCO Convention. Anti-doping

policies have been criticized for being passive or only reacting in response to scandals, but researchers have identified this as a strategy by WADA to maintain and promote its hegemonic position within the anti-doping regime (Read et al. 2019). WADA acts as the clear leader in anti-doping, setting out the boundaries of doping and anti-doping, including defining doping, creating rules, and determining punishments (Jedlicka 2014). Although anti-doping is more than just WADA, it is a key player in shaping, maintaining, and disseminating anti-dopism. WADA's main instrument of power is its ability to determine compliance and find countries or NADOs non-compliant. Countries that are non-compliant may have their athletes prevented from competing internationally or be disqualified for bidding to host international sporting events, including the Olympics (WADA 2021). Compliance is foundational to WADA's hegemony, as it is through repeated and continual compliance with its policies and procedures that its hegemony is reproduced.

The hegemony of anti-dopism also limits alternative understandings of sport as well as challenges to WADA's powerful role (Jedlicka 2014: 439). 'Clean sport' is the only (morally) acceptable sport culture, making the punitive surveillance system of anti-doping warranted and allowable. Presenting doping as a clear-cut, black and white issue has informed sport and public views about doping. Specifically, it has contributed to views of athletes who engage in doping, are suspected to have engaged in, or have used doping-adjacent technologies ('grey zones' such as altitude tents), or who merely put up an exceptional performance, as dirty or potentially dirty (Fincoeur, Henning, and Ohl 2020). It is difficult, if not impossible, for athletes or others to criticize or challenge any part of the system or ideology, as doing so would make the individual suspect (Dimeo and Møller 2018). All this limits legitimate critique of a system that has been argued to have negative implications for athlete privacy, wellbeing, and even health. One of the few acceptable avenues for critique is arguing that WADA and the anti-doping system are not going far enough, doing enough, or penalizing enough. Athletes and other stakeholder groups, including national governments, have called on WADA to take additional various steps. Sometimes this is in response to scandals such as the Russian state-sponsored doping system (Ohl, Fincoeur, et al. 2021), and sometimes it is wrapped in arguments that anti-doping would be stronger if athletes had a greater voice in decisions (Chappelet 2020). However, critiquing the current anti-doping system as being too weak or permissive is hardly resisting. Rather, it reinforces the hegemony of anti-dopism. Even when athletes do attempt to resist, their efforts often fail as institutions defer to the necessity of the system for maintaining clean sport, such as the group of athletes who challenged the WADC's whereabouts rules on human rights grounds to the European Court of Rights and lost (Chappelet 2020). Though hegemony is never complete and hegemonic paradigms are always contestable, the scope for resistance to anti-dopism is narrow.

Method

This article has utilized a case study-based approach to the research. Using the case study method has the advantage of allowing rich and nuanced descriptions/portraits of rare or what could be perceived as particularly illustrative cases (Yin 2014). The contribution of a case study thus lies in connecting the particular (the case) with a wider framework in order to discuss, for example, historical transformations and changes that occur over time. In this case it is how the Rodchenkov Act may influence how anti-doping is understood in relation to WADA and its hegemonic position. Departing from the response to the Russian scandal,

we will focus on the Rodchenkov Act and the role of the U.S., USADA, and the group of NADOs within which USADA is an important player. We will not, however, focus on the details in the Rodchenkov Act in itself, but on what the implementation of this Act brings in terms of challenging/resisting hegemony, legitimacy, and leadership. The case is thus seen as point of departure for a theoretically informed and explorative argument. Following this, the case study can be understood as a holistic enterprise, where the case (and its consequences) is explored from different angles.

To illustrate our argument, we have used data that includes interviews captured in global or sport specific journalism outlets (*Reuters*, *AP*, *Inside the Games*, *Sport Integrity Initiative*, *NYTimes*, *Guardian*) from mid-2016 to January 2020; official statements from WADA regarding the Rodchenkov Act; iNADO press releases; press releases from the U.S. regarding the Act, and more. In our presentation of the findings we have had no desire to separate the data used to illustrate our case and how it has been debated from the theoretical ideas and conceptual framework as explained in the previous section. Rather, when selecting excerpts, we have considered the narratives as already theoretically impregnated (Tavory and Timmermans 2009; Gomm, Hammersley, and Foster 2000). To this end, the data are already influenced by preconceptions and understandings of international doping policy and how doping in sport is to be dealt with. Put differently, we have used the theoretical framework described above to guide our analysis, while trying to also discern and generate new conceptual tools from the data presented. Consequently, the study has been approached abductively, using conceptual tools to structure our findings, but also added and introduced a conceptual discussion that reach outside this existing framework (Merriam 1988).

Results and discussion

In this section we focus on processes of resistance to WADA's hegemony, specifically by the U.S. and USADA. We conceptualize this in terms of the dual processes of *dislocation and relocation*, in which WADA's hegemony is dislocated – moved but not broken – through the relocation of anti-doping values and authority within the hierarchy of the anti-doping regime. By analyzing three forms of resistance to WADA, we show how the U.S. simultaneously redefines anti-doping to position national interests above global sporting interests and moves the jurisdiction of anti-doping out of WADA's exclusive control through an extreme anti-doping law. We characterize the U.S.'s approach as a 'smash and grab,' in which it first 'smashes' the foundational rationale for WADA's position within the anti-doping regime and 'grabs' authority for anti-doping over WADA's objections through the introduction and passage of the Rodchenkov Act.

Compliance and change from within

As the name suggests, the Rodchenkov Act was introduced largely in response to the revelation of the state-sponsored doping system in Russia in 2016. However, the period before the Act was introduced in the U.S. Congress in January 2019 saw a series of NADO and national-level actions that began to challenge WADA's status and structure. In this section we explain and discuss the development through which the progression in resistance by USADA/U.S. went from minor and within towards extreme and outside the sport system.

Following Rodchenkov's revelations, a small group of NADO representatives convened a special meeting in Copenhagen in August 2016 to discuss necessary reforms to strengthen global anti-doping. The result was the 2016 Copenhagen Declaration, endorsed by the iNADO group of international NADOs and the individual NADOs represented at the meeting, including USADA (Copenhagen Declaration 2016). The Declaration outlined several reform actions to strengthen WADA to 'better protect them [clean athletes], restore confidence in the integrity of international sport which has been deeply damaged and ensure that the disturbing events of recent years are not repeated' (Copenhagen Declaration 2016: 1). Prompted by the Russia scandal, the suggested changes were largely around WADA's governance structure, which the group identified as a central obstacle to an effective and autonomous anti-doping system. Several points centred on the independence of WADA with both political and sport influences, including the need to end the practice of holding simultaneous and potentially conflicting memberships in sport organizations and roles within WADA – a standard applied to NADOs. These recommendations were reiterated by the United States Olympic Committee (USOC) in a position paper that highlighted the need for stronger support of investigations into systematic doping (Team USA 2017). These reforms were put to WADA, which accepted a range of governance reforms in 2018 that included some of the suggestions put forth by both iNADO and the USOC (WADA 2018).

The Copenhagen Declaration was an important challenge to WADA by a key group of stakeholders that are situated below WADA in the global anti-doping hierarchy but are accountable to both WADA and to their respective countries. The NADO group directly indicated areas where WADA's operations were undermining 'the fight for clean sport' – including the failure to prevent and punish Russia for its systematic doping – and failing to uphold good governance practices (Copenhagen Declaration 2016: 1). In acting as a unit and calling for specific changes, the NADO group – largely composed of representative from the most influential and well-resourced NADOs, including USADA – was also amplifying their views that may be individually overlooked (Zubizarreta and Demeslay 2021). This unified effort was an attempt to claim greater influence within the anti-doping regime without stepping outside the bounds of the global hierarchy. It was a measured resistance that reiterated the common goals and values of anti-doping and noted the value of an independent and well-functioning WADA to all parties. Indeed, it highlights the interdependent nature of the WADA-NADO relationship. WADA requires the cooperation compliance of NADOs to maintain its hegemonic role and power (Keohane 1984), not to mention maintaining the functioning of the anti-doping regime, while the NADOs need WADA to make and ensure policies are carried out equitably around the world. One cannot function without the other and both are necessary to uphold the anti-doping regime. Within that regime, WADA's hegemonic position relies on the NADOs continuing consent and cooperation with WADA. Any breakdown in the relationship has the potential to upset the hierarchy within the regime and call WADA's position into question.

The publication of the USOC position paper strikes a similar note of acknowledging WADA's position and importance to global sport while also pointing out its flaws. Written following a USADA board meeting, the USOC paper largely echoed the recommendations laid out in the Copenhagen Declaration (Butler 2017). The value of the U.S. to WADA is important context, as the U.S. is a key funding source for WADA. For example, the U.S. provided WADA with ~13.8% of its operating budget in 2019 (Pells 2019). However, the value of the USOC to USADA is also important, as the Committee provides USADA with

one third of its funding (Butler 2017). The USOC clearly endorsed USADA's views in its paper, though at this point both USOC and USADA remained officially supportive of WADA's position and authority. The timing of the position paper is also of note, as it was published while the U.S. was bidding to host the 2024 Olympic Games and therefore needed to avoid upsetting decision-makers within the IOC. The U.S. was awarded the hosting of the 2028 Olympics in September 2017, just six months after the USOC paper was published (Wharton 2017). However, there does seem to be a challenging edge to the position as it clearly used the language of change and speed. The Committee states its view that anti-doping should 'not depend on individual countries or sport organizations for enforcement' while also noting that 'time is of the essence' (Team USA 2017). This seems to indicate that while the Committee supported the current configuration of the anti-doping regime it expected rapid change. It was unclear at the time, however, what would happen in the event of WADA's failure to quickly make these reforms.

This section has shown that there was early, small-scale questioning of WADA expressed by two important sport stakeholders, one linked to the U.S. through USADA and the other the U.S.'s national Olympic committee. The resistance from the U.S. at this point was within the context of sport and the anti-doping regime, leaving WADA's hegemony largely untested. This would change with the introduction of the Rodchenkov Act.

Redefining doping for national interests

The Rodchenkov Act was first introduced in the U.S. House of Representatives in June 2018 (Ruiz 2018). It was reintroduced in both Houses of Congress in January 2019, immediately following WADA's decision not to sanction Russia further after it missed a deadline for turning over data regarding records of athlete doping ('Whitehouse, Wicker, Jackson Lee, Burgess Introduce Rodchenkov Act' 2019). The justification for the law when it was introduced was decidedly different from that given by the NADOs for their recommendations, as the U.S. sought to make the Rodchenkov Act less an issue of global sport values or the spirit of sport and more of a question of protecting the financial interests of U.S. entities. The spirit of sport was thus *relocated*, demoted in importance relative to the spirit of capitalism. One of the Act's House sponsors, Representative Jackson Lee, sought to wholly change the definition of doping:

'This long overdue bill would define doping for what it is: fraud. Never again should Russia or any other authoritarian state believe that there will be no legal consequences for committing doping fraud conspiracies' ('Whitehouse, Wicker, Jackson Lee, Burgess Introduce Rodchenkov Act' 2018).

This is an important reframing of the doping issue and a direct challenge to WADA's hegemonic position within the anti-doping regime. As the global anti-doping policymaker, WADA was given the task of defining and regulating doping according to sport values. WADA does not use fraud in its definition and the word only appears in the WADC in reference to sample tampering (WADA 2021). Proclaiming doping as something apart from WADA's definition undermines WADA as the authority on questions of anti-doping; it effectively 'smashes' the rationale for WADA and the WADC. Another of the Act's sponsors in the Senate, Senator Sheldon Whitehouse, framed it as both a correction of WADA's failure to punish Russia and an issue between governments:

‘The responses of WADA and the International Olympic Committee to the Russian doping scandal fall woefully short. Now is the time to create stiff penalties for Russia’s cheating and send a signal that Russia and other sponsors of state-directed fraud can’t use corruption as a tool of foreign policy’ (Whitehouse, Wicker, Jackson Lee, Burgess Introduce Rodchenkov Act 2018).

By reframing what had been largely considered a sport issue as a question of foreign policy, the issue was then situated outside the sports context and within the U.S. government purview. It also necessarily *relocates* it out of WADA’s jurisdiction, as WADA is not a governmental actor. This framing also advanced the Act as serving national interests by combatting fraud committed by another state against the interests of U.S. citizens and corporations, rather than upholding ‘clean sport’ or shared spirit of sport values and ideals. By relocating U.S. national values above sport values, the U.S. resists the hegemony of those values put forward by WADA as the true justification of anti-doping. As WADA’s position rests on sport values, challenging them is also a challenge to WADA.

The power struggle between WADA and the U.S./USADA further escalated when the U.S.’s Office of National Drug Control Policy issued a report in June 2020 recommending the U.S. withhold its funding from WADA, based on WADA’s failure to make governance reforms and not giving the U.S. more representation on important WADA committees (Brown 2020). Withholding their contribution would have had an incredible impact on WADA’s operations, as it would have reportedly cost WADA \$5.4 million from its total budget of \$37.4 million once the lost IOC matching funds were factored in (Brown 2020). This threat was extreme as it would have not only impacted WADA’s operational capabilities, but it would also have severely undermined WADA’s position. In order to counter this threat, WADA issued a threat of its own: amending its compliance rules to hold countries that withhold payments non-compliant, which would potentially prevent athletes from those countries from competing in international events, including the Olympics (Pavitt 2020a). The President of WADA, Witold Bańka, also issued an open letter declaring that WADA had been attacked politically, but that ‘control of WADA is not for sale, no matter what stakeholder we are dealing with’ (Bańka 2020). Though he did not specify which stakeholders had levelled such attacks, the reference to USADA seems clear. Indeed, Bańka seemed to acknowledge the threat USADA posed to WADA’s position when he was quoted in Polish media observing, ‘I have the impression that USADA would like to take control of the global anti-doping system’ (Pavitt 2020b). Similarly, Dick Pound, founding president of WADA and IOC senior member, noted that the U.S. was attempting to ‘destabilize’ WADA and was moving towards becoming ‘a rogue state’ (Keating 2021).

In this section, we have shown how the U.S. reconfigured the hierarchies within anti-doping regime by reordering the value hierarchy in favour of U.S. national (financial) interests and by reordering the primacy of various anti-doping policies. WADA’s hegemony is therefore questioned, not by straightforward resistance, but through an attempt to *relocate* the question of anti-doping work and policy and by moving these out of WADA’s jurisdiction. This *dislocation* of WADA’s position created an opportunity for a power ‘grab’ through the Rodchenkov Act.

Non-compliance and extreme anti-doping

WADA was opposed to the Rodchenkov Act and actively lobbied against it following its approval in the U.S. House of Representatives in October 2019 (Pells 2019). WADA, sport stakeholders, and other governments viewed this as going too far in its effort to police

doping activities outside the U.S. WADA's arguments against the Act were that it would undermine the international cooperation and harmonization it had worked to achieve, focusing on the 'extraterritorial' provision in the Act that would allow the U.S. to prosecute individuals in other countries (Pells 2019). Although lobbying against the Act was controversial since it involved opposing legislation by a national government, it was an attempt to limit the damage to its position at the top of the international regime that was threatened by the Rodchenkov Act as well as any similar laws that would potentially be passed by other countries following the U.S.'s example. For its part, USADA, and its chief executive Travis Tygart, was in favour of the Rodchenkov Act and argued that the Act was consistent with WADA regulations (Nuckols 2020). Tygart was also heavily critical of WADA throughout 2019, on account of its slow acceptance of proposed reforms (Jørgensen 2019) and on what he viewed as continuing its weak response to Russia (BBC 2019). Tygart, however, used WADA's own values and language back at them, accusing WADA of allowing itself to be bullied by Russia and asking for ever tougher punishment of Russia, including a full ban on Russian athletes competing at the Olympics:

'Russia continues to flaunt the world's anti-doping rules, kick clean athletes in the gut and poke Wada in the eye and get away with it time and time again... Wada must stand up to this fraudulent and bullying behaviour as the rules and Olympic values demand' (BBC 2019).

USADA, through Tygart, seized control of the anti-doping narrative and questioned WADA's credibility and resolve to lead the international doping regime. In this view, WADA's reluctance to pursue the harshest punishments possible – including declaring the Russian Anti-Doping Agency non-compliant and blanket banning all Russian national athletes from international competition – was interpreted as a sign of weakness. As WADA's hegemonic position relies on agreement, consent, and compliance, disagreement over how anti-doping should be run poses a serious question to WADA's ability to lead. In effect, by questioning WADA's decisions and ability to lead, USADA was no longer complying. This threatens to upend WADA's hegemony within the anti-doping regime.

The Rodchenkov Act became law over the objections of WADA, the IOC, and other countries in December 2020 (Iveson 2020). WADA's response to the impending and eventual passage of the law was to centre itself as the legitimate arbiter of anti-doping and position the Rodchenkov Act as a threat to the entire anti-doping regime. WADA pointed to the exclusion of U.S. professional and collegiate sport leagues – not governed by WADA – from the Act as evidence that the law was incomplete and an example of the U.S. taking extreme steps to police others but not itself (WADA 2020). To be sure, the Act did have support from other groups such as the Global Athlete activist group and some high-profile U.S. athletes who pushed for the Act in response to the Russia scandal ('Global Athlete Pledges Support to the Rodchenkov Anti-Doping Act' 2019). The response to the Act from its supporters praised the toughness with which the law allowed doping conspirators to be treated. Indeed, it was read by some as a power shift from WADA to the U.S./USADA. Jim Walden, Grigory Rodchenkov's lawyer, highlighted this by saying, 'Dopers should be on clear notice: There is a new sheriff in town, so cheat at your own peril' (Iveson 2020). This notion that doping was suddenly more dangerous because of the new penalties under the Act draws on anti-dopism and the expectation of severe punishment for doping, while simultaneously undermining WADA's hegemonic position as leader of the international anti-doping regime.

Conclusion

As noted above, our focus is not the particulars of the Rodchenkov Act itself, but the process of resistance to WADA. We understand this as a two-pronged process we term *dislocation and relocation* of hegemonic position and power. Following an initial period of mild push-back in response to the Russia scandal, the U.S., with support from USADA, shook the hierarchy of power within anti-doping. WADA's hegemony was *dislocated*, moved but not completely upset. There was also a simultaneous *relocation* of anti-doping values and jurisdiction. Underpinning values were reformulated around U.S. interests, with financial values taking precedence over sport values. The U.S. also relocated the jurisdiction of anti-doping from WADA to itself. To illustrate this, we laid out the three main forms of resistance to WADA's hegemony from the U.S./USADA. The first was a relatively mild form that took place within the sport context and did not pose a serious threat to WADA's position. The second and third were more aggressive, playing out in a type of 'smash and grab' process. In this process, the U.S./USADA undermined the sport values of anti-doping and WADA's authority, setting out WADA as being not good enough to fully ensure 'clean sport'. This was accompanied by the U.S. and USADA seizing authority for international anti-doping over WADA's objections through the introduction and passage of the Rodchenkov Act.

The revelations of the scale, length, and success of Russia's doping system shocked many in the sport world, including those within the international doping regime tasked with eradicating such behaviours. Russia was criticized by the international sport community of putting its own national and political interests above the foundational sport values of fair and clean competition. WADA's credibility was questioned for its failure to prevent it (Ohl, Schoch, et al. 2021). The response to these failures was resistance to WADA's way of doing things, their leadership in international anti-doping, and their legitimacy. The first form this took was the initial call for reforms to WADA's governance structure from a group of leading NADOs and the U.S. Olympic Committee. This signalled a consensus view that WADA had shortcomings, but that key reforms could correct its course. While these actors did engage in resistance to WADA's way of doing things, it did not fundamentally alter or threaten WADA's hegemonic position due to the interdependence of these groups. NADO compliance ensures WADA's power and position, while WADA ensures NADO compliance.

The second form of resistance came in the form of competing values. When the U.S. introduced the Rodchenkov Act, it attempted to redefine doping as a question of foreign policy or fraud. In trying to take control of the anti-doping narrative it landed a direct blow to WADA's position and forced WADA from the frame, as only the U.S. would be able to implement and enforce its proposed law. Through the Act, the U.S. also sought to protect its own national interests and values above those of global sport – the basis of a critique levelled at Russia by Rodchenkov himself in the documentary about the scandal, *Icarus*. By putting national interests first, the U.S. *relocated* sport values and 'clean' sport that underpin the efforts of the international doping regime and kicked off a power struggle with WADA. By promoting a new set of values, the whole question of anti-doping jurisdiction is put to the fore. WADA's leadership is based on accepted sport values, and if these values are changed or put out of the equation, that then changes WADA's right to act and have control. The harmonization work of WADA is predicated on the global acceptance of clean sport and other sport values around fair competition, above the interests of any one country. As WADA attempted to push back against this challenge, the U.S. went further by threatening to withhold funds from WADA for not giving the U.S. more representation within the

organization. This presented an existential challenge to WADA, as the contribution from the U.S. and matching funds from the IOC make up a substantial portion of WADA's annual operating budget. Importantly, this *dislocated* WADA's hegemony by highlighting how contingent WADA's position is on cooperation and compliance by key stakeholders.

The third form of resistance came as the U.S. and USADA deployed anti-dopism against WADA. The Rodchenkov Act is an extreme policy by WADA's standards, going far beyond what WADA would prefer and encroaching on its hegemonic position. This officially questions WADA's leadership, indicating it is too weak to do what is necessary for effective anti-doping. Although WADA is a key part of the international anti-doping regime, the entire system rests on anti-dopism. This ideology has set out an expectation of achieving clean sport through any necessary means, supporting Tygart's assertion that the Act complies with the WADC. In some ways this is an example of overcompliance, as the U.S./USADA effectively took anti-doping policies to a new extreme. However, this is also clear resistance towards WADA's leadership. By extending its own authority and abilities beyond its national borders and applying tougher sanctions on doping conspirators, the U.S./USADA position themselves as being the party strong enough to lead and shape the anti-doping regime. In effect, they are 'grabbing' power from WADA and dislocating its hegemony in the process. Even as it reordered the national above the global, the U.S. was able to leverage anti-dopism in service of its own goals of authority. It dislocated WADA's hegemonic position as regime leader by refusing to comply with WADA's stated preference to not pass such a law.

Whether or not WADA retains its position remains to be seen. In some ways, the success or failure of the Rodchenkov Act may be irrelevant in terms of WADA's position. Now that a country and NADO, albeit an important country and its NADO, have ignored WADA without yet facing repercussions it may lead to other countries doing similar. Especially where other powerful countries undertake such legislation, this sets up the potential for more clashes between sport and national values with the potential of further relocation of both anti-doping values and jurisdiction. Each relocation could further dislocate WADA's hegemony, potentially leading to a hegemonic shift away from WADA as the leader of the international anti-doping regime.

Disclosure statement

No potential conflict of interest was reported by the authors.

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