

Legitimacy driven change at the World Anti-Doping Agency

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### **Abstract**

The effectiveness of the World Anti-Doping Agency as an international non-governmental organisation with a mission to regulate anti-doping policy has been challenged before by doping scandals in sport. Historically, anti-doping policy development has been primarily reactive, determined by the need for dominant organisations to maintain power rather than to protect athletes. The purpose of this paper is to explore reactive anti-doping policy change from a multi-level legitimacy perspective. Using multi-level legitimacy theory and the concept of legitimacy challenges, it is argued that reactive policy change is motivated by a need to manage perceived organisational legitimacy. The recent exposure of systematic doping in Russia is used as an example to support this analysis. These findings are discussed in the context of current criticisms of anti-doping policy.

*Keywords:* Legitimacy, Anti-Doping, World Anti-Doping Agency, Policy, Institution.

## Introduction

The effectiveness of anti-doping policy has been strongly disputed, particularly when placed in context of the substantial sums of money that support the operationalisation of anti-doping policy (Hermann and Henneberg 2014). Central to anti-doping policy is the World Anti-Doping Agency (WADA). Founded in 1999, WADA was created to regulate and harmonise anti-doping policy across sports and nations in order to create drug-free sport. The creation of WADA followed the Festina crisis during the 1998 Tour de France which highlighted the failings of the International Olympic Committee's (IOC) war on doping (Hunt 2011). Trumpeted as an independent organisation, WADA was tasked with creating a binding legal framework for anti-doping policies, rules, and regulations which took the form of the World Anti-Doping Code (hereon called the Code) and monitoring compliance with the Code. Despite success in creating regulatory and organisational structures (e.g., the UNESCO Convention) (Jedlicka and Hunt 2013, Houlihan 2014, Toohey and Beaton 2017), when considering estimates of drug use in elite sport populations (Ulrich *et al.* 2018) and disparities in athlete testing and prosecution (Dimeo and Møller 2018, Hanstad *et al.* 2010), scholars have questioned the efficacy of WADA policy (e.g., Møller 2016, Skinner *et al.* 2017).

Consequently, the need to understand the effectiveness of current anti-doping policy has become a central concern in sport policy and management research (Engelberg and Skinner 2016). There is growing interest in the historical development of anti-doping policy to understand contemporary anti-doping policy effectiveness (e.g., Hunt *et al.* 2012, Gleaves and Llewellyn 2014, Ritchie 2014). Using punctuated-equilibrium theory, Ritchie and Jackson (2014) argued that anti-doping policy has been reactive, driven by political concerns rather than the product of proactive athlete-centred decision making. Similarly, Brissoneau and Ohl (2010) show that the development of French anti-doping policy was primarily reactive and shaped by select political agendas at the time of scandals. There are multiple

problems with reactive policy making when it replaces long term proactive strategies (Chung and Thewissen 2011). It is often motivated by an image-based need to be *seen* as doing something, rather than necessarily making optimal policy decisions to satisfy concerned stakeholders (Ritchie and Jackson 2014). This means that, due to time constraints, policy simplifies complex issues leading to changes that focus on short-term rather than long-term issues. Such short-term responses do not consider or allocate the resources necessary for a long-term solution. Additionally, not all stakeholders are equal, and the concerns of more dominant stakeholders may dwarf those of less influential ones. This is especially problematic if influential stakeholders have an ideological motive as policy making can become politicised (Seippel *et al.* 2018).

Similar short-sighted reactive policy making can be seen from the National Football League's early symbolic responses to the issue of player concussions (Heinze and Lu 2017) or the paternalistic approach to female inclusion in sport (Seippel *et al.* 2018). Both of these examples share the common characteristic with WADA that policy change was driven by public exposure rather than proactive assessment. Ultimately, it is the athletes that suffer from reactive policy making, whether it be through unfair anti-doping policy, inadequate concussion protection, or unequal treatment in elite sport. Using the example of the exposure of systematic doping in Russia - the purpose of this paper is to use multi-level legitimacy theory to understand the motivations behind reactive policy making in anti-doping.

### ***Multi-Level Legitimacy Theory***

Legitimacy research attempts to understand the motivations behind social and organisational behaviour beyond the constraints of rational economics (Suddaby 2015). The

term legitimacy refers to the extent that an audience<sup>1</sup> perceives the actions or objectives of an organisation to be socially appropriate (Deephouse *et al.* 2017, Suchman 1995). Evaluations of legitimacy are social judgements about an organisation that occur at the micro (individual judgements) and macro-level (group judgement) of an audience (Haack and Sieweke 2018). When an organisation is perceived to be legitimate, audiences provide it with resources and support that facilitate survival (Ruef and Scott 1998, Zimmerman and Zeitz 2002). The perceived success or failure of WADA in its implementation of the code to ensure drug free sport is a determining feature of its legitimacy and capacity to accrue support from its various audiences (e.g., athletes or media). Consequently, legitimacy is considered an appropriate theoretical perspective to understand reactive policy creation at WADA.

Grounded in socio-cognitive psychology and a social constructionist epistemology (cf. Berger and Luckmann 1967), multi-level legitimacy theory (Bitektine and Haack 2015) hypothesises the evaluation process and relationship between the legitimacy of an organisation and its audiences. Organisations that are evaluated as legitimate by their audiences are institutionalised. Institutions are taken-for-granted physical (e.g., organisations) and non-physical social structures (e.g., social norms) that consciously and subconsciously influence the behaviour of an audience in the form of institutional pressures (Zucker 1977, Greenwood *et al.* 2008, Scott 2008). Similarly, when an organisation is perceived as legitimate, individuals do not openly question its existence or purpose (Greenwood *et al.* 2008). Institutions were originally used to explain why organisations in the same sector shared similar characteristics (DiMaggio and Powell 1983). However, multi-level legitimacy

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<sup>1</sup> The term audience is taken from the work of Bitektine (2011) to describe the group of constituent individuals and organisations related by shared norms and beliefs that confer legitimacy upon physical and non-physical objects.

theory (Bitektine and Haack 2015) seeks to explain the paradox of embedded agency. Specifically, ‘how can actors change institutions if their actions, intentions, and rationality are all conditioned by the very institution they wish to change?’ (Holm 1995, p. 398). Bitektine and Haack (2015) confront this paradox, arguing that beliefs which deviate from the dominant institutional consensus can be suppressed by a range of factors (e.g., power).

Multi-level legitimacy theory uses the concepts of validity, validity beliefs and propriety to explain the legitimacy of institutions. Validity describes a socially constructed and accepted consensus regarding the legitimacy of an organisation (i.e., the dominant view of legitimate action in an institution or field). Validity beliefs describe an individual’s evaluation of how others perceive the legitimacy of an organisation, and propriety beliefs are an individual’s perception of the legitimacy of an organisation (Tost 2011, Bitektine and Haack 2015, Haack and Sieweke 2018). It is argued that between, and within, audiences there are varying evaluations of organisational legitimacy because different beliefs inform the evaluation process (e.g., Haack *et al.* 2014, Finch *et al.* 2015, Lock *et al.* 2015). As a consensus regarding legitimacy is reached between audiences and an organisation is institutionalised, deviant opinions, so-called because they are against the validity consensus, are suppressed either through fear of loss (e.g., threat of social disapproval) or coercive gain (e.g., conforming provides access to resources). These suppressed deviant opinions act as a potential source of change within institutionalised conditions. This explains how institutions can pressure audiences to conform and, conversely, how individuals and audiences can challenge the legitimacy of organisations and institutions.

Recent developments in the conceptualisation of legitimacy suggest that it is cyclical, with periods of stability and change (Bitektine and Haack 2015). Further, organisations are subject to evaluation and judgement by multiple audiences due to the complexity created by working with multiple audiences. Therefore, organisations may prioritise the demands of

some [powerful] audiences whilst suppressing the views of others as a way of maintaining legitimacy in periods of stability. In periods of institutional stability, there is a consensus of legitimacy (validity) among audiences. However, periods of potential institutional change can occur after exogenous shocks such as scandals, political change, or technological innovation that disseminate new information to audiences that has the potential to disturb the validity consensus. In such cases, audiences can actively debate and re-evaluate the legitimacy of an institution. This process after exogenous shocks gives deviant and suppressed propriety judgments a chance to be voiced and is in keeping with a general shift in institutional theory research exploring change within institutionalised conditions (see Hardy and Maguire 2017). Therefore, after events which introduce new information to audiences, organisations risk losing legitimacy and being deinstitutionalised.

In addition to audience members debating the legitimacy of an organisation, organisations have a degree of agency to manipulate how they are judged, either through physical (e.g., sacking managerial staff) or verbal behaviour (e.g., public admissions of guilt) (Oliver 1991, Suchman 1995, Kraatz and Block 2008, Bitektine and Haack 2015). These actions aim to influence individuals' validity beliefs and propriety judgements (Bitektine and Haack 2015). Reflecting on the evidence that anti-doping policy change has previously been reactive rather than proactive to protect the position of powerful organisations (Ritchie and Jackson 2014), this would make sense from a multi-level legitimacy perspective. After the exposure of a doping scandal, the exogenous shock provides new information to audiences about the legitimacy of WADA that may alter validity, validity beliefs, or propriety judgements. These reactive changes may be considered responses to influence legitimacy judgements in a period of institutional change.

### **Research Aim**

Building on previous research, which highlights that anti-doping policy has been reactive to scandals to protect organisational hegemony and promote political agendas (Brissonneau and Ohl 2010, Ritchie and Jackson 2014), multi-level legitimacy theory can provide deeper insight into understanding how this process occurs and why. Accordingly, this paper has two research aims. The first is to evaluate how different audiences used the 2014 Russian Winter Olympic Games doping scandal to challenge the legitimacy of WADA. The second is to analyse how WADA responded to scrutiny in order to influence judgements of its legitimacy. This contributes to understanding how and why WADA prioritises reactive policy making.

## **Method**

### ***Research design***

This research adopted a qualitative critical incident case study methodology of the 2014 Russian Winter Olympic Games doping scandal because of its unique importance (cf. Merriam 1998). The event generated widespread discussion of the utility of WADA, specifically, and anti-doping policy generally. A qualitative case study approach suits the social constructionist epistemology underpinning organisational legitimacy as it occurs through patterns of interaction and communication between individuals and organisations (Berger and Luckmann 1967, Yazan 2015). The prominence placed upon depth and real-world contexts in case studies better suits research that is interested in understanding the ‘how’ and ‘why’ of a specific case in accordance with the present paper’s research focus (Skinner *et al.* 2014).

### ***Data Collection***

#### *News Reports*



The first source of data was news reports which are increasingly used in sport policy and anti-doping research (e.g., Hanstad 2008, Ritchie and Jackson 2014, Heinze and Lu 2017). News reports can provide contextual information on events relevant to WADA as well as commentary and quotes from different audiences that constitute primary data (Brundage 2013). By analysing news reports, it is possible to analyse how [and which] audiences challenged the validity of WADA's legitimacy after key events and how WADA responded. Using Nexis.com, the lead researcher conducted a comprehensive search for news reports in all English language news sources between December 3<sup>rd</sup>, 2014 (date that the Russian scandal was broken) and March 30<sup>th</sup>, 2018. Search criteria initially specified that documents had to contain the words "World Anti-Doping Agency" and "Russia" once for relevance and "WADA" at least three times to filter out superficial articles. This produced 6715 results. Documents with fewer than 500 words were filtered out to remove superficial discussions of WADA. Website sources were filtered out to remove duplicates from newspaper websites and improve validity. Finally, magazines, industry trade press and news transcripts were removed to leave a total of 2672 results from 1694 from Europe, 354 from North America, 198 from Latin America, 172 from Asia, 116 from Oceania, 113 from Africa and 25 from the Middle East. Each article was then individually screened for relevance to WADA as an organisation. This resulted in a total of 777 reports. Additionally, when press releases were quoted, the original press release was found. It is acknowledged that the total number of articles is lower using Nexis because it excludes newswires and therefore may not fully capture how much an event is shown in the news (Weaver and Bimber 2008) but Nexis offered practical advantages such as the ability to specify how many times a word occurred in an article and article length.

#### *WADA Documents*

Archival documents were downloaded from the WADA website. The data set consisted of Executive Committee meetings minutes, Foundation Board meetings minutes, and annual reports published between the newspaper search dates. Each document type provided additional information on WADA's responses to legitimacy challenges. The meeting minutes provide insight into when anti-doping issues became important, how they challenged those responsible for running WADA, and the responses WADA considered. The annual report documents contain a message from the Chairman and Director Chairman and then details WADA activities over the last 12 months. They also reflect on the troubles experienced and any changes in strategy for the future. Linsley and Kajuter (2008) identify that annual reports can be used by organisations to manage their legitimacy by communicating strategies to stakeholders. These documents help facilitate the identification of WADA's strategic responses.

### *Document Quality*

Scott (2014) suggests four criteria for assessing the quality of documents: authenticity, credibility, representativeness, and meaning. Authenticity refers to the genuineness of a documents originality, completeness, and authorship. Credibility captures how honest the document is to the real-life event or whether it is/was used to manipulate perceptions. Document representativeness refers to whether the documents being used reflect all available documents about an event. Finally, meaning is how easy the document is to understand. Reviewing the documents, the credibility of minutes must be considered as opinions are not be fully articulated. Annual reports typically try to present a positive image of the organisation, so in this case they may not be representative of all views on certain issues. The credibility of information in news reports may vary based on the paper and journalist. To account for these issues, using multiple newspapers aided in identifying reports deliberately trying to affect reader perceptions.

### ***Data Analysis***

The process of thematic analysis advocated by Braun and Clarke (2006) was implemented. Thematic analysis “is a method for identifying, analysing and reporting patterns (themes) within data” (p. 79). Following Braun and Clarke’s guidelines for thematic analysis, there is no requirement to generate a new theory or adopt a pre-existing epistemological stance which aligns with the mixed *a priori* deductive coding framework and inductive theme generation based on the aims of the research and the literature (Skinner *et al.* 2014). For the first aim, evidence is required that audiences challenged the legitimacy of WADA. Based on Hirsch and Andrews (1984) work, Deephouse *et al.* (2017) suggest how different audiences may challenge the legitimacy of an institution via performance, value or meaning challenges (see table 1). Oliver’s (1991) typology of strategic responses to institutional processes provides five groups of responses (acquiesce, compromise, avoid, defy, manipulate) organisations use to manage legitimacy (see table 1). Together, these formed the *a priori* codes to organise data for analysis and inductive theme generation.

----- Insert Table 1 here -----

### **Analysis**

The following section details the progression of the Russian doping scandal and how the legitimacy of WADA was challenged as the case unfolded. On December 3<sup>rd</sup>, 2014, ARD Media (Germany) aired a documentary produced by journalist Hajo Seppelt presenting the accounts of the informants, Vitaly and Yuliya Stepanova, alleging that the All-Russian Athletic Federation (ARAF) was engaging in the systematic doping of its athletes. A week later, following demands from national anti-doping agencies, WADA announced it would launch its own investigation into the allegations led by former WADA President Dick Pound (Pound from hereon). The documentary fits the definition of an exogenous shock as it caused

audiences, predominantly from the anti-doping and athletics community, to challenge the legitimacy of WADA based on the allegation that Russian athletes had evaded detection (Bloom 2015, Broadbent 2015). The debate focussed on policy and WADA's ability to monitor the Code rather than the existence of WADA. Further, on August 1<sup>st</sup>, 2015, the Sunday Times (United Kingdom) and ARD media jointly leaked 12,359 private blood tests results conducted by the International Association of Athletic Federations (IAAF) suggesting that the IAAF had been lenient on athletes with suspicious blood profiles. Despite a clear failure in the performance of WADA's anti-doping protocols, it was the IAAF that faced value challenges by athletes, national anti-doping agencies, and national athletics federations.

On November 9<sup>th</sup>, 2015, the first part of Pound's Independent Commission was released, evidencing that the IAAF and ARAF had taken bribes to cover-up anti-doping violations. Again, despite undermining WADA's ability to regulate members and enforce the Code, in the press, blame was attributed to rogue IAAF administrators such as former President Lamine Diack who had been arrested the previous week for extortion. This is summed up by Pound 'Our problem was people, once again the people broke down, not the system' (Pound 2015). However, in the following days prominent national anti-doping organisations, government representatives, former WADA employees, journalists, and athletes began to challenge WADA's ability to monitor compliance generally and account for conflicts of interest. British journalist Sean Ingle's analysis captures this:

In the views of anti-doping experts there are other countries WADA should be looking much closer at, including Kenya, Jamaica, Ethiopia and Turkey. And questions will also be asked why WADA's President, Craig Reedie, was so friendly with Mutko earlier this year, given the seriousness of the accusations against Russia (Ingle 2015).

This indicates a perceived lack of legitimacy in WADA's regulatory performance due to inconsistent application of the Code to different nations. In response, WADA acquiesced (Oliver, 1991) to the short-term demands laid out in the report, for example, the Foundation Board unanimously announced the Russian Anti-Doping Agency (RUSADA) as non-compliant.

The second part of Pound's Independent Commission, published on January 14<sup>th</sup>, 2016, placed further responsibility on the IAAF rather than WADA. However, in the interim period between the reports, the performance challenges WADA faced from the anti-doping community developed into more serious value challenges questioning whether WADA was interested in catching cheats. These value challenges were primarily based on indications that WADA had not acted on information provided by Stepanova as early as 2010, instead passing the Stepanovas on to ARD media. Secondly, an internal memo from WADA President, Sir Craig Reedie, following the ARD documentary was leaked stating that the organisation should monitor the public's reception before launching an investigation, which was interpreted as a lack of appetite for catching dopers. Richard Ing's captures this 'Remember, it was the media, not the system, that picked up these issues. Indeed, the system for some time pushed back on the media message, so any system that allows this type of conduct to occur is a flawed system' (Clarey 2015). The short-term response to this deeper level of legitimacy challenge demonstrates greater agency in the form of defiance. For example, WADA Chief Operating Officer, Oliver Niggli, defended WADA's response to the Stepanovas stating 'They're where they are today because they've had support and they were certainly in regular contact with the independent commission. These whistle-blowers weren't let down' (Majendie 2015). In the WADA Executive Board meeting (WADA 2016a) that followed this event, minutes show impetus to: develop a new whistle-blower policy, increase investigative capacities, and establish a non-compliance committee. This suggests that anti-

doping policy change was influenced by a high-profile issue that challenged WADA's legitimacy.

After the second part of Pound's Independent Commission, performance challenges still existed as calls continued from high profile figures in the anti-doping community, such as Beckie Scott, WADA Athlete Committee Chairwoman who called for an investigation into other Russian sports (Axon 2016a). These were avoided by WADA, as Craig Reedie stated, 'if seemingly solid allegations/intelligence is brought forward to WADA, and/or by whistle-blowers, then we would seriously evaluate the need for further investigations' (Powell 2016). In early May a second exogenous shock occurred. Separate interviews by Vitaly Stepanov and Grigory Rodchenkov (former RUSADA Director turned whistle-blower) with CBS and the New York Times, respectively, brought new information to light suggesting that the anti-doping laboratory at the Russian Winter Olympic Games had been a charade and that WADA had ignored up to 200 emails from the Stepanovs. In contrast to the first shock, this was a complete subversion of policy, which diminished WADA's existing narrative that the scandal stemmed from the actions of rogue individuals. Again, WADA was forced to react and launched the Independent Persons investigation led by Richard McLaren. In comparison to the first shock, the new interviews predominantly led to value and meaning challenges as national anti-doping agencies, government representatives, athletes, and journalists debated if WADA shared their commitment to anti-doping and considered whether an entirely new organisation was needed (i.e., the second shock challenged WADA's existence). For example, 20 different athlete groups representing different sports and countries jointly wrote to WADA (Ingle 2016a), and US Senator John Thune, all of whom questioned WADA's commitment to the fight against doping (Ruiz 2016). This suggests that the type of legitimacy challenges an organisation faces may be linked to the loci of blame. External blame may be

more likely to result in a performance challenge which examines the policy rather than organisation and may be easier to manage.

Like the first investigation, WADA reacted by establishing the Independent Persons investigation as an attempt to respond to institutional pressures by taking a position of authority. However, WADA was still subject to value challenges from prominent organisations such as the United States Anti-Doping Agency (USADA) which hinged on WADA's reluctance to investigate the Stepanovas' claims. WADA responded with continued defiance about why it failed to investigate; arguing it was not capable of doing so. The Agency also appeared to be simultaneously acquiescing to the legitimacy challenges by starting to develop a whistle-blower policy that was 'broader than just a policy' (WADA 2016b, p. 4). In isolation, acquiescence should be a satisfactory response to institutional pressures (Oliver 1991), but some organisations used the value challenge to justify meaning challenges to WADA's existing institutional arrangement. For example, the head of the USADA, Travis Tygart, stated:

WADA's foot-dragging has raised serious questions about the agency's willingness to do its job. Since it was founded in 2000, the United States Anti-Doping Agency has advocated separation between those who promote sport and those who police it. To do otherwise is to have the fox guarding the henhouse (Tygart 2016).

In this example, the value challenge is used to justify the meaning challenge to the institutional arrangement. This may be indicative of how some audiences use legitimacy challenges to make the institutional environment they operate in more favourable (Deephouse *et al.* 2017), for example, national anti-doping agencies, like USADA, may be afforded more power within a revised anti-doping system.

The general short-term response to the meaning challenge was defiance, for example, Craig Reddie argued ‘This marriage has worked. If people believe there is a conflict of interest, then clearly I have to deal with that perception’ (Waldie 2016). Considering that the legitimacy challenges WADA faced typically came from audiences that did not finance WADA, such as the Olympic athlete group and former employees like Dr Arne Ljungqvist, defiance may have seemed suitable given WADA’s relative position of authority. It is pertinent that by September 2016, greater independence had become a topic of discussion for the Executive Board. For example, when discussing the IOC-WADA relations, Executive Board member Thorhild Widvey stated ‘There was a lot that could be done better, and the bodies should work together and try to strengthen WADA as an independent organisation’ (WADA 2016b). The prominence placed by the board on being perceived as independent further supports the argument that reactive anti-doping policies are driven, in-part, by the need to respond to deviant legitimacy judgements.

The first Independent Persons investigation was published just three weeks before the start of the Rio 2016 Summer Olympic Games. The report concluded that hundreds of Russian athletes had benefitted from a systematic programme which covered up anti-doping violations for potential medallists. At this point the IAAF had already banned ARAF from competing in Rio and WADA echoed the call for a complete ban on all Russian athletes at the Olympics. This acquiescence with institutional pressures from athlete groups and the institute of national anti-doping agencies (Axon 2016b) helped mitigate the meaning challenges WADA had experienced. However, it also served to highlight the precarious position of WADA’s legitimacy. In siding with the anti-doping community, they distanced themselves from the IOC and other International Federations, an audience on which they also depend for survival. In light of the Independent Persons investigation, the IOC decided that International Federations should be responsible for determining Russian participation in their



respective sports. They argued that individual justice was more important than collective responsibility.

This situation highlighted a number of challenges to WADA's legitimacy. The IOC challenged the performance of WADA to regulate compliance by attributing their decision partly to WADA not investigating Russia sooner. For example, IOC President Thomas Bach stated 'I don't want to make any accusations here, but I think it can be pointed out that the whole problem could have been avoided if WADA would have investigated the evidence from Stepanov in 2010' (Magnay 2016). More threateningly, the IOC challenged the existence of WADA as an institution. For example, the IOC stated 'Its serious concerns about the weaknesses in the fight against doping' and called on WADA to 'fully review their antidoping systems' (Dunbar and Wilson 2016). Meaning challenges like this are the most threatening, as institutions by their nature are defined as being enduring and taken-for-granted (see Greenwood *et al.* 2008). That WADA's primary funder, the IOC, was considering alternative institutional arrangements sent a powerful message to other audiences that they did not perceive WADA as a legitimate institution. WADA, again, responded to these new institutional pressures by defying the accusations. The comments of Tracey Crouch, British Sports Minister and WADA board member are typical of WADA's attitude:

I think WADA has done a good job in uncovering cheating on a massive scale and it was up to the IOC to deal with that. I think the post-McLaren handling could have been much better from the IOC. I think it's unfair of the IOC to wholly criticise WADA for uncovering everything (Ziegler 2016).

Defiance (Oliver, 1991) appears insufficient as the meaning challenge persisted after Rio. The IOC continued to publicly discuss alternatives to WADA, concentrating on a new IOC controlled integrity unit which would also manage anti-doping. The general attitude of

IOC members towards WADA at this point is summarised by Spanish Olympic Committee President, Alejandro Blanco's statement at the general assembly of the Association of National Olympic Committees 'What is the objective of WADA? It must not be to tell sports institutions what they should be doing, like telling the IOC to sanction all Russian athletes' (Ingle 2016b). Other audiences also seized on this period of potential institutional change after Rio. Two statements (iNADO 2016a, 2016b) from a group of leading national anti-doping agencies argued that WADA should have the ability to sanction non-compliant nations, the WADA President should have no affiliation to a sport promoting organisation, and WADA should be completely independent of sport organisations. Additionally, athlete groups began to push for an athlete charter of rights to apply strict liability to organisations as well as athletes (WADA 2017a). These changes represented a potential threat to the power the IOC and International Federations had to influence WADA.

Recognising the importance of perceived independence to survival, WADA was again defiant in the short-term after the Rio Summer Olympic Games when confronted with meaning challenges from the IOC, Craig Reedie stated:

If the IOC establishes its own integrity unit, I await information on how that will be structured. I think the IOC are well aware that the other stakeholders in WADA are governments. Inevitably the organisation would lose its independence, which is absolutely central to its functioning (Ingle and Gibson 2016).

WADA's long-term attempts to manipulate the institutional pressures can be seen in their Annual Report (WADA 2017b) which outlines investigations, compliance monitoring, independent testing, and better laboratory testing as priorities. What is critical from analysis of these discussions is the intention of WADA to *lead* these functions. At the Foundation Board meeting in November (WADA 2016c), governance review and independent testing

committees were approved; thus supporting the idea that anti-doping policy is reactive because its purpose is to maintain existing hegemonic hierarchies (Ritchie and Jackson 2014). That is why the decision of the IOC and WADA to reconcile in 2017 before banning the Russian Olympic Committee from the 2018 Pyeongchang Winter Olympics Games can be interpreted as a reactive move to protect legitimacy. By acknowledging WADA, the IOC reduced the likelihood of greater government involvement in anti-doping, therefore, minimising potential power shifts. WADA also benefitted, as it helped negate the threat of a new institution. The outcome is that both institutions retain control of anti-doping. This is demonstrated in an IOC statement on behalf of both organisations, which stated:

Following frank discussions, we are fully aligned in our determination to a close cooperation in the fight against doping. Our common goal is to do everything possible to protect the clean athletes so that such a systematic manipulation of the anti-doping system can never happen again (IOC 2017).

## **Discussion**

### ***Policy changes and managing legitimacy***

Reflecting on the first research question, it appears that there were two major groups of audiences involved in the Russian doping scandal. The first group consisted of national-anti-doping agencies, government representatives, athletes, and journalists who challenged the legitimacy of WADA, initially on performance, then on more critical values such as the treatment of whistle-blowers and conflicts of interest within the WADA Boards. The second group consisted of the IOC, International Federations and National Olympic Committees. This group challenged WADA at a meaning level, which led to re-evaluation of appropriateness of WADA's existence.

These challenges make sense considering the conditions around WADA's creation. Government intervention in sport after the Festina crisis led to the creation of WADA (Hanstad *et al.* 2008). This partly nationalised anti-doping policy and reduced the power of the IOC (Casini 2009). International Federations signed the Code through fear of social disapproval to maintain their own legitimacy (Hanstad 2008, Wagner 2011). However, deviant propriety beliefs may still exist, and these suppressed beliefs manifest in meaning challenges. Propriety judgements are based on personal attitudes and beliefs (Finch *et al.* 2015). Moreover, sport organisations may use commercial beliefs when judging the legitimacy of WADA that conflict with supporting anti-doping efforts (Haugen and Popela 2015). This transition from suppression to expression of propriety beliefs might help to explain why WADA's legitimacy has been contentious throughout its existence (Toohey and Beaton 2017). Therefore, when WADA is in a period of [relative] institutional stability, these audiences are subject to suppressor factors that create institutional pressures for compliance with WADA and the Code. However, following the exogenous shocks of the ARD documentary, and the New York Times and CBS interviews, suppressor factors were weakened which allowed some audiences to challenge the institutional consensus and propose their own alternatives. For example, the IOC would gain from a centralised IOC integrity unit as they would have greater influence over anti-doping policy than they do under WADA. Similarly, national anti-doping agencies would gain more power to conduct testing and investigations should WADA be separated from sport organisations.

This situation presents a perilous position for WADA's legitimacy. Conceptualising legitimacy as a perception means that behaviour is evaluated as desirable by a set of pragmatic and moral values specific to an audience (Suchman 1995, Bitektine 2011). Therefore, addressing the second research aim, WADA must satisfy multiple conflicting expectations of legitimate behaviour. This can be seen in the anti-doping policies it has

prioritised. Since 2016, WADA has increased the intelligence and investigations department, developed 'Speak Up!', a secure online platform for doping informants, and a whistle-blower protection policy in partnership with Fair sport. These are, arguably, beneficial policies for WADA; however, our analysis shows that these changes only occurred because WADA's legitimacy was challenged on this issue. Further, it may be that WADA recognises its perceived legitimacy is increased if it seen as more than a regulatory body. Similarly, it is unlikely that WADA would have created a governance working group to review management processes before audiences publicly targeted the conflict of interest. Especially as the idea of a governance working group was not mentioned by the Executive Board prior until November 2016, directly after the IOC suggested a rival integrity unit. WADA has also developed the IOC proposal for an International Testing Agency (ITA) to separate testing from commercial and national interests. However, the ITA will be non-compulsory for International Federations and the Foundation Board contains members with positions interests promoting sport creating conflicts of interest, so it could not be named independent under Swiss law. The ITA could be thought of as a way of appearing independent whilst minimising loss of control. Graded sanctions for non-compliance have recently been introduced under the International Standard for Code Compliance by Signatories policy which can be viewed as a positive development for WADA's power but also as a response to the legitimacy challenges derived from response to the challenge of collective responsibility prior to Rio.

### ***Theoretical contributions***

This research contributes to the wider study of legitimacy and institutional theory. Bitektine and Haack (2015) suggest that there is a need to understand why individuals choose to express a suppressed judgement and why individuals engage in more active re-evaluation of an institution. This research tentatively suggests that deeper levels of re-evaluation may be

related to the locus of the challenge. When blame is attributed to external factors, audiences may still passively accept the institution and instead scrutinise specific elements. When the blame is perceived as internal, then audiences appear to increase scrutiny of an institution's legitimacy. An alternative explanation may be that when blame is perceived as internal to the institution, individuals may be more inclined to share their deviant opinion.

This develops Haack *et al.* (2014) recent theoretical work on vertical legitimacy spillovers. They theorise that it is difficult to assess the legitimacy of transnational governance schemes (such as WADA) and, therefore, the public use emotion-based heuristics, substituting the behaviour of network affiliates as a proxy for the network's legitimacy. The analysis presented in this paper supports this theorisation as the initial negative judgement of the IAAF and ARAF would have had a spillover effect on WADA's legitimacy. Arguably, it is the original actions of the IAAF and ARAF that encouraged audiences to re-evaluate and challenge WADA's legitimacy. This potential dynamic between legitimacy spillovers and suppression warrants further investigation.

Finally, there is a paucity of research utilising the concept of legitimacy challenges (Hirsch and Andrews 1984, Deephouse *et al.* 2017). This research has supported Deephouse *et al.* (2017) proposition that the effective management of legitimacy challenges rests on determining what different audiences care about, rather than a 'single set of expectations' (p. 24). WADA was able to address the concerns of different audiences but required defiance strategies to allow the time to do so. This also develops the key finding of Finch *et al.* (2015), that propriety judgements are based upon beliefs, to argue that audiences who positively judge the legitimacy of an organisation can still challenge the validity of the institution. For example, the national anti-doping agencies challenges following the second McLaren report. In short, an audience can perceive an organisation as legitimate but still challenge it if they serve to benefit from change.

## **Concluding Comments**

The purpose of this analysis was to use multi-level legitimacy theory to further understand reactive policy making in relation to anti-doping. The analysis shows that, following the Russian Winter Olympic doping scandal, WADA's perceived legitimacy as an institution was challenged by two main groups: the anti-doping community and sport promoting organisations. The revelation of systematic doping by Russian Olympic athletes exposed shortcomings in anti-doping policy and has allowed these audiences to challenge the legitimacy of WADA. Reactive policy making such as the creation of a new whistle-blower policy and developing investigation capabilities can be understood as a way of WADA responding to these institutional pressures.

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| Code                  | Description (types)   |
|-----------------------|---|
| Performance Challenge | Contestation due to the efficacy of organisational processes (e.g., drug testing).                                |
| Value Challenge       | Contestation due to moral values discrepancies (e.g., the spirit of sport).                                       |
| Meaning Challenge     | Contestation due to a lack of comprehensibility (e.g., the purpose of anti-doping). Permanent and inevitable      |
| Acquiescence          | Fully consenting to the expectations of an audience (e.g., habit, imitate, comply).                               |
| Compromise            | Partly consenting to the expectations of an audience (e.g., balance, pacify, bargain).                            |
| Avoidance             | Organisational attempt to preclude the necessity of conformity (e.g., conceal, buffer, escape).                   |
| Defiance              | Directly ignoring the expectations of an audience (e.g., dismiss, challenge, attack).                             |
| Manipulation          | Actively changing or exerting power over the content of audience expectations (e.g., co-opt, influence, control). |

Table 1. *A Priori* codes from Deephouse et al. (2017) and Oliver (1991).