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The Valieva Case

Richard C. Crepeau
University of Central Florida, richard.crepeau@ucf.edu

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SPORT AND SOCIETY FOR H-ARETE - THE VALIEVA CASE
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When it comes to the Olympics, it is the Winter Games that hold most of my interest, and among the various sports, it is figure skating, ski jumping, and hockey that are must viewing for me. The fact that I grew up in Minnesota may account for this. During the current Winter Games, with its time differences and the scrambled NBC schedule, it has been primarily figure skating that has captured most of my interest. Then, with controversy surrounding a doping issue, more attention was given to women's figure skating.

The other factor drawing me on this particular event has been the amazing performances of the Russian skaters. Since the start of the ISU Grand Prix circuit in the late fall, it appeared that the Russian skaters were likely to sweep the medals in Beijing. Starting with her first competition on the Senior Grand Prix circuit in Vancouver in late October, one skater stood above all the rest. The world now knows her name, Kamila Valieva, a fifteen-year old from Kazan, a beautiful city on the Volga 450 miles east of Moscow.

After having seen her skate in the Vancouver Grand Prix and performing a stunning short program of grace and beauty, not to mention her technical skills, I was enthralled. Watching figure skating since the late 1950's, I had never seen anyone like this. Since then, I have watched her skate in competition at every opportunity.

My amateur assessment of her was not alone. The NBC skating commentators, Tara Lipinski and Johnny Weir, were effusive and pronounced her the best they had ever seen. They both also predicted a likely Russian sweep of the podium at the Winter Games. It was not long before Valieva had set new scoring records in both the short program and the free skate.

At the first figure skating event in Beijing, the Team Competition, the Russians finished first, with Valieva leading the way in the women's short and long programs. Within hours news came that she had tested positive for a performance enhancing drug at the Russian national championships on December 25.

From this point on, events began to spiral in many directions. After a suspension that lasted one day, the Russian Olympic Committee reinstated Valieva. This led to an appeal by the International Olympic Committee (IOC), the World Anti-Doping Agency (WADA), and International Skating Union (ISU) challenging this decision before the Court of Arbitration for Sport (CAS).

A hearing was held in which all parties and their lawyers participated and, in which, Valieva was heard. In a forty-one-page document, the CAS ruled that the reinstatement should hold, and Valieva should be allowed to participate in the games. This was not a ruling on the doping issue, but only on procedural issues. The document carefully delineates the reasons for the decision in clear and logical terms.

The uproar from the decision was considerable. WADA, the USOC, the Canadian Olympic Committee, as well as a number of skaters and other athletes, and both current and previous Olympians, expressed their unhappiness and/or disappointment with the CAS ruling. NBC offered a similar array of viewpoints from its commentators.

However, in this matter CAS had the final word. The panel said that it would be unfair and cause "irreparable harm" to Valieva if she was barred from competition. The terminology turned out to be an irony of ironies.

There was some agreement with the decision. Doiane Lambelt Coeeman, a Duke University Law professor and co-director of the Center for Sport Law and Policy, noted that there was an absence of evidence on both sides as they argued the case at the CAS. The burden on those making the appeal was to show they would likely succeed on the merits of the doping charge, which they were unable to do. Professor Coeeman wrote that any different outcome would have been clearly political. Denis Oswald, an IOC Executive Board Member, said he was surprised that "people from all over the world have opinions and comments on a case where we ourselves don't have the details."

What seemed to drive the general criticism of the CAS ruling more than any other factor was that Russia was involved. The history of the Sochi doping scandal weighed heavily on this case, as many assumed that this was just another chapter in Russian doping history. Some references were even made to the East Germans and their history at the Olympics.

Other people wondered why the Russians were at the Olympics at all, when they had been banned from the Olympics. Russian

athletes are not banned from the Olympics, but Russia as a nation is. The Russian athletes can compete, but only for the Russian Olympic Committee, not Russia. It is a fine fiction that is not well-understood, and, even if understood, it is seen as a kind of phony fig leaf obscuring the Russian violation of drug regulations at the Olympics. It is seen as a kind of "punishment without consequence," arrived at for purely political reasons.

Events moved forward from here, with Kamila Valieva taking part in seven hours of hearings, not sleeping well under the pressure, and feeling exhausted before returning to the ice. In the women's short program, she finished first and had one mistake.

Two days later, with the criticism still roaring, she took the ice for the free skate. After one clean jump, she fell apart with several slips and two falls. It was a crushing moment for her, and a tragic end to what should have been a crowning achievement. For those who had seen her perform to perfection, it was very difficult to watch.

In some ways things got worse when she came off the ice in tears. Seemingly getting no sympathy from her coaches, being scolded when she needed to be comforted, it was for many a shocking scene.

The irony of the CAS decision rolled down upon the scene. Being protected from "irreparable harm" by not being allowed to compete, Kamila Valieva now suffered extensive emotional harm from the moment of participation and from the stress of the days preceding.

The merits of the doping case are yet to be determined, and it will doubtless be several months before it is. One thing that can be learned is how quickly the adulation of the crowd can turn around and engulf and bury someone.

Another thing that puzzles me is why anyone would give a performance enhancing drug to the best performer in the world in this event. Who would benefit from this at the Russian National Championships? Also, what went on at the Swedish Lab where the sample from Valieva was tested? And who was responsible within Valieva's coaching team to protect the 15-year-old skater from any possible mistakes? These questions may get answered in the months ahead.

In the end two things will stick with me beyond the sheer beauty of Valieva's skating. First are the words of Johnny Weir who called this the "most bizarre and heartbreaking event I have

seen in my entire life." But even more I will remember the image of Anna Shcherbakova standing alone and looking lost, having just won the gold medal, and her comment in an interview when she said: "I am feeling a lot of pleasure. . . . On the other hand, I feel the emptiness inside."

On Sport and Society this is Dick Crepeau reminding you that you don't have to be a good sport to be a bad loser.

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