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“Taking a Break to Think through Gender and Regulation: Doping as a Case Study”

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In admitting to perjury before two grand juries during investigations into Bay Area Laboratory Cooperative (BALCO) steroid ring and a related check fraud ring, Marion Jones received a six-month sentence followed by a two-year probationary period. Consequently, these very same actions spurred another set of punitive mechanisms in which Jones was stripped of the five Olympic medals she won during the 2000 Sydney Olympic Games, for a so-called crime separate from perjury—that is, *cheating* in sport. Subject to two formal modes of punishment, Jones occupies a space of transgression that has marked her body as criminal—in fact, a felon—for overstepping the ethical boundaries of performance enhancement.

Uniquely positioned before the law and within sport, Jones is only one name among a list of high-profile athletes sanctioned for doping. By definition, doping encompasses any performance enhancing methods used by athletes that are considered unethical or to undermine a level playing field in sport as well as any attempt by an athlete or administrator to manipulate tests (or their results) for banned substances (Verroken, 1996; WADA, 2008). In light of the growing movement against doping in sport, athletes—particularly elite athletes—are often subject to monitoring by anti-doping authorities, public scrutiny, and even police surveillance, especially amidst suspicions of illegal drug (steroid) use. The ensuing imagery surrounding doping also echoes rhetoric employed by anti-drug campaigns: as a sport-specific war on substances deemed an ethical and public health threat to society. Rather than the traditional depictions of criminals, however, elite athletes occupy the ranks of a suspect class. Marion Jones, alongside her peers—or, in some instances, her competitive rivals—found “guilty” of doping bare an increasingly criminalized stigma associated with illicit drugs.

This analysis, which is part of a larger dissertation project, posits the regulation of doping in sport—or “anti-doping” as I will refer to it in this presentation—as a topic for feminist theorizing, even though the role of gender/sex(uality) are not evident on its surface. To do so, this paper provides an overview and discussion of previous work that has examined the gendered implications of anti-doping as the starting point for my own research. In heeding Janet Halley’s call to “take a break from feminism” (Halley, 2006), I hope to bring attention to alternatives through which to conceive doping and crime more broadly. With that in mind, I will not delve into the history of anti-doping efforts, but instead, I will focus on its theoretical implications.

Not surprisingly, feminist analyses of anti-doping regulation have primarily concentrated on the gender orders upheld by its campaigns, arguing that these efforts carry problematic side effects. Specifically, they contend that performance enhancing drugs emerge as disruptive to “natural” bodies that fit into presumably polarized—and idealized—gender categories of masculinity and femininity (Burke, 1998; Burke & Symons, 1999; Davis & Delano, 1992). In doing so, these unnatural disruptions, symbolized by steroids and other such drugs, reiterate a gendered hierarchy (Davis & Delano, 1992). Cast as more than just unnatural, the female “doper” emerges as “disgusting, obscene, and abnormal,” a deviant body within compulsory heterosexual orders (Lock, 2003, p. 401). As such, the female athlete who dopes becomes synonymous with the derogatory terms, “freak, ugly, lesbian,” while the muscular female athlete—who is also suspected as any one of these slights—becomes subject to accusations that she, too, is a “drug taker” (Burke & Symons, 1999: 15).

This rhetoric of these gender analyses exemplifies Janet Halley’s contention that feminism traditionally falls into a three-prong taxonomy, which she signifies through the following proof: m/f , $m > f$, and Carrying a brief for f . She explains that:

First, to be feminism, a position must make a distinction between m and f. Different feminisms do this differently: some see men and women, some see male and female, some see masculine and feminine... [Second], a position must posit some kind of subordination between m and f... And third... feminism opposes the subordination of f. It typically frames this... as a matter of social justice and emancipation. As between m and f, and possibly because $m > f$, feminism carries a brief for f. (Halley, 2006: 17-18)

These three fundamental tenets of feminism document a shift from the descriptive (the first two corollaries) to a normative claim (the final statement, a kind of policy recommendation). What, however, would—or perhaps could—happen if we departed from this rubric? What would—or could—be the consequences to feminism? More importantly, what is lost if feminism does *not* make a break from its own prescriptive form? Though not advocating a full departure from the feminist project, Halley has argued, that it “could evolve away from these [taxonomic] commitments. [Her] point is that it hasn’t, not that it can’t” (20).

Queer analyses of anti-doping regulation offer a starting point from which to begin to think outside of the perennial feminist box. Specifically, Rebecca Lock (2003) positions the “mythical/stereotypical lesbian aesthetic” as one “offensive to the heterosexual gaze” (404-405). In doing so, she exposes the common slippage in which “[m]asculinity is read as lesbianism in sport. Lesbianism is read as an aesthetic that matches the offensive aesthetic of masculinized female dopers” (408). By problematizing distinctions between m and f as a more complex interplay, Lock moves away from traditional feminist logic. Instead, she positions these terms as “*constituting* one another by what they each *fabricate*. The dislike of doping is constituted by a dislike of what it produces—the non-heterosexually feminine woman, and the dislike of the non-heterosexually feminine women is constituted by doping producing it” (409). In doing so, Lock

does not carry a brief for f; instead, she accepts Butler's critique, "*when and where feminism refuses to derive gender from sex or from sexuality, feminism appears to be part of the very critical practice that contests the heterosexual matrix*" (as cited in Halley, 2006: 167).

Other departures from the traditional feminist taxonomy have argued that the very presence of the transgendered athlete is a site of bodily crisis (from the perspective of heterosexual gender norms), a challenge to the presumption that masculinity and its symbols (i.e. testosterone) are analogous with performance enhancement (Teetzel, 2006). This being a manifestation of $m > f$, Teetzel has argued, "the controversy surrounding transgendered athlete participation in elite sport lies in the perceived performance-enhancing qualities associated with the male physique that male-to-female transgendered athletes might still possess" (230). While her contentions accept the first two corollaries of Halley's feminist taxonomy, she is not as concerned with carrying a brief for f. In fact, Teetzel's analysis does not extend beyond $m > f$ to interrogate other aspects of identity and subject formation as they pertain to transgendered athletes or doping. Just as mainstream gender categories are socially constructed as binary divisions (de Lauretis, 1987), the camps of the "doped/dirty" versus "pure/clean" athletes emerge as polarized opposites. The "doped" body emerges as a symbol of inferiority and deviance, while the "clean" body is upheld as a competitive ideal, a presumably *natural* state of being.

In thinking about what is it to be (or become) an "athlete," especially of an elite caliber, the commitment to performance enhancement and achieving one's unrealized potential seem key attributes. Sport historians (Beamish & Ritchie, 2005) have documented performance enhancement's long-standing relationship with technological advancement (which is in and of itself an "unnatural" form). In fact, the technologies of performance enhancement, including the use of food supplements and even drugs, are—and have historically been—integral parts of

training, recovery, and injury prevention for athletics. Regardless of whether or not these substances and methods are banned or permitted, they contribute to production of an athlete. As a category, the athlete is dependent upon bodily modification and “unnatural” methods to achieve these changes, which repudiates anti-doping’s attempts to purify sport. Like gender, the athlete is realized and produced through its “doing” (West & Zimmerman, 1987), and the inherently “pure” athlete is as imagined as essentialized notions of sex.

Both Lock and Teetzel bring critical attention to dynamics underlying taken-for-granted aesthetics. They fail, however, to interrogate the roles that these aesthetics play within the *production* of categories, deviant and otherwise. Alison Young has examined the production of crime in a similar vein by exploring its relations to “questions of imagination, of the body, and of the aesthetics of everyday life” (1996: 32). She does so as a means to glean insight into the “enigmas” of criminology, a field has “been criticized for its baffling reluctance to relinquish” them (32). Despite its attempts to categorize and analyze crime, criminology can never really “know” it, because crime is not so much tangible as it “imagined”—both linguistically and visually (Young, 1996). By imagined, she refers to “the written and the pictorial: the linguistic turns and tricks, the framing and editing devices in and through which crime becomes a topic” (16). It is “mediated as text; the text can therefore be read *as* crime. The text provides the scene of the crime. Crime’s images as thus the *seen* of the crime” (16).

Following her rationale, anti-doping violations, as textual outlaws of social community, are symbols *of* crime, not symbols *like* crime. Crime in this case is an event not dependent upon legal definitions, but upon aesthetics. The ability to “catch” and punitively sanction athletes for transgressing anti-doping codes supports the construction of crime as imagined. In fact, Elizabeth Povinelli (2006) states that law’s authority relies upon *carnality* and *corporeality*. Like legal

punishments, these processes are embedded within anti-doping sanctions and function to mark the flesh of bodies of those who transgress the law as deviant. Athletes who violate anti-doping rules are, in turn, *imagined* within a similar carnal space as other transgressors of law. By condemning certain forms of performance enhancement, these imaginaries reiterate divisions among athletes, creating a suspect class that gives a face to the enemy of “pure” sport.

While regulatory mechanisms define criminalized categories, Young’s theory focuses on the textual event—the image—of crime and the role of the Other over the specific legalities that codify it. She explicitly admits her reliance on Lacan (1978) in understanding crime by explaining the importance of the gaze in conceiving the self from the Other. Young also relies on m/f and $m > f$ in explaining the Other, especially in relation to society’s perceptions of deviance. She argues that society conceives crime as beyond the boundaries of community, as an abnormal event. From this point, she extends this analysis to other forms of anomaly, which also categorically deviant, because they—like crime—are perceived as outside “normal” society. As such, the female doper also exemplifies f in relation to the social norms of idealized femininity. This deviance, by appearing to take on atypical feminine—presumably masculine—traits, occupies the position of f , even though its aesthetics seem to fall under m . Her body, like crime, however, is important, as the normative position (m) relies upon it as an Other.

With this in mind, a deeper psychoanalytical exploration of crime as an outgrowth of desire has the potential to shed light on its relationships to law. Law, as a regulatory language, is a text that acts consciously to put limits on certain libidinal desires, arguably a societal superego. In much the same way that law is a conscience, anti-doping regulation functions to limit performance enhancement, an athletic desire. Like law, anti-doping codes attempt to designate that point at which desire is socially prohibited, a process that takes place within a psychic space.

In light of these dynamics, Joan Copjec (2002), following in suit with Freud and Lacan, has affirmed that Woman is marked by an absence of superego, which is antithetical to law. Woman, like crime, is, therefore, “not-all,” making the study of both enigmatic in nature. The *act* of crime itself, like “*Woman*[,] cannot be seen. Yet, like a ubiquitous ghost, she haunts the images we believe in” (Phelan, 1993, cited in Young, 1996: 27). Both crime and Woman (as *f*) remain in opposition to law (as *m*), but not on the same field of existence. This rendition of crime and Woman offers an opportunity to take a break from the conditions of feminism *and* the definitions of crime as dependent upon formal law. Under this rubric, doping, as a textual outlaw, satisfies the categorical conditions of crime. Instead of law, desire emerges as central to the process of defining crime and the Subject, as “the commission of a crime affords the vicarious pleasure of becoming a legal subject” (Young, 1996: 13). Marion Jones, in this case, represents an Other whose sanctioned desires exemplify this process. In light of her punishment, we see the vicarious pleasure that some athletes, anti-doping regulators, and spectators enjoy as it reaffirms their communal notions of sport as one that is pure and natural. Having served her sentence, Jones has a renewed subject status (though as a disenfranchised felon), but it comes with the condemnation of the *jouissance* she experienced during her athletic career.

My example here is a simple break from feminism with many possibilities. Marion Jones is only one symbol of Woman whose desires transgress regulatory boundaries. I have alluded to others in this presentation: the female athlete who is muscular to the point that society deems her masculine, and the transgendered athletes who compete as the gender of their choice. We see similarly prohibited desires across disciplines; in fact, my own discipline of criminology is dependent them. I could go on to list them, but my point here is that by expanding our understandings of desire, we can expand the horizons of feminism across fields.